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ELECTION LAWS OF MONTANA



Compiled by
S. C. Arnold
Secretary of State
Helena, Montana
July 1, 1955
Published by authority.



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"11-717. Election Judges and Clerks—Voting Places. The council or other governing body must appoint judges and clerks of election, and places of voting. Where the city or town is divided into wards there must be at least one (1) voting place in each ward and there may be as many more as the council or other governing body shall fix, and the elector must vote in the ward in which he resides. In cities and towns divided into wards the election precincts must correspond with the wards, but a ward may be subdivided into several voting precincts, and when so divided the elector shall vote in the precinct in which he resides. In cities and towns operating under the commission, or the commission-manager plan of municipal government, where there are no wards for election purposes and the officers of the city or town are elected at large, the election precincts shall correspond with the election precincts in such city or town as fixed by the board of county commissioners for state and county elections, but such precincts may be by the city commission divided into as many voting precincts, to facilitate the voting and counting of the vote, as the city commission shall by ordinance provide, and the elector shall vote in the voting precinct so designated, in which he resides. For all municipal elections the city council or other governing body may appoint a second or additional board of election judges for any voting precinct in which there were cast three hundred and fifty (350) or more votes in the last general city election or in which council or other governing body believes as many as three hundred and fifty (350) ballots will be cast in the next general city election, and such additional board of election judges shall have the same powers and duties, and under the same conditions, as the second or additional board of election judges for general elections appointed by boards of county commissioners under the provisions of section 23-601. Provided that in municipal corporations of less than one thousand five hundred (1,500) population, as determined by the last official census, the council or other governing body may by ordinance provide that there shall be but one polling or voting place for municipal elections, notwithstanding the number of wards or precincts in the municipality otherwise provided for. All municipal elections must be conducted in accordance with the general laws of the State of Montana relating to such election."

As amended by Chapter 14, Laws of 1955.

"Section 16-1907. (4613.6) EMERGENCY EXPENDITURES—NOTICE AND HEARINGS—OBJECTIONS BY TAXPAYERS—APPEAL—NOTICE AND HEARING DISPENSED WITH IN EXTREME CASES—EMERGENCY WARRANTS—TAX LEVY—LAPSE OF APPROPRIATIONS.

(1) In a public emergency, other than such as are hereinafter specifically described, and which could not reasonably have been foreseen at the time of making the budget, the Board of County Commissioners, by unanimous vote of the members present at any meeting, the time and place of which all the Commissioners shall have had reasonable notice, shall adopt and enter upon their minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet such emergency and shall publish the same, together with a notice that a public hearing will be held thereon at the time and place designated therein, but which shall not be less than one week after the date of said publication, at which any taxpayer may appear and be heard for or against the expenditure of money for such alleged emergency. Such resolution and notice shall be published once in the official newspaper of the County, and if there be none then in a newspaper of general circulation in the County.

(2) Upon the conclusion of such hearing, if the Commissioners shall approve of such emergency expenditure, they shall make and enter upon their official minutes, by unanimous vote of all of the mem-

bers of the Board present at such meeting, an order setting forth the facts constituting such emergency together with the amount of expenditure authorized by them therefor, which order, so entered, shall be lawful authorization for them to expend such amount, but no more, for such purpose, subject however, to the following limitations: No expenditures shall be made or liability incurred pursuant to said order until five (5) days, exclusive of the day of entry of said order, shall have elapsed, during which time any taxpayer or taxpayers of said County feeling aggrieved by said order may appeal therefrom to the District Court for such County by filing with the Clerk of such Court a verified petition, a copy of which shall theretofore have been served upon the County Clerk and Recorder of said County as the Clerk of the Board of County Commissioners. Said petition shall set forth in detail the objections of the petitioner or petitioners to said order, giving their reasons why the said emergency does not exist. The service and filing of such petition shall operate to suspend such emergency order and the authority to make any expenditure or incur any liability thereunder, until final determination of the matter by the Court.

(3) Upon the filing of such petition the Court shall immediately fix a time for hearing such petition which shall be at the earliest convenient time. At such hearing the Court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination as to whether an emergency, such as is contemplated within the meaning and provisions of this Act, exists or not, and whether the expenditure authorized by said order is excessive or not shall be final.

(4) The total of all emergency budgets, and appropriations made therein, in any one year, to be paid from the county poor fund shall not exceed the amount which would be produced by a mill levy equal to the difference between the mills levied in that year and the maximum mill levy authorized by law to be made for such fund, computed against the taxable value of the property subject to such levy, as shown by the last completed assessment roll of the County.

(5) Upon the happening of an emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health, or for the restoration of a condition of usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the County, or to meet mandatory expenditures required by law, the County Commissioners may, upon adoption by unanimous vote of all members present at any meeting, the time and place of which all members shall have had reasonable notice, of a resolution stating the facts constituting the emergency, and entering the same upon their minutes, make the expenditures or incur the liabilities necessary to meet such emergency without further notice or hearing; provided, that the aggregate total of all expenditures made or liabilities incurred in any fiscal year to meet emergencies other than such as are caused by fire, flood, explosion, earthquake, epidemic, riot or insurrection, shall not exceed the sum of twenty-five thousand dollars (\$25,000.00) in counties of classifications 1, 2, 3 and 4; fifteen thousand dollars (\$15,000.00) in counties of classifications 5 and 6, and seven thousand five hundred dollars (\$7,500.00) in counties of classification 7 unless the excess above said sum shall first have been authorized by a majority of the taxpaying freeholders of such County, who are registered electors therein, voting at a general or special election. The question of authorizing such excess expenditure shall be submitted in the following form, inserting in the ballot the amount of the excess proposed to be authorized and a description of the emergency to be met:

"Shall the Board of County Commissioners of _____ County, Montana, be authorized to make additional expenditures and incur additional liabilities in the amount of \$ _____ over and above the sum of _____, to meet an emergency caused by _____.

Yes.

No."

Notice of such election shall be given by posting notice thereof at least fifteen (15) days before such election in three (3) public places in each voting precinct within the County and by publishing such notice for not less than ten (10) days before the date of such election.

(6) All emergency expenditures shall be made by the issuance of emergency warrants drawn against the fund or funds properly chargeable with such expenditures, and the County Treasurer is authorized and directed to pay such emergency warrants with any money in such fund or funds available for such purpose, and if, at any time, there shall not be sufficient money available in such fund or funds to pay such warrants then such warrants shall be registered, bear interest and be called in for payment in the manner provided by law for other county warrants.

(7) The County Clerk and Recorder shall include in his annual tabulation to be submitted to the Board of County Commissioners the total amount of emergency warrants issued during the preceding fiscal year, and the County Commissioners shall include in their tax levies a levy for each fund sufficient to raise an amount equal to the total amount of such warrants, if there be any, remaining unpaid at the close of such preceding fiscal year because of insufficient money in such fund to pay the same; provided, however, that no levy shall be made for any fund in excess of the levy authorized by law to be made therefor; and provided further, that the Board of County Commissioners may submit the question of funding such emergency warrants at any election, as provided by law, and if at any such election the issuing of such funding bonds be authorized it shall not then be necessary for any levy to be made for the purpose of paying such emergency warrants.

(8) All appropriations, other than appropriations for incompletd improvements in progress of construction, shall lapse at the end of the fiscal year; provided that the appropriation accounts shall remain open for a period of thirty (30) days thereafter for the payment of claims incurred against such appropriations prior to the close of the fiscal year and remaining unpaid. After such period shall have expired, all appropriations except as hereinbefore provided, regarding incompletd improvements, shall become null and void, and any lawful claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget."

As amended by Chapter 207, Laws of 1955.

"23-503. (555) METHOD OF REGISTERING. Any elector residing within the county may register by appearing before the county clerk and ex officio registrar and making correct answers to all questions propounded by the county clerk touching the items of information called for by such registry card, and by signing and verifying the affidavit or affidavits on the back of such card. Any elector serving in the armed services of the United States or in the Merchant Marines of the United States, or who is a civilian outside the United States, officially attached to and serving with the armed forces of the United States, may register by appearing before any commissioned officer, and make correct answers to all questions called for by such registry card, and by signing and verifying the affidavit or affidavits on the

back of such card, and by mailing said card to the county clerk of the county in which the said voter resides.

“If any person shall falsely personate another and procure the person so personated to be registered, or if any person shall represent his name to the county clerk or to the registration clerk or to any other person qualified to register an elector, to be different from what it actually is, and cause such name to be registered, or if any person shall cause any name to be placed upon the registry lists otherwise than in the manner provided in this Act, he shall be guilty of a felony, and upon conviction be imprisoned in the State Penitentiary for not less than one (1) nor more than three (3) years.”

As amended by Chapter 83, Laws of 1953.

“Section 23-505. (557) Notaries and Justices of the Peace—Deputy Registrars—Compensation. All notaries public and justices of the peace are designated as deputy registrars in the county in which they reside, and may register electors residing in any precinct within the county and shall receive as compensation for their services the sum of twenty-five cents (25c) for each elector registered by them, provided that they shall receive no compensation for their services where the elector resides less than ten (10) miles from the county courthouse. The County Commissioners shall appoint a deputy registrar, other than notaries public and justices of the peace, for each precinct in the county. Such deputy registrar shall be a qualified, taxpaying resident elector in the precinct for which he is appointed and shall register electors in that precinct, and shall receive as compensation for his services the sum of twenty-five cents (25c) for each elector registered by him. Each deputy registrar shall forward by mail, within two (2) days, all registration cards filled out by him to the County Clerk and Recorder.”

As amended by Chapter 80, Laws of 1955.

“Section 23-509. (560) Transfer of Registration Within County. Every elector, on changing his residence from one precinct to another within the same county, may cause his registry card to be transferred to the register of the precinct of his new residence, by executing in person a registry card as described in Section 23-502 before the deputy registrar of the new precinct or before a notary public or justice of the peace residing within the county, provided that the deputy registrar, notary public or justice of the peace will receive no compensation for this service, or by a request in writing to the County Clerk of such county, in the following form:

“I, the undersigned elector, having changed my residence from Precinct No. _____ to Precinct No. _____ in the County of _____, State of Montana, herewith make application to have my registry card transferred to the precinct register of the precinct of my present residence. My registration number is _____.

Dated at _____, on the _____ day of _____, 19_____.

“Whenever it shall be more convenient for any elector residing outside of an incorporated city or town to vote in another precinct in the same political township in the county, such elector may cause his registry card to be transferred from the precinct of his residence to such other precinct, by filing in the office of the County Clerk of such county, at least thirty (30) days prior to any election, a request in writing in the following form:

"I, the undersigned elector, herewith make application to have my registry card transferred from Precinct No. _____, to the register of Precinct No. _____, in the County of _____, State of Montana. The reason why it is more convenient for me to vote in said Precinct No. _____ is that

Dated at _____ on the _____ day of _____, 19 _____.

"Where the elector desires to change his place of registration within a county by a request in writing to the County Clerk as provided above, the County Clerk shall compare the signature of the elector upon such written request, with the signature upon the registry card of the elector as indicated, and may question the elector as to any of the information contained upon such registry card, and if the County Clerk is satisfied concerning the identity of the elector and his right to have such transfer made, he shall endorse upon the registry card of such elector the date of the transfer and the precinct to which transferred, and shall file said card in the register of the precinct of the elector's present residence, or of the precinct to which he has requested that his registry card be transferred, and the County Clerk shall in each case make a transfer of the elector's name, together with all data connected therewith, to the proper precinct in the register.

"Where the elector changes his place of registration within a county by executing a new registry card in the presence of a deputy registrar, notary public or justice of the peace as provided in the first paragraph of this Section, the County Clerk shall file said new card in the register of the precinct of the elector's present residence and shall make a transfer of the elector's name, together with all data connected therewith, to the proper precinct in the register. The old registry card shall be marked 'cancelled' and placed in the 'cancelled file' described in Section 23-511."

As amended by Chapter 80, Laws of 1955.

"23-902. (632) DATE OF HOLDING PRIMARY ELECTION—PURPOSE OF. On the first Tuesday of June, preceding any general election not including special elections to fill vacancies, municipal elections in towns and cities, irrigation district and school elections, at which public officers in this state and in any district or county are to be elected, a primary nominating election shall be held in accordance with this Act in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this Act, for **United States Senators and Representatives**, in Congress and all other elective state, district and county officers, and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen, at the ensuing election wholly by electors within the state, or any subdivision of this state, for the purpose of expressing preferences for candidates for **President of the United States**, and also for choosing and electing county central committeemen and committeewomen by the several parties subject to the provisions of this Act."

As amended by Chapter 266, Laws of 1955.

"Section 23-903. (633) Primary Nominating Election Notices. It shall be the duty of the county clerk, twenty (20) days before any primary nominating election, to prepare printed notices of such election, and mail two of said notices to each judge and clerk of election

in each precinct; and it shall be the duty of the several judges and clerks immediately to post said notices in public places in their respective precincts. Said notices shall be substantially in the following form:

PRIMARY NOMINATING ELECTION NOTICE

Notice is hereby given that on _____, the _____ day of _____, 19____, at the _____, in the precinct of _____, Montana, a primary nominating election will be held at which the (insert the names of political parties subject to this law) will choose their candidates for state, district, county, precinct and other offices, namely (here name the offices to be filled, including a senator in congress, delegates to any constitutional convention then called, and candidates for county central committeemen to be elected); which election will be held at ten o'clock A. M., and will continue until eight o'clock P. M. of said day; provided that in precincts having less than one hundred (100) registered electors the polls must be opened at one o'clock in the afternoon of election day and must be kept open continuously until eight o'clock P. M. of said day, when they must be closed; provided further, that whenever all registered electors in any precinct have voted the polls shall be immediately closed.

Dated this _____ day of _____, 19____.
_____, county clerk."

As amended by Chapter 207, Laws of 1955.

"23-909 (639) POLITICAL PARTY NOMINATIONS MADE EXCLUSIVELY AS HEREIN PROVIDED. Every political party which has cast three per centum (3%) or more of the total vote cast for Representative in Congress at the next preceding general election in the county, district or state for which nominations are proposed to be made, shall nominate its candidates for public office in such county, district or state, under the provisions of this law, and not in any other manner; and it shall not be allowed to nominate any candidate in the manner provided by Section 23-801. Every political party and its regularly nominated candidates, members, and officers, shall have the sole and exclusive right to the use of the party name and the whole thereof, and no candidate for office shall be permitted to use any word of the name of any other political party or organization than that of and by which he is nominated. No independent or non-partisan candidate shall be permitted to use any word of the name of any existing political party or organization in his candidacy. The names of candidates for public office nominated under the provisions of this law shall be printed on the official ballots for the ensuing election as the only candidates of the respective parties for such public office in like manner as the names of the candidates nominated by other methods are required to be printed on such official ballots.

Any political party that did not cast three per centum (3%) or more of the total vote cast for Representative in Congress, as above, and any new political party about to be formed or organized, make nominations for public office as provided in Section 23-801. At the primary election herein provided, of each year in which a President and Vice-President of the United States are to be nominated and elected, the several political parties recognized by the laws of this state shall express their popular choice for the party nomination for the President of the United States. That the names of persons desirous of becoming candidates for President shall have their names placed on the primary ballot, provided for herein, in the following manner:

1. Any person who is a candidate for the nomination of his party for President of the United States, may, beginning sixty (60) days prior to the said June primary, and not later than forty (40) days prior to said election, file with the Secretary of State, an affidavit of candidacy, requesting that his name be entered on the presidential primary ballot of his party, stating in said affidavit the name of his party.

2. Beginning sixty (60) days prior to said primary election and not later than forty (40) days prior to said election, there may be placed on the ballot, by petition, filed with the Secretary of State, the name of any person as a candidate for the nomination for the presidency of the United States; provided, however, the candidate whose endorsement is desired, shall be a member of a party that received not less than five percent (5%) of the total number of votes cast at the next preceding presidential election.

The said petition may consist of one (1) or more writings or pages of signatures bound together, and shall include the following information:

(a) The name of the candidate whose endorsement is desired, and the name of the political party on whose ballot the name is to be entered.

(b) A statement that the filing is made in good faith and for the purpose of advancing the candidacy of the person whose name is filed.

The said petition shall contain signatures of electors of not less in number than one percent (1%) of the number of votes cast at the next preceding presidential election. After the signature of each elector, there shall be written his post office address and the congressional district in which he resides. Provided, however, that not more than twenty percent (20%) of the number of required signatures shall be electors of any one county.

That the names of the persons filed for candidates for President in this Act, shall be printed on the primary ballots provided for by Section 23-919 of the Revised Codes of Montana, 1947, in the following form:

Candidates for President

- John Doe
- Richard Doe
-

and that the said ballot shall be canvassed and counted in the manner as provided by Section 23-921, Revised Codes of Montana, 1947.

As amended by Chapter 266, Laws of 1955.

"23-911. Form of petition for Nomination. The petition for nomination required by the preceding section shall be substantially in the following form:

To (name and title of officer with whom petition is to be filed) and to the members of the party and the electors of the (state or counties of comprising the district or county or city, as the case may be) in the State of Montana;

I reside at and my post office address is I am a candidate of the

party for the nomination for the office of
at the primary nominating election to be held in the
(State of Montana or district, or county or city) on the
day of , 19 , and if I am nominated
as the candidate of the party for such office I will
accept the nomination and will not withdraw, and if I am elected I will
qualify as such officer.

"If I am nominated and elected I will, during my term of office
(here the candidate, in not exceeding one hundred words, may state
any measure or principles he especially advocates).

.....
Signature of Candidate for Nomination.

"Every such petition shall be signed as above by the elector seeking
such nomination."

As amended by Chapter 6, Laws of 1953.

"23-912. (644) Time for Filing Petitions for Nominations. All
petitions for nomination under this act for offices to be filled by the
state at large or by any district consisting of more than one (1) county,
and nominating petitions for judges of district courts in districts con-
sisting of a single county, shall be filed in the office of the secretary
of state not less than forty (40) days before the date of the primary
nominating election; and for other offices to be voted for in only one
(1) county, or district or city, every such petition shall be filed with
county clerk or city clerk as the case may be, not less than forty (40)
days before the date of the primary nominating election."

As amended by Chapter 19, Laws of 1955.

"23-913. Register of Candidates. The secretary of state, county
clerk and city clerk shall keep a book entitled 'Register of Candidates
for Nomination at the Primary Nominating Election,' and shall enter
thereon on different pages of the book for different political parties
subject to the provisions of this law, the title of the office sought and
the name and residence of each candidate for nomination at the pri-
mary election; the name of his political party; the date of receiving the
petition for nomination signed by the candidate; and such other in-
formation as may aid him in arranging his official ballot for said pri-
mary nominating election. Immediately after the canvass of votes
cast at a primary nominating election is completed, the county clerk,
secretary of state or city clerk, as the case may be, shall enter in his
book marked 'Register of Nominations,' the date of such entry, the
name of each candidate nominated, the office for which he is nominated,
and the name of the party making the nomination."

As amended by Chapter 6, Laws of 1953.

"Section 23-929 (662) COUNTY AND CITY CENTRAL COM-
MITTEEMEN, HOW ELECTED.

(1) There shall be elected by each political party subject to the
provisions of this Act, at said primary nominating election, two (2)
committeemen, one (1) of which shall be a man and one (1) of which
shall be a woman, for each election precinct, who shall be residents of
such precincts. Any elector may be placed in nomination for commit-
teeman and committeewoman of any precinct by a writing so stating,

signed by such elector, and filed in the office of the county clerk within the time required in this Act for the filing of petitions naming individuals as candidates for nomination at the regular biennial primary election. The names of the various candidates for precinct committeemen and committeewomen of each political party shall be printed on the ticket of the same in the same manner as other candidates and the voter shall express his choice among them in like manner as for such other candidates.

(2) The committeemen and committeewomen thus elected shall be the representatives of their political party in and for such precinct in all ward or subdivision committees that may be formed. The committeemen and committeewomen elected in each precinct in each county shall constitute the county central committee of each of said respective political parties. Those committeemen and committeewomen who reside within the limits of any incorporated city or town shall constitute ex-officio the city central committee of each of said respective political parties and shall have the same power and jurisdiction as to the business of their several parties in such city matters that the county committee have in county matters, save only the power to fill vacancies in said committee, which power is vested in the county central committee. Each committeeman and committeewoman shall hold such position for the term of two (2) years from the date of the first meeting of said committee immediately following their election.

(3) In case of a vacancy happening, on account of death, resignation, removal from the precinct, or otherwise, the remaining members of said county committee may select a committeeman or committeewoman to fill the vacancy and he shall be a resident of the precinct in which the vacancy occurs. Said county and city central committees shall have the power to make rules and regulations for the government of their respective political parties in each county and city, not inconsistent with any of the provisions of this law, and to elect two (2) county members of the state central committee, one (1) of which shall be a man and one (1) of which shall be a woman, and the members of the congressional committee, and said committee shall have the same power to fill all vacancies and make rules in their jurisdiction that the county committees have to fill county vacancies and to make rules. **In the event there is no county central committee in any county the state central committee of the political party having no county central committee in said county shall appoint a county central committee therein to consist of committeemen and committeewomen as herein provided and said county central committee shall have the same powers and duties as county central committee elected, as now provided by law.**

(4) Said county and city central committee shall have the power to make nomination to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election where such vacancy is caused by death, resignation or removal from the electoral district, but not otherwise.

(5) In each year when a President of the United States is to be elected, said committee shall meet within fifteen (15) days after the primary election herein provided for, and shall organize by electing a chairman and one (1) or more vice-chairmen, provided that either the chairman or first vice-chairman shall be a woman. They shall also elect a secretary and such other officers as they shall think proper. It shall not be necessary for such officers to be precinct committeemen or committeewomen. They may select managing or executive committees and authorize such subcommittees to exercise any and all powers conferred upon the county, city, state and congressional central committees respectively by this law. The chairman of the county central committee shall call said central committee meeting and not less than ten (10) days before the date of said central committee meeting

shall publish said call in a newspaper published at the county seat and shall mail a copy of the call, enclosing a blank proxy, to each precinct committeeman. No proxy shall be recognized unless held by an elector of the precinct of the committeeman executing the same.

(6) The county chairman of the party shall preside at the county convention. No person other than a duly elected or appointed committeeman, committeewoman, or officer of the committee shall be entitled to participate in the proceedings of the committee. No proxy shall be recognized unless held by an elector of the precinct of the committeeman or committeewoman executing the same. In case of the absence of any committeeman or committeewoman and his or her duly appointed proxy, the convention may fill the vacancy by appointing some qualified elector of the party, resident in the precinct, to represent such precinct in the convention.

(7) The county convention shall elect delegates and alternate delegates to attend the state convention provided for herein, in a number equal to the total number of state senators and state representatives elected from said county to the Legislative Assembly. That the chairman and secretary of the county convention shall issue and sign certificates of election of said delegates.

As amended by Chapter 266, Laws of 1955.

"23-932. Candidates to Formulate State Platform. The candidates for the various state offices, and for the United States senate, representatives in Congress and the legislative assembly nominated by each political party at such primary, and senators of such political party, whose term of office extends beyond the first Monday in January of the year next ensuing, and the members of the state central committee of such political party, shall meet at the call of the chairman of the state central committee not later than September fifteenth next preceding any general election. They shall forthwith formulate the state platform of their party. They shall thereupon proceed to elect a chairman and vice chairman, provided that either the chairman or vice chairman shall be a woman, of the state central committee and perform such other business as may properly be brought before such meeting."

As amended by Chapter 8, Laws of 1953.

"23-1002. (673.2) EXCLUSIVE METHOD OF SELECTING PRESIDENTIAL ELECTORS AND DELEGATES TO NATIONAL POLITICAL CONVENTIONS—COMMITTEEMEN AND CHAIRMAN. All political parties in Montana shall hereafter nominate their presidential electors and elect their delegates to national conventions in the manner provided by this Act. It shall be the duty of each political party to select in each county in the state in such manner as is now provided by law, or by the rules of the party in case the law does not so provide, a precinct committeeman and precinct committeewoman for each election precinct, a county chairman in each county and a state chairman.

As amended by Chapter 266, Laws of 1955.

23-1003 to 23-1005 Repealed

"Section 23-1006 (673.6) TIME OF STATE CONVENTION ELECTION OF PRESIDENTIAL ELECTORS AND DELEGATES TO NATIONAL CONVENTION. Not later than fifteen (15) days after said county convention and on a date set by the chairman of the state

central committee, the delegates (or alternate delegates, in case any elected delegate cannot attend), shall hold a state convention at the state capital in Helena, Montana, for the purpose of electing delegates and alternates to the national convention of the parties and presidential electors. That the delegates and alternate delegates to the national conventions of each political party shall consist of three (3) delegates from each of the congressional districts, and the remaining delegates and alternates from the state at large. That the delegates and alternate delegates so elected shall support the candidate whose candidacy is preferred as a result of the within primary until released by said candidate or unless said candidate shall not be nominated by said national convention or shall receive less than twenty percent (20%) of the total votes cast on any ballot.

As amended by Chapter 266, Laws of 1955.

"23-1007. (673.7) CONDUCT OF STATE CONVENTION. Said state convention shall be conducted in accordance with the party rules, subject, however, to the following requirements:

The chairman of the state central committee shall call the state convention and shall publish the call at least once in a newspaper published at the seat of the government. Said call shall be published not less than ten (10) days, and a copy of the call shall be mailed to the county chairman in each county. The chairman of the state central committee shall preside over the convention and, together with a secretary chosen by the convention, shall sign certificates of election, which shall be delivered as credentials to the several persons elected by the convention as delegates to the national convention of said party, and certificates of nomination for presidential electors for said party which shall be filed with the Secretary of State. Only regularly elected delegates or alternates shall be entitled to sit in said convention or participate in its proceedings and no proxies shall be recognized by the convention. In case of the absence of a member or members of the delegation elected from any county the delegates present for said county shall be entitled to cast a number of votes equal to the number of delegates elected to the convention from said county.

As amended by Chapter 266, Laws of 1955.

"23-1008 (673.8) PAYMENT OF CONVENTION EXPENSES. The entire expense of conducting the county and state conventions herein provided for shall be defrayed by the several political parties, except that each elected delegate or alternate who shall attend the state convention and participate therein shall receive the sum of **seven (7) cents** per mile for each mile actually travelled by him in going to and returning from said convention, said mileage to be computed by the shortest practicable route, and to be paid out of the general funds of the county in the same manner as other election expenses."

As amended by Chapter 266, Laws of 1955.

"23-1109. Columns and Material to Be Printed on Ballot. Each ballot shall contain at the top the stub as provided by section 23-1114, and directly underneath the perforated line shall be the following words in bold face type, 'VOTE IN ALL COLUMNS'. Each ballot shall contain **three (3) columns**. At the head of the first column to the left shall be the words, 'STATE AND NATIONAL', in large bold face type, followed by a list of all candidates for state and national offices, including supreme court justices, and district court judges, and such list

shall progressively continue on to the top of the second column. Following the list of state and national candidates shall be the words **'COUNTY AND TOWNSHIP'**, in large bold face type, and beneath such heading shall be listed all candidates for the legislative assembly, county and township offices and such list shall progressively continue on to the top of the third column. Following the list of county and township candidates shall be the words **'INITIATIVES, REFERENDUMS, AND CONSTITUTIONAL AMENDMENTS,'** in large bold face type, and listed thereunder shall be all proposed constitutional amendments and measures to be voted on by the people at such election which do not involve the creation of any state levy, debt or liability. **In case there are no such measures to be submitted, the said heading entitled 'INITIATIVES, REFERENDUMS, AND CONSTITUTIONAL AMENDMENTS,' SHALL be eliminated.** Every ballot shall be so printed that all matter heretofore required to be printed on each ballot shall be equally apportioned among the three columns as nearly as possible in the order heretofore and hereafter specified. All such measures which involve the creation of a state levy, debt or liability shall be submitted to the qualified voters upon a separate official ballot in substantial conformity with the form provided for by section 23-1112, for the submission of such measures."

As amended by Chapter 72, Laws of 1953.

"23-1110. Words to Be Printed. At the bottom of the first and second column to the left shall be the words, **'VOTE IN THE NEXT COLUMN'**. Likewise, at the top of the second column shall be the words **'STATE AND NATIONAL (continued)'** and at the top of the third column shall be the words **'COUNTY AND TOWNSHIP (continued)'** to indicate the continuation of the list of candidates under each respective heading to the following column if after all the printed matter is equally apportioned among the three columns, one column is insufficient to contain all the candidates listed under each of the aforementioned headings."

As amended by Chapter 72, Laws of 1953.

"23-1112. Ballot to Facilitate Expression of Voter's Choice. In case of a short term and a long term election for the same office, the long term office shall precede the short term. The ballots shall be so printed as to give each voter a clear opportunity to designate his choice of candidates by a cross mark, (X) in a square at the left of the name of each candidate. Above each group of candidates for each office shall be printed the words designating the particular office in bold face capital letters and directly underneath the words, **'VOTE FOR'** followed by the number to be elected to such office. As nearly as possible the ballot shall be in the following form:

(Stub hereinafter provided for by Section 23-1114)

Perforated Line

VOTE IN ALL COLUMNS

STATE AND NATIONAL	STATE AND NATIONAL (Continued)	COUNTY AND TOWNSHIP (Continued)
<p>FOR PRESIDENTIAL ELECTORS TO VOTE FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.</p> <p>VOTE FOR ONE</p> <p>Democrat for President of The United States</p> <p>JOHN DOE For Vice President of The United States</p> <p>RICHARD ROE</p> <p>For Presidential Electors: Jane Doe; Helen Doe; Pete Moe; Milton Moe</p>	<p>FOR CHIEF JUSTICE OF THE SUPREME COURT</p> <p>VOTE FOR ONE</p> <p><input type="checkbox"/> RICHARD K. O'DOE (Nominated without Party designation)</p> <p><input type="checkbox"/> TOM ROW (Nominated without Party designation)</p> <p><input type="checkbox"/></p> <p>(Continued in like manner for Associate Justice and Judges of the District Court.)</p>	<p>(Continued in like manner for all County and Township Officers)</p> <p>INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS</p> <p>CONSTITUTIONAL AMENDMENTS</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> For the Amendment</p> <p><input type="checkbox"/> Against the Amendment</p>
<p>(Same with other candidates for President and Vice President together with blank space for write-in)</p>	<p>COUNTY AND TOWNSHIP</p>	<p>REFERENDUM NO. 1</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> For Referendum No. 1</p> <p><input type="checkbox"/> Against Ref. No. 1</p>
<p>FOR UNITED STATES SENATOR</p> <p>VOTE FOR ONE</p> <p><input type="checkbox"/> FRANK ROE Democrat</p> <p><input type="checkbox"/> GUY ROE Republican</p> <p><input type="checkbox"/></p>	<p>FOR STATE SENATOR</p> <p>VOTE FOR ONE</p> <p><input type="checkbox"/> BILL DOE Republican</p> <p><input type="checkbox"/> JOHN ROE Democrat</p> <p><input type="checkbox"/></p>	<p>INITIATIVE NO. 1</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> For Referendum No. 1</p> <p><input type="checkbox"/> Against Ref. No. 1</p>
<p>(Same for Congressmen, Governor, Lieut. Governor, Secretary of State, Attorney General, State Treasurer, State Auditor, Railroad and Public Service Commissioners, State Superintendent of Public Instruction, and Clerk of the Supreme Court)</p>	<p>FOR MEMBER OF THE HOUSE OF REPRESENTATIVES</p> <p>VOTE FOR TWO</p> <p><input type="checkbox"/> AL JOHNSON Republican</p> <p><input type="checkbox"/> JIM SPARKS Democrat</p> <p><input type="checkbox"/> JACK SMITH Republican</p> <p><input type="checkbox"/> DAN MARTIN Democrat</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>INITIATIVE NO. 1</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> For Referendum No. 1</p> <p><input type="checkbox"/> Against Ref. No. 1</p>
<p>VOTE IN NEXT COLUMN</p>	<p>VOTE IN NEXT COLUMN</p>	<p>VOTE IN NEXT COLUMN</p>

As amended by Chapter 72, Laws of 1953.

"Section 23-1202. (689) Time of Opening and Closing of Polls. The polls must be opened at eight o'clock on the morning of election day and must be kept open continuously until eight o'clock P. M. of said day, when the same must be closed; provided that in precincts having less than one hundred (100) registered electors the polls must be opened at one o'clock in the afternoon of election day and must be kept open continuously until eight o'clock P. M. of said day, when they must be closed; provided, further, that whenever all registered electors in any precinct have voted the polls shall be immediately closed."

As amended by Chapter 207, Laws of 1955.

"23-1302. (716) APPLICATION OF ABSENTEE OR PHYSICALLY INCAPACITATED PERSON FOR BALLOT. At any time within forty-five (45) days next preceding such election, any voter expecting to be absent on the day of election from the county in which his voting precinct is situated, or serving in the armed services of the United States or in the Merchant Marines of the United States, or who is a civilian outside the United States officially attached to and serving with the Armed Forces of the United States, or who as a result of physical incapacity, in all probability will be unable to attend his voting precinct poll as made to appear by the certificate of a physician licensed under the laws of Montana, plainly stating the nature of the physical incapacity of the applicant, and certifying (a) that such incapacity will continue beyond the day of the election for which the application is made; (b) to the extent of reasonably preventing applicant from going to the polls, bodily health considered, may make application to the county clerk of such county, or to the city or town clerk, in the case of a municipal, general, or primary election, for an official ballot or official ballots to be voted at such election as an absent of physically incapacitated voter's ballot or ballots."

As amended by Chapter 104, Laws of 1953.

"23-1303 (717) FORM OF APPLICATION. Application for such ballots shall be made on a blank furnished by the county clerk of the county of which the applicant is an elector, or the city or town clerk, if it be municipal, general, special or primary election, and shall be in substantially the following form:

"I, _____, a duly qualified elector of the _____ precinct, in the county of _____, and State of Montana, and am to the best of my knowledge and belief entitled to vote in such precinct in the next election, expecting to be absent from said county or, in all probability, to be physically incapacitated from going to my precinct poll on the day for holding such election, hereby make application for an official ballot to be voted by me at the said election.

Post office address to which ballot is to be mailed

State of _____) ss.
County of _____)

On this _____ day of _____, personally appeared before me _____, who being first duly sworn,

deposes and says that he is the person who signed the foregoing application, that he has read and knows the contents of same and knows to his own knowledge the matters and things therein stated are true.

.....
.....
.....

“This application must be subscribed by the applicant and sworn to before some officer authorized to administer oaths, and the application shall not be deemed complete without this affidavit.

“**Provided that application for such ballot by any voter in the armed services of the United States or in the merchant marines of the United States, or who is a civilian outside the United States officially attached to and serving with the armed forces of the United States may be made by a written request, signed by said applicant, addressed to the county clerk of the county of residence of said voter.**”

As amended by Chapter 152, Laws of 1955.

“23-1307. (721) **Marking and Swearing to Ballot by Elector.** Such voter shall make and subscribe the said affidavit before an officer authorized by law to administer oaths, and who has an official seal, and may do so at any place in the state of Montana, or in any other state or territory of the United States, before any officer authorized by the laws of this state to take acknowledgments of instruments without the state, and such voter shall thereupon, in the presence of such officer and of no other person, mark such ballot or ballots, but in such manner that such officer cannot see the vote, and such ballot or ballots thereupon, in the presence of such officer, shall be folded by such voter so that each ballot shall be separate, and so as to conceal the vote, and shall be, in the presence of such officer, placed in such envelope securely sealed. Said officer shall thereupon append his signature and official title and affix his seal at the end of said jurat and affidavit. Said envelope shall be mailed by such absent or physically incapacitated voter, postage prepaid, or delivered to the county or city or town clerk, as the case may be.

As amended by Chapter 60, Laws of 1953.

“75-3913. (1224.13) **Conduct of Election—Voting by Absent Electors.** The bond election shall be conducted in the manner prescribed for the election of school trustees and return shall be made and canvassed in a similar manner. **Any qualified elector entitled to vote at any school bond election who is absent from the county or who is physically incapacitated from attending the polling place at such election may vote thereat by complying with the provisions of Chapter 13 of Title 23 of the Revised Codes of Montana, 1947, as amended, except that the application of an absentee or physically incapacitated person for ballot may be made at any time within fifteen (15) days next preceding such bond election.**”

The school district clerk whose duty it is to cause the ballots to be prepared for the bond election shall furnish the county clerk with a supply of ballots prior to the fifteenth day next preceding the election for the use of the county clerk in furnishing ballots to applicants for absent voters' ballots.

The county clerk shall deliver to the judges of election at the opening of the polls all absent voters' ballots that he shall have received up to that time from absent or physically incapacitated electors.

The procedure set out in Chapter 13 of Title 23 of the Revised Codes of Montana, 1947, as amended, shall apply to the voting by absent electors with respect to school bond elections.

As amended by Chapter 203, Laws of 1955.

"93-302 (8813) NUMBER OF JUDGES. In each judicial district there must be the following number of judges of the District Court, who must be elected by the qualified voters of the district, and whose term of office must be four (4) years, to-wit: In the first, second, fourth, eighth, and sixteenth, two judges each, in the thirteenth, three judges and, in all other districts, one judge each.

Appointment of Judge. That, on or before July 1, 1955, the Governor of this State shall designate and appoint a judge of the said thirteenth judicial district who shall hold office until the next general election and until his successor is elected and qualified."

As amended by Chapter 18, Laws of 1955.

CHAPTER 75

HOUSE BILL NO. 289

AN ACT PROVIDING FOR THE DISPENSING OF A GENERAL ELECTION IN CITIES OPERATING UNDER THE COMMISSION-MANAGER FORM OF GOVERNMENT WHEN THE NOMINATIONS DO NOT EXCEED THE OFFICES TO BE FILLED AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH. BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Dispensing of General Election. Whenever, in any city operating under a commission-manager form of government at a primary election held in accordance with section 11-3215, the number of nominees shall not exceed the number of officers to be elected, then such nominees shall be deemed duly elected to the respective offices. Then, in that event, no general municipal election shall be held in said city for said year. All matters, other than the election of officers, upon which the general public shall vote shall be disposed of at the primary election unless a special election is held for that purpose.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

DISCARDED

MAY 23 1969

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