

**HB 599 and Fiscal Note
2003 Session**

1 HOUSE BILL NO. 599

2 INTRODUCED BY SALES

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SPECIAL ELECTION CONDUCTED BY A
5 POLITICAL SUBDIVISION ON A COUNTYWIDE BASIS TO BE CONDUCTED IN CONJUNCTION WITH A
6 STATUTORILY SCHEDULED ELECTION; AMENDING SECTION 13-1-101, MCA; AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 13-1-101, MCA, is amended to read:

12 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
13 definitions apply:

14 (1) "Active elector" means a qualified elector whose name is on the active list.

15 (2) "Active list" means a list of active electors maintained by an election administrator pursuant to
16 13-2-219.

17 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that
18 is ordinarily not given away free but is purchased.

19 (4) "Application for voter registration" means a completed voter registration card submitted to the
20 election administrator and subject to confirmation, as provided in 13-2-207.

21 (5) "Candidate" means:

22 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or
23 appointment as a candidate for public office as required by law;

24 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained
25 contributions, made expenditures, or given consent to an individual, organization, political party, or committee
26 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination
27 or election to any office at any time, whether or not the office for which the individual will seek nomination or
28 election is known when the:

29 (i) solicitation is made;

30 (ii) contribution is received and retained; or

- 1 (iii) expenditure is made; and
- 2 (c) an officeholder who is the subject of a recall election.
- 3 (6) (a) "Contribution" means:
- 4 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value
- 5 to influence an election;
- 6 (ii) a transfer of funds between political committees;
- 7 (iii) the payment by a person other than a candidate or political committee of compensation for the
- 8 personal services of another person that are rendered to a candidate or political committee.
- 9 (b) "Contribution" does not mean:
- 10 (i) services provided without compensation by individuals volunteering a portion or all of their time on
- 11 behalf of a candidate or political committee or meals and lodging provided by individuals in their private
- 12 residence for a candidate or other individual;
- 13 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
- 14 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;
- 15 (iii) the cost of any communication by any membership organization or corporation to its members or
- 16 stockholders or employees; or
- 17 (iv) filing fees paid by the candidate.
- 18 (7) "Election" means a general, regular, special, or primary election held pursuant to the requirements
- 19 of state law, regardless of the time or purpose.
- 20 (8) "Election administrator" means the county clerk and recorder or the individual designated by a
- 21 county governing body to be responsible for all election administration duties, except that with regard to school
- 22 elections, the term means the school district clerk.
- 23 (9) "Elector" means an individual qualified and registered to vote under state law.
- 24 (10) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
- 25 of money or anything of value made for the purpose of influencing the results of an election.
- 26 (b) "Expenditure" does not mean:
- 27 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (6);
- 28 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
- 29 personal necessities for the candidate and the candidate's family;
- 30 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any

1 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

2 (iv) the cost of any communication by any membership organization or corporation to its members or
3 stockholders or employees.

4 (11) "Federal election" means a general or primary election in which an elector may vote for individuals
5 for the office of president of the United States or for the United States congress.

6 (12) (a) "General election" or "regular election" means an election held for the election of public officers
7 throughout the state at times specified by law, including elections for officers of political subdivisions when the
8 time of the election is set on the same date for all similar political subdivisions in the state.

9 (b) For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana
10 constitution to be submitted by the legislature to the electors at a general election, "general election" means an
11 election held at the time provided in 13-1-104(1).

12 (c) For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as
13 a constitutional initiative at a regular election, "regular election" means an election held at the time provided in
14 13-1-104(1).

15 (13) "Inactive elector" means an individual whose name is placed on an inactive list.

16 (14) "Inactive list" means a list of inactive electors maintained by an election administrator pursuant to
17 13-2-219.

18 (15) "Individual" means a human being.

19 (16) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their
20 approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments,
21 recall questions, school levy questions, bond issue questions, or a ballot question.

22 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the
23 proper official that the legal procedure necessary for its qualification and placement upon the ballot has been
24 completed, except that a statewide issue becomes a "ballot issue" upon approval by the secretary of state of
25 the form of the petition or referral.

26 (17) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,
27 club, union, or other organization or group of individuals or a candidate as defined in subsection (5).

28 (18) "Political committee" means a combination of two or more individuals or a person other than an
29 individual who makes a contribution or expenditure:

30 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a

1 petition for nomination; or

2 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue;

3 or

4 (c) as an earmarked contribution.

5 (19) "Political subdivision" means a county, consolidated municipal-county government, municipality,
6 special district, or any other unit of government, except school districts, having authority to hold an election for
7 officers or on a ballot issue.

8 (20) "Primary" or "primary election" means an election held throughout the state to nominate candidates
9 for public office at times specified by law, including nominations of candidates for offices of political subdivisions
10 when the time for nominations is set on the same date for all similar subdivisions in the state.

11 (21) "Public office" means a state, county, municipal, school, or other district office that is filled by the
12 people at an election.

13 (22) "Registrar" means the county election administrator and any regularly appointed deputy or assistant
14 election administrator.

15 (23) "Special election" means an election, other than a statutorily scheduled primary or general election,
16 held ~~at any time~~ for any purpose provided by law. It may A special election OF A POLITICAL SUBDIVISION that is to
17 be conducted on a countywide basis must be held in conjunction with a statutorily scheduled election.

18 (24) "Voting machine or device" means any equipment used to record, tabulate, or in any manner
19 process the vote of an elector."

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21 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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- END -

FISCAL NOTE

Bill #: HB0599

Title: All elections to be held in conjunction with primary or general election

Primary Sponsor: Sales, S

Status: As Introduced

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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Fiscal Summary

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Expenditures:		
General Fund	\$0	\$0
Revenue:		
General Fund	\$0	\$0
Net Impact on General Fund Balance:	\$0	\$0

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- | | |
|---|--|
| <input checked="" type="checkbox"/> Significant Local Gov. Impact | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input type="checkbox"/> Needs to be included in HB 2 |
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Fiscal Analysis

ASSUMPTIONS:

1. There is no fiscal impact to the Secretary of State.

