

HOUSE BILL NO. 595

INTRODUCED BY S. KERNS, S. GUNDERSON, F. ANDERSON, C. KNUDSEN, S. GIST, K. ZOLNIKOV, S. ESSMANN, B. MITCHELL, P. FIELDER, L. SHELDON-GALLOWAY, L. BREWSTER, J. HINKLE, N. NICOL, A. REGIER, K. SEEKINS-CROWE, S. GALLOWAY, R. MARSHALL, J. READ, M. HOPKINS, G. OBLANDER, G. PARRY, M. YAKAWICH, B. USHER, B. GILLESPIE, C. GLIMM, J. ELLSWORTH, G. KMETZ, T. FALK, R. MINER, D. EMRICH, B. PHALEN, L. HELLEGAARD, N. DURAM, E. BUTCHER, N. HASTINGS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING JUDICIAL ELECTION LAWS; PROVIDING FOR THE PARTISAN NOMINATION AND ELECTION OF SUPREME COURT JUSTICES; ALLOWING POLITICAL PARTY COMMITTEES TO CONTRIBUTE TO A CANDIDATE FOR SUPREME COURT JUSTICE; EXEMPTING INDEPENDENT CANDIDATES FOR SUPREME COURT JUSTICE FROM GATHERING SIGNATURES WITH A PETITION FOR NOMINATION; AMENDING SECTIONS 3-2-101, 3-10-201, 13-14-111, 13-14-211, 13-10-501, 13-10-502, 13-14-212, 13-14-213, AND 13-35-231, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Form of ballot for supreme court justice retention election. (1) If the only candidate for an office of supreme court justice or chief justice of the supreme court is the incumbent, the name of the incumbent must be placed on the official ballot for general election as follows:

Shall (insert title of officer) (insert name of the incumbent officer) of the supreme court of the state of Montana be retained in office for another term?

(2) Following the question, provision must be made, subject to rules adopted pursuant to 13-12-202, for a voter to indicate a "yes" or "no" vote. The form must include the incumbent's political party designation and may not include a write-in space for the office.

Section 2. Section 3-2-101, MCA, is amended to read:

"3-2-101. Number, nomination, election, and term of office. (1) The supreme court consists of a

1 chief justice and six associate justices who are elected by the qualified electors of the state at large at the
2 general state elections next preceding the expiration of the terms of office of their predecessors, respectively,
3 and hold their offices for the term of 8 years from and after the first Monday of January next succeeding their
4 election.

5 (2) A supreme court justice, including the chief justice, must be nominated and elected on a
6 partisan ballot provided for in Title 13, except that an incumbent justice who is the only candidate for the office
7 must be placed on the general election ballot as provided in Article VII, section 8, of the Montana constitution
8 and [section 1].

9 (3) Each vacancy for a supreme court justice is a separate and independent office for election
10 purposes. The chief justice of the supreme court shall assign an individual number to the justices and certify
11 these numbers to the secretary of state."

12

13 **Section 3.** Section 3-10-201, MCA, is amended to read:

14 **"3-10-201. Election.** (1) Except as provided in 3-10-206, each justice of the peace must be elected by
15 the qualified electors of the county at the general state election immediately preceding the expiration of the term
16 of office of the justice of the peace's predecessor.

17 (2) A justice of the peace must be nominated and elected on the nonpartisan judicial ballot in the
18 same manner as judges of the district court.

19 (3) Each judicial office must be a separate and independent office for election purposes, each
20 office must be numbered by the county commissioners, and each candidate for justice of the peace shall
21 specify the number of the office for which the candidate seeks to be elected. A candidate may not file for more
22 than one office.

23 (4) Section 13-35-231, prohibiting political party contributions to certain judicial officers, applies to
24 justices of the peace."

25

26 **SECTION 4. SECTION 13-10-501, MCA, IS AMENDED TO READ:**

27 **"13-10-501. Petition for nomination by independent candidates or political parties not eligible**
28 **to participate in primary election.** (1) Except as provided in 13-10-504, nominations for public office by an

1 independent candidate or a political party that does not meet the requirements of 13-10-601 may be made by a
2 petition for nomination.

3 (2) The petition must contain the same information and the oath of the candidate required for a
4 declaration for nomination.

5 (3) If a petition is filed by a political party, it must contain the party name and, in five words or less,
6 the principle that the body represents.

7 (4) The form of the petition must be prescribed by the secretary of state, and the secretary of state
8 shall furnish sample copies to the election administrators and on request to any individual.

9 (5) (a) Each Except as provided in subsection (5)(b), each sheet of a petition must contain
10 signatures of electors residing in only one county.

11 (b) A petition filed by an independent candidate for supreme court justice is not required to have
12 signatures."

13

14 **SECTION 5. SECTION 13-10-502, MCA, IS AMENDED TO READ:**

15 **"13-10-502. Signature requirements for petition -- exception for supreme court candidates. (1)**

16 ~~The~~ Except as provided in subsection (4), the petition for nomination must be signed by electors residing within
17 the state and district or political subdivision in which the officer or officers are to be elected. Each signature line
18 must contain spaces for the signature, post-office address, and printed last name of the signer.

19 (2) The number of signatures must be 5% or more of the total vote cast for the successful
20 candidate for the same office at the last general election.

21 (3) If the office sought is a new office or the boundaries of the district or political subdivision in
22 which the election is to be held have changed since the last election for the office, the officer with whom
23 nominations for the office sought are filed shall determine the number of signatures required for a petition of
24 nomination for that office.

25 (4) An independent candidate for supreme court justice is not required to submit signatures with
26 the petition for nomination."

27

28 **Section 6. Section 13-14-111, MCA, is amended to read:**

1 **"13-14-111. Application of general laws.** Except as otherwise provided in this chapter, candidates
2 for nonpartisan offices, including judicial offices other than an office of supreme court justice or chief justice of
3 the supreme court, must be nominated and elected according to the provisions of this title."

4

5 **Section 7.** Section 13-14-211, MCA, is amended to read:

6 **"13-14-211. Judicial District and county judicial offices separate and independent offices for**
7 **election purposes.** ~~(1) Each vacancy for justice of the supreme court is a separate and independent office for~~
8 ~~election purposes. The chief justice of the supreme court shall assign an individual number to the justices and~~
9 ~~certify these numbers to the office of the secretary of state.~~

10 ~~(2)(1)~~ Each vacancy for judicial office in a district that has more than one district judge is a separate
11 and independent office for election purposes.

12 ~~(3)(2)~~ Each vacancy for office in a county that has more than one justice of the peace is a separate
13 and independent office for election purposes."

14

15 **Section 8.** Section 13-14-212, MCA, is amended to read:

16 **"13-14-212. Form of ballot on retention of certain incumbent judicial officers.** (1) If the
17 incumbent is the only candidate for the office of ~~chief justice, supreme court justice,~~ district court judge, or
18 justice of the peace, the election administrator may not include a nonpartisan designation or write-in space for
19 the office on the general election ballot. The name of the incumbent must be placed on the official ballot for the
20 general election as follows:

21 Shall (insert title of officer) (insert name of the incumbent officer) of the (insert title of the court) of the
22 state of Montana be retained in office for another term?

23 (2) Following the question, provision must be made, subject to rules adopted pursuant to 13-12-
24 202, for a voter to indicate a "yes" or "no" vote."

25

26 **Section 9.** Section 13-14-213, MCA, is amended to read:

27 **"13-14-213. Form of ballot on retention for other judicial offices.** The election administrator or
28 secretary of state shall use the form prescribed in [section 1] or 13-14-212 to place the name of an unopposed

1 incumbent for a judicial office on the general election ballot if such office is subject to the provisions of Article
2 VII, Section 8, of The Constitution of the State of Montana."

3

4 **Section 10.** Section 13-35-231, MCA, is amended to read:

5 **"13-35-231. Unlawful for political party to contribute to judicial candidate.** A political party may
6 not contribute to a judicial candidate elected in a nonpartisan election conducted under Title 13, chapter 14."

7

8 NEW SECTION. **Section 11. Codification instruction.** [Section 1] is intended to be codified as an
9 integral part of Title 13, chapter 12, part 2, and the provisions of Title 13, chapter 12, part 2, apply to [section 1].

10

11 NEW SECTION. **Section 12. Saving clause.** [This act] does not affect rights and duties that
12 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

13

14 NEW SECTION. **Section 13. Severability.** If a part of [this act] is invalid, all valid parts that are
15 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
16 the part remains in effect in all valid applications that are severable from the invalid applications.

17

18 NEW SECTION. **Section 14. Applicability.** [This act] applies to elections for an office of supreme
19 court justice or chief justice of the supreme court occurring on or after [the effective date of this act].

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