

BALLOT LANGUAGE FOR CONSTITUTIONAL INITIATIVE NO. 126 (CI-126)

CONSTITUTIONAL INITIATIVE NO. 126

A CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION

CI-126 amends the Montana Constitution to provide a top-four primary election. All candidates, regardless of political party, appear on one ballot. The four candidates receiving the most votes advance to the general election. A candidate may list a political party preference, but a candidate isn't required to be nominated by a political party. A candidate's political party preference isn't an endorsement by the political party. The legislature may require candidates gather signatures up to five percent of the votes received by the winning candidate in the last election to appear on the ballot. All voters may vote for one candidate for each covered office. CI-126 applies to elections for governor and lieutenant governor, secretary of state, auditor, attorney general, superintendent of public instruction, state representative, state senator, United States representative, and United States Senator.

YES on Constitutional Amendment CI-126

NO on Constitutional Amendment CI-126

THE COMPLETE TEXT OF CONSTITUTIONAL INITIATIVE NO. 126 (CI-126)

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

NEW SECTION. **Section 1.** Article IV of The Constitution of the State of Montana is amended by adding a new section 9 that reads:

Section 9. Top-four primary election for certain offices. (1) As used in this section, the term "covered office" means the office of governor, lieutenant governor, secretary of state, auditor, attorney general, superintendent of public instruction, state representative, state senator, United States representative, United States senator, and other offices as provided by law.

(2) The election for a covered office must consist of a primary election followed by a general election in which each of the four candidates for a covered office who receive the most votes in the primary election, and only those candidates, shall appear on the general election ballot.

(3) In an election for a covered office, the following conditions apply:

(a) All candidates, regardless of political party preference, affiliation, nomination or lack of political party preference, affiliation, or nomination shall appear on the same primary election ballot separated by office.

(b) Qualified electors, regardless of political party preference or affiliation or a lack thereof, may participate in the primary election for each covered office for which they are eligible to vote.

(c) Each qualified elector may vote for no more than one candidate for each office in the primary election.

(d) If it cannot be determined which four candidates received the most votes in the primary election because two or more candidates are tied, the tie shall be broken as provided by law.

(e) If four or fewer candidates for a covered office qualify for the primary election ballot, a primary election is not required and all candidates shall appear on the general election ballot.

(f) A space for write-in candidates may appear on the primary election ballot as provided by law.

(g) A candidate may not be required to obtain the endorsement or nomination of any political party or organization in order to qualify for the primary election ballot.

(h) If the legislature requires candidates to obtain signatures to qualify for the primary election ballot, the number of signatures required may not exceed 5% of the total votes cast for the candidate elected for the same office in the last general election for that office.

(i) A candidate may choose to have displayed next to the candidate's name on the ballot the candidate's preference for a political party or that the candidate prefers no political party. The format options must be as follows: "Party Preference _" or "No Party Preference."

(j) The ballot may not indicate that a candidate has been endorsed by or nominated by any political party.

(k) Each ballot must include a clear and conspicuous statement informing voters that a candidate's indicated political party preference does not imply that the candidate is nominated or endorsed by the political party or that the political party approves of or associates with the candidate.

(4) This section may not be construed to amend, repeal, or modify Article VI, section 2 of the Montana constitution.

(5) This section does not apply to special elections for covered offices.

NEW SECTION. Section 2. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 3. Effective date. [This act] is effective January 1, 2025.

NEW SECTION. Section 4. Applicability. [This act] applies to elections for covered offices as defined in [section 1] held on or after January 1, 2025.

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