1   SENATE BILL NO. 117

2   INTRODUCED BY J. COBB

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4   A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IN AN ELECTION CONTEST IN A STATEWIDE

5   ELECTION OR AN ELECTION FOR A STATE OFFICE ELECTED FROM A DISTRICT, IF THE PREVAILING

6   PARTY IS THE PLAINTIFF, THEN THE PLAINTIFF'S COST, DISBURSEMENTS, AND REASONABLE

7   ATTORNEY FEES MUST BE PAID BY THE SECRETARY OF STATE; AMENDING SECTION 13-36-205, MCA;

8   AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

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12   **Section 1.** Section 13-36-205, MCA, is amended to read:

13   **"13-36-205. Recovery of costs.** (1) In any contest under this part, the prevailing party may recover his

14   the party's costs, disbursements, and reasonable attorney's attorney fees. Costs, disbursements, and attorney's

15   attorney fees in all such cases shall be are in the discretion of the court. In case If judgment is rendered against

16   the petitioner, it shall must also be rendered against the sureties on the bond.

17   (2) In a statewide election or an election for a state office elected from a district, if the prevailing party

18   is the plaintiff, then the plaintiff's cost, disbursements, and reasonable attorney fees must be paid by the secretary

19   of state."

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

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23   NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the

24   meaning of 1-2-109, to election contests after November 1, 2004.

25   - END -