

SENATE BILL NO. 205

INTRODUCED BY D. WANZENRIED

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SPECIAL ELECTION IN THE EVENT OF A VACANCY IN THE UNITED STATES SENATE; MODIFYING CERTAIN TIMELINES TO DETERMINE WHEN A SPECIAL ELECTION WILL BE HELD CONCURRENTLY WITH ANOTHER ELECTION; AMENDING SECTIONS 13-25-203 AND 13-25-205, MCA; REPEALING SECTION 13-25-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 13-25-203, MCA, is amended to read:

"13-25-203. Vacancy in office of United States senator or United States representative. (1) If a vacancy occurs in the office of United States senator or United States representative, the governor shall immediately order an election to be held to fill the vacancy, except as provided in subsection (3).

(2) The election to fill the unexpired term must be held no less than 85 or more than 100 days from the date on which the vacancy occurs, except that if the vacancy occurs:

~~(A) 150 days or less before a primary election or between the primary and general elections in odd-numbered years~~ THROUGH 85 DAYS BEFORE A MUNICIPAL GENERAL ELECTION, the election must be held with the ~~primary or~~ MUNICIPAL general election;

(B) JANUARY 1 THROUGH 85 DAYS BEFORE A FEDERAL PRIMARY ELECTION, THE ELECTION MUST BE HELD WITH THE FEDERAL PRIMARY ELECTION;

(C) LESS THAN 85 DAYS BEFORE A FEDERAL PRIMARY ELECTION, THE ELECTION MUST BE HELD WITH THE FEDERAL GENERAL ELECTION;

(D) BETWEEN THE FEDERAL PRIMARY ELECTION AND 85 DAYS BEFORE A FEDERAL GENERAL ELECTION, THE ELECTION MUST BE HELD WITH THE FEDERAL GENERAL ELECTION.

(3) If ~~the~~ A vacancy IN THE OFFICE OF UNITED STATES REPRESENTATIVE occurs between the FEDERAL primary and THE FEDERAL general election in even-numbered years, the candidate elected to the office for the succeeding full term shall immediately take office to fill the unexpired term."



1
2 **Section 2.** Section 13-25-205, MCA, is amended to read:
3 **"13-25-205. Nominations for special election.** (1) When a special election is ordered to fill a vacancy
4 in the office of United States senator or United States representative, each political party shall choose a candidate
5 according to the rules of the party. Nominations by parties must be made no later than 85 days before the date
6 set for the election.

7 (2) Nominating petitions may be filed by independent candidates for the office up to 5 p.m. of the 85th
8 day before the election."

9
10 NEW SECTION. **Section 3. Repealer.** The following section of the Montana Code Annotated is
11 repealed:

12 13-25-202. Vacancy in office of United States senator.

13

14 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

15

- END -