

SENATE BILL NO. 73

INTRODUCED BY T. FACEY

BY REQUEST OF THE SECRETARY OF STATE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SPECIAL ELECTION IN THE EVENT OF A
6 VACANCY IN THE UNITED STATES SENATE; REVISING CERTAIN DEADLINES WITH RESPECT TO
7 SPECIAL ELECTIONS FOR UNITED STATES SENATOR OR UNITED STATES REPRESENTATIVE; REVISING
8 THE DATES OF SPECIAL ELECTIONS FOR UNITED STATES SENATOR OR UNITED STATES
9 REPRESENTATIVE; AMENDING SECTIONS 13-25-203 AND 13-25-205, MCA; REPEALING SECTION
10 13-25-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

15 **"13-25-203. Vacancy in office of United States senator or representative.** (1) If a vacancy occurs
16 in the office of United States senator or representative, the governor shall immediately order an election to be held
17 to fill the vacancy, except as provided in subsection (3).

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

20 (a) between 85 days and 150 days or less before a primary election or between the primary and general
21 elections in odd-numbered years before a municipal general election, the election must be held with the primary
22 or on the date statutorily set for the general election;

23 (b) between January 1 in an even-numbered year and 85 days before a federal primary election, the
24 election must be held with the federal primary election;

25 (c) less than 85 days before a federal primary election, the election must be held with the federal general
26 election;

27 (d) between the federal primary election and 85 days before a federal general election, the election must
28 be held with the federal general election;

29 (e) less than 85 days before a municipal general election or federal general election, the election must
30 be held no less than 85 days or more than 100 days after the date of the general election.



1 (3) If ~~the a~~ vacancy in the office of United States representative occurs between the federal primary and
2 the federal general election in even-numbered years, the candidate elected to the office for the succeeding full
3 term shall immediately take office to fill the unexpired term."

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5 **Section 2.** Section 13-25-205, MCA, is amended to read:

6 "**13-25-205. Nominations for special election.** (1) When a special election is ordered to fill a vacancy
7 in the office of United States senator or United States representative, each political party shall choose a candidate
8 according to the rules of the party. Nominations by parties must be made no later than ~~85~~ 75 days before the date
9 set for the election.

10 (2) Nominating petitions ~~may~~ for the office containing the number of verified signatures required by
11 13-10-502 and the affidavits of circulation required by 13-27-302 must be filed by independent candidates for the
12 office up to or candidates of a party not qualified under 13-10-601 before 5 p.m. of on the 85th 82nd day before
13 the election with the election administrator in the county where the signers reside.

14 (3) If additional signatures as established under 13-10-502 are needed, additional affidavits of circulation
15 and petition signatures may be submitted before 5 p.m. on the 75th day before the election."

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17 NEW SECTION. **Section 3. Repealer.** The following section of the Montana Code Annotated is
18 repealed:

19 13-25-202. Vacancy in office of United States senator.

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

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