

SENATE BILL NO. 190

INTRODUCED BY F. MANDEVILLE

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS RELATED TO RECOUNTS; INCREASING THE PERCENTAGE OF THE MARGIN OF DEFEAT THAT MAY TRIGGER A RECOUNT; AMENDING SECTIONS 13-16-201 AND 13-16-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 13-16-201, MCA, is amended to read:

"13-16-201. Conditions under which recount to be conducted. (1) A recount must be conducted if:

(a) a candidate for a precinct office or for a county, municipal, or district office voted for in only one county, other than a legislator or a judge of the district court, is defeated by a margin not exceeding ~~1/4~~ 1/2 of 1% of the total votes cast or by a margin not exceeding ~~10~~ 20 votes, whichever is greater, and the defeated candidate, within 5 days after the official canvass, files with the election administrator a verified petition stating that the candidate believes that a recount will change the result and that a recount of the votes for the office or nomination should be conducted;

(b) a candidate for a congressional office, a state or district office voted on in more than one county, the legislature, or judge of the district court is defeated by a margin not exceeding ~~1/4~~ 1/2 of 1% of the total votes cast for all candidates for the same position and the defeated candidate, within 5 days after the official canvass, files a petition with the secretary of state as set forth in subsection (1)(a). The secretary of state shall immediately notify each election administrator whose county includes any precincts that voted for the office, and a recount must be conducted in those precincts.

(c) a question submitted to the vote of the people of a county, municipality, or district within a county is decided by a margin not exceeding ~~1/4~~ 1/2 of 1% of the total votes cast for and against the question and a petition as set forth in subsection (1)(a) is filed with the election administrator. This petition must be signed by not less than 10 electors of the jurisdiction and must be filed within 5 days after the official canvass.

1 (d) a question submitted to the vote of the people of the state is decided by a margin not
2 exceeding ~~1/4~~ 1/2 of 1% of the total votes cast for and against the question and a petition as set forth in
3 subsection (1)(a) is filed with the secretary of state. This petition must be signed by not less than 100 electors
4 of the state, representing at least five counties of the state, and must be filed within 5 days after the official
5 canvass.

6 (e) a question submitted to the vote of the people of a multicounty district is decided by a margin
7 not exceeding ~~1/4~~ 1/2 of 1% of the total votes cast for and against the question and a petition as set forth in
8 subsection (1)(a) is filed with the secretary of state. This petition must be signed by not less than 25 electors of
9 the district, representing at least two counties, and must be filed within 5 days after the official canvass.

10 (f) a canvassing board petitions for a recount as provided in 13-15-403.

11 (2) If the election is a school election, the petition is filed with the school election filing officer.

12 (3) When a recount is required under subsection (1)(b), (1)(d), or (1)(e), the secretary of state shall
13 immediately notify each election administrator of the filing of the petition, and a recount must be conducted in all
14 precincts in each affected county."
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16 **Section 2.** Section 13-16-211, MCA, is amended to read:

17 **"13-16-211. Recounts allowed if bond posted to cover all costs.** (1) If a candidate for a public
18 office is defeated by a margin exceeding ~~1/4~~ 1/2 of 1% but not exceeding ~~1/2~~ of 1% of the total votes cast for all
19 candidates for the same position, the candidate may, within 5 days after the official canvass, file with the officer
20 with whom the candidate's declaration or petition for nomination was filed a petition stating that the candidate
21 believes a recount will change the result of the election.

22 (2) The unsuccessful candidate shall post a bond with the election administrator of the county in
23 which the candidate resides. The bond must be in an amount set by the election administrator sufficient to
24 cover all costs of the recount incurred by each county in which a recount is sought, which may include the
25 following:

26 (a) compensation for the county recount board, the election administrator, and any additional
27 personnel needed to participate in the recount; and

28 (b) necessary supplies and travel related to the recount.

1 (3) Upon the filing of a petition and posting of a bond under this section, the county recount board,
2 as designated in 13-16-101, in each county affected shall meet and recount the ballots specified in the petition."

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4 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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