

SENATE BILL NO. 165
INTRODUCED BY M. COONEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT TIE VOTES FOR CANDIDATES IN ANY FEDERAL, STATE, OR LOCAL ELECTION, INCLUDING SCHOOL ELECTIONS, BE BROKEN BY A RANDOM METHOD PRESCRIBED BY THE SECRETARY OF STATE AND UNIFORMLY APPLIED; PROVIDING RULEMAKING AUTHORITY; AND REPEALING SECTIONS 13-16-501, 13-16-502, 13-16-503, 13-16-504, 13-16-505, 13-16-506, AND 13-16-507, MCA."

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

NEW SECTION. **Section 1. Tie votes for candidates broken by random method -- rulemaking.** (1)

(a) Unless otherwise provided by law, if there is a tie vote after a recount in any election held pursuant to this title to select a candidate for any federal, state, or local office, including in any school election held pursuant to Title 20, chapter 20, the secretary of state, except as provided in subsection (1)(b), shall break the tie using the random method specified pursuant to subsection (2).

(b) If the secretary of state is one of the candidates involved in the tie vote, the governor shall break the tie.

(2) The secretary of state shall adopt rules specifying the random method to be uniformly applied for breaking all tie votes pursuant to this section.

NEW SECTION. **Section 2. Repealer.** Sections 13-16-501, 13-16-502, 13-16-503, 13-16-504, 13-16-505, 13-16-506, and 13-16-507, MCA, are repealed.

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 13, chapter 16, part 5, and the provisions of Title 13, chapter 16, part 5, apply to [section 1].

- END -

