

HOUSE BILL NO. 52
INTRODUCED BY H. JACOBSON
BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW ON COSTS FOR CONTESTED ELECTIONS TO PROVIDE THAT EACH PARTY IS RESPONSIBLE FOR THE PARTY'S COSTS, DISBURSEMENTS, AND REASONABLE ATTORNEY FEES IN CERTAIN CONTESTED ELECTIONS; AMENDING ~~SECTION~~ SECTIONS 13-36-204 AND 13-36-205, MCA; ~~REPEALING SECTION 13-36-204~~, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

SECTION 1. SECTION 13-36-204, MCA, IS AMENDED TO READ:

"13-36-204. Bond required -- exception. ~~Before~~ (1) Except as provided in subsection (2), in any proceeding on the petition, the petitioner shall give bond to the state in ~~such~~ the sum as that the court may order, not exceeding \$2,000, with not less than two sureties, who shall justify in the manner required of sureties on bail bonds, conditioned to pay all costs, disbursements, and attorney's fees that may be awarded against ~~him~~ the petitioner if he shall the petitioner does not prevail.

(2) A bond is not required in a proceeding to contest an election pursuant to 13-36-101(3)."

Section 2. Section 13-36-205, MCA, is amended to read:

"13-36-205. ~~Recovery of Responsibility for costs.~~ ~~In~~ (1) EXCEPT AS PROVIDED IN SUBSECTION (2), IN any contest under this part, the prevailing each party may recover his is responsible for the party's costs, disbursements, and reasonable attorney's attorney fees. Costs, disbursements, and attorney's fees in all such cases shall be in the discretion of the court. In case judgment is rendered against the petitioner, it shall also be rendered against the sureties on the bond. EACH PARTY MAY RECOVER THE PARTY'S COSTS, DISBURSEMENTS, AND REASONABLE ATTORNEY FEES, WHICH MUST BE AWARDED IN THE COURT'S DISCRETION. IF JUDGEMENT IS AGAINST THE PETITIONER, THE AWARD MUST ALSO BE RENDERED AGAINST THE SURETIES ON THE BOND REQUIRED IN 13-36-204.

(2) IN ANY PROCEEDING TO CONTEST AN ELECTION PURSUANT TO 13-36-101(3), EACH PARTY IS RESPONSIBLE FOR THE PARTY'S COSTS, DISBURSEMENTS, AND REASONABLE ATTORNEY FEES."

~~NEW SECTION. **Section 2. Repealer.** Section 13-36-204, MCA, is repealed.~~

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

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