

SENATE BILL NO. 117  
INTRODUCED BY J. COBB

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IN AN ELECTION CONTEST IN A STATEWIDE ELECTION OR AN ELECTION FOR A STATE OFFICE ELECTED FROM A DISTRICT, IF THE PREVAILING PARTY IS THE PLAINTIFF, THEN THE PLAINTIFF'S COST, DISBURSEMENTS, AND REASONABLE ATTORNEY FEES MUST BE PAID BY THE SECRETARY OF STATE; AMENDING SECTION 13-36-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

**Section 1.** Section 13-36-205, MCA, is amended to read:

**"13-36-205. Recovery of costs.** (1) In any contest under this part, the prevailing party may recover ~~his~~ the party's costs, disbursements, and reasonable ~~attorney's~~ attorney fees. Costs, disbursements, and ~~attorney's~~ attorney fees ~~in all such cases shall be~~ are in the discretion of the court. ~~In case~~ If judgment is rendered against the petitioner, it ~~shall~~ must also be rendered against the sureties on the bond.

(2) In a statewide election or an election for a state office elected from a district, if the prevailing party is the plaintiff, then the plaintiff's cost, disbursements, and reasonable attorney fees must be paid by the secretary of state."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to election contests after November 1, 2004.

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