

1 SENATE BILL NO. 48

2 INTRODUCED BY G. BRANAE

3 BY REQUEST OF THE SECRETARY OF STATE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SPECIAL ELECTION TO BE HELD TO FILL
6 VACANCIES IN THE UNITED STATES SENATE; AMENDING SECTIONS 13-25-203 AND 13-25-205, MCA;
7 REPEALING SECTION 13-25-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8

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

10

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

12 **"13-25-203. Vacancy in office of United States senator or United States representative.** (1) If a
13 vacancy occurs in the office of United States senator or United States representative, the governor shall
14 immediately order an election to be held to fill the vacancy, except as provided in subsection (3).

15 (2) The election to fill the unexpired term must be held no less than 85 or more than 100 days from the
16 date on which the vacancy occurs, except that if the vacancy occurs 150 days or less before a primary election
17 or between the primary and general elections in odd-numbered years, the election must be held with the primary
18 or general election.

19 (3) If the vacancy occurs between the primary and general election in even-numbered years, the
20 candidate elected to the office for the succeeding full term shall immediately take office to fill the unexpired term."

21

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

23 **"13-25-205. Nominations for special election.** (1) When a special election is ordered to fill a vacancy
24 in the office of United States senator or United States representative, each political party shall choose a candidate
25 according to the rules of the party. Nominations by parties must be made no later than 85 days before the date
26 set for the election.

27 (2) Nominating petitions may be filed by independent candidates for the office up to 5 p.m. of the 85th
28 day before the election."

29

30 **NEW SECTION. Section 3. Repealer.** The following section of the Montana Code Annotated is

1 repealed:
2 13-25-202. Vacancy in office of United States senator.

3

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

5 - END -