

1 SENATE BILL NO. 122

2 INTRODUCED BY T. FACEY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING NONPARTISAN PRIMARY ELECTION LAWS FOR
5 POLITICAL SUBDIVISIONS; REQUIRING AN ELECTION ADMINISTRATOR TO CONDUCT LOCAL
6 NONPARTISAN PRIMARY ELECTIONS ONLY WHEN THE NUMBER OF CANDIDATES SEEKING THE
7 OFFICE IS SUFFICIENT; AND AMENDING SECTION 13-14-115, MCA."

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

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11 **Section 1.** Section 13-14-115, MCA, is amended to read:

12 **"13-14-115. Preparation and distribution of nonpartisan primary ballots -- determination on**
13 **conducting primary.** (1) The election administrators shall arrange, prepare, and distribute primary ballots for
14 nonpartisan offices, designated "nonpartisan primary ballots". The ballots must be arranged and prepared as
15 provided in 13-10-209 and be without political designation.

16 (2) (a) The election administrator of a political subdivision may determine that a local nonpartisan portion
17 of a primary election need not be held if:

18 (i) the number of candidates for an office exceeds three times the number to be elected to that office in
19 no more than one-half of the offices on the ballot; and

20 (ii) the number of candidates in excess of three times the number to be elected is not more than one for
21 any office on the ballot.

22 (b) If the election administrator determines that a primary election must be held pursuant to subsection
23 (2)(a) for a local nonpartisan office, the election administrator shall conduct the election only for the local
24 nonpartisan offices that have candidates filed in excess of two times the number to be elected to that office.

25 ~~(b)~~(c) If the election administrator determines that a primary election need not be held pursuant to
26 subsection (2)(a) for a local nonpartisan office, the administrator shall give notice to the governing body that a
27 primary election will not be held for that office.

28 (3) The governing body may require that a primary election be held for a local nonpartisan office if it
29 passes a resolution not more than 10 days after the close of filing by candidates for election stating that a primary
30 election must be held for that office."

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