

## 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 MUNICIPAL primary election HELD PURSUANT TO  
 23 13-1-107(2) must be held pursuant to subsection (2)(a) for a local nonpartisan office, the election administrator  
 24 shall conduct the election only for the local nonpartisan offices that have candidates filed in excess of two times  
 25 the number to be elected to that office.

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

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

1 election must be held for that office."

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