

1 SENATE BILL NO. 142

2 INTRODUCED BY D. WANZENRIED

3 BY REQUEST OF THE SECRETARY OF STATE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PROCESS TO FILL A VACANCY IN A STATE
6 SENATE SEAT; AMENDING SECTION 5-2-406, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 **Section 1.** Section 5-2-406, MCA, is amended to read:11 **"5-2-406. Elections to fill vacancies in senate.** (1) Whenever a vacancy occurs 85 days or more before
12 the general election held during the second year of the term, an individual ~~may~~ must be appointed; pursuant to
13 5-2-402, ~~if the legislature is called into special session. However, the~~ The appointment ~~may run only~~ continues
14 until a person is elected to complete the term at the upcoming general election and is sworn into office. The
15 election procedure to be used to elect the successor is as follows:16 (a) Whenever the vacancy occurs 85 days or more prior to the primary election during the second year,
17 the same procedure as is used for senators who will be elected to full 4-year terms at that general election must
18 be utilized.19 (b) Whenever the vacancy occurs on or after the 85th day prior to the primary election, any political party
20 desiring to enter a candidate in the general election shall select a candidate as provided in 13-10-327 and
21 13-38-204. A political party shall notify the secretary of state of the party nominee. A person desiring to be a
22 candidate as an independent shall follow the procedures provided in 13-10-501 and 13-10-502. The petition for
23 an independent candidate must be filed with the secretary of state on or before the 85th day prior to the general
24 election.25 (2) Whenever a vacancy occurs on or after the 85th day prior to the general election held during the
26 second year of the term, the person appointed by the board under 5-2-402 shall serve until the end of the term."
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28 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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