

SENATE BILL NO. 72

INTRODUCED BY T. BROWN

BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES

A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING PROHIBITIONS ON POLITICAL PARTY ENDORSEMENTS AND EXPENDITURES WITH RESPECT TO JUDICIAL CANDIDATES; CLARIFYING THAT POLITICAL PARTY CONTRIBUTION PROHIBITIONS APPLY TO JUSTICES OF THE PEACE; AND AMENDING SECTIONS 3-10-201 AND 13-35-231, MCA."

WHEREAS, in Sanders County Republican Central Committee v. Bullock, 698 F.3d 741 (9th Cir. 2012), the Ninth Circuit found portions of 13-35-231 that prohibit a political party from endorsing judicial candidates or expending money to publicize such endorsements unconstitutional.

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

**Section 1.** Section 3-10-201, MCA, is amended to read:

**"3-10-201. Election.** (1) Except as provided in 3-10-206, each justice of the peace must be elected by the qualified electors of the county at the general state election immediately preceding the expiration of the term of office of the justice of the peace's predecessor.

(2) A justice of the peace must be nominated and elected on the nonpartisan judicial ballot in the same manner as judges of the district court.

(3) Each judicial office must be a separate and independent office for election purposes, each office must be numbered by the county commissioners, and each candidate for justice of the peace shall specify the number of the office for which the candidate seeks to be elected. A candidate may not file for more than one office.

(4) Section 13-35-231, prohibiting political party ~~endorsement~~ for contributions to judicial officers, applies to justices of the peace."

**Section 2.** Section 13-35-231, MCA, is amended to read:

**"13-35-231. Unlawful for political party to ~~endorse~~ contribute to judicial candidate.** A political party may not ~~endorse, contribute to, or make an expenditure to support or oppose~~ a judicial candidate."

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