

## SENATE BILL NO. 169

INTRODUCED BY B. HAMLETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN ELECTION UNDER CERTAIN CIRCUMSTANCES  
5 IN THE EVENT OF A VACANCY IN THE UNITED STATES SENATE; MODIFYING CERTAIN TIMELINES TO  
6 DETERMINE WHEN A SPECIAL ELECTION WILL BE HELD CONCURRENTLY WITH ANOTHER ELECTION;  
7 ALLOWING THE GOVERNOR TO MAKE CERTAIN TEMPORARY APPOINTMENTS TO FILL VACANCIES;  
8 REQUIRING A TEMPORARY APPOINTEE BE FROM THE SAME POLITICAL PARTY AS THE VACATING  
9 OFFICEHOLDER; MODIFYING THE DEADLINE FOR A PARTY NOMINATION OR THE SUBMITTAL OF  
10 NOMINATING PETITIONS; AMENDING SECTIONS 13-25-203 AND 13-25-205, MCA; REPEALING SECTION  
11 13-25-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

16 **"13-25-203. Vacancy in office of United States senator or representative.** (1) If a vacancy occurs  
17 in the office of United States senator or United States representative, the governor shall immediately order an  
18 election to be held to fill the vacancy, except as provided in subsection (3).

19 (2) The election to fill the unexpired term must be held no less than 85 ~~or~~ and no more than 100 days  
20 from the date on which the vacancy occurs, except that if the vacancy occurs;

21 (a) between 85 days and 150 days or less before a primary election or between the primary and general  
22 elections in odd-numbered years before a municipal general election, the election must be held with the primary  
23 or municipal general election;

24 (b) between January 1 in an even-numbered year and 85 days before a federal primary election, the  
25 election must be held with the federal primary election;

26 (c) less than 85 days before a federal primary election, the election must be held with the federal general  
27 election;

28 (d) between the federal primary election and 85 days before a federal general election, the election must  
29 be held with the federal general election;

30 (e) less than 85 days before a municipal general election or federal general election, the election must

1 be held no less than 85 days and no more than 100 days after the date of the general election.

2 (3) (a) If the a vacancy in the office of United States representative occurs between the federal primary  
 3 and the federal general election in even-numbered years, the candidate elected to the office for the succeeding  
 4 full term shall immediately take office to fill the unexpired term.

5 (b) If a vacancy in the office of United States senator occurs in the last year of the office's term, an  
 6 election for the remainder of the term may not be held if the vacancy occurs between 85 days before the federal  
 7 primary election and the end of the term. The term of office for a candidate elected to the senate seat at the  
 8 regularly scheduled general election must commence with the new term.

9 (4) (a) The governor may make a temporary appointment to fill a vacancy until the election to fill the  
 10 vacancy is held. If the vacancy is subject to the provisions of subsection (3)(b), the governor may make a  
 11 temporary appointment until the new term of office commences.

12 (b) The governor may appoint only an individual from the same political party as the individual vacating  
 13 the office. However, if the individual vacating the office changed political party affiliations after taking office, the  
 14 individual who is appointed to fill the vacancy must be of the same political party that the vacating officeholder  
 15 was when the vacating officeholder was elected or appointed to that office."

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

18 "**13-25-205. Nominations for special election.** (1) When a special election is ordered to fill a vacancy  
 19 in the office of United States senator or United States representative, each political party shall choose a candidate  
 20 according to the rules of the party. Nominations by parties must be made no later than ~~85~~ 75 days before the date  
 21 set for the election.

22 (2) Nominating petitions may be filed by independent candidates for the office up to 5 p.m. of the ~~85th~~  
 23 75th day before the election."

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25 NEW SECTION. **Section 3. Repealer.** The following section of the Montana Code Annotated is  
 26 repealed:

27 13-25-202. Vacancy in office of United States senator.

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

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