

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 THE GOVERNOR TO MAKE AN APPOINTMENT TO FILL A CERTAIN VACANCY IN THE LAST
9 YEAR OF AN OFFICE'S TERM; REQUIRING A TEMPORARY APPOINTEE BE FROM THE SAME POLITICAL
10 PARTY AS THE VACATING OFFICEHOLDER; MODIFYING THE DEADLINE FOR A PARTY NOMINATION OR
11 THE SUBMITTAL OF NOMINATING PETITIONS; AMENDING SECTIONS 13-25-203 AND 13-25-205, MCA;
12 REPEALING SECTION 13-25-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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16 **Section 1.** Section 13-25-203, MCA, is amended to read:

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

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

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

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

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

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

1 (e) less than 85 days before a municipal general election or federal general election, the election must
 2 be held no less than 85 days and no more than 100 days after the date of the general election.

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

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

10 (4) (a) (i) The governor may make a temporary appointment to fill a vacancy until the election to fill the
 11 vacancy is held.

12 (ii) (A) If the vacancy is subject to the provisions of subsection (3)(b), the governor may make a temporary
 13 appointment until the new term of office commences RESULTS OF THE REGULARLY SCHEDULED GENERAL ELECTION
 14 ARE CERTIFIED.

15 (B) WHEN THE RESULTS ARE CERTIFIED, THE GOVERNOR SHALL APPOINT THE CANDIDATE WHO WON THE
 16 ELECTION FOR THE SENATE SEAT TO FILL THE REMAINDER OF THE VACANCY.

17 (b) ~~The governor may appoint only an individual from the same political party as the individual vacating~~
 18 ~~the office.~~ UNLESS THE APPOINTMENT IS MADE PURSUANT TO SUBSECTION (4)(A)(II)(B), WHEN A VACANCY OCCURS, IF
 19 THE VACATING OFFICEHOLDER REPRESENTED A POLITICAL PARTY ELIGIBLE FOR PRIMARY ELECTION UNDER 13-10-601,
 20 THE PERSON APPOINTED BY THE GOVERNOR PURSUANT TO SUBSECTION (4)(A)(I) OR (4)(A)(II) MUST BE OF THE SAME
 21 POLITICAL PARTY AND MUST BE SELECTED BY THE GOVERNOR AS PROVIDED IN SUBSECTIONS (5) AND (6). However, if
 22 the individual vacating the office changed political party affiliations after taking office, the individual who is
 23 appointed to fill the vacancy must be of the same political party that the vacating officeholder was when the
 24 vacating officeholder was elected or appointed to that office.

25 (5) WITHIN 3 DAYS AFTER BEING NOTIFIED OF A VACANCY, THE GOVERNOR SHALL NOTIFY THE POLITICAL PARTY
 26 THAT WAS REPRESENTED BY THE VACATING OFFICEHOLDER.

27 (6) (A) WITHIN 15 DAYS AFTER BEING NOTIFIED OF A VACANCY, THE STATE PARTY CENTRAL COMMITTEE SHALL
 28 FORWARD TO THE GOVERNOR A LIST OF THREE PROSPECTIVE APPOINTEES.

29 (B) THE GOVERNOR SHALL SELECT AN APPOINTEE FROM THE LIST WITHIN 15 DAYS AFTER RECEIVING IT."
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1 **Section 2.** Section 13-25-205, MCA, is amended to read:

2 **"13-25-205. Nominations for special election.** (1) When a special election is ordered to fill a vacancy
3 in the office of United States senator or United States representative, each political party shall choose a candidate
4 according to the rules of the party. Nominations by parties must be made no later than ~~85~~ 75 days before the date
5 set for the election.

6 (2) Nominating petitions may be filed by independent candidates for the office up to 5 p.m. of the ~~85th~~
7 75th day before the election."

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

11 13-25-202. Vacancy in office of United States senator.

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

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