

## SENATE BILL NO. 178

INTRODUCED BY N. SWANDAL

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PRIMARY ELECTION FOR A LOCAL NONPARTISAN OFFICE MUST BE HELD IF MORE THAN TWO CANDIDATES FILE FOR THE OFFICE; AND AMENDING SECTIONS 13-14-115 AND 13-14-117, MCA."

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

**Section 1.** Section 13-14-115, MCA, is amended to read:

**"13-14-115. Preparation and distribution of nonpartisan primary ballots -- determination on conducting primary.** (1) The election administrators shall arrange, prepare, and distribute primary ballots for nonpartisan offices, designated "nonpartisan primary ballots". The ballots must be arranged and prepared as provided in 13-10-209 and be without political designation.

(2) (a) The election administrator of a political subdivision may determine that a local nonpartisan portion of a primary election need not be held if:

~~—— (i) the number of candidates for an office exceeds three times the number to be elected to that office in no more than one-half of the offices on the ballot; and~~

~~—— (ii) the number of candidates in excess of three times the number to be elected is not more than one for any less than three candidates have filed for an office on the ballot.~~

(b) If the election administrator determines that a ~~municipal~~ primary election must be held pursuant to subsection (2)(a) ~~of this section for a local nonpartisan office~~, the election administrator shall conduct the primary election only for the local nonpartisan offices that have for which more than two candidates have filed in excess of two times the number to be elected to that office.

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

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

