

1 HOUSE BILL NO. 318

2 INTRODUCED BY F. GARNER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO POLITICAL PARTY
5 CENTRAL COMMITTEES; REQUIRING THAT A PRECINCT COMMITTEE REPRESENTATIVE POSITION
6 BECOME VACANT ON THE EXPIRATION OF THE TERM; REQUIRING THAT CERTAIN CENTRAL
7 COMMITTEE RULES BE EFFECTIVE ONLY UPON FILING WITH THE ELECTION ADMINISTRATOR;
8 REVISING VACANCY PROVISIONS; PROVIDING REQUIREMENTS CONCERNING THE PROXIES OF
9 PRECINCT COMMITTEE REPRESENTATIVES; PROHIBITING ANYONE BUT A CITY, COUNTY, OR STATE
10 CENTRAL COMMITTEE FROM REGISTERING AN ASSUMED BUSINESS NAME OR TRADEMARK FOR THE
11 RELEVANT POLITICAL PARTY CENTRAL COMMITTEE; AMENDING SECTIONS 13-38-105, 13-38-202, AND
12 13-38-205, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

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

15
16 **Section 1.** Section 13-38-105, MCA, is amended to read:
17 **"13-38-105. ~~County~~ City and county central committee rules to be filed with election**
18 **administrator.** The city and county committee central committees of each political party of this state must file a
19 current copy of ~~its~~ their rules of government with the election administrator. Rules adopted by a city or county
20 central committee are effective only upon filing with the election administrator."

21
22 **Section 2.** Section 13-38-202, MCA, is amended to read:
23 **"13-38-202. Committee representatives as party representatives -- county and city central**
24 **committees.** (1) Each committee representative shall represent the representative's political party for the precinct
25 in all ward or subdivision committees formed.

26 (2) The committee representatives in each precinct constitute the county central committee of the
27 respective political parties.

28 (3) Committee representatives who reside within the limits of a city are ex officio the city central
29 committee of their respective political parties and have the power to make their own rules not inconsistent with
30 those of the county central committee. However, the county central committee has the power to fill vacancies in

1 the city central committee.

2 (4) Each precinct committee representative serves a term of 2 years from the date of election or
3 appointment pursuant to 13-38-201. Once the term has expired, the position becomes vacant.

4 (5) Vacancies in the office of precinct committee representative occur only on the death, resignation, or
5 felony conviction of the incumbent or when the incumbent is no longer a resident or registered voter of the
6 precinct. A precinct committee representative may not otherwise be removed from office. If a vacancy occurs,
7 the remaining members of the county central committee may select a precinct resident to fill the vacancy."
8

9 **Section 3.** Section 13-38-205, MCA, is amended to read:

10 **"13-38-205. Organization and operation of committee.** (1) The committee shall meet prior to the state
11 convention of its political party and organize by electing a presiding officer and one or more vice presiding
12 officers. The gender of the presiding officer and the vice presiding officer may not be the same. The committee
13 shall elect a secretary and other officers as necessary. It is not necessary for the officers to be precinct committee
14 representatives.

15 (2) The committee may select managing or executive committees and authorize subcommittees to
16 exercise all powers conferred upon the county, city, state, and congressional central committees by the election
17 laws of this state.

18 (3) The presiding officer of the county central committee shall call the central committee meeting and
19 not less than 4 days before the date of the central committee meeting shall publish the call in a newspaper
20 published at the county seat and mail a copy of the call to each precinct committee representative. If party rules
21 permit the use of a proxy, a proxy may not be recognized unless it is held by an elector of the precinct of the
22 committee representative executing it.

23 (4) ~~The~~ Unless the committee representatives elect another person to preside during a city or county
24 convention, the city or county presiding officer of the party shall preside presides ~~at the~~ a city or county
25 convention. No person other than a duly elected or appointed committee representative or officer of the
26 committee is entitled to participate in the proceedings of the committee.

27 (5) If a committee representative is absent, the convention may fill the vacancy by appointing some
28 qualified elector of the party, resident in the precinct, to represent the precinct in the convention.

29 (6) The county convention shall elect delegates and alternate delegates to the state convention under
30 rules of the state party. The presiding officer and secretary of the county convention shall issue and sign

1 certificates of election of the delegates."
2

3 **NEW SECTION. Section 4. Precinct committee representative proxies.** (1) If the use of a proxy by
4 a precinct committee representative elected or appointed pursuant to 13-38-201 is authorized under party rules,
5 the proxy must be:

6 (a) in writing;

7 (b) dated on a day or at a time prior to the meeting in which the proxy is used; and

8 (c) signed or electronically authorized by the precinct committee representative on whose behalf it will
9 be cast.

10 (2) A precinct committee representative's proxy that is cast in violation of the provisions in this section
11 is invalid, and the outcome of a vote or action determined by the use of a precinct committee representative's
12 unauthorized proxy is void.
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14 **NEW SECTION. Section 5. Political party central committee assumed business name.** Only a city,
15 county, or state central committee of a political party may register an assumed business name on behalf of the
16 central committee. The secretary of state may not accept an application for an assumed business name of a city,
17 county, or state central committee of a political party unless it is accompanied by a resolution of the relevant
18 central committee attesting that it is the entity applying for an assumed business name.
19

20 **NEW SECTION. Section 6. Political party central committee marks.** Only a city, county, or state
21 central committee of a political party may register a mark on behalf of the central committee. The secretary of
22 state may not accept an application identifying the mark of a city, county, or state central committee of a political
23 party unless it is accompanied by a resolution of the relevant central committee attesting that it is the entity
24 applying for the mark.
25

26 **NEW SECTION. Section 7. Assumed business names and trademarks of central committees.** Only
27 a city, county, or state central committee of a political party may register an assumed business name, trademark,
28 or service mark for the central committee as provided by [sections 5 and 6].
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30 **NEW SECTION. Section 8. Codification instruction.** (1) [Sections 4 and 7] are intended to be codified

1 as an integral part of Title 13, chapter 38, part 1, and the provisions of Title 13, chapter 38, part 1, apply to
2 [sections 4 and 7].

3 (2) [Section 5] is intended to be codified as an integral part of Title 30, chapter 13, part 2, and the
4 provisions of Title 30, chapter 13, part 2, apply to [section 5].

5 (3) [Section 6] is intended to be codified as an integral part of Title 30, chapter 13, part 3, and the
6 provisions of Title 30, chapter 13, part 3, apply to [section 6].

7
8 **NEW SECTION. Section 9. Severability.** If a part of [this act] is invalid, all valid parts that are severable
9 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
10 remains in effect in all valid applications that are severable from the invalid applications.

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12 **NEW SECTION. Section 10. Retroactive applicability.** [This act] applies retroactively, within the
13 meaning of 1-2-109, to June 15, 2018.

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