

## REVISING THE PARTISAN / NONPARTISAN NATURE OF ELECTIONS

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The links below open to the introduced bill. The other information is available by selecting the Additional Bill Links hyperlink at the top of the bill and then the link “Status of this Bill.”

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

---

### Background Materials and Research

**Topic Summary:** Elections in Montana may be conducted as partisan or nonpartisan elections. For instance, judicial elections are conducted on a nonpartisan basis. Local government offices may be elected on a partisan or nonpartisan basis, depending on the type of local government entity selected.

**Legislative Services Division Materials:** N/A

**Other Materials:** [Partisan vs. Nonpartisan Elections - National league of Cities](#)

### Introduced Legislation

**2021**

[HB 342](#) – Died in Process – AN ACT REVISING JUDICIAL ELECTION LAWS; PROVIDING FOR THE PARTISAN NOMINATION AND ELECTION OF SUPREME COURT JUSTICES AND JUDGES OF THE DISTRICT COURTS; ALLOWING POLITICAL PARTY COMMITTEES TO CONTRIBUTE TO A CANDIDATE FOR SUPREME COURT JUSTICE OR DISTRICT COURT JUDGE; AMENDING SECTIONS 3-2-101, 3-5-201, 3-6-201, 3-10-201, 13-14-111, 13-14-118, 13-14-211, 13-14-212, AND 13-35-231, MCA; AND PROVIDING AN APPLICABILITY DATE.

[HB 355](#) – Died in Process – AN ACT GENERALLY REVISING JUDICIAL ELECTION LAWS; PROVIDING FOR THE PARTISAN NOMINATION AND ELECTION OF SUPREME COURT JUSTICES, ~~DISTRICT COURT JUSTICES, AND JUSTICES OF THE PEACE~~; ALLOWING POLITICAL PARTY COMMITTEES TO CONTRIBUTE

## REVISING THE PARTISAN/NONPARTISAN NATURE OF ELECTIONS

TO A CANDIDATE FOR SUPREME COURT JUSTICE; AMENDING SECTIONS 3-2-101, 3-5-201, 3-10-201, 3-10-206, 13-14-111, 13-14-211, 13-14-212, AND ~~13-14-118~~ 13-35-231, MCA; ~~REPEALING SECTIONS 13-14-211 AND 13-35-231, MCA~~; AND PROVIDING AN APPLICABILITY DATE.

SB 271 – Died in Standing Committee – AN ACT ALLOWING A JUDICIAL CANDIDATE TO ANNOUNCE ENDORSEMENTS.

### 2019

HB 333 – Died in Process – AN ACT REQUIRING THAT A SHERIFF SUBJECT TO ELECTION BE ELECTED ONLY ON A NONPARTISAN BASIS; AMENDING SECTIONS 7-3-219, 7-3-314, 7-3-413, 7-3-433, 7-3-513, AND 7-3-705, MCA.

### 2017

HB 282 – Chapter Number Assigned – AN ACT CREATING A PROCESS FOR A COUNTY COMMISSION TO RESTORE THE TYPE OF ELECTION HELD BY A COUNTY IF AN ELECTION WAS HELD TO CHANGE THE TYPE OF ELECTION WITHOUT HAVING HELD AN ELECTION TO CHANGE THE FORM OF GOVERNMENT; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

HB 448 – Died in Standing Committee – AN ACT ALLOWING A LOCAL GOVERNMENT TO SUBMIT TO THE ELECTORATE A QUESTION OF CHANGING THE TYPE OF ELECTIONS FROM PARTISAN TO NONPARTISAN; PROVIDING FOR CONDUCT OF AN ELECTION CALLED BY AN ORDINANCE OF THE GOVERNING BODY; AMENDING SECTIONS 7-3-103, 7-3-111, AND 7-3-149, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

SB 178 – Chapter Number Assigned – AN ACT PROVIDING THAT A PRIMARY ELECTION FOR A COUNTY 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.

### 2015

HB 469 – Missed Deadline for General Bill Transmittal – AN ACT AUTHORIZING COUNTIES TO CREATE AN ELECTED OFFICE OF COUNTY ELECTION ADMINISTRATOR; SPECIFYING HOW THE OFFICE MAY BE ESTABLISHED AND THE DUTIES TO BE PERFORMED; AMENDING SECTIONS 7-4-2203, 7-4-2611, AND 13-1-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

SB 225 – Missed Deadline for Revenue Bill Transmittal – AN ACT PROHIBITING THE DISTRIBUTION OF PRINTED COMMUNICATIONS THAT ADVOCATE THE SUCCESS OR DEFEAT OF BOTH PARTISAN AND NONPARTISAN CANDIDATES ON THE SAME PRINTED COMMUNICATION OR WITHIN THE SAME MAILER; PROVIDING A CIVIL PENALTY; AND PROVIDING AN EFFECTIVE DATE.

### 2013

None

### 2011

## REVISING THE PARTISAN/NONPARTISAN NATURE OF ELECTIONS

[HB 91](#) – Chapter Number Assigned – AN ACT GENERALLY REVISING THE LAWS RELATING TO ELECTIONS; REVISING THE TIMELINE TO FILL VACANCIES IN THE STATE SENATE; REVISING PROCEDURES TO GIVE NOTICE OF SPECIAL ELECTIONS; REVISING PROCESSING AND RETENTION PROCEDURES FOR CERTAIN VOTER RECORDS; REVISING PROCEDURES FOR CANDIDATE NOMINATION AND WITHDRAWAL; REVISING REQUIREMENTS TO APPOINT ELECTION JUDGES WHO REPRESENT DIFFERENT PARTIES IN CERTAIN SITUATIONS; REVISING PROCEDURES RELATING TO VOTING BY ABSENTEE BALLOT; REVISING ELECTION RECOUNT PROCEDURES; AMENDING SECTIONS 5-2-406, 13-1-106, 13-1-108, 13-1-303, 13-1-304, 13-2-108, 13-2-110, 13-2-112, 13-2-115, 13-2-122, 13-2-220, 13-2-222, 13-2-304, 13-2-511, 13-2-512, 13-3-105, 13-4-102, 13-4-207, 13-10-201, 13-10-203, 13-10-209, 13-10-211, 13-10-325, 13-10-404, 13-10-405, 13-12-202, 13-12-203, 13-12-207, 13-13-111, 13-13-112, 13-13-113, 13-13-114, 13-13-116, 13-13-118, 13-13-119, 13-13-201, 13-13-211, 13-13-212, 13-13-214, 13-13-222, 13-13-225, 13-13-241, 13-13-301, 13-13-602, 13-14-115, 13-14-117, 13-14-118, 13-14-212, 13-15-101, 13-15-107, 13-15-108, 13-15-112, 13-15-205, 13-15-206, 13-15-402, 13-15-404, 13-15-506, 13-16-201, 13-16-412, 13-16-419, 13-17-203, 13-17-503, 13-19-102, 13-19-106, 13-19-206, 13-19-301, 13-19-306, 13-19-307, 13-19-308, 13-19-309, 13-19-310, 13-19-311, 13-19-313, 13-25-101, AND 13-38-201, MCA; REPEALING SECTIONS 13-2-123, 13-13-231, AND 13-21-211, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

[HB 521](#) – Died in Process – AN ACT PROVIDING FOR PARTISAN ELECTION OF SUPREME COURT JUSTICES AND JUDGES OF THE DISTRICT COURTS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AMENDING SECTIONS 3-2-101, 3-5-201, 3-10-201, 13-14-111, 13-14-118, 13-14-211, 13-14-212, AND 13-35-231, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[SB 257](#) – Died in Standing Committee – AN ACT ALLOWING A CANDIDATE TO BE NOMINATED BY MORE THAN ONE PARTY; PROVIDING THAT IN THE GENERAL PARTISAN ELECTION, THE NAME OF THE CANDIDATE NOMINATED BY MORE THAN ONE PARTY MUST APPEAR ON THE BALLOT ONCE FOR EACH PARTY REPRESENTED BY THE CANDIDATE; PROVIDING THAT ALL VOTES FOR A MULTIPARTY CANDIDATE IN A GENERAL ELECTION BE TOTALED TO DETERMINE THE WINNER; SUBMITTING THE PROPOSED ACT TO THE QUALIFIED ELECTORS OF MONTANA; AMENDING SECTIONS 13-10-201 AND 13-12-203, MCA; REPEALING SECTION 13-10-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

**2009**

None

**Prepared By:**

Rebecca C. Power, Legislative Research Analyst  
Montana Legislative Services Division