



AN ACT REVISING NONPARTISAN PRIMARY ELECTION LAWS FOR POLITICAL SUBDIVISIONS; REQUIRING AN ELECTION ADMINISTRATOR TO CONDUCT LOCAL NONPARTISAN PRIMARY ELECTIONS ONLY WHEN THE NUMBER OF CANDIDATES SEEKING THE OFFICE IS SUFFICIENT; AND AMENDING SECTION 13-14-115, 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 office on the ballot.

(b) If the election administrator determines that a municipal primary election held pursuant to 13-1-107(2) must be held pursuant to subsection (2)(a) for a local nonpartisan office, the election administrator shall conduct the election only for the local nonpartisan offices that have candidates filed in excess of two times the number to be elected to that office.

~~(b)~~(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."

- END -

I hereby certify that the within bill,  
SB 0122, originated in the Senate.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013.

SENATE BILL NO. 122  
INTRODUCED BY T. FACEY

AN ACT REVISING NONPARTISAN PRIMARY ELECTION LAWS FOR POLITICAL SUBDIVISIONS;  
REQUIRING AN ELECTION ADMINISTRATOR TO CONDUCT LOCAL NONPARTISAN PRIMARY ELECTIONS  
ONLY WHEN THE NUMBER OF CANDIDATES SEEKING THE OFFICE IS SUFFICIENT; AND AMENDING  
SECTION 13-14-115, MCA.