HOUSE BILL NO. 439

INTRODUCED BY H. ROBBINS, OBERG, REICHERT, GILLIGAN

IN THE HOUSE

January 27, 1979	Introduced and referred to Committee on Local Government.
February 15, 1979	Committee recommend bill do pass. Report adopted.
February 16, 1979	Second reading, do pass.
February 19, 1979	Considered correctly engrossed.
	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 20, 1979	Introduced and referred to Committee on Local Government.
March 14, 1979	Committee recommend bill be concurred in. Report adopted.
March 15, 1979	Second reading, concurred in.
March 17, 1979	Third reading, concurred in.

IN THE HOUSE

March 19, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

1
2   INTRODUCED BY

3
4   A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE GOVERNING

5   BODY OF A POLITICAL SUBDIVISION WITH A POPULATION OF 10,000

6   OR LESS TO DISPENSE WITH A NONPARTISAN PRIMARY ELECTION IN

7   CERTAIN CIRCUMSTANCES; AMENDING SECTION 7-5-302, MCA."

8
9   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10   Section 1. Section 7-5-302, MCA, is amended to read:

11   "7-5-302. Nonpartisan primary ballot and election. (1)

12 Except as otherwise provided in this section, a nonpartisan

13 primary election shall be conducted and canvassed and its

14 results returned in the same manner as a partisan primary

15 election.

16   (2) Ballots in a nonpartisan primary election shall

17 contain only the name of the candidate and the office to

18 which the candidate seeks election.

19   (3) Electors voting at a nonpartisan primary election

20 may vote for the number of candidates to be elected to each

21 office.

22   (4) (a) If the number of candidates to be entered on

23 the nonpartisan primary ballot for each office does not

24 exceed twice the number of candidates to be elected for the

25 respective offices, a nonpartisan primary election shall not

1   be held in that year and all candidates entered on the

2   nonpartisan primary ballot shall be considered nominated for

3   their respective offices and shall have their names placed

4   on the nonpartisan general election ballot.

5   (b) If the number of candidates to be entered on the

6   nonpartisan primary ballot for any particular office does

7   exceed twice the number of persons to be elected to that

8   office, a primary election shall be held for all offices to

9   be voted on at the general election.

10   (5) Candidates for nomination, equal to twice the

11 number to be elected at the nonpartisan general election for

12 that office, who receive the highest number of votes cast at

13 the nonpartisan primary or nominees determined under

14 subsection (4) are nominees for office and shall have their

15 names entered on the nonpartisan general election ballot.

16   (6)--In--municipalities--with--a--population--of--3,500-or

17 less,-a-primary-election--is--not--required--and--candidates

18 shall--have--their--names--entered--on--the--general-election

19 ballot-by-filing-a-declaration-of-nomination-not-later--than

20 5--p.m.,--40--days--before--the--date--of--the-election. In a

21 political subdivision with a population of 10,000 'or less,

22 the governing body may determine that a primary need not be

23 held if:

24   (a) the number of candidates for an office exceeds

25 twice the number to be elected to that office in no more

INTRODUCED BILL

1   than one-half of the offices on the ballot;

2   (b) the number of candidates in excess of twice the

3   number to be elected is not more than one for any office on

4   the ballot; and

5   (c) the governing body passes a resolution not more

6   than 7 days after the close of filing by candidates for

7   election stating that a primary election need not be held."

-End-

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2   INTRODUCED BY *H. Robbins Chap Reichet*

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19   (3) Electors voting at a nonpartisan primary election

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21 office.

22   (4) (a) If the number of candidates to be entered on

23 the nonpartisan primary ballot for each office does not

24 exceed twice the number of candidates to be elected for the

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1   be held in that year and all candidates entered on the

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5   (b) If the number of candidates to be entered on the

6   nonpartisan primary ballot for any particular office does

7   exceed twice the number of persons to be elected to that

8   office, a primary election shall be held for all offices to

9   be voted on at the general election.

10   (5) Candidates for nomination, equal to twice the

11 number to be elected at the nonpartisan general election for

12 that office, who receive the highest number of votes cast at

13 the nonpartisan primary or nominees determined under

14 subsection (4) are nominees for office and shall have their

15 names entered on the nonpartisan general election ballot.

16   ~~(6) In municipalities with a population of 3,500 or~~

17 ~~less, a primary election is not required and candidates~~

18 ~~shall have their names entered on the general election~~

19 ~~ballot by filing a declaration of nomination not later than~~

20 ~~5 p.m. 40 days before the date of the election.~~ In a

21 political subdivision with a population of 10,000 or less,

22 the governing body may determine that a primary need not be

23 held if:

24   (a) the number of candidates for an office exceeds

25 twice the number to be elected to that office in no more

1   than one-half of the offices on the ballot;

2   (b) the number of candidates in excess of twice the

3   number to be elected is not more than one for any office on

4   the ballot; and

5   (c) the governing body passes a resolution not more

6   than 7 days after the close of filing by candidates for

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18   which the candidate seeks election.

19   (3) Electors voting at a nonpartisan primary election

20   may vote for the number of candidates to be elected to each

21   office.

22   (4) (a) If the number of candidates to be entered on

23   the nonpartisan primary ballot for each office does not

24   exceed twice the number of candidates to be elected for the

25   respective offices, a nonpartisan primary election shall not

1   be held in that year and all candidates entered on the

2   nonpartisan primary ballot shall be considered nominated for

3   their respective offices and shall have their names placed

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5   (b) If the number of candidates to be entered on the

6   nonpartisan primary ballot for any particular office does

7   exceed twice the number of persons to be elected to that

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14   subsection (4) are nominees for office and shall have their

15   names entered on the nonpartisan general election ballot.

16   {6}--in--municipalities--with--a--population-of-3,500-or

17   less,-a-primary-election--is--not--required--and--candidates

18   shall--have--their--names--entered--on--the-general-election

19   ballot-by-filing-a-declaration-of-nomination-not-later--than

20   5--p.m.--40--days--before--the--date--of--the-election. In-a

21   political-subdivision-with-a-population-of-10,000--or--less,

22   the--governing-body-may-determine-that-a-primary-need-not-be

23   held-if:

24   (a)--the-number-of-candidates--for--an--office--exceeds

25   twice--the--number--to--be-elected-to-that-office-in-no-more

1   than one-half of the offices on the ballot;

2   (b) the number of candidates in excess of twice the

3   number to be elected is not more than one for any office on

4   the ballot; and

5   (c) the governing body passes a resolution not more

6   than 7 days after the close of filing by candidates for

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