

House BILL NO. 284

INTRODUCED BY

Dugala

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE PRIMARY ELECTION FOR NONPARTISAN MUNICIPAL OFFICES PROVIDED FOR UNDER THE MUNICIPAL COMMISSION-MANAGER FORM OF GOVERNMENT; 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 a primary.** (1) The election administrators shall arrange, prepare, and distribute primary ballots for nonpartisan offices, designated "nonpartisan primary ballots". ~~They shall~~ The ballots must be arranged as other primary ballots and be without political designation.

(2) The number of nonpartisan primary ballots and sample ballots furnished ~~shall~~ must be the same as other primary ballots.

(3) (a) The election administrator of a political subdivision may determine that a primary need not be held if:

(i) the number of candidates for an office exceeds twice 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 twice the number to be elected is not more than one for any office on the ballot.

(b) If the election administrator determines that a primary election need not be held pursuant to subsection (3)(a), ~~he must~~ the administrator shall give notice to the governing body that no primary election will be held.

(4) ~~The~~ Except as provided in subsection (5), the governing body may require that a primary election be held if it passes a resolution not more than 10 days after the close of filing by candidates for election, stating that a primary election ~~shall~~ must be held.

(5) A primary election may not be held for any office of a municipality organized under Title 7, chapter 3, part 43."



STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0284, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act eliminating the primary election for nonpartisan municipal offices provided for under the municipal commission-manager form of government.

FISCAL IMPACT:

This bill has no fiscal impact on state government.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

This bill appears to have little effect on county or local government revenues or expenditures. However, smaller jurisdictions may experience some reduction in the costs of administering elections.

Dave Lewis 1-24-95  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

Joe Tropila 1/25/95  
JOE TROPILA, PRIMARY SPONSOR      DATE

Fiscal Note for HB0284, as introduced

**HB 284**

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6 ~~GOVERNMENT~~ RAISING THE NUMBER OF CANDIDATES NECESSARY BEFORE AN ELECTION  
7 ADMINISTRATOR IS REQUIRED TO CONDUCT A PRIMARY ELECTION; AND AMENDING SECTIONS  
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16 as other primary ballots and be without political designation.

17 (2) The number of nonpartisan primary ballots and sample ballots furnished ~~shall~~ must be the same  
18 as other primary ballots.

19 (3) (a) The election administrator of a political subdivision may determine that a primary need not  
20 be held if:

21 (i) the number of candidates for an office exceeds ~~twice~~ THREE TIMES the number to be elected  
22 to that office in no more than one-half of the offices on the ballot; and

23 (ii) the number of candidates in excess of ~~twice~~ THREE TIMES the number to be elected is not more  
24 than one for any office on the ballot.

25 (b) If the election administrator determines that a primary election need not be held pursuant  
26 to subsection (3)(a), ~~he must~~ the administrator shall give notice to the governing body that no primary  
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28 (4) ~~The~~ Except as provided in subsection (6), the THE governing body may require that a primary  
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1 ~~(5) A primary election may not be held for any office of a municipality organized under Title 7,~~  
2 ~~chapter 3, part 43."~~

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4 **Section 2.** Section 13-14-117, MCA, is amended to read:

5 "13-14-117. **Placing names on ballots for general election.** (1) Candidates Except as provided in  
6 subsection (2), candidates for nomination equal to twice the number to be elected at the general election  
7 who receive the highest number of votes cast at the primary are the nominees for the office. If the number  
8 of candidates is not more than twice the number to be elected, then all candidates are nominees for the  
9 office.

10 ~~(2) All candidates who file for an office in a municipality organized under Title 7, chapter 3, part~~  
11 ~~43, IF, PURSUANT TO 13-14-115(3), A PRIMARY ELECTION IS NOT HELD, THEN ALL CANDIDATES WHO~~  
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