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House BILL NO. 455

INTRODUCED BY

Bergman
Denny

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IF A CANDIDATE FOR SUPERVISOR OF A CONSERVATION DISTRICT IS UNOPPOSED, THE DISTRICT'S GOVERNING BODY MAY, WITHOUT AN ELECTION, DECLARE THE CANDIDATE ELECTED BY ACCLAMATION; PROVIDING THAT IF THERE IS NO CANDIDATE FOR SUPERVISOR OF A CONSERVATION DISTRICT, THE DISTRICT'S GOVERNING BODY SHALL APPOINT A SUPERVISOR WITHOUT AN ELECTION; AND AMENDING SECTION 76-15-303, MCA."

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

Section 1. Section 76-15-303, MCA, is amended to read:

"76-15-303. General election -- election by acclamation -- appointment. (1) All qualified electors within the district are eligible to vote in the election.

(2) ~~The~~ Except as provided in subsection (5), the candidate or, if more than one supervisor position is to be filled by the general election, the candidates who receive the largest number, respectively, of the votes cast in the election are the elected supervisors for the district.

(3) In the general election, the names of the individuals nominated ~~shall~~ must be printed, as provided under 13-12-205, upon ballots, with a square before each name and a direction to insert an "X" mark in the square before any three names to indicate the elector's preference.

(4) The election administrator in each county shall prepare suitable nonpartisan ballots or place the names of candidates on the regular general election ballot in the same manner as other nonpartisan candidates for the election of supervisors, ~~which~~. The ballots ~~shall~~ must be delivered to the election judges in those precincts ~~which~~ that contain registered electors prior to each general election and each primary election, if necessary. The election judges and other election officials in ~~such~~ the precincts shall submit ~~such~~ the ballots to qualified electors, conduct the election, and tabulate the results of ~~such~~ the election in the manner provided in Title 13.

(5) (a) If only one candidate has been nominated for a district supervisor position, the district's governing body may, by resolution, determine that an election for the position need not be held and may declare the candidate elected by acclamation. If a candidate has been declared elected by acclamation, the

1 election administrator shall cancel the election for that position.

2 (b) If a candidate has not been nominated for a district supervisor position, the election
3 administrator shall cancel the election for that position and the district's governing body shall appoint a
4 supervisor."

5 -END-

HOUSE BILL NO. 455

INTRODUCED BY BERGMAN, DENNY

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4 ~~supervisor. EXCEPT AS PROVIDED IN SUBSECTION (5)(B), IF THE NUMBER OF CANDIDATES NOMINATED~~
5 ~~IS EQUAL TO OR LESS THAN THE NUMBER OF POSITIONS TO BE ELECTED, THE ELECTION~~
6 ~~ADMINISTRATOR SHALL GIVE NOTICE THAT AN ELECTION WILL NOT BE HELD.~~

7 ~~(B) THE GOVERNING BODY MAY REQUIRE THAT AN ELECTION BE HELD IF, NOT MORE THAN~~
8 ~~10 DAYS AFTER THE CLOSE OF FILING BY CANDIDATES, THE GOVERNING BODY PASSES A~~
9 ~~RESOLUTION TO HOLD AN ELECTION AND NOTIFIES THE ELECTION ADMINISTRATOR.~~

10 ~~(C) IF AN ELECTION IS NOT HELD, THE GOVERNING BODY SHALL DECLARE ELECTED BY~~
11 ~~ACCLAMATION THE CANDIDATE WHO FILED A NOMINATING PETITION FOR THE POSITION. IF A~~
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-END-

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2 INTRODUCED BY BERGMAN, DENNY

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7 (B) THE GOVERNING BODY MAY REQUIRE THAT AN ELECTION BE HELD IF, NOT MORE THAN
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9 RESOLUTION TO HOLD AN ELECTION AND NOTIFIES THE ELECTION ADMINISTRATOR.

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