



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.

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~~ Except as provided in subsection (2)(b), 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 (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) The election administrator may determine that a primary election for a nonpartisan county office need not be held if fewer than three candidates have filed for that office.~~

~~(b)(c) If the election administrator determines that a municipal primary election must be held pursuant to subsection (2)(a) or (2)(b) of this section for a local nonpartisan office, the election administrator shall conduct the primary election only for the local nonpartisan offices that have candidates filed that have a sufficient number of candidates that have filed to be elected to that office in excess of two times the number to be elected to that~~

office.

~~(c)~~(d) If the election administrator determines that a primary election need not be held pursuant to subsection (2)(a) ~~or~~, (2)(b), or (2)(c) 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."

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

**"13-14-117. Placing names on ballots for general election.** (1) Except as provided in subsection (2), ~~the two~~ candidates for nomination ~~equal to twice the number to be elected at the general election to an office~~ who receive the highest number of votes cast at the primary are the nominees for the office and qualify to have their names placed on the general election ballot. ~~If the number of candidates is not more than twice the number to be elected, then all candidates are nominees for the office.~~

(2) If, pursuant to 13-14-115(2), a local or county nonpartisan ~~portion of a primary election for an office~~ is not held, then all candidates who filed for ~~an~~ the office are nominees for the office and qualify to have their names placed on the general election ballot."

- END -

I hereby certify that the within bill,  
SB 0178, originated in the Senate.

---

President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

---

Secretary of the Senate

---

Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

SENATE BILL NO. 178  
INTRODUCED BY N. SWANDAL

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.