



AN ACT REQUIRING AN ELECTION UNDER CERTAIN CIRCUMSTANCES IN THE EVENT OF A VACANCY IN THE UNITED STATES SENATE; MODIFYING CERTAIN TIMELINES AND DEADLINES CONCERNING THE ELECTION; ALLOWING THE GOVERNOR TO MAKE CERTAIN TEMPORARY APPOINTMENTS TO FILL VACANCIES AND PROVIDING REQUIREMENTS FOR THE APPOINTMENTS; REQUIRING THE GOVERNOR TO MAKE AN APPOINTMENT TO FILL CERTAIN VACANCIES IN THE LAST YEAR OF AN OFFICE'S TERM; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AMENDING SECTIONS 13-25-203 AND 13-25-205, MCA; REPEALING SECTION 13-25-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 13-25-203, MCA, is amended to read:

"13-25-203. Vacancy in office of United States senator or representative. (1) If a vacancy occurs in the office of United States senator or United States representative, the governor shall immediately order an election to be held to fill the vacancy, except as provided in subsection (3).

(2) The election to fill the unexpired term must be held no less than 85 ~~or~~ and no more than 100 days from the date on which the vacancy occurs, except that if the vacancy occurs:

(a) between 85 days and 150 days or less before a primary election or between the primary and general elections in odd-numbered years before a municipal general election, the election must be held with the ~~primary~~ or municipal general election;

(b) between January 1 in an even-numbered year and 85 days before a federal primary election, the election must be held with the federal primary election;

(c) less than 85 days before a federal primary election, the election must be held with the federal general election;

(d) between the federal primary election and 85 days before a federal general election, the election must be held with the federal general election;

(e) less than 85 days before a municipal general election or federal general election, the election must be held no less than 85 days and no more than 100 days after the date of the general election.

(3) (a) If the a vacancy in the office of United States representative occurs between the federal primary and the federal general election in even-numbered years, the candidate elected to the office for the succeeding full term shall immediately take office to fill the unexpired term.

(b) If a vacancy in the office of United States senator occurs in the last year of the office's term, an election for the remainder of the term may not be held if the vacancy occurs between 85 days before the federal primary election and the end of the term. The term of office for a candidate elected to the senate seat at the regularly scheduled general election must commence with the new term.

(4) (a) (i) The governor may make a temporary appointment to fill a vacancy until the election to fill the vacancy is held.

(ii) (A) If the vacancy is subject to the provisions of subsection (3)(b), the governor may make a temporary appointment until the results of the regularly scheduled general election are certified.

(B) When the results are certified, the governor shall appoint the candidate who won the election for the senate seat to fill the remainder of the vacancy.

(b) Unless the appointment is made pursuant to subsection (4)(a)(ii)(B), when a vacancy occurs, if the vacating officeholder represented a political party eligible for primary election under 13-10-601, the person appointed by the governor pursuant to subsection (4)(a)(i) or (4)(a)(ii) must be of the same political party and must be selected by the governor as provided in subsections (5) and (6). However, if the individual vacating the office changed political party affiliations after taking office, the individual who is appointed to fill the vacancy must be of the same political party that the vacating officeholder was when the vacating officeholder was elected or appointed to that office.

(5) Within 3 days after being notified of a vacancy, the governor shall notify the political party that was represented by the vacating officeholder.

(6) (a) Within 15 days after being notified of a vacancy, the state party central committee shall forward to the governor a list of three prospective appointees.

(b) The governor shall select an appointee from the list within 15 days after receiving it."

Section 2. Section 13-25-205, MCA, is amended to read:

"13-25-205. Nominations for special election. (1) When a special election is ordered to fill a vacancy in the office of United States senator or United States representative, each political party shall choose a candidate according to the rules of the party. Nominations by parties must be made no later than ~~85~~ 75 days before the date set for the election.

(2) Nominating petitions may be filed by independent candidates for the office up to 5 p.m. of the ~~85th~~ 75th day before the election."

Section 3. Repealer. The following section of the Montana Code Annotated is repealed:
13-25-202. Vacancy in office of United States senator.

Section 4. Effective date. [This act] is effective upon approval by the electorate.

Section 5. Submission to electorate. [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2016 by printing on the ballot the full title of [this act] and the following:

- YES on Legislative Referendum _____.
- NO on Legislative Referendum _____.

- END -

I hereby certify that the within bill,
SB 0279, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2015.

Speaker of the House

Signed this _____ day
of _____, 2015.

SENATE BILL NO. 279

INTRODUCED BY B. HAMLETT, D. BROWN

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