

1 _____ BILL NO. _____

2 INTRODUCED BY _____

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING APPOINTED PRECINCT COMMITTEE
5 REPRESENTATIVES TO LIVE OUTSIDE THE PRECINCT IN WHICH THEY SERVE; AND AMENDING
6 SECTIONS 13-38-201 AND 13-38-202, MCA."

7

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

9

10 **Section 1.** Section 13-38-201, MCA, is amended to read:

11 **"13-38-201. Election or appointment of committee representatives at primary -- vacancies -- tie**
12 **votes.** (1) Each political party shall appoint or elect at each primary election one person of each sex, as defined
13 in 1-1-201, to serve as committee representatives for each election precinct. The Except as provided in
14 subsection (2), the committee representatives must be residents and registered voters of the precinct.

15 (2) (a) If a political party chooses to appoint precinct committee representatives, the political party
16 shall make the appointments as provided in the party's rules.

17 (b) If a political party has difficulty filling precinct committee positions with residents from that
18 precinct, the party may adopt rules that allow the county central committee to appoint a person who is a
19 resident of the county to serve as a precinct committee representative for the precinct even if the person is not
20 a resident of the affected precinct.

21 (c) A person appointed as provided in subsection (2)(b):

22 (i) may not be a serving precinct committee representative at the time of appointment;

23 (ii) serves until the next regular election and is ineligible to run in an election for that precinct
24 position; and

25 (iii) may be reappointed if another person is not elected to the position at the next election.

26 (3) If a political party chooses to elect precinct committee representatives, the party may:

27 (a) administer the election itself as provided in the party's rules; or

28 (b) elect precinct committee representatives in a primary election, subject to 13-10-209 and

1 subsection (4) of this section.

2 (4) In a primary election for a precinct committee representative:

3 (a) if the number of candidates nominated for a party's precinct committee representatives is less
4 than or equal to the number of positions to be elected, the election administrator may give notice that a party's
5 precinct committee election will not be held in that precinct;

6 (b) if a party precinct committee election is not held pursuant to subsection (4)(a), the election
7 administrator shall declare elected by acclamation the candidate who filed for the position or who filed a
8 declaration of intent to be a write-in candidate. The election administrator shall issue a certificate of election to
9 the designated party.

10 (c) write-in votes for a precinct committee representative may be counted as specified in 13-15-
11 206(5) only if the individual whose name is written in has filed a declaration of intent as a write-in candidate by
12 the deadline prescribed in 13-10-211(1);

13 (d) in the case of a tie vote for a precinct committee representative position, the county central
14 committee shall determine a winner.

15 (5) Pursuant to 13-38-101, a vacancy in a precinct committee representative position must be filled
16 by the party governing body as provided in its rules."

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18 **Section 2.** Section 13-38-202, MCA, is amended to read:

19 **"13-38-202. Committee representatives as party representatives -- county and city central**

20 **committees.** (1) Each committee representative shall represent the representative's political party for the
21 precinct in all ward or subdivision committees formed.

22 (2) The committee representatives in each precinct constitute the county central committee of the
23 respective political parties.

24 (3) Committee representatives who reside within the limits of a city are ex officio the city central
25 committee of their respective political parties and have the power to make their own rules not inconsistent with
26 those of the county central committee. However, the county central committee has the power to fill vacancies in
27 the city central committee.

28 (4) Each precinct committee representative serves a term of 2 years from the date of election or

1 appointment pursuant to 13-38-201. Once the term has expired, the position becomes vacant.

2 (5) ~~Vacancies~~ Unless the precinct committee representative was appointed as provided in 13-38-

3 201(2)(b) and is allowed to live outside the precinct in which the person serves, vacancies in the office of

4 precinct committee representative occur only on the death or written resignation of the incumbent or when the

5 incumbent is no longer a resident or registered voter of the precinct. A precinct committee representative may

6 not otherwise be removed from office. If a vacancy occurs, the remaining members of the county central

7 committee may select a precinct resident to fill the vacancy."

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