

1 SENATE BILL NO. 314

2 INTRODUCED BY S. MORIGEAU

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A POLITICAL PARTY FROM NOMINATING A
5 REPLACEMENT CANDIDATE WHEN THE ORIGINAL CANDIDATE IS FOUND TO BE INELIGIBLE;
6 AMENDING SECTION 13-10-326, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 **Section 1.** Section 13-10-326, MCA, is amended to read:

11 **"13-10-326. Vacancy prior to primary election.** (1) If a candidate for nomination for a partisan office
12 dies or withdraws before the candidate filing deadline established in 13-10-201(7), the affected political party
13 may appoint someone to replace the candidate by the procedure provided in 13-10-327.

14 (2) Except as provided in subsection (3), if a candidate for nomination for a partisan office dies
15 after the candidate filing deadline established in 13-10-201(7), or is disqualified pursuant to 13-37-126 from
16 having the candidate's name appear on the primary election ballot, the affected political party shall appoint a
17 candidate after the primary election as provided in 13-10-327 if a candidate for that office for that party was not
18 nominated at the primary election.

19 (3) A political party may not appoint a candidate for an office if a candidate is disqualified pursuant
20 to Article IV, section 8, of the Montana constitution, if no candidate for nomination by that party filed for the
21 office before the primary election, or if the deadline for certifying candidate names for the ballot pursuant to 13-
22 10-208 has passed."

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24 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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