

## 1 HOUSE BILL NO. 725

2 INTRODUCED BY L. SCHUBERT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE APPOINTMENT OR ELECTION OF  
5 COMMITTEE REPRESENTATIVES; PROVIDING THAT AN INDIVIDUAL MAY NOT BE APPOINTED OR  
6 ELECTED TO SERVE AS A COMMITTEE REPRESENTATIVE FOR MORE THAN ONE POLITICAL PARTY  
7 IN THE SAME TERM; AND AMENDING SECTION 13-38-201, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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11 **Section 1.** Section 13-38-201, MCA, is amended to read:

12 **"13-38-201. Election or appointment of committee representatives at primary -- vacancies -- tie**  
13 **votes.** (1) Each political party shall appoint or elect at each primary election one person of each sex, as defined  
14 in 1-1-201, to serve as committee representatives for each election precinct. The committee representatives  
15 must be residents and registered voters of the precinct. An individual may not be appointed or elected to serve  
16 as a committee representative for more than one political party during the same 2-year term.

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

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

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

21 (b) elect precinct committee representatives in a primary election, subject to 13-10-209 and  
22 subsection (4) of this section.

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

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

27 (b) if a party precinct committee election is not held pursuant to subsection (4)(a), the election  
28 administrator shall declare elected by acclamation the candidate who filed for the position or who filed a

1 declaration of intent to be a write-in candidate. The election administrator shall issue a certificate of election to  
2 the designated party.

3 (c) write-in votes for a precinct committee representative may be counted as specified in 13-15-  
4 206(5) only if the individual whose name is written in has filed a declaration of intent as a write-in candidate by  
5 the deadline prescribed in 13-10-211(1);

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

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

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11 NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that matured,  
12 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

13 - END -