

1 HOUSE BILL NO. 540

2 INTRODUCED BY M. HOPKINS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING REQUIREMENTS FOR POLITICAL PARTY  
5 COMMITTEE REPRESENTATIVES TO BE OF DIFFERENT SEXES AND GENDERS; AND AMENDING  
6 SECTIONS 13-38-201, 13-38-203, AND 13-38-205, 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~~ two  
13 individuals to serve as committee representatives for each election precinct. The committee representatives  
14 must be residents and registered voters of the precinct.

15 (2) 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 (3) If a political party chooses to elect precinct committee representatives, the party may:

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

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

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

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

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

1 (c) write-in votes for a precinct committee representative may be counted as specified in 13-15-  
2 206(5) only if the individual whose name is written in has filed a declaration of intent as a write-in candidate by  
3 the deadline prescribed in 13-10-211(1);

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

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

8

9 **Section 2.** Section 13-38-203, MCA, is amended to read:

10 **"13-38-203. Powers of county and city central committees -- role of state central committee**

11 **where no county central committee exists.** (1) The county and city central committee may:

12 (a) make rules for the government of its political party in each county not inconsistent with any of  
13 the provisions of the election laws of this state or the rules of its state political party;

14 (b) elect two county members of the state central committee, ~~one of each gender~~, elect the  
15 members of the congressional committee, and fill all vacancies and make rules in their jurisdiction.

16 (2) If there is no county central committee, the state central committee shall appoint a county  
17 central committee."

18

19 **Section 3.** Section 13-38-205, MCA, is amended to read:

20 **"13-38-205. Organization and operation of committee.** (1) The committee shall meet prior to the  
21 state convention of its political party and organize by electing a presiding officer and one or more vice presiding  
22 officers. ~~The gender of the presiding officer and the vice presiding officer may not be the same.~~ The committee  
23 shall elect a secretary and other officers as necessary. It is not necessary for the officers to be precinct  
24 committee representatives.

25 (2) The committee may select managing or executive committees and authorize subcommittees to  
26 exercise all powers conferred upon the county, city, state, and congressional central committees by the election  
27 laws of this state.

28 (3) The presiding officer of the county central committee shall call the central committee meeting

**Amendment - 1st Reading-white - (S) State Administration**

- 2023

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

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1 and not less than 4 days before the date of the central committee meeting shall publish the call in a newspaper  
2 published at the county seat and mail a copy of the call to each precinct committee representative. If party rules  
3 permit the use of a proxy, a proxy may not be recognized unless it is held by an elector of the precinct of the  
4 committee representative executing it.

5 (4) The county presiding officer of the party shall preside at the county convention. No person  
6 other than a duly elected or appointed committee representative or officer of the committee is entitled to  
7 participate in the proceedings of the committee.

8 (5) If a committee representative is absent, the convention may fill the vacancy by appointing some  
9 qualified elector of the party, resident in the precinct, to represent the precinct in the convention.

10 (6) The county convention shall elect delegates and alternate delegates to the state convention  
11 under rules of the state party. The presiding officer and secretary of the county convention shall issue and sign  
12 certificates of election of the delegates."

13  
14 **COORDINATION SECTION. Section 4. Coordination instruction.** If both Senate Bill No. 458 and  
15 [this act] are passed and approved and if both contain a section that amends 13-38-201, then the section in  
16 Senate Bill No. 458 amending 13-38-201 is void.

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18 - END -