

1 HOUSE BILL NO. 540

2 INTRODUCED BY M. HOPKINS

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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."

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

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10 **Section 1.** Section 13-38-201, 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.

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

- 2023

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

HB0540.001.001

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."

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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 -