

BALLOT LANGUAGE FOR INITIATIVE NO. 173 (I-173)

INITIATIVE NO. 173

A LAW PROPOSED BY INITIATIVE PETITION

I-173 requires that a vacancy occurring in the office of United States Senator be filled by a special primary election held within 120 days of the date the Governor receives notice of the vacancy and that a subsequent special election be held between 85 and 110 days after the primary election. This amendment replaces current law that authorizes the Governor to temporarily appoint a person to fill a Senate vacancy until the next general election. I-173 also requires that any court actions challenging the nomination of a candidate for a Senate vacancy be filed within 5 days of the candidate's filing deadline.

YES on Initiative I-173

NO on Initiative I-173

THE COMPLETE TEXT OF INITIATIVE NO. 173 (I-173)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:

Section 1. Section 13-25-202, MCA, is amended to read:

"13-25-202. Vacancy in office of United States senator. (1) If a vacancy occurs in the office of United States senator, ~~an election to fill the vacancy shall be held at the next general election. If the election is invalid or not held at that time, the election to fill the vacancy shall be held at the next succeeding general election.~~

~~(2) The governor may make a temporary appointment to fill the vacancy until the election~~ the governor shall issue a proclamation calling for a special primary election and a special election to fill the vacancy, except as provided by subsection (7).

(2) Within 72 hours of receiving official notice of the vacancy, the governor shall set the date of the special primary. The special primary election must be held within 120 calendar days after the date the governor received official notice of the vacancy.

(3) The governor shall set the date of the special election not less than 85 or more than 110 calendar days after the date of the special primary election.

(4) A person seeking election to the vacated office shall file the documents required by Title 13, chapter 10, with the secretary of state no later than 20 calendar days after the date of the governor's proclamation calling the special primary election. Provided, however, that a person seeking office as an independent candidate or minor party candidate shall file their completed petition for nomination with the county election administrator of their county of residence, along with the required filing fee and oath of candidacy prior to 5:00 p.m. of the day set for the special primary election.

(5) A court action challenging the nomination of a candidate for the vacant office must be filed in the district court of the candidate's residence no later than 5 p.m. on the fifth business day after the respective last day for filing, as specified in subsection (4).

(6) The person elected at the special election shall immediately take office and serve out the remainder of the unexpired senate term.

(7) If the vacancy occurs between the filing deadline set by the Montana Secretary of State for qualified parties and the general election in the even-numbered year in which the vacated senate seat is to be filled pursuant to a regularly scheduled statewide general election, a special primary election and a special election shall not be conducted and the statutorily scheduled primary or general election process shall apply."

Section 2. Section 13-25-205, MCA, is amended to read:

"13-25-205. Nominations for United States representative special election. (1) When a special election is ordered to fill a vacancy in the office of United States representative, each political party shall choose a candidate according to the rules of the party. Nominations by parties must be made no later than 85 days before the date set for the election.

(2) Nominating petitions may be filed by independent candidates for the office up to 5 p.m. of the 85th day before the election."

Section 3. Effective date. [This act] is effective on July 1, 2015.

Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.