

1 (3) Each vacancy for justice of the supreme court is a separate and independent office for election
2 purposes. The chief justice of the supreme court shall assign an individual number to the justices and certify
3 these numbers to the office of the secretary of state."
4

5 **Section 2.** Section 3-5-201, MCA, is amended to read:

6 **"3-5-201. ~~Election~~Nomination, election, and oath of office.** (1) The judges of the district court,
7 except judges pro tempore, must be elected by the qualified voters of the district.

8 (2) (a) Judges of the district court must be nominated and elected on a partisan ballot in the same
9 manner as provided for partisan candidates in Title 13 except that an incumbent judge who is the only
10 candidate for the office must be placed on the general ballot as provided in Article VII, section 8, of the Montana
11 constitution and [section 4].

12 (b) Each vacancy for district court office is a separate and independent office for election purposes.

13 (c) The clerk of district court in a multijudge district shall certify the department numbers assigned
14 pursuant to 3-5-403 to the office of secretary of state for election purposes.

15 (2) Except as provided in subsection (1), each judge of ~~a~~ the district court shall, as soon as the
16 judge has taken and subscribed the official oath, file the official oath in the office of the secretary of state."
17

18 **Section 3.** Section 3-10-201, MCA, is amended to read:

19 **"3-10-201. ~~Election~~Nomination and election.** (1) Except as provided in 3-10-206, each justice of the
20 peace must be elected by the qualified electors of the county at the general state election immediately
21 preceding the expiration of the term of office of the justice of the peace's predecessor.

22 (2) A justice of the peace must be nominated and elected ~~on the nonpartisan judicial ballot~~ in the
23 same manner as judges of the district court.

24 (3) Each judicial office must be a separate and independent office for election purposes, each
25 office must be numbered by the county commissioners, and each candidate for justice of the peace shall
26 specify the number of the office for which the candidate seeks to be elected. A candidate may not file for more
27 than one office.

28 ~~(4) Section 13-35-231, prohibiting political party contributions to judicial officers, applies to justices~~

1 ~~of the peace."~~

2

3 **NEW SECTION. Section 4. Form of ballot on retention for certain incumbent judicial officers.**

4 (1) If the only candidate for an office of supreme court justice, the supreme court chief justice, or a district
5 court office is the incumbent, the name of the incumbent must be placed on the official ballot for general
6 election as follows:

7 Shall (insert title of officer) (insert name of the incumbent officer) of the (insert title of the court) of the
8 state of Montana be retained in office for another term?

9 (2) Following the question, provision must be made, subject to rules adopted pursuant to 13-12-
10 202, for a voter to indicate a "yes" or a "no" vote. The form must include the incumbent's political party
11 designation and may not include a write-in space for the office.

12

13 **Section 5.** Section 3-10-206, MCA, is amended to read:

14 **"3-10-206. Vacancies.** Subject to the residency requirements provided in 3-10-204 and the election
15 requirements provided in 3-10-201(2) ~~through (4), and (3)~~, a vacancy in the office of a justice of the peace must
16 be filled pursuant to 7-4-2206 until a successor is elected and qualified."

17

18 **Section 6.** Section 13-1-103, MCA, is amended to read:

19 **"13-1-103. Determination of winner.** ~~(1) The Except as provided in subsection (2), the~~ individual
20 receiving the highest number of valid votes for any office at an election is elected or nominated to that office.

21 ~~(2) To be nominated and advance to the general election, an independent candidate for judicial~~
22 ~~office who is the only candidate in the independent primary must receive at least 5% of the total votes cast for~~
23 ~~the successful candidate with the least votes in the most recent primary held for that office."~~

24

25 **Section 7.** Section 13-10-501, MCA, is amended to read:

26 **"13-10-501. Petition for nomination by independent candidates or political parties not eligible**
27 **to participate in primary election.** (1) Except as provided in 13-10-504 ~~and 13-10-601(3)~~, nominations for
28 public office by an independent candidate or a political party that does not meet the requirements of 13-10-

1 601(1) or (2) may be made by a petition for nomination.

2 (2) The petition must contain the same information and the oath of the candidate required for a
3 declaration for nomination.

4 (3) If a petition is filed by a political party, it must contain the party name and, in five words or less,
5 the principle that the body represents.

6 (4) The form of the petition must be prescribed by the secretary of state, and the secretary of state
7 shall furnish sample copies to the election administrators and on request to any individual.

8 (5) Each sheet of a petition must contain signatures of electors residing in only one county."
9

10 **Section 8.** Section 13-10-502, MCA, is amended to read:

11 **"13-10-502. Signature requirements for petition -- exception for independent judicial**

12 **candidates.** (1) The petition for nomination must be signed by electors residing within the state and district or
13 political subdivision in which the officer or officers are to be elected. Each signature line must contain spaces
14 for the signature, post-office address, and printed last name of the signer.

15 (2) The number of signatures must be 5% or more of the total vote cast for the successful
16 candidate for the same office at the last general election.

17 (3) If the office sought is a new office or the boundaries of the district or political subdivision in
18 which the election is to be held have changed since the last election for the office, the officer with whom
19 nominations for the office sought are filed shall determine the number of signatures required for a petition of
20 nomination for that office.

21 **(4) A candidate for judicial office who files for office as an independent candidate is not subject to**
22 **the signature requirements provided by this section.**"
23

24 **Section 9.** Section 13-10-503, MCA, is amended to read:

25 **"13-10-503. Filing deadlines -- exception for independent judicial candidates.** (1) A petition for
26 nomination, the affidavits of circulation required by 13-27-302, and the required filing fee must be filed with the
27 same officer with whom other nominations for the office sought are filed. Petitions must be submitted, at least 1
28 week before the deadline for filing, to the election administrator in the county where the signer resides for

1 verification and certification by the procedures provided in 13-27-303 through 13-27-306. If sufficient signatures
2 are verified and certified pursuant to 13-10-502, the county election administrator shall file the petition for
3 nomination with the same officer with whom other nominations for the office sought are filed.

4 (2) Except as provided in 13-10-504, each petition for nomination and the required filing fee must
5 be filed before the scheduled primary election or the filing deadline for the special or general election if a
6 primary election is not scheduled.

7 (3) A candidate for judicial office who files for office as an independent candidate is not subject to
8 the filing deadlines provided by this section."

9

10 **Section 10.** Section 13-10-601, MCA, is amended to read:

11 **"13-10-601. Parties eligible for primary election -- independent**
12 **candidate for judicial office.** (1) Each political party that had a candidate for a statewide office in either of the
13 last two general elections who received a total vote that was 5% or more of the total votes cast for the most
14 recent successful candidate for governor shall nominate its candidates for public office, except for presidential
15 electors, by a primary election as provided in this chapter.

16 (2) After certification of a petition by the secretary of state under 13-10-610(1), a political party that
17 does not qualify to hold a primary election under subsection (1) shall nominate its candidates for public office by
18 primary election. However, this section may not be construed to prohibit an election administrator from not
19 preparing a primary election ballot pursuant to 13-10-209.

20 (3) (a) Except as provided in subsection (3)(b), in an election for judicial office, a candidate who
21 chooses to run as an independent must be nominated by a primary election conducted in the same manner as
22 provided for candidates who belong to political parties covered in subsection (1).

23 (b) If an independent candidate for judicial office is the only candidate in the independent primary,
24 the candidate must receive at least 5% of the total votes cast for the successful candidate with the least votes
25 in the most recent primary held for that office."

26

27 **Section 11.** Section 13-14-111, MCA, is amended to read:

28 **"13-14-111. Application of general laws.** Except as otherwise provided in this chapter, candidates

1 for nonpartisan offices, ~~including judicial offices,~~ must be nominated and elected according to the provisions of
2 this title."

3

4 **Section 12.** Section 13-14-118, MCA, is amended to read:

5 **"13-14-118. Vacancies among nominees after nomination and before general election.** (1) If
6 after the primary election and before the 85th day before the general election a candidate is not able to run for
7 the office for any reason, the vacancy must be filled by the candidate next in rank in number of votes received
8 in the primary election.

9 (2) If a vacancy for a nonpartisan nomination cannot be filled as provided in subsection (1) and the
10 vacancy occurs no later than 85 days before the general election, a 10-day period for accepting declarations for
11 nomination or statements of candidacy and nominating petitions for the office must be declared by:

12 (a) the governor for national, state, ~~judicial district,~~ legislative, or any multicounty district office;

13 (b) the governing body of the appropriate political subdivision for all other offices.

14 (3) The names of the candidates who filed as provided in subsection (2) must be certified and must
15 appear on the general election ballot in the same manner as candidates nominated in the primary.

16 (4) If the vacancy occurs later than 85 days before the general election and a qualified individual is
17 not elected to the office at the general election, the office is vacant and must be filled as provided by law."

18

19 **NEW SECTION. Section 13. {standard} Repealer.** The following sections of the Montana Code
20 Annotated are repealed:

21 13-14-211. Judicial offices separate and independent offices for election purposes.

22 13-35-231. Unlawful for political party to contribute to judicial candidate.

23

24 **NEW SECTION. Section 14. Codification instruction.** [Section 4] is intended to be codified as an
25 integral part of Title 13, chapter 12, part 2, and the provisions of Title 13, chapter 12, part 2, apply to [section 4].

26

27 **NEW SECTION. Section 15. {standard} Saving clause.** [This act] does not affect rights and duties
28 that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this

1 act].

2

3 NEW SECTION. Section 16. Applicability. [This act] applies to elections for an office of the supreme
4 court, district court, justice of the peace, and municipal court occurring on or after [the effective date of this act].

5

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