

Draft dated  
6/17/2021  
Resolution \_\_\_\_\_

**A resolution of the Missoula City Council calling for City municipal government non-partisan elections to be conducted by \_\_\_\_\_** *[options include mail ballot or polling place election]*  
*[If Council wishes to call for a primary in any municipal races, insert the following language]* **and calling for a primary election for \_\_\_\_\_** *[options include: Mayor, Municipal Court Judge Dept(s) 1, 2, 3, and/or Ward(s) 1, 2, 3, 4, 5, 6]* **to be held on September 14, 2021.**

**Whereas**, as part of the City of Missoula electorate's adoption of a self-government charter form of municipal government on Tuesday, June 4, 1996, the City electorate also adopted a sub-option for non-partisan municipal elections for the City of Missoula; and

**Whereas**, Montana state election law in Title 13, Chapter 14, Montana Code Annotated (MCA) , entitled "Non-Partisan Elections" identifies factual circumstances in which the election administrator may determine that a primary election need not be held; and

**Whereas**, subsections 13-14-115 (2) and (3) MCA provides:

- (2) (a) The election administrator of a political subdivision may determine that a local nonpartisan portion of a primary election need not be held if:
  - (i) the number of candidates for an office exceeds three times the number to be elected to that office in no more than one-half of the offices on the ballot; and
  - (ii) the number of candidates in excess of three times the number to be elected is not more than one for any office on the ballot.
- (b) If the election administrator determines that a municipal primary election held pursuant to [13-1-107](#)(2) must be held pursuant to subsection (2)(a) of this section for a local nonpartisan office, the election administrator shall conduct the election only for the local nonpartisan offices that have candidates filed in excess of two times the number to be elected to that office.
- (c) If the election administrator determines that a primary election need not be held pursuant to subsection (2)(a) or (2)(b) for a local nonpartisan office, the administrator shall give notice to the governing body that a primary election will not be held for that office.
- (3) The governing body may require that a primary election be held for a local nonpartisan office if it passes a resolution not more than 10 days after the close of filing by candidates for election stating that a primary election must be held for that office.

**Whereas**, the City of Missoula desires to hold 2021 municipal elections by \_\_\_\_\_ *[options include mail ballot or polling place election]; and*

*Optional language if a primary is desired:*

**Whereas**, City of Missoula desires to hold a municipal government primary election for the following offices *[options include: Mayor, Municipal Court Judge Dept(s) 1, 2, 3, and/or Ward(s) 1, 2, 3, 4, 5, 6]; and*

**Now therefore be it resolved that** pursuant to 13-19-104 MCA, the City of Missoula City Council requests that all 2021 municipal elections be conducted by \_\_\_\_\_. *[options include mail ballot or polling place election]*

*Optional language if a primary is desired:*

**Now therefore be it resolved that** pursuant to subsection 13-1-107 (3) MCA the City of Missoula City Council hereby calls a non-partisan municipal primary election on September 14, 2021, for the following municipal offices: \_\_\_\_\_. *[options include: Mayor, Municipal Court Judge Dept(s) 1, 2, 3, and/or Ward(s) 1, 2, 3, 4, 5, 6]*

**Passed and adopted** June 28, 2021.

**ATTEST:**

**APPROVED:**

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Martha L. Rehbein  
Legislative Services Director/City Clerk

John Engen  
Mayor