

A resolution of the Missoula City Council calling for City municipal government non-partisan elections to be conducted by [mail ballot or polling place election] and calling for a primary election for [Mayor and/or Ward(s) 1, 2, 3, 4, 5, 6] to be held on September 12, 2023.

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) *Except as provided in subsection (2)(b), 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) *The election administrator may determine that a primary election for a nonpartisan county office need not be held if fewer than three candidates have filed for that office.*

(c) *If the election administrator determines that a primary election must be held pursuant to subsection (2)(a) or (2)(b), the election administrator shall conduct the primary election only for the nonpartisan offices that have a sufficient number of candidates that have filed to be elected to that office.*

(d) *If the election administrator determines that a primary election need not be held pursuant to subsection (2)(a), (2)(b), or (2)(c) for a 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 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 2023 municipal elections by [mail ballot or polling place election]; and

Whereas, City of Missoula desires to hold a municipal government primary election for the following offices: [Mayor 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 2023 municipal elections be conducted by [mail ballot or polling place election].

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 12, 2023, for the following municipal offices: [Mayor and/or Ward(s) 1, 2, 3, 4, 5, 6].

Passed and adopted June 26, 2023.

ATTEST:

APPROVED:

Martha L. Rehbein
Legislative Services Director / City Clerk

Jordan Hess
Mayor