Resolution _____

A resolution of the Missoula City Council calling for City municipal government non-partisan elections to be conducted by mail ballot and calling for a primary election for Mayor and Ward 5 (dependent upon all candidates properly completing their application paperwork) 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; and

Whereas, City of Missoula desires to hold a municipal government primary election for the following offices: Mayor and Ward 5; 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.

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 Ward 5.

Passed and adopted June 26, 2023.

ATTEST: **APPROVED:**

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Martha L. Rehbein   **Jordan Hess**
Legislative Services Director / City Clerk   **Mayor**