

RESOLUTION NO. 2024-21

A RESOLUTION CANCELLING THE JUNE 4, 2024, PRIMARY ELECTION OF CERTAIN COUNTY OFFICERS AND MOVING THEM FORWARD TO APPEAR ON THE GENERAL BALLOT.

WHEREAS, section 13-1-403 MCA authorizes the governing body of the local government to cancel a primary election for the local government elections by resolution after notification by the election administrator if the number of candidates filing for election is equal or less than the number of positions to be filled; and

WHEREAS, by letter dated March 18, 2024, the governing body received notice by the Prairie County Election Administrator that the following county positions are not necessary to be on the Primary ballot and eligible for cancellation: County Commissioner District 3, Clerk of District Court/Clerk and Recorder, and Treasurer.

WHEREAS, Section 13-1-403 (4), (5) (a) provides that a declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the 65th day before the date of the election, or April 1, 2024;

WHEREAS, as of March 18, 2024, the following county officer positions are eligible for cancellation: County Commissioner District 3, Clerk of District Court/Clerk and Recorder, and Treasurer.

NOW, THEREFORE, BE IT RESOLVED THAT:

The offices and the candidates who filed for the said offices will not appear on the June 4, 2024 Primary ballot and will be qualified to appear on the November 5, 2024 General Ballot unless a declared write-in candidate files on or before April 1, 2024, in which case that specific office will be placed on the Primary ballot. This includes these officer positions: County Commissioner District 3- Todd Devlin, Clerk of District Court/Clerk and Recorder- Shari L Robertson, and Treasurer- Garrett Lapp.

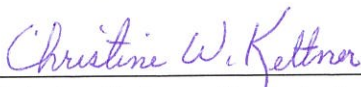
Adopted this 20<sup>th</sup> day of March 2024.



Todd Devlin, Chair



Dennis Teske, Commissioner

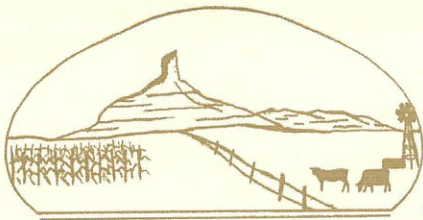


Christine Keltner, Commissioner

ATTEST:



Shari Robertson, Clerk and Recorder



## Prairie County Montana

### Clerk & Recorder

P.O. Box 125 • Terry, MT 59349

Phone: (406) 635-5575 • Fax: (406) 635-5576 • Email: CR@PrairieCounty.org

The Prairie County Election Office has received Declarations of Nominations equal to or less than the number of positions to be elected for multiple open county positions. MCA 13-1-403(4) states the election administrator shall notify the governing body of the local government in writing that the election for the following offices listed on the Primary ballot are not necessary if no write in candidates declare by April 1, 2024, at 5pm. These declared nominations are as follows:

#### Prairie County Elected Offices:

##### County Commissioner District 3:

1. Todd Devlin

##### Clerk of District Court/Clerk and Recorder:

1. Shari L Robertson

##### Treasurer:

1. Garrett Lapp

Notice is also hereby given that pursuant to Section 13-38-201(4)(a) MCA, a party's precinct committee representative election will not be held as the number of candidates nominated for a party's precinct committee representatives is less than or equal to the number of positions to be elected.

It is hereby declared that a party's precinct committee election will not be held and the candidates who filed for the position will be elected by acclamation. (See list below of filed candidates in precincts that **will not appear on the 2024 Primary Ballot.**)

If no one filed in a party's precinct, a vacancy is created, and the vacancy can be filled by the elected party governing body as provided in its rules.

Party: DEMOCRAT

Precinct(s) PRECINCT 1-4

No One filed

#### **Elected by Acclamation**

Party: REPUBLICAN

Precinct(s) PRECINCT 1

Marshal Pirtz

Precinct(s) PRECINCT 2

Tim Rittal  
Deanna Bockness

Precinct(s) PRECINCT 3

Harry McNall  
Michele (Chele) Harrington

Precinct(s) PRECINCT 4

Gregory Burger  
Shelby Koppenhaver

DATED this 18th day of March 2024 Prairie, Montana

Shari Robertson  
Election Administrator

# Montana Code Annotated 2023

## TITLE 13. ELECTIONS

### CHAPTER 1. GENERAL PROVISIONS

#### Part 4. Local Government Elections

## Election Deadlines For Candidate Filing, Write-In Candidacy, And Withdrawal -- Election Cancellation -- Election By Acclamation

**13-1-403. Election deadlines for candidate filing, write-in candidacy, and withdrawal -- election cancellation -- election by acclamation.** (1) Consistent with the candidate filing deadline in **13-10-201(7)** for primary elections and except as provided in subsection (2) for a write-in candidate, the candidate filing deadline for election to a local government office is no sooner than 145 days and no later than 85 days before the election.

(2) A declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the 65th day before the date of the election.

(3) Consistent with the withdrawal deadline in **13-10-325** for primary elections, a candidate may not withdraw after the candidate filing deadline provided in subsection (1).

(4) Except as provided in subsection (5)(b) and unless otherwise specifically provided by law, if the number of candidates filing for election is equal to or less than the number of positions to be filled, the election administrator shall notify the governing body of the local government in writing that the election is not necessary and the governing body may by resolution cancel the election.

(5) (a) If an election has been canceled and there is only one candidate for a position, the governing body of the local government shall declare the candidate elected to the position by acclamation.

(b) If an election has been canceled and there are no regular or declared write-in candidates for a position, the governing body of the local government shall fill the position by appointment. The term of an appointed member must be the same as if the member were elected.

**History:** En. Sec. 7, Ch. 49, L. 2015; amd. Sec. 7, Ch. 242, L. 2017; amd. Sec. 9, Ch. 372, L. 2017.

Created by LAWS

# Montana Code Annotated 2023

## TITLE 13. ELECTIONS

### CHAPTER 38. POLITICAL PARTIES

#### Part 2. Committee Structure

## Election Or Appointment Of Committee Representatives At Primary -- Vacancies -- Tie Votes

### **13-38-201. Election or appointment of committee representatives at primary -- vacancies -- tie votes.**

(1) Each political party shall appoint or elect at each primary election one person of each sex, as defined in **1-1-201**, to serve as committee representatives for each election precinct. The committee representatives must be residents and registered voters of the precinct.

(2) If a political party chooses to appoint precinct committee representatives, the political party shall make the appointments as provided in the party's rules.

(3) If a political party chooses to elect precinct committee representatives, the party may:

(a) administer the election itself as provided in the party's rules; or

(b) elect precinct committee representatives in a primary election, subject to **13-10-209** and subsection (4) of this section.

(4) In a primary election for a precinct committee representative:

(a) if the number of candidates nominated for a party's precinct committee representatives is less than or equal to the number of positions to be elected, the election administrator may give notice that a party's precinct committee election will not be held in that precinct;

(b) if a party precinct committee election is not held pursuant to subsection (4)(a), the election administrator shall declare elected by acclamation the candidate who filed for the position or who filed a declaration of intent to be a write-in candidate. The election administrator shall issue a certificate of election to the designated party.

(c) write-in votes for a precinct committee representative may be counted as specified in **13-15-206(5)** only if the individual whose name is written in has filed a declaration of intent as a write-in candidate by the deadline prescribed in **13-10-211(1)**;

(d) in the case of a tie vote for a precinct committee representative position, the county central committee shall determine a winner.

(5) Pursuant to **13-38-101**, a vacancy in a precinct committee representative position must be filled by the party governing body as provided in its rules.

**History:** En. Sec. 72, Ch. 368, L. 1969; R.C.M. 1947, 23-3401; amd. Sec. 2, Ch. 367, L. 2003; amd. Sec. 88, Ch. 414, L. 2003; amd. Sec. 136, Ch. 56, L. 2009; amd. Sec. 75, Ch. 242, L. 2011; amd. Sec. 1, Ch. 268, L. 2011; amd. Sec. 61, Ch. 336, L. 2013; amd. Sec. 3, Ch. 420, L. 2015; amd. Sec. 7, Ch. 685, L. 2023.