

## **RESOLUTION 17-10620**

**A RESOLUTION OF THE BILLINGS CITY COUNCIL NOTIFYING THE YELLOWSTONE COUNTY ELECTION ADMINISTRATOR OF THE CITY'S DESIRE TO CONDUCT THE 2017 CITY PRIMARY (IF HELD) AND THE 2017 GENERAL ELECTIONS BY MAIL BALLOT IN ACCORDANCE WITH SECTION 13-19-202, MONTANA CODE ANNOTATED.**

**WHEREAS**, voter turnout in Billings municipal elections has historically been low; and

**WHEREAS**, Montana law provides a method for conducting mail ballot elections for local elections; and

**WHEREAS**, mail ballot elections statistically increase voter turnout in elections; and

**WHEREAS**, the Yellowstone County Election Administrator, Bret Rutherford, informed the City Council that the costs of conducting a mail ballot area always going to be less than the costs of conducting a polling place election; and

**WHEREAS**, mail ballot elections remove barriers that keep people from getting to the polls, give people more time to study candidates and issues, and has built-in safeguards that increase the integrity of the election process; and

**WHEREAS**, the City may hold a Primary Election on September 12, 2017, as required by Section 13-1-107(2), MCA; and

**WHEREAS**, Section 13-14-115(2), MCA, provides:

- (a) The election administrator of the political subdivision may determine that 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; and
- (b) If the election administrator determines that a primary election need not be held pursuant to subsection (2)(a), the administrator shall give notice to the governing body that a primary election will not be held; and

**WHEREAS**, Section 13-14-115(3), MCA, states a governing body may require that a primary election be held 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; and

**WHEREAS**, the City of Billings will hold a General Election on November 7, 2017, as required by Section 13-1-104(2), MCA; and

**WHEREAS**, pursuant to Section 13-19-104, MCA, such elections can be conducted by a mail ballot election and pursuant to Section 13-19-202, MCA, the City of Billings may notify the County Election Administrator of its intent to conduct a mail ballot election; and

**WHEREAS**, the Election Administrator shall prepare a written plan, including a timetable, for the conduct of the elections and shall submit it to the Secretary of State at least 60 days prior to the date set for the election in accordance with Section 13-19-205, MCA; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA**, that the City Council of the City of Billings hereby notifies the Yellowstone County Election Administrator of the City's desire to conduct the 2017 City Primary (if held) and the 2017 General Election by mail ballot in accordance with Section 13-19-202, MCA.

**BE IT FURTHER RESOLVED THAT**, except as provided in Section 13-19-204, MCA, the decision to conduct an election under the provisions of Section 13-19-202, MCA, is within the sole discretion of the Election Administrator.

**BE IT FURTHER RESOLVED THAT**, the City Clerk is hereby directed to forward a certified copy of this resolution to the Yellowstone County Election Administrator in accordance with the provisions of Section 13-19-202, MCA.

**BE IT FURTHER RESOLVED THAT**, within five (5) days of receiving this request, the Election Administrator shall respond to the Billings City Clerk in writing stating that this request is either granted or denied for reasons specified. If granted, the Election Administrator shall prepare a plan as provided in Section 13-19-205, MCA.

APPROVED AND PASSED by the City Council of the City of Billings this 22<sup>nd</sup> day of May, 2017.



THE CITY OF BILLINGS

By: Thomas W. Hanel  
Thomas W. Hanel, MAYOR

ATTEST:

By: Denise R. Bohlman  
Denise R. Bohlman, CITY CLERK