

1 Clause BILL NO. 635  
 2 INTRODUCED BY Haring Smith

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE  
 5 RECALL OF ELECTED COUNTY OFFICERS."

6  
 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Recall of elective officers. (1) The  
 9 holder of any elective county office may be removed at any  
 10 time by the electors qualified to vote. The procedure to  
 11 effect the removal of an incumbent of an elective office  
 12 shall be as follows: A petition signed by twenty-five  
 13 percent (25%) of all qualified electors registered in the  
 14 county for the last preceding general election, demanding an  
 15 election for recall of the person sought to be recalled,  
 16 shall be filed with the county clerk, which petition shall  
 17 contain a general statement of the grounds for which the  
 18 removal is sought. The signatures to the petition need not  
 19 be appended to one paper, but each signer shall add to his  
 20 signature his place of residence. One of the signers of  
 21 such paper shall make oath before an officer competent to  
 22 administer oaths that the statements therein are true as he  
 23 believes, and that each signature to the paper appended is  
 24 the genuine signature of the person whose name it purports  
 25 to be.

1 (2) Within ten (10) days from the date of filing such  
 2 petition the county clerk shall examine, and from the  
 3 voters' register ascertain whether or not the petition is  
 4 signed by the requisite number of qualified electors, and,  
 5 if necessary, the governing body of the county shall allow  
 6 him extra help for that purpose; and he shall attach to the  
 7 petition his certificate, showing the result of the  
 8 examination. If, by the clerk's certificate, the petition  
 9 is shown to be insufficient, it may be amended within ten  
 10 (10) days from the date of the certificate. The clerk  
 11 shall, within ten (10) days after the amendment, make like  
 12 examination of the amended petition, and if his certificate  
 13 shall show it to be insufficient, it shall be returned to  
 14 the person filing it; without prejudice, however, to the  
 15 filing of a new petition to the same effect. If the  
 16 petition is sufficient, the clerk shall submit it to the  
 17 governing body of the county without delay. If the petition  
 18 is found to be sufficient, the governing body of the county  
 19 shall order and fix a date for holding the election, not  
 20 less than seventy (70) days nor more than eighty (80) days  
 21 from the date of the clerk's certificate to the governing  
 22 body of the county that a sufficient petition is filed.

23 (3) The governing body of the county shall make, or  
 24 cause to be made, publication of notice and all arrangements  
 25 for holding the election, and it shall be conducted,

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1 returned, and the result thereof declared, in all respects  
2 as are other elections.

3 (4) Any vacancy created as a result of such recall  
4 election shall be filled as prescribed in section 16-2412.

-End-

Approved by Comm.  
on Local Government

HOUSE BILL NO. 635  
INTRODUCED BY HUBING, SOUTH

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RECALL OF ELECTED COUNTY OFFICERS."

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Section 1. Recall of elective officers. (1) The holder of any elective county office may be removed at any time by the electors qualified to vote. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by twenty-five percent (25%) of all qualified electors registered in the county for the last preceding general election, demanding an election for recall of the person sought to be recalled, shall be filed with the county clerk, which petition shall contain a general statement of the grounds for which the removal is sought. THE GENERAL STATEMENT OF GROUNDS IS SOLELY FOR THE INFORMATION OF THE VOTERS. NO INSUFFICIENCY IN THE GENERAL STATEMENT SHALL AFFECT THE SUFFICIENCY OF THE PETITION, BUT THE GROUNDS SHALL REFER TO THE OFFICIAL CONDUCT OF THE OFFICER WHOSE RECALL IS SOUGHT. The signatures to the petition need not be appended to one paper, but each signer shall add to his signature his place of residence. One of the signers of such paper shall make

oath before an officer competent to administer oaths that the statements therein are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(2) Within ten (10) days from the date of filing such petition the county clerk shall examine, and from the voters' register ascertain whether or not the petition is signed by the requisite number of qualified electors, and, if necessary, the governing body of the county shall allow him extra help for that purpose; and he shall attach to the petition his certificate, showing the result of the examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days from the date of the certificate. The clerk shall, within ten (10) days after the amendment, make like examination of the amended petition, and if his certificate shall show it to be insufficient, it shall be returned to the person filing it; without prejudice, however, to the filing of a new petition to the same effect. If the petition is sufficient, the clerk shall submit it to the governing body of the county without delay. If the petition is found to be sufficient, the governing body of the county shall order and fix a date for holding the election, not less than seventy (70) days nor more than eighty (80) days from the date of the clerk's certificate to the governing

1 body of the county that a sufficient petition is filed.

2 (3) The governing body of the county shall make, or  
3 cause to be made, publication of notice and all arrangements  
4 for holding the election, and it shall be conducted,  
5 returned, and the result thereof declared, in all respects  
6 as are other elections. THE FOLLOWING SHALL APPEAR ON  
7 RECALL BALLOTS FOR EACH RECALL PETITIONED:

8 SHALL (NAME OF PERSON WHOSE RECALL IS BEING VOTED ON)  
9 BE RECALLED FROM THE OFFICE OF (TITLE OF OFFICE)?

YES

10  NO

11 (MARK AN "X" BEFORE THE WORD "YES" IF YOU WISH THE  
12 OFFICER TO BE RECALLED FROM OFFICE. MARK AN "X" BEFORE THE  
13 WORD "NO" IF YOU DO NOT WISH THE OFFICER TO BE RECALLED FROM  
14 OFFICE.)

15 (4) IF ONE-HALF OR MORE OF THE VOTES CAST ON A RECALL  
16 PROPOSAL ARE "NO", THE INCUMBENT SHALL CONTINUE IN OFFICE.  
17 IF A MAJORITY OF THE VOTES CAST ON A RECALL PROPOSAL ARE  
18 "YES", THE INCUMBENT SHALL IMMEDIATELY BE REMOVED FROM  
19 OFFICE.

20 †† (5) Any vacancy created as a result of such recall  
21 election shall be filled as prescribed in section 16-2412,  
22 OR IN THE CASE OF COUNTY COMMISSIONERS SECTION 16-903 SHALL  
23 APPLY.

-End-

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March 20, 1975

SENATE COMMITTEE ON LOCAL GOVERNMENT

AMENDMENTS TO HOUSE BILL NO. 635

That House Bill No. 635, third reading, be amended as follows:

1. Amend page 2, section 1, line 23.  
Following: "shall"  
Strike: lines 23 through line 1, on page 3  
Insert: "set a date for holding the election at the next regular primary or general election."
  
2. Amend page 3, section 1, line 23.  
Following: line 23  
Insert: "(6) No elected official shall be subjected to procedures of this act more than once per term."