

1 ~~House~~ BILL NO. 711
2 INTRODUCED BY Menahan

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT ELECTED
5 PUBLIC OFFICIALS RESIGN PRIOR TO BECOMING CANDIDATES FOR
6 OTHER ELECTIVE OFFICES; AMENDING SECTION 43-215, R.C.M.
7 1947; AND REPEALING SECTION 59-604, R.C.M. 1947."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. There is a new R.C.M. section that reads as
11 follows:

12 Resignation prior to seeking new office. (1) No elected
13 official may be a candidate for another public office
14 without resigning from his elected position whenever all or
15 part of the term for which he was elected coincides with all
16 or part of the term of the office for which he seeks
17 election.

18 (2) The resignation shall be in writing and submitted
19 to the secretary of state.

20 (3) As used in this section, "candidate" includes any
21 individual who has publicly declared his intention to seek
22 election to office and "public office" includes national
23 offices.

24 (4) The letter of resignation must be submitted,
25 whenever possible, early enough to permit the election of a

1 person to fill the vacancy created by the resignation at the
2 same time the election is held for the position for which
3 the resigning officeholder is a candidate.

4 Section 2. There is a new R.C.M. section that reads as
5 follows:

6 Election to complete term of resigning officeholder.

7 (1) Whenever a vacancy occurs due to a resignation as
8 provided in [section 1], an election shall be held to select
9 a person to serve for the remainder of the resigning
10 officeholder's term.

11 (2) Whenever possible the election required by
12 subsection (1) shall be held at the same time as the
13 election at which the position for which the officeholder
14 resigned is to be filled. For this purpose, the secretary of
15 state may waive the filing time requirement of 23-3305. The
16 election required by subsection (1) may be held in
17 conjunction with any other election and must be held within
18 6 months of receipt of the letter of resignation by the
19 secretary of state. The secretary of state shall determine
20 the dates relevant to this election, including the date of
21 the primary, and shall notify the appropriate county
22 officials. The general election laws apply to this election
23 whenever practical.

24 (3) The individual elected to complete the term of the
25 resigning officeholder shall take office upon issuance of

1 the commission by the governor as provided in 23-4018.

1 repealed.

2 Section 3. Section 43-215, R.C.M. 1947, is amended to
3 read as follows:

-End-

4 "43-215. Filling vacancies in ~~legislative-assembly~~
5 legislature — appointment by board of county commissioners
6 — calling of board meeting ~~— resignations to seek other~~
7 office. When (1) Except as provided in subsection (2), when
8 a vacancy occurs, in either house of the ~~legislative~~
9 assembly legislature, the vacancy shall be filled by
10 appointment by the board of county commissioners, or, in the
11 event of a multicounty district, the boards of county
12 commissioners comprising the district sitting as one
13 appointing board. The chairman of the board of county
14 commissioners of the county in which the person resided
15 whose vacancy is to be filled shall call a meeting for the
16 purpose of appointing the member of the ~~legislative-assembly~~
17 legislature, and he shall act as the presiding officer of
18 the meeting.

19 (2) Whenever a vacancy occurs due to a resignation as
20 provided in [section 1 of this act] and the county
21 commissioners are notified of the resignation of a
22 legislator, the vacancy shall be filled by appointment as
23 provided in subsection (1) until an individual is elected to
24 complete the term of the resigning legislator."

25 Section 4. Repealer. Section 59-604, R.C.M. 1947, is

Approved by Committee
on State Administration

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