

SENATE BILL NO. 34

INTRODUCED BY THOMAS, McCALLUM

BY REQUEST OF THE ATTORNEY GENERAL

IN THE SENATE

January 5, 1979	Introduced and referred to Committee on Local Government. On motion, Senators Thomas, McCallum were added as authors to the prefiled bill.
January 9, 1979	Committee recommend bill do pass. Report adopted.
January 10, 1979	Printed and placed on members' desks.
January 11, 1979	Motion pass consideration.
January 12, 1979	Second reading, do pass.
January 13, 1979	Considered correctly engrossed.
January 15, 1979	Third reading, passed. . Transmitted to second house.

IN THE HOUSE

January 16, 1979	Introduced and referred to Committee on Local Government.
March 15, 1979	Committee recommend bill be concurred in. Report adopted.
March 16, 1979	Second reading, concurred in.
March 19, 1979	Third reading, concurred in.

IN THE SENATE

March 20, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 SENATE BILL NO. 34

2 INTRODUCED BY _____

3 BY REQUEST OF THE ATTORNEY GENERAL

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE STATUTES

6 PRESCRIBING QUALIFICATIONS FOR MUNICIPALITY COMMISSIONER,

7 MAYOR, AND ALDERMAN BY DELETING FREEHOLDER REQUIREMENTS;

8 AMENDING SECTIONS 7-3-4346, 7-4-4301, AND 7-4-4401, MCA."

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 7-3-4346, MCA, is amended to read:

12 "7-3-4346. Statement and petition of candidacy. (1)

13 Any qualified elector of the municipality ~~who is the owner~~

14 ~~of real estate situated therein to the value of not less~~

15 ~~than \$1,000,~~ desiring to become a candidate for commissioner

16 shall, at least 35 days prior to said primary election, file

17 with the clerk of the commission a statement of such

18 candidacy and shall at the same time file therewith the

19 petition of at least 25 qualified voters requesting such

20 candidacy. Each petition shall be verified by one or more

21 persons as to qualifications and residence, with street

22 number, of each of the persons so signing the petition.

23 (2) The statement shall be in substantially the

24 following form:

25 State of Montana)

1)ss.

2 County of

3 I,, being first duly sworn, say that I reside at

4 street, (city or town) of, county of, state

5 of Montana; that I am a qualified voter therein; that I am a

6 candidate for nomination to the office of commissioner to be

7 voted upon at the primary election to be held on the last

8 Tuesday of August, 19... and I hereby request that my name

9 be printed upon the official primary ballot for nomination

10 by such primary election for such office.

11 (Signed)

12 Subscribed and sworn to (or affirmed) before me by

13 on this day of, 19...

14 (Signed)

15 (3) The petition shall be in substantially the

16 following form:

17 The undersigned, duly qualified electors of the (city,

18 town) of and residing at the places set opposite our

19 respective names hereto, do hereby request that the name of

20 (name of candidate) be placed on the ballot as a candidate

21 for nomination to the office of commissioner at the primary

22 election to be held on the last Tuesday of August, 19... We

23 further state that we know him/her to be a qualified elector

24 of said (city, town), and a person of good moral character

25 and qualified, in our judgment, for the duties of such

1 office, and we individually certify that we have not signed
2 similar petitions greater in number than the number of
3 commissioners to be chosen at the next general municipal
4 election.

5 Names of Qualifying Electors Number Street
6 (Space for Signatures)
7 State of Montana)
8)ss.
9 County of

10 being duly sworn, deposes and says, that he knows
11 the qualifications and residence of each of the persons
12 signing the appended petition and that such signatures are
13 genuine and the signatures of the persons whose names they
14 purport to be.

15 (Signed)

16 Subscribed and sworn to before me this day of
17 , 19...

18 (Notary Public)

19 This petition, if found insufficient, shall be returned
20 to at No. Street,, Montana."

21 Section 2. Section 7-4-4301, MCA, is amended to read:
22 "7-4-4301. Qualifications for mayor. (1) No person
23 shall be eligible to the office of mayor unless he shall be:
24 (a) at least 21 years old ~~and a taxpaying freeholder~~
25 ~~within the limits of the city or town;~~

1 (b) a resident of the state for at least 3 years; and
2 (c) a resident of the city or town or an area which
3 has been annexed by the city or town for which he may be
4 elected mayor 2 years preceding his election to said office.
5 (2) A person elected mayor shall reside in the city or
6 town for which he shall be elected mayor during his term of
7 office."

8 Section 3. Section 7-4-4401, MCA, is amended to read:
9 "7-4-440 . Qualifications for alderman. No person
10 shall be eligible to the office of alderman unless he ~~shall~~
11 ~~be~~ is
12 ~~(1) a taxpaying freeholder within the limits of a~~
13 ~~city and~~
14 ~~(2) a resident of the ward so electing him or a~~
15 resident of an area which has been annexed by the city or
16 town and placed in a ward, for at least 60 days preceding
17 such election."

Approved by Comm.
on Local Government

1 SENATE BILL NO. 34
2 INTRODUCED BY J. Duran M. Ball
3 BY REQUEST OF THE ATTORNEY GENERAL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE STATUTES
6 PRESCRIBING QUALIFICATIONS FOR MUNICIPALITY COMMISSIONER,
7 MAYOR, AND ALDERMAN BY DELETING FREEHOLDER REQUIREMENTS;
8 AMENDING SECTIONS 7-3-4346, 7-4-4301, AND 7-4-4401, MCA."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 7-3-4346, MCA, is amended to read:
12 "7-3-4346. Statement and petition of candidacy. (1)
13 Any qualified elector of the municipality who ~~is the owner~~
14 ~~of real estate situated therein to the value of not less~~
15 ~~than \$1000~~ desiring to become a candidate for commissioner
16 shall, at least 30 days prior to said primary election, file
17 with the clerk of the commission a statement of such
18 candidacy and shall at the same time file therewith the
19 petition of at least 25 qualified voters requesting such
20 candidacy. Each petition shall be verified by one or more
21 persons as to qualifications and residence, with street
22 number, of each of the persons so signing the petition.

23 (2) The statement shall be in substantially the
24 following form:
25 State of Montana)

1)ss.
2 County of)
3 I,, being first duly sworn, say that I reside at
4 street, (City or town) of, county of, state
5 of Montana; that I am a qualified voter therein; that I am a
6 candidate for nomination to the office of commissioner to be
7 voted upon at the primary election to be held on the last
8 Tuesday of August, 19... and I hereby request that my name
9 be printed upon the official primary ballot for nomination
10 by such primary election for such office.

11 (Signed)

12 Subscribed and sworn to (or affirmed) before me by
13 on this day of, 19...

14 (Signed)

15 (3) The petition shall be in substantially the
16 following form:

17 The undersigned, duly qualified electors of the (city,
18 town) of and residing at the places set opposite our
19 respective names hereto, do hereby request that the name of
20 (name of candidate) be placed on the ballot as a candidate
21 for nomination to the office of commissioner at the primary
22 election to be held on the last Tuesday of August, 19... We
23 further state that we know him/her to be a qualified elector
24 of said (city, town), and a person of good moral character
25 and qualified, in our judgment, for the duties of such

1 office, and we individually certify that we have not signed
2 similar petitions greater in number than the number of
3 commissioners to be chosen at the next general municipal
4 election.

5 Names of Qualifying Electors	Number	Street
6 (Space for Signatures)		
7 State of Montana)		
8)ss.		
9 County of		

10, being duly sworn, deposes and says, that he knows
11 the qualifications and residence of each of the persons
12 signing the appended petition and that such signatures are
13 genuine and the signatures of the persons whose names they
14 purport to be.

15 (Signed)
16 Subscribed and sworn to before me this day of
17, 19...

18 (Notary Public)
19 This petition, if found insufficient, shall be returned
20 to at No. Street,, Montana."

21 Section 2. Section 7-4-4301, MCA, is amended to read:
22 "7-4-4301. Qualifications for mayor. (1) No person
23 shall be eligible to the office of mayor unless he shall be:
24 (a) at least 21 years old ~~and a taxpaying freeholder~~
25 ~~within the limits of the city or town;~~

1 (b) a resident of the state for at least 3 years; and
2 (c) a resident of the city or town or an area which
3 has been annexed by the city or town for which he may be
4 elected mayor 2 years preceding his election to said office.
5 (2) A person elected mayor shall reside in the city or
6 town for which he shall be elected mayor during his term of
7 office."

8 Section 3. Section 7-4-4401, MCA, is amended to read:
9 "7-4-4401. Qualifications for alderman. No person
10 shall be eligible to the office of alderman unless he shall
11 be ~~is~~
12 ~~(1) a taxpaying freeholder within the limits of a~~
13 ~~city and~~
14 ~~(2) a resident of the ward so electing him or a~~
15 resident of an area which has been annexed by the city or
16 town and placed in a ward, for at least 60 days preceding
17 such election."

-End-

SENATE BILL NO. 34

1 INTRODUCED BY I Donnell M. Ball
2
3 BY REQUEST OF THE ATTORNEY GENERAL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE STATUTES
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14 of real estate situated therein to the value of not less
15 than \$1,000, desiring to become a candidate for commissioner
16 shall, at least 35 days prior to said primary election, file
17 with the clerk of the commission a statement of such
18 candidacy and shall at the same time file therewith the
19 petition of at least 25 qualified voters requesting such
20 candidacy. Each petition shall be verified by one or more
21 persons as to qualifications and residence, with street
22 number, of each of the persons so signing the petition.

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24 following form:
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2 County of

3 I,, being first duly sworn, say that I reside at
4 street, (city or town) of, county of, state
5 of Montana; that I am a qualified voter therein; that I am a
6 candidate for nomination to the office of commissioner to be
7 voted upon at the primary election to be held on the last
8 Tuesday of August, 19... and I hereby request that my name
9 be printed upon the official primary ballot for nomination
10 by such primary election for such office.

11 (Signed)
12 Subscribed and sworn to (or affirmed) before me by
13 on this day of, 19...

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15 (3) The petition shall be in substantially the
16 following form:

17 The undersigned, duly qualified electors of the (city,
18 town) of and residing at the places set opposite our
19 respective names hereto, do hereby request that the name of
20 (name of candidate) be placed on the ballot as a candidate
21 for nomination to the office of commissioner at the primary
22 election to be held on the last Tuesday of August, 19... We
23 further state that we know him/her to be a qualified elector
24 of said (city, town), and a person of good moral character
25 and qualified, in our judgment, for the duties of such

1 office, and we individually certify that we have not signed
2 similar petitions greater in number than the number of
3 commissioners to be chosen at the next general municipal
4 election.

5 Names of Qualifying Electors Number Street

6 (Space for Signatures)

7 State of Montana)

8)ss.

9 County of

10 , being duly sworn, deposes and says, that he knows
11 the qualifications and residence of each of the persons
12 signing the appended petition and that such signatures are
13 genuine and the signatures of the persons whose names they
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23 shall be eligible to the office of mayor unless he shall be:

24 (a) at least 21 years old and a taxpaying freeholder
25 within the limits of the city or town;

1 (b) a resident of the state for at least 3 years; and
2 (c) a resident of the city or town or an area which
3 has been annexed by the city or town for which he may be
4 elected mayor 2 years preceding his election to said office.
5 (2) A person elected mayor shall reside in the city or
6 town for which he shall be elected mayor during his term of
7 office."

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10 shall be eligible to the office of alderman unless he shall
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13 ~~city and~~

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-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE STATUTES PRESCRIBING QUALIFICATIONS FOR MUNICIPALITY COMMISSIONER, MAYOR, AND ALDERMAN BY DELETING FREEHOLDER REQUIREMENTS; AMENDING SECTIONS 7-3-4346, 7-4-4301, AND 7-4-4401, MCA."

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Section 1. Section 7-3-4346, MCA, is amended to read:

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(2) The statement shall be in substantially the following form:

State of Montana

)ss.

County of

I, being first duly sworn, say that I reside at streets, (city or town) of county of state of Montana; that I am a qualified voter therein; that I am a candidate for nomination to the office of commissioner to be voted upon at the primary election to be held on the last Tuesday of August, 19... and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed)

Subscribed and sworn to (or affirmed) before me by on this day of 19...

(Signed)

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1 office, and we individually certify that we have not signed
2 similar petitions greater in number than the number of
3 commissioners to be chosen at the next general municipal
4 election.

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22 "7-4-4301. Qualifications for mayor. (1) No person
23 shall be eligible to the office of mayor unless he shall be:
24 (a) at least 21 years old ~~end-a-taxpaying-freeholder~~
25 ~~within-the-limits-of-the-city-or-town;~~

1 (b) a resident of the state for at least 3 years; and
2 (c) a resident of the city or town or an area which
3 has been annexed by the city or town for which he may be
4 elected mayor 2 years preceding his election to said office.
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6 town for which he shall be elected mayor during his term of
7 office."

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9 "7-4-4401. Qualifications for alderman. No person
10 shall be eligible to the office of alderman unless he shall
11 be is
12 ~~(1)--a--taxpaying--freeholder--within--the--limits--of--a~~
13 ~~city--and~~
14 ~~(2)--a--resident--of--the--ward--so--electing--him--or--a~~
15 ~~resident--of--an--area--which--has--been--annexed--by--the--city--or~~
16 ~~town--and--placed--in--a--ward--for--at--least--60--days--preceding~~
17 ~~such--election."~~

-End-