SENATE BILL NO. 34

INTRODUCED BY THOMAS, McCALLUM

BY REQUEST OF THE ATTORNEY GENERAL

IN THE SENATE

	IN THE SEN	ATE
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 HOU	SE
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 SEN	ATE
March 20, 1979		Returned from second house.

Concurred in. Sent to

Reported correctly enrolled.

enrolling.

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	
0	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1	Section 1. Section 7-3-4346. MCA, is amenged to read:
2	#7-3-4346. Statement and petition of candidacy. (1)
	•
. 3	Any qualified elector of the municipality who-is-the-owner
4	of-real-estate-situated-therein-to-thevalueofnotless
5	than-\$1+800v desiring to become a candidate for commissioner
.6	shall, at least 35 days prior to said primary election, file
7	with the clerk of the commission a statement of such
8	candidacy and shall at the same time file therewith the
9	petition of at least 25 qualified voters requesting such
0	candidacy, éach petition shall be verified by one or more
1	persons as to qualifications and residence, with street
2	number, of each of the persons so signing the petition.
3	(2) The statement shall be in substantially the
4	following form:
5	State of Montana)

	1,22.
2	County of •••••••)
3	I being first duly sworn, say that I reside at
•	•••• street, (city or town) of ••••, county of ••••, state
5	of Montana; that I am a qualified voter therein; that I am a
5	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
3	by such primary election for such office.
ı	(Signed)
2	Subscribed and sworn to (or affirmed) before me by
3	on this day of, 19
•	(Denyi3)
5	(3) The petition shall be in substantially the
6	fallowing form:
7	The undersigned, duly qualified electors of the (city
8	town) of •••• and residing at the places set opposite our
9	respective names hereto, do hereby request that the name of
0	(name of candidate) be placed on the ballot as a candidate
1	for nomination to the office of commissioner at the primary
2	election to be held on the last Tuesday of August, 19 We

further state that we know him/her to be a qualified elector of said (city, town), and a person of good moral character

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

23

25

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	47-4-4301. 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-m-taxphying-freeholder

-3-

within-the-limits-of-the-city-or-town;

25

ı	(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
•	elected mayor 2 years preceding his election to said office.
5	(2) A person elected mayor shall reside in the city or
5	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:
y	#7-4-440 . Qualifications for alderman. No person
)	shall be eligible to the office of alderman unless ne shall
1	be+ <u>is</u>
2	tl}ataxpayingfraeholderwithinthelimits-of-d
3	e ityq-and
•	(2) —a resident of the ward so electing him or a
5	resident of an area which has been annexed by the city of
6	town and placed in a ward, for at least 60 days preceding
7	such election."

-End-

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Approved by Comm. on Local Government

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2	INTRODUCED BY There Many
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-thevalueofnotless
15	than-\$1+800+ 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 Hontana)

1)55. 2 County of) 3 Is seen being first duly sworms say that I reside at **** street, (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 7 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 9 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) (3) The petition shall be in substantially the 15 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 (name of candidate) be placed on the ballot as a candidate 20 21 for nomination to the office of commissioner at the primary election to be held on the last Tuesday of August, 19... We 22 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

-2-

SECOND READING
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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	alection.
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, NCA, is amended to read:
22	47-4-4301. 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-taxpoying-freeholder
25	within-the-limits-of-the-city-or-town;

1	(b) a resident of the state for at least 3 years; an
5	(c) a resident of the city or town or an area which
3	has been annexed by the city or town for which he way be
4	elected mayor 2 years preceding his election to said office.
5	(2) A person elected mayor shall reside in the city o
6	town for which he shall be elected mayor during his term o
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	{:}ataxpayingfreeholderwithinthelimits-of-
13	city;-and
14	f≥>a resident of the ward so electing him or
15	resident of an area which has been annexed by the city o
16	town and placed in a ward, for at least 60 days preceding
17	such alection.

-End-

SENATE BILL NO. 34 1 INTRODUCED BY Thomas 2 3 BY REQUEST OF THE ATTORNEY GENERAL A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE STATUTES PRESCRIBING QUALIFICATIONS FOR MUNICIPALITY COMMISSIONER. 7 MAYOR. AND ALDERMAN BY DELETING FREEHOLDER REQUIREMENTS: AMENDING SECTIONS 7-3-4346, 7-4-4301, AND 7-4-4401, MCA.* 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Section 7-3-4346, MCA, is amended to read: 12 "T-3-4346. Statement and petition of candidacy. (1) 13 Any qualified elector of the municipality who-is-the-owner of-rest-estate-situated-thersin-to-the--value--ef--not--less 14 15 then-\$2,000y desiring to become a candidate for commissioner shalle at least 35 days prior to said primary elections file 16 17 with the Clerk of the Commission a statement of such 18 candidacy and shall at the same time file therewith the 19 patition of at least 25 qualified voters requesting such candidacy. Each petition shall be verified by one or more 20 21 persons as to qualifications and residence, with street number, of each of the persons so signing the petition. 22 23 (2) The statement shall be in substantially the following form: 24 25 State of Montana 1

1 155. County of 3 Is some being first duly sworm, say that I reside at Street, (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 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 respective names hereto, do hereby request that the name of 19 (name of candidate) be placed on the ballot as a candidate 20 for nomination to the office of commissioner at the primary 21 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

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

25

SB 34 THIRD READING

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)
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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)
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1	(b) a resident of the state for at least 3 years; an
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-End-

46th Legislature SB 0034/02 SB 0034/02

1

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State of Montana

2	County of •••••••)
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17	such election."

-End-

-3-

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SB 34