

CHAPTER NO. 308

SENATE BILL NO. 149

INTRODUCED BY HAZELBAKER

IN THE SENATE

January 18, 1979	Introduced and referred to Committee on State Administration.
January 22, 1979	Rereferred to Committee on Judiciary.
January 30, 1979	Committee recommend bill do pass as amended. Report adopted.
January 31, 1979	Printed and placed on members' desks.
February 1, 1979	Second reading, do pass.
February 2, 1979	Considered correctly engrossed.
February 3, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 5, 1979	Introduced and referred to Committee on Judiciary.
March 9, 1979	Committee recommend bill be concurred in. Report adopted.
March 13, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in.

IN THE SENATE

March 16, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

Senate BILL NO. 149

1 2 INTRODUCED BY Tom Hallahan

3

4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE MONTANA
5 6 RECALL ACT; AMENDING SECTIONS 2-16-614 AND 2-16-632, MCA."

6

7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 9 Section 1. Section 2-16-614, MCA, is amended to read:

9 10 "2-16-614. Number of electors required for recall
10 11 petition. Recall petitions for elected or appointed state
11 12 officers shall contain the signatures of qualified electors
12 13 equalling at least 10% of the number of persons registered
13 14 to vote at the preceding state general election. A petition
14 15 for the recall of a state-district officer must contain the
15 16 signatures of qualified electors equalling at least 15% of
16 17 the number of persons registered to vote in the last
17 18 preceding election in that district. Recall petitions for
18 19 elected or appointed county officers shall contain the
19 20 signatures of qualified electors equalling at least 15% of
20 21 the number of persons registered to vote at the preceding
21 22 county general election. Recall petitions for elected or
22 23 appointed officers of municipalities or school districts
23 24 shall contain the signatures of qualified electors equalling
24 25 at least 20% of the number of persons registered to vote at
25 the preceding general election for the municipality or

1 2 school district."

2 3 Section 2. Section 2-16-632, MCA, is amended to read:

3 4 "2-16-632. Conduct of special elections. Special
4 5 elections for recall shall be conducted and the results
5 6 canvassed and certified in all respects as general elections
6 7 ~~was the election in which the officer was elected to the~~
7 8 ~~office, except as herein otherwise provided. In the case of~~
8 9 ~~appointed officials, the election shall be conducted and the~~
9 10 ~~results canvassed and certified in all respects as was the~~
10 11 ~~election of the person who appointed the official.~~ The
11 12 powers and duties conferred or imposed by law upon boards of
12 13 election, registration officers, canvassing boards, and
13 14 other public officials who conduct general elections are
14 15 conferred and imposed upon similar officers conducting
15 16 recall elections under the provisions of this section
16 17 together with the penalties prescribed for the breach
17 thereof."

-End-

-2-

SB 149

INTRODUCED BILL

Approved by Committee
on Judiciary

1 SENATE BILL NO. 149

2 INTRODUCED BY HAZELBAKER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE MONTANA
5 RECALL ACT; AMENDING SECTIONS 2-16-614 AND 2-16-632, MCA."

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14 to vote at the preceding state general election. A petition
15 for the recall of a state-district officer must contain the
16 signatures of qualified electors equalling at least 15% of
17 the number of persons registered to vote in the last
18 preceding election in that district. Recall petitions for
19 elected or appointed county officers shall contain the
20 signatures of qualified electors equalling at least 15% of
21 the number of persons registered to vote at the preceding
22 county general election. Recall petitions for elected or
23 appointed officers of municipalities or school districts
24 shall contain the signatures of qualified electors equalling
25 at least 20% of the number of persons registered to vote at
the preceding general election for the municipality or

1 SCHOOL DISTRICT."

2 Section 2. Section 2-16-632, MCA, is amended to read:
3
4 "2-16-632. Conduct of special elections. Special
5 elections ~~A SPECIAL ELECTION~~ for recall shall be conducted
6 and the results canvassed and certified in all respects as
7 general elections ~~was the election in which the officer was~~
8 ~~elected to the office~~ ~~THE SAME MANNER THAT THE LAW IN EFFECT~~
9 ~~AT THE TIME OF THE ELECTION FOR RECALL REQUIRES FOR AN~~
10 ~~ELECTION TO FILL THE OFFICE THAT IS THE SUBJECT OF THE~~
11 ~~RECALL PETITION~~, except as herein otherwise provided. In the
12 case of appointed officials ~~AN OFFICIAL HOLDING A~~
13 ~~NONELECTIVE OFFICE~~, the election shall be conducted and the
14 results canvassed and certified in all respects as ~~was~~ the
15 ~~election of the person who appointed the official~~ ~~THE SAME~~
16 ~~MANNER THAT THE LAW IN EFFECT AT THE TIME OF THE ELECTION~~
17 ~~FOR RECALL REQUIRES FOR AN ELECTION TO FILL THE OFFICE OF~~
18 ~~THE PERSON WHO HAS THE POWER TO APPOINT SUCH OFFICIAL~~. The
19 powers and duties conferred or imposed by law upon boards of
20 election, registration officers, canvassing boards, and
21 other public officials who conduct general elections are
22 conferred and imposed upon similar officers conducting
23 recall elections under the provisions of this section
24 together with the penalties prescribed for the breach
thereof."

-End-

1 SENATE BILL NO. 149
2 INTRODUCED BY HAZELBAKER

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE MONTANA
5 RECALL ACT; AMENDING SECTIONS 2-16-614 AND 2-16-632, MCA."

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

1 school district.*

Section 2. Section 2-16-632, MCA, is amended to read:

"2-16-632. Conduct of special elections. Special elections A SPECIAL ELECTION for recall shall be conducted and the results canvassed and certified in all respects as general elections ~~was the election in which the officer was elected to the office~~ THE SAME MANNER THAT THE LAW IN EFFECT AT THE TIME OF THE ELECTION FOR RECALL REQUIRES FOR AN ELECTION TO FILL THE OFFICE THAT IS THE SUBJECT OF THE RECALL PETITION, except as herein otherwise provided. In the case of appointed officials AN OFFICIAL HOLDING A NONELECTIVE OFFICE, the election shall be conducted and the results canvassed and certified in all respects as ~~was the election of the person who appointed the official~~ THE SAME MANNER THAT THE LAW IN EFFECT AT THE TIME OF THE ELECTION FOR RECALL REQUIRES FOR AN ELECTION TO FILL THE OFFICE OF THE PERSON WHO HAS THE POWER TO APPOINT SUCH OFFICIAL. The powers and duties conferred or imposed by law upon boards of election, registration officers, canvassing boards, and other public officials who conduct general elections are conferred and imposed upon similar officers conducting recall elections under the provisions of this section together with the penalties prescribed for the breach thereof."

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5 RECALL ACT; AMENDING SECTIONS 2-16-614 AND 2-16-632, MCA."

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

1 school district."

Section 2. Section 2-16-632, MCA, is amended to read:

"2-16-632. Conduct of special elections. Special elections A SPECIAL ELECTION for recall shall be conducted and the results canvassed and certified in all respects as general elections ~~was the election in which the officer was elected to the office~~ THE SAME MANNER THAT THE LAW IN EFFECT AT THE TIME OF THE ELECTION FOR RECALL REQUIRES FOR AN ELECTION TO FILL THE OFFICE THAT IS THE SUBJECT OF THE RECALL PETITION, except as herein otherwise provided. In the case of appointed officials AN OFFICIAL HOLDING A NONELECTIVE OFFICE, the election shall be conducted and the results canvassed and certified in all respects as the election of the person who appointed the official THE SAME MANNER THAT THE LAW IN EFFECT AT THE TIME OF THE ELECTION FOR RECALL REQUIRES FOR AN ELECTION TO FILL THE OFFICE OF THE PERSON WHO HAS THE POWER TO APPOINT SUCH OFFICIAL. The powers and duties conferred or imposed by law upon boards of election, registration officers, canvassing boards, and other public officials who conduct general elections are conferred and imposed upon similar officers conducting recall elections under the provisions of this section together with the penalties prescribed for the breach thereof."

-End-