

House Bill 53

In The House

January 6, 1981

Introduced and referred  
to Committee on Local  
Government.

February 12, 1981

Committee recommend bill  
do not pass.

1                    HOUSE    BILL NO. 53  
2    INTRODUCED BY MANNING

3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT COUNTY  
5    COMMISSIONERS IN COUNTIES HAVING A POPULATION OF 50,000 OR  
6    MORE BE NOMINATED AND ELECTED AT LARGE RATHER THAN BY  
7    DISTRICT; AMENDING SECTIONS 7-4-2102, 7-4-2103, AND  
8    7-4-2104, MCA."

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

11            Section 1. Section 7-4-2102, MCA, is amended to read:  
12            "7-4-2102. Division of county into commissioner  
13    districts. (1) In every county of the state with a  
14    population of less than 50,000, following each federal  
15    decennial census, the board of county commissioners shall  
16    divide their respective counties into three commissioner  
17    districts, as compact and equal in population and area as  
18    possible. Such apportionment may take place at any time for  
19    the purpose of equalizing in population and area such  
20    commissioner districts. However, no commissioner district  
21    shall at any time be changed to affect the term of office of  
22    any county commissioner who has been elected. No change in  
23    the boundaries of any commissioner district shall be made  
24    within 6 months next preceding a general election.

25            (2) In every county of the state with a population of

1    50,000 or more, following each federal decennial census, the  
2    county will not be subdivided into districts and the county  
3    commissioners shall be elected at large from the county by  
4    the entire electorate of the county.

5            ~~(2)(3)~~ The district judge or judges of the county shall  
6    review the action of the commissioners to determine whether  
7    or not such action meets the requirements of this section.

8            ~~(5)(4)~~ Sections 7-4-2102 through 7-4-2104 shall not  
9    apply to counties adopting an optional or alternative form  
10    of government authorized by law."

11            Section 2. Section 7-4-2103, MCA, is amended to read:

12            "7-4-2103. Filing of certificate designating districts.  
13    When in counties of less than 50,000 population, following  
14    each decennial census, when such division of commissioner  
15    districts has been made, there shall be filed in the office  
16    of the county clerk and recorder of such county a  
17    certificate designating the metes and bounds of the boundary  
18    lines and limits of each commissioner district. The  
19    certificate shall be dated and signed by the district court  
20    judge or judges of the county."

21            Section 3. Section 7-4-2104, MCA, is amended to read:

22            "7-4-2104. Commissioners to be elected == by district  
23    == at large. (1) At each general election in counties with a  
24    population of less than 50,000, as determined by the federal  
25    decennial census, the member or members of the board of

1 county commissioners to be elected shall be selected from  
2 the residents and electors of the district or districts in  
3 which the vacancy occurs, but the election of such member or  
4 members of the board shall be submitted to the entire  
5 electorate of the county.

6 ~~(2)~~ No one shall be elected as a member of said board  
7 who has not resided in said district for at least 2 years  
8 next preceding the time when he shall become a candidate for  
9 said office.

10 ~~(2) In counties with a population of 50,000 or more as~~  
11 ~~determined by the federal decennial census, the member or~~  
12 ~~members of the board of county commissioners to be elected~~  
13 ~~shall be selected from the residents and electors of the~~  
14 ~~entire county at large and the election of such member or~~  
15 ~~members of the board shall be submitted to the entire~~  
16 ~~electorate of the county."~~

-End-