#### HOUSE BILL NO. 528

## INTRODUCED BY BENGTSON, BERTELSEN, DONALDSON, MCCALLUM

## IN THE HOUSE

January 27, 1983	Introduced and referred to Committee on State Administration.
February 7, 1983	Committee recommend bill do pass as amended. Report adopted.
February 8, 1983	Bill printed and placed on members' desks.
Pebruary 9, 1983	Second reading, do pass.
February 10, 1983	Considered correctly engrossed.
February 11, 1983	Third reading, passed. Transmitted to Senate.
IN THE S	enate
February 12, 1983	Introduced and referred to Committee on State Administration.
March 18, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in. Ayes, 50; Noes, 0.

#### IN THE HOUSE

March 23, 1983

Returned to House with amendments.

March 31, 1983

Second reading, amendments concurred in.

April 1, 1983

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

1	House BILL NO. 528
2	INTRODUCED BY Bengtson, Bertelm
3	Mulder Malader

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A HEIGHTED VOTING PROCESS IN THE SELECTION OF A PERSON TO FILL A LEGISLATIVE VACANCY IN THOSE LEGISLATIVE DISTRICTS CONSISTING OF ALL OR PARTS OF MURE THAN ONE COUNTY; AMENDING SECTION 5-2-402, MCA."

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

Section 1. Section 5-2-402, MCA, is amended to read:

"5-2-402. Appointment by board of county
commissioners. (1) When a vacancy occurs in the legislature,
the vacancy shall be filled by appointment by the board of
county commissioners or, in the event of a multicounty
district, the boards of county commissioners comprising the
district sitting as one appointing board.

(2) Whenever boards of county commissioners sit as one appointing boards selection of an individual to fill the vacancy must be as follows:

t2)(a) The chairman of the board of county commissioners of the county in which the person resided whose vacancy is to be filled shall call a meeting for the purpose of appointing the member of the legislature, and he shall act as the presiding officer of the meeting.

1	(D) Each commissioner's vote is determined by the
2	formula 100 multiplied by (A divided by B) multiplied by (
3	divided by C), where A is the total votes cast for the
4	person vacating the legislative seat in the respective
5	county. B is the total votes cast for that person in the
6	legislative district, and C is the number of authorized
7	commissioners on the voting commissioner's board.
8	(c) The person selected to fill the vacancy is the on-
9	who receives the highest number above 50 that results from
10	the calculation required by this subsection. If no candidate
11	receives a number higher than 50 from that calculation, the
12	selection board shall cast its votes again in the same
13	manner for the persons receiving the two highest numbers.
14	(3) The appointment of a legislator under this section
15	must take place within 15 days after the vacancy occurs."
	-End-

HB 0528/02

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Approved by Committee on State Administration

1	HOUSE BILL NO. 528
2	INTRODUCED BY BENGTSON, BERTELSEN, DONALDSON, MCCALLUM
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A WEIGHTED
5	VOTING PROCESS IN THE SELECTION OF A PERSON TO FILL A
6	LEGISLATIVE VACANCY IN THOSE LEGISLATIVE DISTRICTS
7	CONSISTING OF ALL OR PARTS OF MORE THAN ONE COUNTY; AMENDING
8	SECTION 5-2-402+ MCA.*
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 5-2-402, MCA, is amended to read:
12	*5+2-402. Appointment by board of county
13	commissioners. (1) When a vacancy occurs in the legislature.
14	the vacancy shall be filled by appointment by the board of
15	county commissioners or, in the event of a multicounty
16	district, the boards of county commissioners comprising the
17	district sitting as one appointing board.
18	(2)_whenever_boards_of_county_commissioners_sit_as_one
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22	commissioners of the county in which the person resided
23	whose vacancy is to be filled shall call a meeting for the
24	purpose of appointing the member of the legislature, and he

shall act as the presiding officer of the meeting.

48th Legislature

25

1	(b)Eacbcommissioner'svoteisdeterminedby_th
2	formula_199_multiclied_by_(A_divided_by_B)_multiplied_by1
3	divided by Cl. where A is the total votes cast for the
4	person vacating the legislative seat in the respective
5	county: _B is the total votes cast for that person in the
6	legislative_district.and_C_is_the_number_of_authorize
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8	COMMISSIONER WHOSE YOTE IS BEING DETERMINED.
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.1	the calculation required by this subsection. If no candidate
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13	selection board shall cast its votes again in the same
14	manner for the persons receiving the two highest numbers.

must take place within 15 days after the vacancy occurs.\*\*
-End-

(3) The appointment of a legislator under this section

HB 0528/02

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14	the vacancy shall be filled by appointment by the board of
15	county commissioners or, in the event of a multicount
16	district, the boards of county commissioners comprising the
17	district sitting as one appointing board.
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19	appointing board, selection of an individual to fill the
20	xacaocy_bust_be_as_follows:
21	(2)(a) The chairman of the board of county
22	commissioners of the county in which the person resided
23	whose vacancy is to be filled shall call a meeting for the
24	purpose of appointing the member of the legislature, and he
25	shall act as the presiding officer of the meeting.

1	[b] Each commissioner's vote is determined by the
2	formula 100 multiplied by (A divided by 81 multiplied by
3	divided by Cl. where A is the total votes cast for the
4	person_vacating_the_legislative_seat_in_the_respective
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15	must take place within 15 days after the vacancy occurs."

-End-

# SENATE STANDING COMMITTEE REPORT (State Administration)

That House Bill No. 528 be amended as follows:

- 1. Page 2, line 1.
   Following: "the"
   Insert: "following"
- 2. Page 2, line 2.
  Following: "formula"
  Insert: ":"
- 3. Page 2, lines 3 and 4.
  Strike: "for" through "seat" on line 4
- 4. Page 2, line 5. Following: "county" Insert: "for the person vacating the legislative seat or, if such person was not himself elected, the votes cast for the last person to be elected for the current term"
- 5. Page 2, line 8. Following: "DETERMINED."

Insert: "If a vacancy occurs in a holdover senate seat after holdover senators have been assigned to new districts under each reopportionment, the formula must be applied using the votes cast for the senationial candidates at the last election in which such votes were cast. Such votes shall include only those cast by electors residing in the new senate district for senate candidates of the party to which the person vacating the seat belonged. The secretary of state shall provide an estimate of the number of votes so cast, by county or portion thereof."

48th Legislature HB 0528/03 HB 0528/03

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1 (b) Each commissioner's vote is determined by the 2 FOLLOWING formula: 100 multiplied by (A divided by 81 3 multiplied by 11 divided by Clowberg A is the total votes cast for:the-person-vocatiog-the--legislative--seat in\_the respective county FOR THE PERSON YACATING THE LEGISLATIVE SEAT OR. IE SUCH PERSON WAS NOT HIMSELF ELECTED. THE VOTES 7 CAST FOR THE LAST PERSON TO BE ELECTED FOR THE CURRENT TERM. B is the total votes cast for that person in the legislative district. and Cis the number of authorized commissioners on 10 the voting == commissioneris board DE\_THE\_COMMISSIONER\_WHOSE 11 YOTE IS BEING DETERMINED. IE A YACANCY OCCURS IN A HOLDOVER 12 SENATE SEAT AETER HOLDOVER SENATORS HAVE BEEN ASSIGNED TO 13 NEW DISTRICTS UNDER EACH REAPPORTIONMENT. THE EDRHULA MUST 14 BE APPLIED USING THE VOIES CAST FOR THE SENATORIAL 15 CANDIDATES AT THE LAST ELECTION IN WHICH SUCH VOTES WERE CAST. SUCH VOTES SHALL INCLUDE ONLY THOSE CAST BY ELECTORS 16 17 RESIDING IN THE NEW SENATE DISTRICT FOR SENATE CANDIDATES OF LR THE PARTY TO WHICH THE PERSON YACATING THE SEAT BELONGED. 19 THE SECRETARY OF STATE SHALL PROVIDE AN ESTIMATE OF THE NUMBER DE VOTES SO CAST. BY COUNTY OR PORTION THEREDE. 20 21 (c) The person selected to fill the vacancy is the one 22 who receives the highest number above 50 that results from 23 the calculation required by this subsection. If no candidate 24 receives a number higher than 50 from that calculation. the 25 selection poard shall cast its votes again in the same

> 2- HB 528 REFERENCE BILL

- 1 manner for the persons receiving the two highest numbers.
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-3- HB 528