

HOUSE BILL NO. 528

INTRODUCED BY BENGTON, 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.
February 9, 1983	Second reading, do pass.
February 10, 1983	Considered correctly engrossed.
February 11, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

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 Bengton Bertelme
 3 Amolder M. Walker
 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."
 9
 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
 19 appointing board, selection of an individual to fill the
 20 vacancy must be as follows:
 21 (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 B) multiplied by (1
 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 one
 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-

INTRODUCED BILL

Approved by Committee
on State Administration

HOUSE BILL NO. 528

INTRODUCED BY BENGTSON, BERTELSEN, DONALDSON, MCCALLUM

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A WEIGHTED VOTING PROCESS IN THE SELECTION OF A PERSON TO FILL A LEGISLATIVE VACANCY IN THOSE LEGISLATIVE DISTRICTS CONSISTING OF ALL OR PARTS OF MORE 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:~~

~~(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.~~

~~(b) Each commissioner's vote is determined by the formula $100 \text{ multiplied by } (A \text{ divided by } B) \text{ multiplied by } (1 \text{ divided by } C)$, where A is the total votes cast for the person vacating the legislative seat in the respective county, B is the total votes cast for that person in the legislative district, and C is the number of authorized commissioners on the voting commissioner's board OF THE COMMISSIONER WHOSE VOTE IS BEING DETERMINED.~~

~~(c) The person selected to fill the vacancy is the one who receives the highest number above 50 that results from the calculation required by this subsection. If no candidate receives a number higher than 50 from that calculation, the selection board shall cast its votes again in the same manner for the persons receiving the two highest numbers.~~

(3) The appointment of a legislator under this section must take place within 15 days after the vacancy occurs."

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

(2)(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.

(b) Each commissioner's vote is determined by the formula $100 \text{ multiplied by } (A \text{ divided by } B) \text{ multiplied by } (1 \text{ divided by } C)$, where A is the total votes cast for the person vacating the legislative seat in the respective county, B is the total votes cast for that person in the legislative district, and C is the number of authorized commissioners on the voting commissioner's board OF THE COMMISSIONER WHOSE VOTE IS BEING DETERMINED.

(c) The person selected to fill the vacancy is the one who receives the highest number above 50 that results from the calculation required by this subsection. If no candidate receives a number higher than 50 from that calculation, the selection board shall cast its votes again in the same manner for the persons receiving the two highest numbers.

(3) The appointment of a legislator under this section must take place within 15 days after the vacancy occurs."

-End-

March 18, 1983

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: ":", "formula"
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 reapportionment, the formula
must be applied using the votes cast for the senatorial
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."

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

~~(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.~~

~~(b) Each commissioner's vote is determined by the FOLLOWING formula: $100 \text{ multiplied by } (A \text{ divided by } B)$ multiplied by $(1 \text{ divided by } C)$, where A is the total votes cast for the person vacating the legislative seat in the respective county 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, B is the total votes cast for that person in the legislative district, and C is the number of authorized commissioners on the voting commissioner's board OF THE COMMISSIONER WHOSE VOTE IS BEING DETERMINED. IF A VACANCY OCCURS IN A HOLDOVER SENATE SEAT AFTER HOLDOVER SENATORS HAVE BEEN ASSIGNED TO NEW DISTRICTS UNDER EACH REAPPORTIONMENT, THE FORMULA MUST BE APPLIED USING THE VOTES CAST FOR THE SENATORIAL 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.~~

~~(c) The person selected to fill the vacancy is the one who receives the highest number above 50 that results from the calculation required by this subsection. If no candidate receives a number higher than 50 from that calculation, the selection board shall cast its votes again in the same~~

1 ~~manner for the persons receiving the two highest numbers.~~
2 (3) The appointment of a legislator under this section
3 must take place within 15 days after the vacancy occurs."

-End-