

HOUSE BILL NO. 288

INTRODUCED BY THOFT, HOLLIDAY, NEUMAN, RAMIREZ

IN THE HOUSE

January 21, 1985	Introduced and referred to Committee on State Administration.
January 22, 1985	Fiscal Note requested.
January 23, 1985	Fiscal Note returned.
February 12, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
February 14, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 16, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 18, 1985	Introduced and referred to Committee on State Administration.
March 18, 1985	Committee recommend bill be concurrred in. Report adopted.
March 21, 1985	Second reading, concurrred in.
March 23, 1985	Third reading, concurrred in. Ayes, 48; Noes, 0.
	Returned to House.

IN THE HOUSE

March 25, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 288  
2 INTRODUCED BY Staff

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FROM 14  
5 DAYS TO 45 DAYS THE TIME PRIOR TO AN ELECTION THAT ABSENTEE  
6 BALLOTS MUST BE PREPARED; TO PROVIDE FOR CHANGES IN OTHER  
7 RELATED ELECTION DEADLINES TO REFLECT THE CHANGE IN THE  
8 ABSENTEE BALLOT DEADLINE; AND AMENDING SECTIONS 5-2-406,  
9 7-2-2313, 7-2-4902, 7-3-149, 7-3-160, 7-3-176, 7-3-192,  
10 7-3-4208, 7-3-4213, 7-3-4227, 7-3-4305, 7-3-4310, 7-3-4311,  
11 7-4-2106, 7-4-2206, 7-5-136, 7-11-307, 7-13-2208, 7-13-2241,  
12 7-13-2242, 7-13-2246, 7-13-2341, 7-33-2106, 7-34-2117,  
13 13-10-201, 13-10-208, 13-10-325 THROUGH 13-10-327,  
14 13-10-601, 13-12-201, 13-13-205, 13-14-118, 13-25-101,  
15 13-25-203, 13-25-205, 13-26-103, 13-35-107, 22-1-304,  
16 85-7-1702, AND 85-8-306, MCA."

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 Section 1. Section 5-2-406, MCA, is amended to read:  
20 "5-2-406. Elections to fill vacancies in senate. (1)  
21 Whenever a vacancy occurs 50 75 days or more before the  
22 general election held during the second year of the term, an  
23 individual shall be elected to complete the term at that  
24 general election. The election procedure to be used to elect  
25 the successor is as follows:

1 (a) Whenever the vacancy occurs 50 75 days or more  
2 prior to the primary election during the second year, the  
3 same procedure as is used for senators who will be elected  
4 to full 4-year terms at that general election shall be  
5 utilized.

6 (b) Whenever the vacancy occurs on or after the 50th  
7 75th day prior to the primary election, any political party  
8 desiring to enter a candidate in the general election shall  
9 select a candidate as provided in 13-10-327 and 13-38-204.  
10 A political party shall notify the secretary of state of the  
11 party nominee. A person desiring to be a candidate as an  
12 independent shall follow the procedures provided in  
13 13-10-501 and 13-10-502. The petition for an independent  
14 candidate shall be filed with the secretary of state on or  
15 before the 40th 65th day prior to the general election.

16 (2) Whenever a vacancy occurs on or after the 50th  
17 75th day prior to the general election held during the  
18 second year of the term, the person appointed by the board  
19 under 5-2-402 shall serve until the end of the term."

20 Section 2. Section 7-2-2313, MCA, is amended to read:  
21 "7-2-2313. Procedure to hold special election. (1)  
22 Upon filing the petition or petitions, duly certified as  
23 provided in 7-2-2312, with the election administrator of the  
24 new county, he must immediately notify the chairman of the  
25 board of county commissioners who, upon receipt of such



1 notice, must call a meeting of the board, to be held within  
 2 10 days after the filing of the petition, for the purpose of  
 3 considering the same. If the board at such meeting finds  
 4 that said petition conforms to the requirements of and is in  
 5 accordance with the provisions of 7-2-2312, it shall at the  
 6 meeting, by a resolution entered in its minutes, call a  
 7 special election of the registered electors of said county  
 8 for the purpose of voting upon the question of the location  
 9 of the permanent county seat.

10 (2) The election shall be held on Tuesday and not less  
 11 than ~~40~~ 75 or more than ~~60~~ 90 days after the date of calling  
 12 the same. The board must issue an election proclamation  
 13 containing a statement of the time of the election and the  
 14 question to be submitted. A copy of this proclamation must  
 15 be published in some newspaper printed in the county, if  
 16 any, and posted at each place of election at least 10 days  
 17 before the election."

18 Section 3. Section 7-2-4902, MCA, is amended to read:

19 "7-2-4902. Disincorporation by election. (1) Any city  
 20 or town may be disincorporated in the manner hereafter  
 21 provided.

22 (2) If the registered electors of a city or town equal  
 23 in number to 20% of the number of electors voting at the  
 24 last regular municipal election petition the board of county  
 25 commissioners of the county where the city or town is

1 situated to disincorporate the city or town, or if the city  
 2 governing body by a two-thirds vote of all its members  
 3 resolves to disincorporate, then the board shall order,  
 4 within 60 days, that a special election be held within the  
 5 city or town on the question of disincorporating the city or  
 6 town. The day for holding the election shall be not less  
 7 than ~~60~~ 75 days or more than 120 days after the board orders  
 8 the election."

9 Section 4. Section 7-3-149, MCA, is amended to read:

10 "7-3-149. Election on alternative form. (1) The  
 11 governing body shall call a special election on the question  
 12 of an alternative form of government to be held at least ~~40~~  
 13 75 days after the call and within 120 days of the date of  
 14 filing with the records administrator under 7-3-146. The  
 15 special election may be held in conjunction with any other  
 16 election. The records administrator shall prepare and print  
 17 notices of the special election.

18 (2) The cost of the election shall be paid for by the  
 19 local government.

20 (3) (a) The affirmative vote of a simple majority of  
 21 those voting on the question is required for adoption.

22 (b) In any election involving the question of  
 23 consolidation, each question shall be submitted to the  
 24 electors in the county and requires an affirmative vote of a  
 25 simple majority of the votes cast in the county on the

1 question for adoption. There is no requirement for separate  
2 majorities in local governments voting on consolidation.

3 (c) In any election involving the question of county  
4 merger, the questions shall be submitted to the electors in  
5 the counties affected and requires a majority of the votes  
6 cast on the questions in each affected county for adoption.

7 (d) If the electors disapprove the proposed new form  
8 of local government, amendments, or consolidation plan, the  
9 local government retains its existing form."

10 Section 5. Section 7-3-160, MCA, is amended to read:

11 "7-3-160. Election of new officials. (1) Within 20  
12 days after an election at which the new plan of government  
13 is approved by the electors, the governing body of the local  
14 government shall meet and order a special primary and  
15 general election for the purpose of electing the officials  
16 required by the new form of government. The elections for  
17 officials may be held in conjunction with any other  
18 election.

19 (2) The order shall specify a date for the primary  
20 election not more than 120 days or less than 20 75 days  
21 after the election approving the new form and a date for the  
22 general election 60 75 days after the primary."

23 Section 6. Section 7-3-176, MCA, is amended to read:

24 "7-3-176. Election of commission members. (1) If the  
25 question of reviewing the local government and establishing

1 a study commission is approved, an election to fill the  
2 positions on the local government study commission shall be  
3 held in conjunction with the 1984 general election date or  
4 at the first regularly scheduled election of the local  
5 government conducted after 90 days following the election  
6 establishing the study commission. A primary election may  
7 not be held.

8 (2) The names of study commission candidates who have  
9 filed declarations of nomination not later than 60 75 days  
10 before the date of the election shall be placed on the  
11 ballot. There is no filing fee. The election is nonpartisan,  
12 and candidates shall be listed without party or other  
13 designation or slogan. The secretary of state shall  
14 prescribe the ballot form for study commissions.

15 (3) Candidates for study commission positions shall be  
16 electors of the local government for which the study  
17 commission has been established. The candidates may not be  
18 elected officials of the local government.

19 (4) The number of candidates, equal to the number of  
20 study commission positions to be elected, receiving the  
21 highest number of votes shall be declared elected.

22 (5) If the number of study commissioners elected is  
23 not equal to the number required to be selected, the  
24 chairman of the governing body, with the confirmation of the  
25 governing body, shall appoint the additional study

1 commissioners within 20 days of the election. No elected  
2 official of the local government may be appointed."

3 Section 7. Section 7-3-192, MCA, is amended to read:

4 "7-3-192. Election on recommendation. (1) An  
5 alternative plan of government recommended by a study  
6 commission shall be submitted to the voters as provided in  
7 7-3-149, except that the study commission shall authorize  
8 the submission of the alternative plan of government to the  
9 voters at a special election to be held within no less than  
10 75 or more than 120 days from the date of the adoption of  
11 the final report. The special election may be held in  
12 conjunction with any regularly scheduled election. Study  
13 commissions elected on the general election date in 1984  
14 shall submit a final report allowing for a vote on any  
15 recommendation no later than the general election date in  
16 1986.

17 (2) General ballot requirements and treatment of  
18 suboptions on an alternative plan of government recommended  
19 by a study commission shall be the same as for  
20 recommendations by petition as provided in 7-3-150 and  
21 7-3-151."

22 Section 8. Section 7-3-4208, MCA, is amended to read:

23 "7-3-4208. Petition to organize under commission form  
24 -- election required. (1) Upon a petition being filed with  
25 the city council, signed by not less than 25% of the

1 qualified electors of such city registered for the last  
2 preceding general city election, praying that the question  
3 of reorganization under this part be submitted to the  
4 qualified electors of such city, said city council shall  
5 thereupon and within 30 days thereafter order a special  
6 election to be held. At this election the question of  
7 reorganization of such city under the provisions of this  
8 part shall be submitted to the qualified electors of such  
9 city.

10 (2) Such order of the city council shall specify  
11 therein the time when such election shall be held, which  
12 must be within no less than 75 or more than 90 days from the  
13 date of the filing-of-such-petition city council order."

14 Section 9. Section 7-3-4213, MCA, is amended to read:

15 "7-3-4213. Election for first city officers. (1) If a  
16 majority of the votes cast at such election shall be in  
17 favor of such proposition, the city council must, at its  
18 first regular meeting held thereafter, order a special  
19 election to be held for the purpose of electing a mayor and  
20 the number of councilmen to which such city shall be  
21 entitled. The order shall specify the time of holding such  
22 election, which must be within no less than 75 and no more  
23 than 90 days after the making of said order, and the mayor  
24 shall thereupon issue a proclamation setting forth the  
25 purposes for which such special election is called and the

1 day of holding the same. The proclamation shall be published  
 2 for 10 successive days in each daily newspaper published in  
 3 such city if there be such; otherwise, once a week for 2  
 4 consecutive weeks in each weekly newspaper published  
 5 therein; and a copy thereof shall also be posted at each  
 6 voting place within said city and also in at least 10 of the  
 7 most public places in said city.

8 (2) Such election shall be conducted, the vote  
 9 canvassed, and result declared in the same manner as  
 10 provided by law in respect to other city elections."

11 Section 10. Section 7-3-4227, MCA, is amended to read:

12 "7-3-4227. Abandonment of commission form. (1) Any  
 13 city which has operated for more than 1 year under the  
 14 provisions of this part may abandon such organization and  
 15 accept the provisions of the general law of the state  
 16 applicable to cities of its population.

17 (2) Upon the petition of not less than 10% of the  
 18 electors of the city registered for the preceding general  
 19 election, the following proposition shall be placed upon the  
 20 ballot at the next regular city election, provided the  
 21 petition is filed at least 60 75 days prior to the date of  
 22 the election:

23 "Shall the city of (name of city) abandon its  
 24 organization under chapter 57 of the acts of the twelfth  
 25 legislative assembly and become a city under the general law

1 governing cities of like population or, if formerly  
 2 organized under special charter, resume the special  
 3 charter?"

4 (3) If the majority of the votes cast at such election  
 5 is in favor of such proposition, the officers elected at the  
 6 next succeeding biennial election shall be those then  
 7 prescribed by the general law of the state for cities of  
 8 like population, and upon the qualification of these  
 9 officers, the city shall become a city under the general law  
 10 of the state, but this change may not in any manner or  
 11 degree affect the property, rights, or liabilities of any  
 12 nature of the city but shall merely extend to each change in  
 13 its form of government.

14 (4) Whenever the form of government of any city is  
 15 determined by a vote of the people under the provision of  
 16 this section, the same question may not be submitted again  
 17 for a period of 2 years, and any ordinance adopted by a vote  
 18 of the people shall not be repealed or the same question  
 19 submitted for a period of 2 years."

20 Section 11. Section 7-3-4305, MCA, is amended to read:

21 "7-3-4305. Petition to organize under  
 22 commission-manager form -- election required. (1) Upon a  
 23 petition being filed with the city or town council, signed  
 24 by not less than 25% of the qualified electors of such  
 25 municipality registered for the last preceding general

1 municipal election, praying that the question of  
 2 reorganization under this part and part 44 be submitted to  
 3 the qualified electors of such municipality, said city or  
 4 town council shall thereupon and within 30 days thereafter  
 5 order a special election to be held, at which election the  
 6 question of reorganization of such municipality under the  
 7 provisions of this part and part 44 shall be submitted to  
 8 the qualified electors of such municipality.

9 (2) Such order of the city or town council shall  
 10 specify therein the time when such election shall be held,  
 11 which must be within no less than 75 and no more than 90  
 12 days from the date of ~~filing-of-such-petition~~ the order of  
 13 the council."

14 Section 12. Section 7-3-4310, MCA, is amended to read:

15 "7-3-4310. Special election for municipal officers.  
 16 (1) If the majority of the votes cast at such election shall  
 17 be in favor of such proposition, the city or town council  
 18 must hold a meeting within 1 week thereafter and at such  
 19 meeting order a special election to be held for the purpose  
 20 of electing the number of commissioners to which such  
 21 municipality shall be entitled. This order shall specify the  
 22 time of holding such election, which must be within no less  
 23 than 75 or more than 90 days after the making of such order,  
 24 and the mayor shall thereupon issue a proclamation setting  
 25 forth the purpose for which such special election is held

1 and the day of holding the same. The proclamation shall be  
 2 published for 10 successive days in each daily newspaper  
 3 published in such municipality if there be such; otherwise,  
 4 for 2 successive weeks in each weekly newspaper published  
 5 therein; and a copy thereof shall also be posted at each  
 6 voting place within said municipality and also in five of  
 7 the most public places in said municipality.

8 (2) Such election shall be conducted, the vote  
 9 canvassed, and the result declared in the same manner as  
 10 provided by law in respect to other municipal elections.

11 (3) The provisions of 7-3-4341 are to be followed in  
 12 the special election, except that the date of the primary  
 13 election shall be at least 30 85 days before the special  
 14 election."

15 Section 13. Section 7-3-4311, MCA, is amended to read:

16 "7-3-4311. Procedure for multimunicipality  
 17 organization. (1) Whenever the inhabitants of any community  
 18 or group of communities in any county, whether separately  
 19 incorporated in whole or in part or unincorporated, which  
 20 are situated in such proximity or location with reference to  
 21 each other as to make single municipal control necessary or  
 22 desirable, shall desire to be organized into or annexed to  
 23 an incorporated city or town under the provisions of this  
 24 part and part 44, the board of county commissioners of such  
 25 county may or upon the presentation of a petition signed by



1 not less than 25% of the qualified electors in such  
2 community or group of communities must issue a proclamation  
3 ordering a special election to be held.

4 (2) At this election the question of the organization  
5 of such community or group of communities as a municipality  
6 under the provisions of this part and part 44 shall be  
7 submitted to the qualified electors within the proposed  
8 municipal district. Said proclamation shall specify the time  
9 when and the places where such election shall be held, which  
10 must be within no less than 75 or more than 90 days from the  
11 date of filing such petition, and shall define the  
12 boundaries of said proposed municipal district, which shall  
13 include all such communities and cities and such additional  
14 adjacent territory as shall, in the judgment of the board of  
15 county commissioners, provide for future urban growth.

16 (3) If a majority of the legal voters at said election  
17 vote in favor of the organization of such municipal district  
18 or in favor of annexation to an incorporated city or town,  
19 then the board of county commissioners shall declare the  
20 result of said election and immediately thereafter shall  
21 give notice for 30 days in a newspaper published within the  
22 proposed municipal district or, if none be published  
23 therein, by posting notices in six public places within the  
24 limits of said district of the time and place or places of  
25 holding the first election for commissioners of such

1 municipal district under this law. At such election all  
2 electors qualified by the general election laws of the state  
3 who have resided within the limits of the municipal district  
4 for 6 months are qualified electors. The board of county  
5 commissioners must appoint judges and clerks of election and  
6 canvass and declare the result thereof. The election must be  
7 conducted in the manner prescribed by law for the election  
8 of county officers, and the commissioners so elected must  
9 qualify in the manner prescribed by law for county  
10 officers."

11 Section 14. Section 7-4-2106, MCA, is amended to read:

12 "7-4-2106. Vacancy on board of county commissioners.

13 (1) For the purposes of this part, "vacancy" has the same  
14 meaning as prescribed in 2-16-501.

15 (2) Whenever a vacancy occurs in the board of county  
16 commissioners from a failure to elect or otherwise, the  
17 district judge or judges in whose district the vacancy  
18 occurs must fill the vacancy, and such appointee shall hold  
19 office until the next general election unless otherwise  
20 provided in subsection (3) or (4).

21 (3) Whenever a vacancy occurs ~~50~~ 75 days or more  
22 before the general election held during the second or fourth  
23 year of the term, an individual shall be elected to complete  
24 the term at that general election. The election procedure  
25 to be used to elect the successor is as follows:

1 (a) Whenever the vacancy occurs 50 75 days or more  
 2 before the primary election during the second or fourth year  
 3 of the term, the same procedure shall be utilized as is used  
 4 to elect county commissioners to full 6-year terms.

5 (b) Whenever the vacancy occurs after the 50<sup>th</sup> 75<sup>th</sup>  
 6 day preceding the primary election, any political party  
 7 desiring to enter a candidate in the general election shall  
 8 select a candidate as provided in 13-38-204. A political  
 9 party shall notify the clerk and recorder of the party  
 10 nominee. A person desiring to be a candidate as an  
 11 independent shall follow the procedures provided in  
 12 13-10-501 and 13-10-502. The petition for an independent  
 13 candidate shall be filed with the clerk and recorder on or  
 14 before the 40<sup>th</sup> 75<sup>th</sup> day prior to the general election. A  
 15 candidate for a nonpartisan office shall file as provided in  
 16 Title 13, chapter 14.

17 (4) Whenever a vacancy occurs after the 50<sup>th</sup> 75<sup>th</sup> day  
 18 preceding the general election held during the fourth year  
 19 of the term, the person appointed by the district judge  
 20 under 7-4-2106(2) shall serve until the end of the term."

21 Section 15. Section 7-4-2206, MCA, is amended to read:

22 "7-4-2206. Vacancies. (1) For the purposes of this  
 23 part, "vacancy" has the same meaning as prescribed in  
 24 2-16-501.

25 (2) Vacancies in all county offices, except that of

1 county commissioner, shall be filled by appointment by the  
 2 board of county commissioners. Except for the justice of  
 3 the peace, the appointee shall hold his office, if elective,  
 4 until the next general election unless otherwise provided in  
 5 subsections (3) or (4), and if not elective, the appointee  
 6 serves at the pleasure of the commissioners.

7 (3) Whenever a vacancy occurs 50 75 days or more  
 8 before the general election held during the second year of  
 9 the term, an individual shall be elected to complete the  
 10 term at that general election. The election procedure to be  
 11 used to elect the successor is as follows:

12 (a) Whenever the vacancy occurs 50 75 days or more  
 13 before the primary election during the second year of the  
 14 term, the same procedure shall be utilized as is used to  
 15 elect a person to that office for a full 4-year term.

16 (b) Whenever the vacancy occurs after the 50<sup>th</sup> 75<sup>th</sup>  
 17 day preceding the primary election, any political party  
 18 desiring to enter a candidate in the general election shall  
 19 select a candidate as provided in 13-38-204. A political  
 20 party shall notify the clerk and recorder of the party  
 21 nominee. A person desiring to be a candidate as an  
 22 independent shall follow the procedures provided in  
 23 13-10-501 and 13-10-502. The petition for an independent  
 24 candidate shall be filed with the clerk and recorder on or  
 25 before the 40<sup>th</sup> 75<sup>th</sup> day prior to the general election. A

1 candidate for a nonpartisan office shall file as provided in  
2 Title 13, chapter 14.

3 (4) Whenever a vacancy occurs after the 50<sup>th</sup> 75<sup>th</sup> day  
4 preceding the general election held during the second year  
5 of the term, the person appointed by the commissioners under  
6 7-4-2206(2) shall serve until the end of the term.

7 (5) Vacancies occurring in the office of justice of  
8 the peace shall be filled as provided in Title 3, chapter  
9 10, part 2."

10 Section 16. Section 7-5-136, MCA, is amended to read:

11 "7-5-136. Submission of question to electors. (1) Any  
12 ordinance proposed by petition or any amended ordinance  
13 proposed by petition or any referendum on an ordinance which  
14 is entitled to be submitted to the electors shall be voted  
15 on at the next regular election to be held in the local  
16 government unless:

17 (a) the petition asks that the question be submitted  
18 at a special election and is signed by at least 25% of the  
19 electors of the local government, in which case the  
20 governing body shall call a special election; or

21 (b) the governing body calls for a special election on  
22 the question.

23 (2) A special election may not be held sooner than 60  
24 75 days after the adequacy of the petition is determined by  
25 the election administrator or the governing body orders a

1 special election.

2 (3) If the adequacy of the petition is determined by  
3 the election administrator less than 45 75 days prior to the  
4 next regular election, the election shall be delayed until  
5 the following regular election unless a special election is  
6 called.

7 (4) Whenever a measure is ready for submission to the  
8 electors, the appropriate election administrator shall in  
9 writing notify the governing body and shall publish notice  
10 of the election and the ordinance which is to be proposed or  
11 amended. In the case of a referendum, the ordinance sought  
12 to be repealed shall be published.

13 (5) The question shall be placed on the ballot, giving  
14 the electors a choice between accepting or rejecting the  
15 proposal.

16 (6) If a majority of those voting favor the proposal,  
17 it becomes effective when the election results are  
18 officially declared unless otherwise stated in the  
19 proposal."

20 Section 17. Section 7-11-307, MCA, is amended to read:

21 "7-11-307. Election on service consolidation or  
22 transfer. (1) The governing bodies of each local government  
23 affected by a proposed service consolidation or transfer  
24 shall jointly call a special election on the question of  
25 service consolidation or transfer, to be held within no less

1 than 75 or more than 120 days of the date of the filing of  
 2 the petition under 7-11-303 or within no less than 75 or  
 3 more than 120 days of the receipt by the local government of  
 4 the interlocal cooperation commission recommendation. The  
 5 special election may be held in conjunction with any other  
 6 election. The county election administrator shall prepare  
 7 and print notices of the special election.

8 (2) The cost of the election shall be shared by the  
 9 affected local governments in proportionate shares as agreed  
 10 to by the governing bodies of the local governments."

11 Section 18. Section 7-13-2208, MCA, is amended to  
 12 read:

13 "7-13-2208. Decision on petition -- election required.

14 (1) On the final hearing, said board of county commissioners  
 15 shall make such changes in the proposed boundaries which be  
 16 within the county as may be deemed advisable and shall  
 17 define and establish such boundaries, but said board of  
 18 county commissioners shall not modify said boundaries as to  
 19 exclude from such proposed district any territory which  
 20 would be benefited by the formation of such district nor  
 21 shall any lands which will not, in the judgment of said  
 22 board of county commissioners, be benefited by such district  
 23 be included within such proposed district.

24 (2) Upon the final determination of the boundaries of  
 25 the district, the board of county commissioners of each

1 county in which said district lies shall give notice of an  
 2 election to be held in said proposed district for the  
 3 purpose of determining whether or not the same shall be  
 4 incorporated. The date of the election shall be ~~not--more~~  
 5 ~~than--60~~ no less than 75 or more than 90 days from the date  
 6 of the final hearing of such petition."

7 Section 19. Section 7-13-2241, MCA, is amended to  
 8 read:

9 "7-13-2241. Presentation of petition of nomination.

10 (1) A petition of nomination, consisting of not less than  
 11 five individual certificates for any one candidate, may be  
 12 presented to the election administrator not earlier than 65  
 13 90 days or later than ~~50~~ 75 days before the election. The  
 14 election administrator shall endorse thereon the date upon  
 15 which the petition was presented to him.

16 (2) If the district lies in more than one county, the  
 17 petition for nomination shall be presented to the election  
 18 administrator whose county contains the largest percentage  
 19 of the territory of the district and the election  
 20 administrator shall fulfill all duties assigned to election  
 21 administrators in elections under this part and part 23."

22 Section 20. Section 7-13-2242, MCA, is amended to  
 23 read:

24 "7-13-2242. Examination of petition. (1) When a  
 25 petition of nomination is presented for filing to the

1 election administrator, he shall examine the same and  
 2 ascertain whether or not it conforms to the provisions of  
 3 7-13-2237 through 7-13-2247. If found not to conform  
 4 thereto, he shall in writing designate on the petition the  
 5 defect or omission or reason why the petition cannot be  
 6 filed and shall return the petition to the individual named  
 7 as the individual to whom it may be returned in accordance  
 8 with 7-13-2240.

9 (2) The petition may then be amended and again  
 10 presented to the election administrator as in the first  
 11 instance but in no case may a petition be presented later  
 12 than 50 75 days before the election. The election  
 13 administrator shall proceed to examine the petition as  
 14 hereinbefore provided."

15 Section 21. Section 7-13-2246, MCA, is amended to  
 16 read:

17 "7-13-2246. Withdrawal of candidacy. (1) Any  
 18 individual who has been nominated as a candidate may, not  
 19 later than 30 75 days before the day of election, cause his  
 20 name to be withdrawn from nomination by filing with the  
 21 election administrator a request therefor in writing, and no  
 22 name withdrawn may be printed upon the ballot.

23 (2) If, upon such withdrawal, the number of candidates  
 24 remaining does not exceed the number to be elected, then  
 25 other nominations may be made by filing petitions therefor

1 not later than 30 75 days prior to the election."

2 Section 22. Section 7-13-2341, MCA, is amended to  
 3 read:

4 "7-13-2341. Addition of land to district. (1) Except  
 5 as provided in subsection (5), any portion of any county,  
 6 any municipality, or both, may be added to any district  
 7 organized under the provisions of this part and part 22 at  
 8 any time upon petition presented in the manner provided in  
 9 this part and part 22 for the organization of such district.

10 (2) The petition may be granted by ordinance of the  
 11 board of directors of such district. Such ordinance shall be  
 12 submitted for adoption or rejection to the vote of the  
 13 electors in such district and in the proposed addition at a  
 14 general or special election held, as provided in this part  
 15 and part 22, within 70 no less than 75 or more than 90 days  
 16 after the adoption of such ordinance.

17 (3) If such ordinance is approved, the president and  
 18 secretary of the board of directors shall certify that fact  
 19 to the secretary of state and to the county recorder of the  
 20 county in which such district is located. Upon the receipt  
 21 of such last-mentioned certificate, the secretary of state  
 22 shall within 10 days issue his certificate, reciting the  
 23 passage of said ordinance and the addition of said territory  
 24 to said district. A copy of such certificate shall be  
 25 transmitted to and filed with the county clerk of the county

1 in which such district is situated.

2 (4) From and after the date of such certificate, the  
3 territory named therein shall be deemed added to and form a  
4 part of said district with all the rights, privileges, and  
5 powers set forth in this part and necessarily incident  
6 thereto.

7 (5) If the board of directors determines that a  
8 district has a sewer facility with a capacity greater than  
9 required to meet the needs of the current district, it may  
10 by ordinance, upon petition of contiguous property owners,  
11 expand the district to include land in an unincorporated  
12 area, to the extent of excess capacity, without complying  
13 with subsections (1) and (2). However, if the board  
14 determines that an election should be held or if 40% or more  
15 of the members of the district petition for an election,  
16 compliance with subsections (1) and (2) is required."

17 Section 23. Section 7-33-2106, MCA, is amended to  
18 read:

19 "7-33-2106. Details relating to board of trustees of  
20 fire district. (1) The five trustees initially appointed by  
21 the county commissioners shall hold office until their  
22 successors are elected or appointed and qualified as  
23 hereinafter provided.

24 (2) Trustees shall be elected as provided in  
25 subsection (3) of this section, 13-1-104(3), and 13-1-401 or

1 appointed as provided in subsection (4) of this section. The  
2 term of office shall be 3 years beginning at the first  
3 district meeting following their election or appointment and  
4 continuing until their successors are elected or appointed  
5 and qualified. Appointments to fill vacancies shall be made  
6 by the county governing body and appointees shall hold  
7 office until the next regular election. All electors, as  
8 defined in Title 13, who reside in the district are eligible  
9 to vote in the election, including any holder of title to  
10 lands within the district who presents a proof of interest  
11 in such land at the polling place, regardless of whether he  
12 is registered to vote.

13 (3) Candidates for the office of trustee of the fire  
14 district to be filled by election may be nominated by  
15 petition filed with the election administrator or deputy  
16 election administrator at least 30 75 days before the  
17 election day and signed by at least five electors of the  
18 district.

19 (4) If no nominations are made for one or more trustee  
20 offices, the county governing body shall appoint one or more  
21 trustees as necessary to fill those offices.

22 (5) The trustees shall organize by choosing a chairman  
23 and appointing one member to act as secretary."

24 Section 24. Section 7-34-2117, MCA, is amended to  
25 read:

1 "7-34-2117. Procedure for the conduct of election for  
2 trustees. (1) All elections of trustees following the  
3 election of the first board of trustees shall be conducted  
4 at the time provided in 13-1-104(3) and in the manner  
5 provided by 13-1-401.

6 (2) Candidates for the office of trustee must be  
7 nominated by petition filed with the election administrator  
8 or deputy election administrator at least ~~30~~ 75 days before  
9 the election day and signed by at least five electors of the  
10 district.

11 (3) If there is no nomination petition filed, it shall  
12 not be necessary to hold an election but the board of county  
13 commissioners shall appoint a trustee to fill the term, the  
14 term to be the same as if the trustee were elected."

15 Section 25. Section 13-10-201, MCA, is amended to  
16 read:

17 "13-10-201. Declaration for nomination. (1) Each  
18 candidate in the primary election, except nonpartisan  
19 candidates filing under the provisions of chapter 14, shall  
20 send a declaration for nomination to the secretary of state  
21 or election administrator. Each candidate for governor  
22 shall send a joint declaration for nomination with a  
23 candidate for lieutenant governor.

24 (2) A declaration for nomination shall be filed in the  
25 office of:

1 (a) the secretary of state for a congressional office,  
2 state or district office to be voted for in more than one  
3 county, member of the legislature, or judge of the district  
4 court;

5 (b) the election administrator for a county,  
6 municipal, precinct, or district office (other than a member  
7 of the legislature or judge of the district court) to be  
8 voted for in only one county.

9 (3) Each candidate shall sign the declaration and send  
10 with it the required filing fee or, in the case of an  
11 indigent candidate, send with it the documents required by  
12 13-10-203. The declaration for nomination shall be  
13 acknowledged by an officer empowered to acknowledge  
14 signatures if sent by mail or by the officer of the office  
15 at which the filing is made.

16 (4) The declaration, when filed, is conclusive  
17 evidence that the elector is a candidate for nomination by  
18 his party.

19 (5) The declaration for nomination shall be in the  
20 form and contain the information prescribed by the secretary  
21 of state. The secretary of state and election administrator  
22 shall furnish declaration for nomination forms to  
23 individuals requesting them.

24 (6) Declarations for nomination shall be filed no  
25 sooner than the first business day in January of an election

1 year for that office and no later than 5 p.m., 50 75 days before the date of the primary election."

3 Section 26. Section 13-10-208, MCA, is amended to read:

5 "13-10-208. Certificate of primary ballot -- printing ballot. (1) Not more than 50 75 days and not less than 42 65 days before the date of the primary election, the secretary of state shall certify to the election administrators the names and designations of candidates, except as provided in 13-37-126, and any ballot issues as shown in the official records of his office in the manner provided in 13-10-209 and chapter 12, part 2, of this title.

13 (2) Not more than 40 65 days and not less than 30 60 days before the date of the primary election, the election administrator shall certify the names and designations of candidates, except as provided in 13-37-126, and any ballot issues as shown in the official record of his office and have the official ballots printed in the manner provided in 13-10-209 and chapter 12, part 2, of this title."

20 Section 27. Section 13-10-325, MCA, is amended to read:

22 "13-10-325. Withdrawal from nomination. (1) A candidate for nomination or candidate for election to an office may withdraw from the election by sending a statement of withdrawal to the officer with whom his declaration,

1 petition, or acceptance of nomination was filed. The statement must contain all information necessary to identify the candidate and the office sought and the reason for withdrawal. It shall be sworn or affirmed before an officer empowered to administer oaths. A candidate may not withdraw later than 30 75 days before an election.

7 (2) Filing fees paid by the candidate may not be refunded."

9 Section 28. Section 13-10-326, MCA, is amended to read:

11 "13-10-326. Vacancy prior to primary election. (1) If a candidate for nomination for a partisan office dies or withdraws 40 75 days or more before the primary election, the affected political party may appoint someone to replace the candidate by the procedure provided in 13-10-327.

16 (2) If the death or withdrawal occurs less than 40 75 days before the primary, the affected political party shall appoint a candidate after the primary as provided in 13-10-327 if a candidate for that office for that party was not nominated at the primary election. This section does not allow a political party to appoint a candidate for an office if no candidate for nomination by that party filed for the office before the primary election."

24 Section 29. Section 13-10-327, MCA, is amended to read:



1 "13-10-327. Vacancy after primary and prior to general  
2 election. (1) If a party candidate dies or withdraws after  
3 the primary and before the general election, the affected  
4 political party shall appoint someone to replace the  
5 candidate in one of the following ways:

6 (a) For offices to be filled by the state at large,  
7 the state central committee shall make the appointment as  
8 provided by the rules of the party.

9 (b) For offices to be filled in districts including  
10 more than one county, a committee appointed by the county  
11 central committees of all counties in the district shall  
12 make the appointment. Procedures for the appointment of the  
13 committee and making the appointment shall be provided in  
14 party rules.

15 (c) For offices to be filled in counties,  
16 municipalities, or districts wholly within a county, the  
17 appointment shall be made under rules adopted by the county  
18 central committee.

19 (2) Appointments to fill vacancies must be made no  
20 later than ~~40~~ 65 days before the election. A candidate may  
21 not officially withdraw ~~50~~ 75 days or less before a general  
22 election. However, if a candidate for partisan office dies  
23 less than ~~40~~ 75 days before the general election, the  
24 affected political party shall appoint a candidate within 5  
25 days after being notified of the vacancy. The procedures

1 provided in 13-12-204 shall be used to place the name of the  
2 appointee on the ballot if necessary.

3 (3) The appointing committee shall send a certificate  
4 to the officer with whom a declaration for nomination for  
5 the office would be filed, with the information required on  
6 a declaration for nomination and the name of the candidate  
7 for whom the appointee is to be substituted. The appointee  
8 shall send a signed and acknowledged acceptance of the  
9 appointment and the filing fee for the office.

10 (4) The officer receiving the certificate of  
11 appointment, accompanied by a statement of acceptance and  
12 the filing fee, shall certify the name of the appointee for  
13 the ballot."

14 Section 30. Section 13-10-601, MCA, is amended to  
15 read:

16 "13-10-601. Parties eligible for primary election --  
17 petitions by minor parties. (1) Every political party that  
18 had a candidate for a statewide office who received a total  
19 vote that was 5% or more of the total votes cast for the  
20 successful candidate for governor at the last general  
21 election shall nominate its candidates for public office,  
22 except for presidential electors, by a primary election as  
23 provided in this chapter.

24 (2) A political party that does not qualify to hold a  
25 primary election under subsection (1) may qualify to

1 nominate its candidates by primary election by presenting a  
 2 petition, in a form prescribed by the secretary of state,  
 3 requesting the primary election and signed by a number of  
 4 registered voters equal to 5% or more of the total votes  
 5 cast for the successful candidate for governor at the last  
 6 general election, which number must include the registered  
 7 voters in more than one-third of the legislative districts  
 8 equal to 5% or more of the total votes cast for the  
 9 successful candidate for governor at the last general  
 10 election in those districts. The petition must be presented  
 11 to the election administrator of the county in which the  
 12 signatures were gathered to be verified under the procedures  
 13 provided in 13-27-303 through 13-27-306. The election  
 14 administrator shall forward the verified petition to the  
 15 secretary of state at least 50 75 days before the date of  
 16 the primary. The petition must be submitted to the election  
 17 administrator at least 1 week before the deadline for  
 18 submitting the verified petition to the secretary of state."

19 Section 31. Section 13-12-201, MCA, is amended to  
 20 read:

21 "13-12-201. Secretary of state to certify ballot. (1)  
 22 Fifty Seventy-five days or more before an election, except  
 23 as provided in 13-10-208, the secretary of state shall  
 24 certify to the election administrators the name and party or  
 25 other designation of each candidate entitled to appear on

1 the ballot and ballot issues as shown in the official  
 2 records of his office, which must include the notification  
 3 specified in 13-37-126.

4 (2) The election administrator shall certify the name  
 5 and party or other designation of each candidate entitled to  
 6 appear on the ballot and ballot issues as shown in the  
 7 official records of his office, which must include the  
 8 notification specified in 13-37-126, and shall have the  
 9 official ballots printed."

10 Section 32. Section 13-13-205, MCA, is amended to  
 11 read:

12 "13-13-205. When ballots to be available. The election  
 13 administrator shall ensure that ballots are printed and  
 14 available for absentee voting at least ~~14~~ 45 days prior to  
 15 an election."

16 Section 33. Section 13-14-118, MCA, is amended to  
 17 read:

18 "13-14-118. Vacancies among nominees after nomination  
 19 and before general election. (1) If after the primary a  
 20 candidate is not able to run for the office for any reason,  
 21 the vacancy shall be filled by the candidate next in rank in  
 22 number of votes received in the primary election.

23 (2) If a vacancy for a nonpartisan nomination cannot  
 24 be filled as provided in subsection (1) and the vacancy  
 25 occurs no later than 50 75 days before the general election,

1 a 10-day period for accepting declarations for nomination or  
2 statements of candidacy and nominating petitions for the  
3 office shall be declared by:

4 (a) the governor for national, state, judicial  
5 district, legislative, or any multicounty district office;

6 (b) the governing body of the appropriate political  
7 subdivision for all other offices.

8 (3) The names of the candidates who filed as provided  
9 in subsection (2) shall be certified and printed on the  
10 general election ballot in the same manner as candidates  
11 nominated in the primary.

12 (4) If the vacancy occurs later than 50 75 days before  
13 the general election and no qualified individual is elected  
14 to the office at the general election, the office shall be  
15 vacant and shall be filled as provided by law."

16 Section 34. Section 13-25-101, MCA, is amended to  
17 read:

18 "13-25-101. Nomination of electors -- ballot. (1) Each  
19 political party qualified under 13-10-601 shall nominate  
20 presidential electors for this state and file certificates  
21 of nomination for these candidates with the secretary of  
22 state no later than 45 75 days before the general election,  
23 in the manner and number provided by law.

24 (2) The secretary of state shall certify to the  
25 election administrator the names of the candidates for

1 president and vice president of the several political  
2 parties, which shall be printed on the ballot.

3 (3) The names of candidates for electors of president  
4 and vice president may not be printed upon the ballot."

5 Section 35. Section 13-25-203, MCA, is amended to  
6 read:

7 "13-25-203. Vacancy in office of United States  
8 representative. (1) If a vacancy occurs in the office of  
9 United States representative, the governor shall immediately  
10 order an election to be held to fill the vacancy, except as  
11 provided in subsection (3).

12 (2) The election to fill the unexpired term shall be  
13 held within no less than 75 or more than 90 days from the  
14 time the vacancy occurs, except that if the vacancy occurs  
15 150 days or less before a primary election or between the  
16 primary and general elections in odd-numbered years, the  
17 election shall be held with the primary or general election.

18 (3) If the vacancy occurs between the primary and  
19 general election in even-numbered years, the candidate  
20 elected to the office for the succeeding full term shall  
21 immediately take office to fill the unexpired term."

22 Section 36. Section 13-25-205, MCA, is amended to  
23 read:

24 "13-25-205. Nominations for special election. (1) When  
25 a special election is ordered to fill a vacancy in the

1 office of United States senator or United States  
2 representative, each political party shall choose a  
3 candidate according to the rules of the party. Nominations  
4 by parties shall be made no later than ~~50~~ 75 days before the  
5 date set for the election.

6 (2) Nominating petitions may be filed by independent  
7 candidates for the office up to 5:00 p.m. of the ~~50th~~ 75th  
8 day before the election."

9 Section 37. Section 13-26-103, MCA, is amended to  
10 read:

11 "13-26-103. Nomination of delegates. (1) Nominations  
12 for the office of delegate shall be by petition signed by  
13 not less than 100 voters of the district.

14 (2) Nominations shall be without political designation  
15 but shall be as "in favor of" or "opposed to" ratification  
16 of the proposed amendment.

17 (3) Petitions and acceptances shall be filed not less  
18 than ~~30~~ 75 days prior to the election."

19 Section 38. Section 13-35-107, MCA, is amended to  
20 read:

21 "13-35-107. Voiding election. (1) If a court finds  
22 that the violation of any provision of this title by any  
23 person probably affected the outcome of any election, the  
24 result of that election may be held void and a special  
25 election held within ~~60~~ 75 days of that finding. If the

1 violation occurred during a primary election, the court may  
2 direct the selection of a new candidate according to the  
3 provisions of state law relating to the filling of vacancies  
4 on the general election ballot. Except as provided in  
5 subsection (2), an action to void an election shall be  
6 commenced within 1 year of the date of the election in  
7 question.

8 (2) An action to void a bond election shall be  
9 commenced within 60 days of the date of the election in  
10 question."

11 Section 39. Section 22-1-304, MCA, is amended to read:

12 "22-1-304. Tax levy -- special library fund -- bonds.

13 (1) The governing body of any city or county which has  
14 established a public library may levy in the same manner and  
15 at the same time as other taxes are levied a special tax in  
16 the amount necessary to maintain adequate public library  
17 service, not to exceed 5 mills on the dollar, upon all  
18 property in such county which may be levied by the governing  
19 body of such county and not to exceed 7 mills on the dollar  
20 upon all property in such city which may be levied by the  
21 governing body of such city.

22 (2) (a) The governing body of any city or county may  
23 by resolution submit the question of exceeding the maximum  
24 tax levy provided in subsection (1) to a vote of the  
25 qualified electors thereof at the next general election.

1 Such resolution must be adopted at least 60 75 days prior to  
2 the general election at which the question will be voted on.

3 (b) Upon petition being filed with the governing body  
4 and signed by not less than 5% of the resident taxpayers of  
5 any city or county requesting an election for the purpose of  
6 exceeding the maximum mill levy, the governing body shall  
7 submit to a vote of the qualified electors thereof at the  
8 next general election the question of exceeding the maximum  
9 mill levy. Such petition must be delivered to the governing  
10 body at least 90 days prior to the general election at which  
11 the question will be voted on.

12 (c) The question shall be submitted by ballots upon  
13 which the words "FOR exceeding the ... mill maximum levy and  
14 authorizing an additional ... mill(s) for the library" and  
15 "AGAINST exceeding the ... mill maximum library levy" shall  
16 appear, with a square before each proposition and a  
17 direction to insert an "X" mark in the square before one or  
18 the other of the propositions.

19 (d) The votes cast for the adoption or rejection of  
20 the question must be canvassed, and:

21 (i) if a majority of the voters voting on the question  
22 vote to exceed the maximum mill levy, the governing body  
23 shall levy the additional tax for the year in which the vote  
24 was taken; or

25 (ii) if a majority of the voters voting on the question

1 vote to not exceed the maximum mill levy, the maximum mill  
2 levy may not be exceeded.

3 (3) The municipal tax authorized in this section is in  
4 addition to all other taxes authorized by law and is not  
5 within the all-purpose mill levy established by 7-6-4451  
6 through 7-6-4453.

7 (4) The proceeds of such tax shall constitute a  
8 separate fund called the public library fund and shall not  
9 be used for any purpose except those of the public library.

10 (5) No money shall be paid out of the public library  
11 fund by the treasurer of the city or county except by order  
12 or warrant of the board of library trustees.

13 (6) Bonds may be issued by the governing body in the  
14 manner prescribed by law for the erection and equipment of  
15 public library buildings and the purchase of land therefor."

16 Section 40. Section 85-7-1702, MCA, is amended to  
17 read:

18 "85-7-1702. Regular election -- term of office. (1)  
19 Candidates for the office of commissioner may be nominated  
20 by petition filed with the election administrator or deputy  
21 election administrator at least 30 75 days before the  
22 election and signed by at least five electors of the  
23 district. If no nominations are made, the electors of the  
24 district shall write on the ballots the name or names of the  
25 persons for whom they desire to vote.

1 (2) The regular election for commissioners in each  
2 district shall be held annually in accordance with 13-1-104  
3 and 13-1-401.

4 (3) Within 40 days following their election the  
5 commissioners shall meet and organize as a board by electing  
6 a president from their number and a secretary, who may or  
7 may not be a commissioner, and who shall each hold office  
8 during the pleasure of the board. The term of office of each  
9 commissioner shall begin on the date of the organizational  
10 meeting after the regular election and shall continue for 3  
11 years and until the election and qualification of his  
12 successor.

13 (4) Commissioners are elected by the electors of the  
14 entire district."

15 Section 41. Section 85-8-306, MCA, is amended to read:

16 "85-8-306. Nominations. Candidates for the office of  
17 commissioner to be filled by election may be nominated by  
18 petition filed with the election administrator or deputy  
19 election administrator at least 30 75 days before the  
20 election and signed by at least five electors of the  
21 district. If no nominations are made, the electors of the  
22 district shall write on the ballots the name or names of the  
23 persons for whom they desire to vote. This section does not  
24 prevent an elector from voting for any qualified person,  
25 although the name does not appear on the official ballot."

-End-

STATE OF MONTANA  
FISCAL NOTE

REQUEST NO. FNN-170-85

Form BD-15

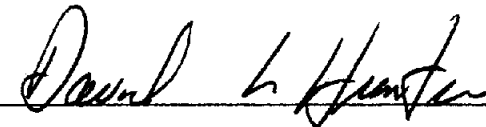
In compliance with a written request received January 22, 19 85, there is hereby submitted a Fiscal Note for House Bill 288 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION

House Bill 288 would increase from 14 days to 45 days the time prior to an election that absentee ballots must be prepared, and provides for changes in other related election deadlines to reflect the change in the absentee ballot deadline.

FISCAL IMPACT

No fiscal impact.



BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Jan 23, 1985

HB 288

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

HOUSE BILL NO. 288

INTRODUCED BY THOFT, HOLLIDAY, NEUMAN, RAMIREZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FROM 14 DAYS TO 45 DAYS THE TIME PRIOR TO AN ELECTION THAT ABSENTEE BALLOTS MUST BE PREPARED; TO PROVIDE FOR CHANGES IN OTHER RELATED ELECTION DEADLINES TO REFLECT THE CHANGE IN THE ABSENTEE BALLOT DEADLINE; AND AMENDING SECTIONS 5-2-406, 7-2-2313, 7-2-4902, 7-3-149, 7-3-160, 7-3-176, 7-3-192, 7-3-4208, 7-3-4213, 7-3-4227, 7-3-4305, 7-3-4310, 7-3-4311, 7-4-2106, 7-4-2206, 7-5-136, 7-11-307, 7-13-2208, 7-13-2241, 7-13-2242, 7-13-2246, 7-13-2341, 7-33-2106, 7-34-2117, 13-10-201, 13-10-208, 13-10-325 THROUGH 13-10-327, 13-10-601, 13-12-201, 13-13-205, 13-14-118, 13-25-101, 13-25-203, 13-25-205, 13-26-103, 13-35-107, 22-1-304, 85-7-1702, AND 85-8-306, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 5-2-406, MCA, is amended to read:

"5-2-406. Elections to fill vacancies in senate. (1) Whenever a vacancy occurs 50 75 days or more before the general election held during the second year of the term, an individual shall be elected to complete the term at that general election. The election procedure to be used to elect

the successor is as follows:

(a) Whenever the vacancy occurs 50 75 days or more prior to the primary election during the second year, the same procedure as is used for senators who will be elected to full 4-year terms at that general election shall be utilized.

(b) Whenever the vacancy occurs on or after the 50th 75th day prior to the primary election, any political party desiring to enter a candidate in the general election shall select a candidate as provided in 13-10-327 and 13-38-204. A political party shall notify the secretary of state of the party nominee. A person desiring to be a candidate as an independent shall follow the procedures provided in 13-10-501 and 13-10-502. The petition for an independent candidate shall be filed with the secretary of state on or before the 40th 65th day prior to the general election.

(2) Whenever a vacancy occurs on or after the 50th 75th day prior to the general election held during the second year of the term, the person appointed by the board under 5-2-402 shall serve until the end of the term."

Section 2. Section 7-2-2313, MCA, is amended to read:

"7-2-2313. Procedure to hold special election. (1) Upon filing the petition or petitions, duly certified as provided in 7-2-2312, with the election administrator of the new county, he must immediately notify the chairman of the



1 board of county commissioners who, upon receipt of such  
 2 notice, must call a meeting of the board, to be held within  
 3 10 days after the filing of the petition, for the purpose of  
 4 considering the same. If the board at such meeting finds  
 5 that said petition conforms to the requirements of and is in  
 6 accordance with the provisions of 7-2-2312, it shall at the  
 7 meeting, by a resolution entered in its minutes, call a  
 8 special election of the registered electors of said county  
 9 for the purpose of voting upon the question of the location  
 10 of the permanent county seat.

11 (2) The election shall be held on Tuesday and not less  
 12 than ~~40~~ 75 or more than ~~60~~ 90 days after the date of calling  
 13 the same. The board must issue an election proclamation  
 14 containing a statement of the time of the election and the  
 15 question to be submitted. A copy of this proclamation must  
 16 be published in some newspaper printed in the county, if  
 17 any, and posted at each place of election at least 10 days  
 18 before the election."

19 Section 3. Section 7-2-4902, MCA, is amended to read:

20 "7-2-4902. Disincorporation by election. (1) Any city  
 21 or town may be disincorporated in the manner hereafter  
 22 provided.

23 (2) If the registered electors of a city or town equal  
 24 in number to 20% of the number of electors voting at the  
 25 last regular municipal election petition the board of county

1 commissioners of the county where the city or town is  
 2 situated to disincorporate the city or town, or if the city  
 3 governing body by a two-thirds vote of all its members  
 4 resolves to disincorporate, then the board shall order,  
 5 within 60 days, that a special election be held within the  
 6 city or town on the question of disincorporating the city or  
 7 town. The day for holding the election shall be not less  
 8 than ~~60~~ 75 days or more than 120 days after the board orders  
 9 the election."

10 Section 4. Section 7-3-149, MCA, is amended to read:

11 "7-3-149. Election on alternative form. (1) The  
 12 governing body shall call a special election on the question  
 13 of an alternative form of government to be held at least ~~40~~  
 14 75 days after the call and within 120 days of the date of  
 15 filing with the records administrator under 7-3-146. The  
 16 special election may be held in conjunction with any other  
 17 election. The records administrator shall prepare and print  
 18 notices of the special election.

19 (2) The cost of the election shall be paid for by the  
 20 local government.

21 (3) (a) The affirmative vote of a simple majority of  
 22 those voting on the question is required for adoption.

23 (b) In any election involving the question of  
 24 consolidation, each question shall be submitted to the  
 25 electors in the county and requires an affirmative vote of a

1 simple majority of the votes cast in the county on the  
 2 question for adoption. There is no requirement for separate  
 3 majorities in local governments voting on consolidation.

4 (c) In any election involving the question of county  
 5 merger, the questions shall be submitted to the electors in  
 6 the counties affected and requires a majority of the votes  
 7 cast on the questions in each affected county for adoption.

8 (d) If the electors disapprove the proposed new form  
 9 of local government, amendments, or consolidation plan, the  
 10 local government retains its existing form."

11 Section 5. Section 7-3-160, MCA, is amended to read:

12 "7-3-160. Election of new officials. (1) Within 20  
 13 days after an election at which the new plan of government  
 14 is approved by the electors, the governing body of the local  
 15 government shall meet and order a special primary and  
 16 general election for the purpose of electing the officials  
 17 required by the new form of government. The elections for  
 18 officials may be held in conjunction with any other  
 19 election.

20 (2) The order shall specify a date for the primary  
 21 election not more than 120 days or less than 20 75 days  
 22 after the election approving the new form and a date for the  
 23 general election 60 75 days after the primary."

24 Section 6. Section 7-3-176, MCA, is amended to read:

25 "7-3-176. Election of commission members. (1) If the

1 question of reviewing the local government and establishing  
 2 a study commission is approved, an election to fill the  
 3 positions on the local government study commission shall be  
 4 held in conjunction with the 1984 general election date or  
 5 at the first regularly scheduled election of the local  
 6 government conducted after 90 days following the election  
 7 establishing the study commission. A primary election may  
 8 not be held.

9 (2) The names of study commission candidates who have  
 10 filed declarations of nomination not later than 60 75 days  
 11 before the date of the election shall be placed on the  
 12 ballot. There is no filing fee. The election is nonpartisan,  
 13 and candidates shall be listed without party or other  
 14 designation or slogan. The secretary of state shall  
 15 prescribe the ballot form for study commissions.

16 (3) Candidates for study commission positions shall be  
 17 electors of the local government for which the study  
 18 commission has been established. The candidates may not be  
 19 elected officials of the local government.

20 (4) The number of candidates, equal to the number of  
 21 study commission positions to be elected, receiving the  
 22 highest number of votes shall be declared elected.

23 (5) If the number of study commissioners elected is  
 24 not equal to the number required to be selected, the  
 25 chairman of the governing body, with the confirmation of the

1 governing body, shall appoint the additional study  
2 commissioners within 20 days of the election. No elected  
3 official of the local government may be appointed."

4 Section 7. Section 7-3-192, MCA, is amended to read:

5 "7-3-192. Election on recommendation. (1) An  
6 alternative plan of government recommended by a study  
7 commission shall be submitted to the voters as provided in  
8 7-3-149, except that the study commission shall authorize  
9 the submission of the alternative plan of government to the  
10 voters at a special election to be held within no less than  
11 75 or more than 120 days from the date of the adoption of  
12 the final report. The special election may be held in  
13 conjunction with any regularly scheduled election. Study  
14 commissions elected on the general election date in 1984  
15 shall submit a final report allowing for a vote on any  
16 recommendation no later than the general election date in  
17 1986.

18 (2) General ballot requirements and treatment of  
19 suboptimal on an alternative plan of government recommended  
20 by a study commission shall be the same as for  
21 recommendations by petition as provided in 7-3-150 and  
22 7-3-151."

23 Section 8. Section 7-3-4208, MCA, is amended to read:

24 "7-3-4208. Petition to organize under commission form  
25 -- election required. (1) Upon a petition being filed with

1 the city council, signed by not less than 25% of the  
2 qualified electors of such city registered for the last  
3 preceding general city election, praying that the question  
4 of reorganization under this part be submitted to the  
5 qualified electors of such city, said city council shall  
6 thereupon and within 30 days thereafter order a special  
7 election to be held. At this election the question of  
8 reorganization of such city under the provisions of this  
9 part shall be submitted to the qualified electors of such  
10 city.

11 (2) Such order of the city council shall specify  
12 therein the time when such election shall be held, which  
13 must be within no less than 75 or more than 90 days from the  
14 date of the filing-of-such-petition city council order."

15 Section 9. Section 7-3-4213, MCA, is amended to read:

16 "7-3-4213. Election for first city officers. (1) If a  
17 majority of the votes cast at such election shall be in  
18 favor of such proposition, the city council must, at its  
19 first regular meeting held thereafter, order a special  
20 election to be held for the purpose of electing a mayor and  
21 the number of councilmen to which such city shall be  
22 entitled. The order shall specify the time of holding such  
23 election, which must be within no less than 75 and no more  
24 than 90 days after the making of said order, and the mayor  
25 shall thereupon issue a proclamation setting forth the

1 purposes for which such special election is called and the  
 2 day of holding the same. The proclamation shall be published  
 3 for 10 successive days in each daily newspaper published in  
 4 such city if there be such; otherwise, once a week for 2  
 5 consecutive weeks in each weekly newspaper published  
 6 therein; and a copy thereof shall also be posted at each  
 7 voting place within said city and also in at least 10 of the  
 8 most public places in said city.

9 (2) Such election shall be conducted, the vote  
 10 canvassed, and result declared in the same manner as  
 11 provided by law in respect to other city elections."

12 Section 10. Section 7-3-4227, MCA, is amended to read:

13 "7-3-4227. Abandonment of commission form. (1) Any  
 14 city which has operated for more than 1 year under the  
 15 provisions of this part may abandon such organization and  
 16 accept the provisions of the general law of the state  
 17 applicable to cities of its population.

18 (2) Upon the petition of not less than 10% of the  
 19 electors of the city registered for the preceding general  
 20 election, the following proposition shall be placed upon the  
 21 ballot at the next regular city election, provided the  
 22 petition is filed at least ~~60~~ 75 days prior to the date of  
 23 the election:

24 "Shall the city of (name of city) abandon its  
 25 organization under chapter 57 of the acts of the twelfth

1 legislative assembly and become a city under the general law  
 2 governing cities of like population or, if formerly  
 3 organized under special charter, resume the special  
 4 charter?"

5 (3) If the majority of the votes cast at such election  
 6 is in favor of such proposition, the officers elected at the  
 7 next succeeding biennial election shall be those then  
 8 prescribed by the general law of the state for cities of  
 9 like population, and upon the qualification of these  
 10 officers, the city shall become a city under the general law  
 11 of the state, but this change may not in any manner or  
 12 degree affect the property, rights, or liabilities of any  
 13 nature of the city but shall merely extend to each change in  
 14 its form of government.

15 (4) Whenever the form of government of any city is  
 16 determined by a vote of the people under the provision of  
 17 this section, the same question may not be submitted again  
 18 for a period of 2 years, and any ordinance adopted by a vote  
 19 of the people shall not be repealed or the same question  
 20 submitted for a period of 2 years."

21 Section 11. Section 7-3-4305, MCA, is amended to read:

22 "7-3-4305. Petition to organize under  
 23 commission-manager form -- election required. (1) Upon a  
 24 petition being filed with the city or town council, signed  
 25 by not less than 25% of the qualified electors of such

1 municipality registered for the last preceding general  
 2 municipal election, praying that the question of  
 3 reorganization under this part and part 44 be submitted to  
 4 the qualified electors of such municipality, said city or  
 5 town council shall thereupon and within 30 days thereafter  
 6 order a special election to be held, at which election the  
 7 question of reorganization of such municipality under the  
 8 provisions of this part and part 44 shall be submitted to  
 9 the qualified electors of such municipality.

10 (2) Such order of the city or town council shall  
 11 specify therein the time when such election shall be held,  
 12 which must be within no less than 75 and no more than 90  
 13 days from the date of filing of such petition the order of  
 14 the council."

15 Section 12. Section 7-3-4310, MCA, is amended to read:

16 "7-3-4310. Special election for municipal officers.

17 (1) If the majority of the votes cast at such election shall  
 18 be in favor of such proposition, the city or town council  
 19 must hold a meeting within 1 week thereafter and at such  
 20 meeting order a special election to be held for the purpose  
 21 of electing the number of commissioners to which such  
 22 municipality shall be entitled. This order shall specify the  
 23 time of holding such election, which must be within no less  
 24 than 75 or more than 90 days after the making of such order,  
 25 and the mayor shall thereupon issue a proclamation setting

1 forth the purpose for which such special election is held  
 2 and the day of holding the same. The proclamation shall be  
 3 published for 10 successive days in each daily newspaper  
 4 published in such municipality if there be such; otherwise,  
 5 for 2 successive weeks in each weekly newspaper published  
 6 therein; and a copy thereof shall also be posted at each  
 7 voting place within said municipality and also in five of  
 8 the most public places in said municipality.

9 (2) Such election shall be conducted, the vote  
 10 canvassed, and the result declared in the same manner as  
 11 provided by law in respect to other municipal elections.

12 (3) The provisions of 7-3-4341 are to be followed in  
 13 the special election, except that the date of the primary  
 14 election shall be at least ~~30~~ 85 days before the special  
 15 election."

16 Section 13. Section 7-3-4311, MCA, is amended to read:

17 "7-3-4311. Procedure for multimunicipality  
 18 organization. (1) Whenever the inhabitants of any community  
 19 or group of communities in any county, whether separately  
 20 incorporated in whole or in part or unincorporated, which  
 21 are situated in such proximity or location with reference to  
 22 each other as to make single municipal control necessary or  
 23 desirable, shall desire to be organized into or annexed to  
 24 an incorporated city or town under the provisions of this  
 25 part and part 44, the board of county commissioners of such

1 county may or upon the presentation of a petition signed by  
2 not less than 25% of the qualified electors in such  
3 community or group of communities must issue a proclamation  
4 ordering a special election to be held.

5 (2) At this election the question of the organization  
6 of such community or group of communities as a municipality  
7 under the provisions of this part and part 44 shall be  
8 submitted to the qualified electors within the proposed  
9 municipal district. Said proclamation shall specify the time  
10 when and the places where such election shall be held, which  
11 must be within no less than 75 or more than 90 days from the  
12 date of filing such petition, and shall define the  
13 boundaries of said proposed municipal district, which shall  
14 include all such communities and cities and such additional  
15 adjacent territory as shall, in the judgment of the board of  
16 county commissioners, provide for future urban growth.

17 (3) If a majority of the legal voters at said election  
18 vote in favor of the organization of such municipal district  
19 or in favor of annexation to an incorporated city or town,  
20 then the board of county commissioners shall declare the  
21 result of said election and immediately thereafter shall  
22 give notice for 30 days in a newspaper published within the  
23 proposed municipal district or, if none be published  
24 therein, by posting notices in six public places within the  
25 limits of said district of the time and place or places of

1 holding the first election for commissioners of such  
2 municipal district under this law. At such election all  
3 electors qualified by the general election laws of the state  
4 who have resided within the limits of the municipal district  
5 for 6 months are qualified electors. The board of county  
6 commissioners must appoint judges and clerks of election and  
7 canvass and declare the result thereof. The election must be  
8 conducted in the manner prescribed by law for the election  
9 of county officers, and the commissioners so elected must  
10 qualify in the manner prescribed by law for county  
11 officers."

12 Section 14. Section 7-4-2106, MCA, is amended to read:

13 "7-4-2106. Vacancy on board of county commissioners.

14 (1) For the purposes of this part, "vacancy" has the same  
15 meaning as prescribed in 2-16-501.

16 (2) Whenever a vacancy occurs in the board of county  
17 commissioners from a failure to elect or otherwise, the  
18 district judge or judges in whose district the vacancy  
19 occurs must fill the vacancy, and such appointee shall hold  
20 office until the next general election unless otherwise  
21 provided in subsection (3) or (4).

22 (3) Whenever a vacancy occurs ~~50~~ 75 days or more  
23 before the general election held during the second or fourth  
24 year of the term, an individual shall be elected to complete  
25 the term at that general election. The election procedure

1 to be used to elect the successor is as follows:

2 (a) Whenever the vacancy occurs 50 75 days or more  
3 before the primary election during the second or fourth year  
4 of the term, the same procedure shall be utilized as is used  
5 to elect county commissioners to full 6-year terms.

6 (b) Whenever the vacancy occurs after the 50<sup>th</sup> 75th  
7 day preceding the primary election, any political party  
8 desiring to enter a candidate in the general election shall  
9 select a candidate as provided in 13-38-204. A political  
10 party shall notify the clerk and recorder of the party  
11 nominee. A person desiring to be a candidate as an  
12 independent shall follow the procedures provided in  
13 13-10-501 and 13-10-502. The petition for an independent  
14 candidate shall be filed with the clerk and recorder on or  
15 before the 40<sup>th</sup> 75th day prior to the general election. A  
16 candidate for a nonpartisan office shall file as provided in  
17 Title 13, chapter 14.

18 (4) Whenever a vacancy occurs after the 50<sup>th</sup> 75th day  
19 preceding the general election held during the fourth year  
20 of the term, the person appointed by the district judge  
21 under 7-4-2106(2) shall serve until the end of the term."

22 Section 15. Section 7-4-2206, MCA, is amended to read:

23 "7-4-2206. Vacancies. (1) For the purposes of this  
24 part, "vacancy" has the same meaning as prescribed in  
25 2-16-501.

1 (2) Vacancies in all county offices, except that of  
2 county commissioner, shall be filled by appointment by the  
3 board of county commissioners. Except for the justice of  
4 the peace, the appointee shall hold his office, if elective,  
5 until the next general election unless otherwise provided in  
6 subsections (3) or (4), and if not elective, the appointee  
7 serves at the pleasure of the commissioners.

8 (3) Whenever a vacancy occurs 50 75 days or more  
9 before the general election held during the second year of  
10 the term, an individual shall be elected to complete the  
11 term at that general election. The election procedure to be  
12 used to elect the successor is as follows:

13 (a) Whenever the vacancy occurs 50 75 days or more  
14 before the primary election during the second year of the  
15 term, the same procedure shall be utilized as is used to  
16 elect a person to that office for a full 4-year term.

17 (b) Whenever the vacancy occurs after the 50<sup>th</sup> 75th  
18 day preceding the primary election, any political party  
19 desiring to enter a candidate in the general election shall  
20 select a candidate as provided in 13-38-204. A political  
21 party shall notify the clerk and recorder of the party  
22 nominee. A person desiring to be a candidate as an  
23 independent shall follow the procedures provided in  
24 13-10-501 and 13-10-502. The petition for an independent  
25 candidate shall be filed with the clerk and recorder on or

1 before the ~~40th~~ 75th day prior to the general election. A  
 2 candidate for a nonpartisan office shall file as provided in  
 3 Title 13, chapter 14.

4 (4) Whenever a vacancy occurs after the ~~50th~~ 75th day  
 5 preceding the general election held during the second year  
 6 of the term, the person appointed by the commissioners under  
 7 7-4-2206(2) shall serve until the end of the term.

8 (5) Vacancies occurring in the office of justice of  
 9 the peace shall be filled as provided in Title 3, chapter  
 10 10, part 2."

11 Section 16. Section 7-5-136, MCA, is amended to read:

12 "7-5-136. Submission of question to electors. (1) Any  
 13 ordinance proposed by petition or any amended ordinance  
 14 proposed by petition or any referendum on an ordinance which  
 15 is entitled to be submitted to the electors shall be voted  
 16 on at the next regular election to be held in the local  
 17 government unless:

18 (a) the petition asks that the question be submitted  
 19 at a special election and is signed by at least 25% of the  
 20 electors of the local government, in which case the  
 21 governing body shall call a special election; or

22 (b) the governing body calls for a special election on  
 23 the question.

24 (2) A special election may not be held sooner than ~~60~~  
 25 75 days after the adequacy of the petition is determined by

1 the election administrator or the governing body orders a  
 2 special election.

3 (3) If the adequacy of the petition is determined by  
 4 the election administrator less than ~~45~~ 75 days prior to the  
 5 next regular election, the election shall be delayed until  
 6 the following regular election unless a special election is  
 7 called.

8 (4) Whenever a measure is ready for submission to the  
 9 electors, the appropriate election administrator shall in  
 10 writing notify the governing body and shall publish notice  
 11 of the election and the ordinance which is to be proposed or  
 12 amended. In the case of a referendum, the ordinance sought  
 13 to be repealed shall be published.

14 (5) The question shall be placed on the ballot, giving  
 15 the electors a choice between accepting or rejecting the  
 16 proposal.

17 (6) If a majority of those voting favor the proposal,  
 18 it becomes effective when the election results are  
 19 officially declared unless otherwise stated in the  
 20 proposal."

21 Section 17. Section 7-11-307, MCA, is amended to read:

22 "7-11-307. Election on service consolidation or  
 23 transfer. (1) The governing bodies of each local government  
 24 affected by a proposed service consolidation or transfer  
 25 shall jointly call a special election on the question of



1 service consolidation or transfer, to be held within no less  
 2 than 75 or more than 120 days of the date of the filing of  
 3 the petition under 7-11-303 or within no less than 75 or  
 4 more than 120 days of the receipt by the local government of  
 5 the interlocal cooperation commission recommendation. The  
 6 special election may be held in conjunction with any other  
 7 election. The county election administrator shall prepare  
 8 and print notices of the special election.

9 (2) The cost of the election shall be shared by the  
 10 affected local governments in proportionate shares as agreed  
 11 to by the governing bodies of the local governments."

12 Section 18. Section 7-13-2208, MCA, is amended to  
 13 read:

14 "7-13-2208. Decision on petition -- election required.

15 (1) On the final hearing, said board of county commissioners  
 16 shall make such changes in the proposed boundaries which be  
 17 within the county as may be deemed advisable and shall  
 18 define and establish such boundaries, but said board of  
 19 county commissioners shall not modify said boundaries as to  
 20 exclude from such proposed district any territory which  
 21 would be benefited by the formation of such district nor  
 22 shall any lands which will not, in the judgment of said  
 23 board of county commissioners, be benefited by such district  
 24 be included within such proposed district.

25 (2) Upon the final determination of the boundaries of

1 the district, the board of county commissioners of each  
 2 county in which said district lies shall give notice of an  
 3 election to be held in said proposed district for the  
 4 purpose of determining whether or not the same shall be  
 5 incorporated. The date of the election shall be ~~not~~-more  
 6 ~~than-60~~ no less than 75 or more than 90 days from the date  
 7 of the final hearing of such petition."

8 Section 19. Section 7-13-2241, MCA, is amended to  
 9 read:

10 "7-13-2241. Presentation of petition of nomination.

11 (1) A petition of nomination, consisting of not less than  
 12 five individual certificates for any one candidate, may be  
 13 presented to the election administrator not earlier than ~~65~~  
 14 90 days or later than ~~50~~ 75 days before the election. The  
 15 election administrator shall endorse thereon the date upon  
 16 which the petition was presented to him.

17 (2) If the district lies in more than one county, the  
 18 petition for nomination shall be presented to the election  
 19 administrator whose county contains the largest percentage  
 20 of the territory of the district and the election  
 21 administrator shall fulfill all duties assigned to election  
 22 administrators in elections under this part and part 23."

23 Section 20. Section 7-13-2242, MCA, is amended to  
 24 read:

25 "7-13-2242. Examination of petition. (1) When a

1 petition of nomination is presented for filing to the  
 2 election administrator, he shall examine the same and  
 3 ascertain whether or not it conforms to the provisions of  
 4 7-13-2237 through 7-13-2247. If found not to conform  
 5 thereto, he shall in writing designate on the petition the  
 6 defect or omission or reason why the petition cannot be  
 7 filed and shall return the petition to the individual named  
 8 as the individual to whom it may be returned in accordance  
 9 with 7-13-2240.

10 (2) The petition may then be amended and again  
 11 presented to the election administrator as in the first  
 12 instance but in no case may a petition be presented later  
 13 than 50 75 days before the election. The election  
 14 administrator shall proceed to examine the petition as  
 15 hereinbefore provided."

16 Section 21. Section 7-13-2246, MCA, is amended to  
 17 read:

18 "7-13-2246. Withdrawal of candidacy. (1) Any  
 19 individual who has been nominated as a candidate may, not  
 20 later than 30 75 days before the day of election, cause his  
 21 name to be withdrawn from nomination by filing with the  
 22 election administrator a request therefor in writing, and no  
 23 name withdrawn may be printed upon the ballot.

24 (2) If, upon such withdrawal, the number of candidates  
 25 remaining does not exceed the number to be elected, then

1 other nominations may be made by filing petitions therefor  
 2 not later than 30 75 days prior to the election."

3 Section 22. Section 7-13-2341, MCA, is amended to  
 4 read:

5 "7-13-2341. Addition of land to district. (1) Except  
 6 as provided in subsection (5), any portion of any county,  
 7 any municipality, or both, may be added to any district  
 8 organized under the provisions of this part and part 22 at  
 9 any time upon petition presented in the manner provided in  
 10 this part and part 22 for the organization of such district.

11 (2) The petition may be granted by ordinance of the  
 12 board of directors of such district. Such ordinance shall be  
 13 submitted for adoption or rejection to the vote of the  
 14 electors in such district and in the proposed addition at a  
 15 general or special election held, as provided in this part  
 16 and part 22, ~~within 70~~ no less than 75 or more than 90 days  
 17 after the adoption of such ordinance.

18 (3) If such ordinance is approved, the president and  
 19 secretary of the board of directors shall certify that fact  
 20 to the secretary of state and to the county recorder of the  
 21 county in which such district is located. Upon the receipt  
 22 of such last-mentioned certificate, the secretary of state  
 23 shall within 10 days issue his certificate, reciting the  
 24 passage of said ordinance and the addition of said territory  
 25 to said district. A copy of such certificate shall be

1 transmitted to and filed with the county clerk of the county  
2 in which such district is situated.

3 (4) From and after the date of such certificate, the  
4 territory named therein shall be deemed added to and form a  
5 part of said district with all the rights, privileges, and  
6 powers set forth in this part and necessarily incident  
7 thereto.

8 (5) If the board of directors determines that a  
9 district has a sewer facility with a capacity greater than  
10 required to meet the needs of the current district, it may  
11 by ordinance, upon petition of contiguous property owners,  
12 expand the district to include land in an unincorporated  
13 area, to the extent of excess capacity, without complying  
14 with subsections (1) and (2). However, if the board  
15 determines that an election should be held or if 40% or more  
16 of the members of the district petition for an election,  
17 compliance with subsections (1) and (2) is required."

18 Section 23. Section 7-33-2106, MCA, is amended to  
19 read:

20 7-33-2106. Details relating to board of trustees of  
21 fire district. (1) The five trustees initially appointed by  
22 the county commissioners shall hold office until their  
23 successors are elected or appointed and qualified as  
24 hereinafter provided.

25 (2) Trustees shall be elected as provided in

1 subsection (3) of this section, 13-1-104(3), and 13-1-401 or  
2 appointed as provided in subsection (4) of this section. The  
3 term of office shall be 3 years beginning at the first  
4 district meeting following their election or appointment and  
5 continuing until their successors are elected or appointed  
6 and qualified. Appointments to fill vacancies shall be made  
7 by the county governing body and appointees shall hold  
8 office until the next regular election. All electors, as  
9 defined in Title 13, who reside in the district are eligible  
10 to vote in the election, including any holder of title to  
11 lands within the district who presents a proof of interest  
12 in such land at the polling place, regardless of whether he  
13 is registered to vote.

14 (3) Candidates for the office of trustee of the fire  
15 district to be filled by election may be nominated by  
16 petition filed with the election administrator or deputy  
17 election administrator at least ~~90~~ 75 days before the  
18 election day and signed by at least five electors of the  
19 district.

20 (4) If no nominations are made for one or more trustee  
21 offices, the county governing body shall appoint one or more  
22 trustees as necessary to fill those offices.

23 (5) The trustees shall organize by choosing a chairman  
24 and appointing one member to act as secretary."

25 Section 24. Section 7-34-2117, MCA, is amended to

1 read:

2 "7-34-2117. Procedure for the conduct of election for  
3 trustees. (1) All elections of trustees following the  
4 election of the first board of trustees shall be conducted  
5 at the time provided in 13-1-104(3) and in the manner  
6 provided by 13-1-401.

7 (2) Candidates for the office of trustee must be  
8 nominated by petition filed with the election administrator  
9 or deputy election administrator at least ~~30~~ 75 days before  
10 the election day and signed by at least five electors of the  
11 district.

12 (3) If there is no nomination petition filed, it shall  
13 not be necessary to hold an election but the board of county  
14 commissioners shall appoint a trustee to fill the term, the  
15 term to be the same as if the trustee were elected."

16 Section 25. Section 13-10-201, MCA, is amended to  
17 read:

18 "13-10-201. Declaration for nomination. (1) Each  
19 candidate in the primary election, except nonpartisan  
20 candidates filing under the provisions of chapter 14, shall  
21 send a declaration for nomination to the secretary of state  
22 or election administrator. Each candidate for governor  
23 shall send a joint declaration for nomination with a  
24 candidate for lieutenant governor.

25 (2) A declaration for nomination shall be filed in the

1 office of:

2 (a) the secretary of state for a congressional office,  
3 state or district office to be voted for in more than one  
4 county, member of the legislature, or judge of the district  
5 court;

6 (b) the election administrator for a county,  
7 municipal, precinct, or district office (other than a member  
8 of the legislature or judge of the district court) to be  
9 voted for in only one county.

10 (3) Each candidate shall sign the declaration and send  
11 with it the required filing fee or, in the case of an  
12 indigent candidate, send with it the documents required by  
13 13-10-203. The declaration for nomination shall be  
14 acknowledged by an officer empowered to acknowledge  
15 signatures if sent by mail or by the officer of the office  
16 at which the filing is made.

17 (4) The declaration, when filed, is conclusive  
18 evidence that the elector is a candidate for nomination by  
19 his party.

20 (5) The declaration for nomination shall be in the  
21 form and contain the information prescribed by the secretary  
22 of state. The secretary of state and election administrator  
23 shall furnish declaration for nomination forms to  
24 individuals requesting them.

25 (6) Declarations for nomination shall be filed no

1 sooner than the first business day in January of an election  
 2 year for that office and no later than 5 p.m., ~~50~~ 75 days  
 3 before the date of the primary election."

4 Section 26. Section 13-10-208, MCA, is amended to  
 5 read:

6 "13-10-208. Certificate of primary ballot -- printing  
 7 ballot. (1) Not more than ~~50~~ 75 days and not less than ~~42~~ 65  
 8 67 days before the date of the primary election, the  
 9 secretary of state shall certify to the election  
 10 administrators the names and designations of candidates,  
 11 except as provided in 13-37-126, and any ballot issues as  
 12 shown in the official records of his office in the manner  
 13 provided in 13-10-209 and chapter 12, part 2, of this title.

14 (2) Not more than ~~40~~ 65 67 days and not less than ~~30~~  
 15 60 62 days before the date of the primary election, the  
 16 election administrator shall certify the names and  
 17 designations of candidates, except as provided in 13-37-126,  
 18 and any ballot issues as shown in the official record of his  
 19 office and have the official ballots printed in the manner  
 20 provided in 13-10-209 and chapter 12, part 2, of this  
 21 title."

22 Section 27. Section 13-10-325, MCA, is amended to  
 23 read:

24 "13-10-325. Withdrawal from nomination. (1) A  
 25 candidate for nomination or candidate for election to an

1 office may withdraw from the election by sending a statement  
 2 of withdrawal to the officer with whom his declaration,  
 3 petition, or acceptance of nomination was filed. The  
 4 statement must contain all information necessary to identify  
 5 the candidate and the office sought and the reason for  
 6 withdrawal. It shall be sworn or affirmed before an officer  
 7 empowered to administer oaths. A candidate may not withdraw  
 8 later than ~~30~~ 75 days before an election.

9 (2) Filing fees paid by the candidate may not be  
 10 refunded."

11 Section 28. Section 13-10-326, MCA, is amended to  
 12 read:

13 "13-10-326. Vacancy prior to primary election. (1) If  
 14 a candidate for nomination for a partisan office dies or  
 15 withdraws ~~40~~ 75 days or more before the primary election,  
 16 the affected political party may appoint someone to replace  
 17 the candidate by the procedure provided in 13-10-327.

18 (2) If the death or withdrawal occurs less than ~~40~~ 75  
 19 days before the primary, the affected political party shall  
 20 appoint a candidate after the primary as provided in  
 21 13-10-327 if a candidate for that office for that party was  
 22 not nominated at the primary election. This section does not  
 23 allow a political party to appoint a candidate for an office  
 24 if no candidate for nomination by that party filed for the  
 25 office before the primary election."

1 Section 29. Section 13-10-327, MCA, is amended to  
2 read:

3 "13-10-327. Vacancy after primary and prior to general  
4 election. (1) If a party candidate dies or withdraws after  
5 the primary and before the general election, the affected  
6 political party shall appoint someone to replace the  
7 candidate in one of the following ways:

8 (a) For offices to be filled by the state at large,  
9 the state central committee shall make the appointment as  
10 provided by the rules of the party.

11 (b) For offices to be filled in districts including  
12 more than one county, a committee appointed by the county  
13 central committees of all counties in the district shall  
14 make the appointment. Procedures for the appointment of the  
15 committee and making the appointment shall be provided in  
16 party rules.

17 (c) For offices to be filled in counties,  
18 municipalities, or districts wholly within a county, the  
19 appointment shall be made under rules adopted by the county  
20 central committee.

21 (2) Appointments to fill vacancies must be made no  
22 later than 40 65 days before the election. A candidate may  
23 not officially withdraw 50 75 days or less before a general  
24 election. However, if a candidate for partisan office dies  
25 less than 40 75 days before the general election, the

1 affected political party shall appoint a candidate within 5  
2 days after being notified of the vacancy. The procedures  
3 provided in 13-12-204 shall be used to place the name of the  
4 appointee on the ballot if necessary.

5 (3) The appointing committee shall send a certificate  
6 to the officer with whom a declaration for nomination for  
7 the office would be filed, with the information required on  
8 a declaration for nomination and the name of the candidate  
9 for whom the appointee is to be substituted. The appointee  
10 shall send a signed and acknowledged acceptance of the  
11 appointment and the filing fee for the office.

12 (4) The officer receiving the certificate of  
13 appointment, accompanied by a statement of acceptance and  
14 the filing fee, shall certify the name of the appointee for  
15 the ballot."

16 Section 30. Section 13-10-601, MCA, is amended to  
17 read:

18 "13-10-601. Parties eligible for primary election --  
19 petitions by minor parties. (1) Every political party that  
20 had a candidate for a statewide office who received a total  
21 vote that was 5% or more of the total votes cast for the  
22 successful candidate for governor at the last general  
23 election shall nominate its candidates for public office,  
24 except for presidential electors, by a primary election as  
25 provided in this chapter.

1 (2) A political party that does not qualify to hold a  
 2 primary election under subsection (1) may qualify to  
 3 nominate its candidates by primary election by presenting a  
 4 petition, in a form prescribed by the secretary of state,  
 5 requesting the primary election and signed by a number of  
 6 registered voters equal to 5% or more of the total votes  
 7 cast for the successful candidate for governor at the last  
 8 general election, which number must include the registered  
 9 voters in more than one-third of the legislative districts  
 10 equal to 5% or more of the total votes cast for the  
 11 successful candidate for governor at the last general  
 12 election in those districts. The petition must be presented  
 13 to the election administrator of the county in which the  
 14 signatures were gathered to be verified under the procedures  
 15 provided in 13-27-303 through 13-27-306. The election  
 16 administrator shall forward the verified petition to the  
 17 secretary of state at least ~~50~~ 75 days before the date of  
 18 the primary. The petition must be submitted to the election  
 19 administrator at least 1 week before the deadline for  
 20 submitting the verified petition to the secretary of state."

21 Section 31. Section 13-12-201, MCA, is amended to  
 22 read:

23 "13-12-201. Secretary of state to certify ballot. (1)  
 24 ~~Fifty~~ Seventy-five days or more before an election, except  
 25 as provided in 13-10-208, the secretary of state shall

1 certify to the election administrators the name and party or  
 2 other designation of each candidate entitled to appear on  
 3 the ballot and ballot issues as shown in the official  
 4 records of his office, which must include the notification  
 5 specified in 13-37-126.

6 (2) The election administrator shall certify the name  
 7 and party or other designation of each candidate entitled to  
 8 appear on the ballot and ballot issues as shown in the  
 9 official records of his office, which must include the  
 10 notification specified in 13-37-126, and shall have the  
 11 official ballots printed."

12 Section 32. Section 13-13-205, MCA, is amended to  
 13 read:

14 "13-13-205. When ballots to be available. The election  
 15 administrator shall ensure that ballots are printed and  
 16 available for absentee voting at least ~~14~~ 45 days prior to  
 17 an election."

18 Section 33. Section 13-14-118, MCA, is amended to  
 19 read:

20 "13-14-118. Vacancies among nominees after nomination  
 21 and before general election. (1) If after the primary a  
 22 candidate is not able to run for the office for any reason,  
 23 the vacancy shall be filled by the candidate next in rank in  
 24 number of votes received in the primary election.

25 (2) If a vacancy for a nonpartisan nomination cannot

1 be filled as provided in subsection (1) and the vacancy  
 2 occurs no later than 50 75 days before the general election,  
 3 a 10-day period for accepting declarations for nomination or  
 4 statements of candidacy and nominating petitions for the  
 5 office shall be declared by:

6 (a) the governor for national, state, judicial  
 7 district, legislative, or any multicounty district office;

8 (b) the governing body of the appropriate political  
 9 subdivision for all other offices.

10 (3) The names of the candidates who filed as provided  
 11 in subsection (2) shall be certified and printed on the  
 12 general election ballot in the same manner as candidates  
 13 nominated in the primary.

14 (4) If the vacancy occurs later than 50 75 days before  
 15 the general election and no qualified individual is elected  
 16 to the office at the general election, the office shall be  
 17 vacant and shall be filled as provided by law."

18 Section 34. Section 13-25-101, MCA, is amended to  
 19 read:

20 "13-25-101. Nomination of electors -- ballot. (1) Each  
 21 political party qualified under 13-10-601 shall nominate  
 22 presidential electors for this state and file certificates  
 23 of nomination for these candidates with the secretary of  
 24 state no later than 45 75 days before the general election,  
 25 in the manner and number provided by law.

1 (2) The secretary of state shall certify to the  
 2 election administrator the names of the candidates for  
 3 president and vice president of the several political  
 4 parties, which shall be printed on the ballot.

5 (3) The names of candidates for electors of president  
 6 and vice president may not be printed upon the ballot."

7 Section 35. Section 13-25-203, MCA, is amended to  
 8 read:

9 "13-25-203. Vacancy in office of United States  
 10 representative. (1) If a vacancy occurs in the office of  
 11 United States representative, the governor shall immediately  
 12 order an election to be held to fill the vacancy, except as  
 13 provided in subsection (3).

14 (2) The election to fill the unexpired term shall be  
 15 held within no less than 75 or more than 90 days from the  
 16 time the vacancy occurs, except that if the vacancy occurs  
 17 150 days or less before a primary election or between the  
 18 primary and general elections in odd-numbered years, the  
 19 election shall be held with the primary or general election.

20 (3) If the vacancy occurs between the primary and  
 21 general election in even-numbered years, the candidate  
 22 elected to the office for the succeeding full term shall  
 23 immediately take office to fill the unexpired term."

24 Section 36. Section 13-25-205, MCA, is amended to  
 25 read:



1 "13-25-205. Nominations for special election. (1) When  
2 a special election is ordered to fill a vacancy in the  
3 office of United States senator or United States  
4 representative, each political party shall choose a  
5 candidate according to the rules of the party. Nominations  
6 by parties shall be made no later than 90 75 days before the  
7 date set for the election.

8 (2) Nominating petitions may be filed by independent  
9 candidates for the office up to 5:00 p.m. of the 90th 75th  
10 day before the election."

11 Section 37. Section 13-26-103, MCA, is amended to  
12 read:

13 "13-26-103. Nomination of delegates. (1) Nominations  
14 for the office of delegate shall be by petition signed by  
15 not less than 100 voters of the district.

16 (2) Nominations shall be without political designation  
17 but shall be as "in favor of" or "opposed to" ratification  
18 of the proposed amendment.

19 (3) Petitions and acceptances shall be filed not less  
20 than 90 75 days prior to the election."

21 Section 38. Section 13-35-107, MCA, is amended to  
22 read:

23 "13-35-107. Voiding election. (1) If a court finds  
24 that the violation of any provision of this title by any  
25 person probably affected the outcome of any election, the

1 result of that election may be held void and a special  
2 election held within 60 75 days of that finding. If the  
3 violation occurred during a primary election, the court may  
4 direct the selection of a new candidate according to the  
5 provisions of state law relating to the filling of vacancies  
6 on the general election ballot. Except as provided in  
7 subsection (2), an action to void an election shall be  
8 commenced within 1 year of the date of the election in  
9 question.

10 (2) An action to void a bond election shall be  
11 commenced within 60 days of the date of the election in  
12 question."

13 Section 39. Section 22-1-304, MCA, is amended to read:

14 "22-1-304. Tax levy -- special library fund -- bonds.  
15 (1) The governing body of any city or county which has  
16 established a public library may levy in the same manner and  
17 at the same time as other taxes are levied a special tax in  
18 the amount necessary to maintain adequate public library  
19 service, not to exceed 5 mills on the dollar, upon all  
20 property in such county which may be levied by the governing  
21 body of such county and not to exceed 7 mills on the dollar  
22 upon all property in such city which may be levied by the  
23 governing body of such city.

24 (2) (a) The governing body of any city or county may  
25 by resolution submit the question of exceeding the maximum

1 tax levy provided in subsection (1) to a vote of the  
 2 qualified electors thereof at the next general election.  
 3 Such resolution must be adopted at least 60 75 days prior to  
 4 the general election at which the question will be voted on.

5 (b) Upon petition being filed with the governing body  
 6 and signed by not less than 5% of the resident taxpayers of  
 7 any city or county requesting an election for the purpose of  
 8 exceeding the maximum mill levy, the governing body shall  
 9 submit to a vote of the qualified electors thereof at the  
 10 next general election the question of exceeding the maximum  
 11 mill levy. Such petition must be delivered to the governing  
 12 body at least 90 days prior to the general election at which  
 13 the question will be voted on.

14 (c) The question shall be submitted by ballots upon  
 15 which the words "FOR exceeding the ... mill maximum levy and  
 16 authorizing an additional ... mill(s) for the library" and  
 17 "AGAINST exceeding the ... mill maximum library levy" shall  
 18 appear, with a square before each proposition and a  
 19 direction to insert an "X" mark in the square before one or  
 20 the other of the propositions.

21 (d) The votes cast for the adoption or rejection of  
 22 the question must be canvassed, and:

23 (i) if a majority of the voters voting on the question  
 24 vote to exceed the maximum mill levy, the governing body  
 25 shall levy the additional tax for the year in which the vote

1 was taken; or

2 (ii) if a majority of the voters voting on the question  
 3 vote to not exceed the maximum mill levy, the maximum mill  
 4 levy may not be exceeded.

5 (3) The municipal tax authorized in this section is in  
 6 addition to all other taxes authorized by law and is not  
 7 within the all-purpose mill levy established by 7-6-4451  
 8 through 7-6-4453.

9 (4) The proceeds of such tax shall constitute a  
 10 separate fund called the public library fund and shall not  
 11 be used for any purpose except those of the public library.

12 (5) No money shall be paid out of the public library  
 13 fund by the treasurer of the city or county except by order  
 14 or warrant of the board of library trustees.

15 (6) Bonds may be issued by the governing body in the  
 16 manner prescribed by law for the erection and equipment of  
 17 public library buildings and the purchase of land therefor."

18 Section 40. Section 85-7-1702, MCA, is amended to  
 19 read:

20 "85-7-1702. Regular election -- term of office. (1)  
 21 Candidates for the office of commissioner may be nominated  
 22 by petition filed with the election administrator or deputy  
 23 election administrator at least 90 75 days before the  
 24 election and signed by at least five electors of the  
 25 district. If no nominations are made, the electors of the

1 district shall write on the ballots the name or names of the  
2 persons for whom they desire to vote.

3 (2) The regular election for commissioners in each  
4 district shall be held annually in accordance with 13-1-104  
5 and 13-1-401.

6 (3) Within 40 days following their election the  
7 commissioners shall meet and organize as a board by electing  
8 a president from their number and a secretary, who may or  
9 may not be a commissioner, and who shall each hold office  
10 during the pleasure of the board. The term of office of each  
11 commissioner shall begin on the date of the organizational  
12 meeting after the regular election and shall continue for 3  
13 years and until the election and qualification of his  
14 successor.

15 (4) Commissioners are elected by the electors of the  
16 entire district."

17 Section 41. Section 85-8-306, MCA, is amended to read:

18 "85-8-306. Nominations. Candidates for the office of  
19 commissioner to be filled by election may be nominated by  
20 petition filed with the election administrator or deputy  
21 election administrator at least ~~30~~ 75 days before the  
22 election and signed by at least five electors of the  
23 district. If no nominations are made, the electors of the  
24 district shall write on the ballots the name or names of the  
25 persons for whom they desire to vote. This section does not

1 prevent an elector from voting for any qualified person,  
2 although the name does not appear on the official ballot."

3 NEW SECTION. SECTION 42. EFFECTIVE DATE. THIS ACT IS  
4 EFFECTIVE JANUARY 1, 1986.

-End-

## 1 HOUSE BILL NO. 288

2 INTRODUCED BY THOFT, HOLLIDAY, NEUMAN, RAMIREZ

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FROM 14  
5 DAYS TO 45 DAYS THE TIME PRIOR TO AN ELECTION THAT ABSENTEE  
6 BALLOTS MUST BE PREPARED; TO PROVIDE FOR CHANGES IN OTHER  
7 RELATED ELECTION DEADLINES TO REFLECT THE CHANGE IN THE  
8 ABSENTEE BALLOT DEADLINE; AND AMENDING SECTIONS 5-2-406,  
9 7-2-2313, 7-2-4902, 7-3-149, 7-3-160, 7-3-176, 7-3-192,  
10 7-3-4208, 7-3-4213, 7-3-4227, 7-3-4305, 7-3-4310, 7-3-4311,  
11 7-4-2106, 7-4-2206, 7-5-136, 7-11-307, 7-13-2208, 7-13-2241,  
12 7-13-2242, 7-13-2246, 7-13-2341, 7-33-2106, 7-34-2117,  
13 13-10-201, 13-10-208, 13-10-325 THROUGH 13-10-327,  
14 13-10-601, 13-12-201, 13-13-205, 13-14-118, 13-25-101,  
15 13-25-203, 13-25-205, 13-26-103, 13-35-107, 22-1-304,  
16 85-7-1702, AND 85-8-306, MCA; AND PROVIDING AN EFFECTIVE  
17 DATE."

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 Section 1. Section 5-2-406, MCA, is amended to read:

21 "5-2-406. Elections to fill vacancies in senate. (1)

22 Whenever a vacancy occurs 50 75 days or more before the  
23 general election held during the second year of the term, an  
24 individual shall be elected to complete the term at that  
25 general election. The election procedure to be used to elect

THERE ARE NO CHANGES IN HB288  
and will not be printed on blue.  
Please refer to yellow second  
reading copy for complete text.

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 12 7-13-2242, 7-13-2246, 7-13-2341, 7-33-2106, 7-34-2117,  
 13 13-10-201, 13-10-208, 13-10-325 THROUGH 13-10-327,  
 14 13-10-601, 13-12-201, 13-13-205, 13-14-118, 13-25-101,  
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 22 Whenever a vacancy occurs 50 75 days or more before the  
 23 general election held during the second year of the term, an  
 24 individual shall be elected to complete the term at that  
 25 general election. The election procedure to be used to elect

1 the successor is as follows:

2 (a) Whenever the vacancy occurs 50 75 days or more  
 3 prior to the primary election during the second year, the  
 4 same procedure as is used for senators who will be elected  
 5 to full 4-year terms at that general election shall be  
 6 utilized.

7 (b) Whenever the vacancy occurs on or after the 50th  
 8 75th day prior to the primary election, any political party  
 9 desiring to enter a candidate in the general election shall  
 10 select a candidate as provided in 13-10-327 and 13-38-204.  
 11 A political party shall notify the secretary of state of the  
 12 party nominee. A person desiring to be a candidate as an  
 13 independent shall follow the procedures provided in  
 14 13-10-501 and 13-10-502. The petition for an independent  
 15 candidate shall be filed with the secretary of state on or  
 16 before the 40th 65th day prior to the general election.

17 (2) Whenever a vacancy occurs on or after the 50th  
 18 75th day prior to the general election held during the  
 19 second year of the term, the person appointed by the board  
 20 under 5-2-402 shall serve until the end of the term."

21 Section 2. Section 7-2-2313, MCA, is amended to read:

22 "7-2-2313. Procedure to hold special election. (1)  
 23 Upon filing the petition or petitions, duly certified as  
 24 provided in 7-2-2312, with the election administrator of the  
 25 new county, he must immediately notify the chairman of the

1 board of county commissioners who, upon receipt of such  
 2 notice, must call a meeting of the board, to be held within  
 3 10 days after the filing of the petition, for the purpose of  
 4 considering the same. If the board at such meeting finds  
 5 that said petition conforms to the requirements of and is in  
 6 accordance with the provisions of 7-2-2312, it shall at the  
 7 meeting, by a resolution entered in its minutes, call a  
 8 special election of the registered electors of said county  
 9 for the purpose of voting upon the question of the location  
 10 of the permanent county seat.

11 (2) The election shall be held on Tuesday and not less  
 12 than ~~40~~ 75 or more than ~~60~~ 90 days after the date of calling  
 13 the same. The board must issue an election proclamation  
 14 containing a statement of the time of the election and the  
 15 question to be submitted. A copy of this proclamation must  
 16 be published in some newspaper printed in the county, if  
 17 any, and posted at each place of election at least 10 days  
 18 before the election."

19 Section 3. Section 7-2-4902, MCA, is amended to read:

20 "7-2-4902. Disincorporation by election. (1) Any city  
 21 or town may be disincorporated in the manner hereafter  
 22 provided.

23 (2) If the registered electors of a city or town equal  
 24 in number to 20% of the number of electors voting at the  
 25 last regular municipal election petition the board of county

1 commissioners of the county where the city or town is  
 2 situated to disincorporate the city or town, or if the city  
 3 governing body by a two-thirds vote of all its members  
 4 resolves to disincorporate, then the board shall order,  
 5 within 60 days, that a special election be held within the  
 6 city or town on the question of disincorporating the city or  
 7 town. The day for holding the election shall be not less  
 8 than ~~60~~ 75 days or more than 120 days after the board orders  
 9 the election."

10 Section 4. Section 7-3-149, MCA, is amended to read:

11 "7-3-149. Election on alternative form. (1) The  
 12 governing body shall call a special election on the question  
 13 of an alternative form of government to be held at least ~~40~~  
 14 75 days after the call and within 120 days of the date of  
 15 filing with the records administrator under 7-3-146. The  
 16 special election may be held in conjunction with any other  
 17 election. The records administrator shall prepare and print  
 18 notices of the special election.

19 (2) The cost of the election shall be paid for by the  
 20 local government.

21 (3) (a) The affirmative vote of a simple majority of  
 22 those voting on the question is required for adoption.

23 (b) In any election involving the question of  
 24 consolidation, each question shall be submitted to the  
 25 electors in the county and requires an affirmative vote of a

1 simple majority of the votes cast in the county on the  
2 question for adoption. There is no requirement for separate  
3 majorities in local governments voting on consolidation.

4 (c) In any election involving the question of county  
5 merger, the questions shall be submitted to the electors in  
6 the counties affected and requires a majority of the votes  
7 cast on the questions in each affected county for adoption.

8 (d) If the electors disapprove the proposed new form  
9 of local government, amendments, or consolidation plan, the  
10 local government retains its existing form."

11 Section 5. Section 7-3-160, MCA, is amended to read:

12 "7-3-160. Election of new officials. (1) Within 20  
13 days after an election at which the new plan of government  
14 is approved by the electors, the governing body of the local  
15 government shall meet and order a special primary and  
16 general election for the purpose of electing the officials  
17 required by the new form of government. The elections for  
18 officials may be held in conjunction with any other  
19 election.

20 (2) The order shall specify a date for the primary  
21 election not more than 120 days or less than 20 75 days  
22 after the election approving the new form and a date for the  
23 general election 60 75 days after the primary."

24 Section 6. Section 7-3-176, MCA, is amended to read:

25 "7-3-176. Election of commission members. (1) If the

1 question of reviewing the local government and establishing  
2 a study commission is approved, an election to fill the  
3 positions on the local government study commission shall be  
4 held in conjunction with the 1984 general election date or  
5 at the first regularly scheduled election of the local  
6 government conducted after 90 days following the election  
7 establishing the study commission. A primary election may  
8 not be held.

9 (2) The names of study commission candidates who have  
10 filed declarations of nomination not later than 60 75 days  
11 before the date of the election shall be placed on the  
12 ballot. There is no filing fee. The election is nonpartisan,  
13 and candidates shall be listed without party or other  
14 designation or slogan. The secretary of state shall  
15 prescribe the ballot form for study commissions.

16 (3) Candidates for study commission positions shall be  
17 electors of the local government for which the study  
18 commission has been established. The candidates may not be  
19 elected officials of the local government.

20 (4) The number of candidates, equal to the number of  
21 study commission positions to be elected, receiving the  
22 highest number of votes shall be declared elected.

23 (5) If the number of study commissioners elected is  
24 not equal to the number required to be selected, the  
25 chairman of the governing body, with the confirmation of the

1 governing body, shall appoint the additional study  
2 commissioners within 20 days of the election. No elected  
3 official of the local government may be appointed."

4 Section 7. Section 7-3-192, MCA, is amended to read:

5 "7-3-192. Election on recommendation. (1) An  
6 alternative plan of government recommended by a study  
7 commission shall be submitted to the voters as provided in  
8 7-3-149, except that the study commission shall authorize  
9 the submission of the alternative plan of government to the  
10 voters at a special election to be held within no less than  
11 75 or more than 120 days from the date of the adoption of  
12 the final report. The special election may be held in  
13 conjunction with any regularly scheduled election. Study  
14 commissions elected on the general election date in 1984  
15 shall submit a final report allowing for a vote on any  
16 recommendation no later than the general election date in  
17 1986.

18 (2) General ballot requirements and treatment of  
19 suboptions on an alternative plan of government recommended  
20 by a study commission shall be the same as for  
21 recommendations by petition as provided in 7-3-150 and  
22 7-3-151."

23 Section 8. Section 7-3-4208, MCA, is amended to read:

24 "7-3-4208. Petition to organize under commission form  
25 -- election required. (1) Upon a petition being filed with

1 the city council, signed by not less than 25% of the  
2 qualified electors of such city registered for the last  
3 preceding general city election, praying that the question  
4 of reorganization under this part be submitted to the  
5 qualified electors of such city, said city council shall  
6 thereupon and within 30 days thereafter order a special  
7 election to be held. At this election the question of  
8 reorganization of such city under the provisions of this  
9 part shall be submitted to the qualified electors of such  
10 city.

11 (2) Such order of the city council shall specify  
12 therein the time when such election shall be held, which  
13 must be within no less than 75 or more than 90 days from the  
14 date of the ~~filing-of-such-petition~~ city council order."

15 Section 9. Section 7-3-4213, MCA, is amended to read:

16 "7-3-4213. Election for first city officers. (1) If a  
17 majority of the votes cast at such election shall be in  
18 favor of such proposition, the city council must, at its  
19 first regular meeting held thereafter, order a special  
20 election to be held for the purpose of electing a mayor and  
21 the number of councilmen to which such city shall be  
22 entitled. The order shall specify the time of holding such  
23 election, which must be within no less than 75 and no more  
24 than 90 days after the making of said order, and the mayor  
25 shall thereupon issue a proclamation setting forth the



1 purposes for which such special election is called and the  
 2 day of holding the same. The proclamation shall be published  
 3 for 10 successive days in each daily newspaper published in  
 4 such city if there be such; otherwise, once a week for 2  
 5 consecutive weeks in each weekly newspaper published  
 6 therein; and a copy thereof shall also be posted at each  
 7 voting place within said city and also in at least 10 of the  
 8 most public places in said city.

9 (2) Such election shall be conducted, the vote  
 10 canvassed, and result declared in the same manner as  
 11 provided by law in respect to other city elections."

12 Section 10. Section 7-3-4227, MCA, is amended to read:

13 "7-3-4227. Abandonment of commission form. (1) Any  
 14 city which has operated for more than 1 year under the  
 15 provisions of this part may abandon such organization and  
 16 accept the provisions of the general law of the state  
 17 applicable to cities of its population.

18 (2) Upon the petition of not less than 10% of the  
 19 electors of the city registered for the preceding general  
 20 election, the following proposition shall be placed upon the  
 21 ballot at the next regular city election, provided the  
 22 petition is filed at least 60 75 days prior to the date of  
 23 the election:

24 "Shall the city of (name of city) abandon its  
 25 organization under chapter 57 of the acts of the twelfth

1 legislative assembly and become a city under the general law  
 2 governing cities of like population or, if formerly  
 3 organized under special charter, resume the special  
 4 charter?"

5 (3) If the majority of the votes cast at such election  
 6 is in favor of such proposition, the officers elected at the  
 7 next succeeding biennial election shall be those then  
 8 prescribed by the general law of the state for cities of  
 9 like population, and upon the qualification of these  
 10 officers, the city shall become a city under the general law  
 11 of the state, but this change may not in any manner or  
 12 degree affect the property, rights, or liabilities of any  
 13 nature of the city but shall merely extend to each change in  
 14 its form of government.

15 (4) Whenever the form of government of any city is  
 16 determined by a vote of the people under the provision of  
 17 this section, the same question may not be submitted again  
 18 for a period of 2 years, and any ordinance adopted by a vote  
 19 of the people shall not be repealed or the same question  
 20 submitted for a period of 2 years."

21 Section 11. Section 7-3-4305, MCA, is amended to read:

22 "7-3-4305. Petition to organize under  
 23 commission-manager form -- election required. (1) Upon a  
 24 petition being filed with the city or town council, signed  
 25 by not less than 25% of the qualified electors of such

1 municipality registered for the last preceding general  
 2 municipal election, praying that the question of  
 3 reorganization under this part and part 44 be submitted to  
 4 the qualified electors of such municipality, said city or  
 5 town council shall thereupon and within 30 days thereafter  
 6 order a special election to be held, at which election the  
 7 question of reorganization of such municipality under the  
 8 provisions of this part and part 44 shall be submitted to  
 9 the qualified electors of such municipality.

10 (2) Such order of the city or town council shall  
 11 specify therein the time when such election shall be held,  
 12 which must be within no less than 75 and no more than 90  
 13 days from the date of filing-of-such-petition the order of  
 14 the council."

15 Section 12. Section 7-3-4310, MCA, is amended to read:

16 "7-3-4310. Special election for municipal officers.

17 (1) If the majority of the votes cast at such election shall  
 18 be in favor of such proposition, the city or town council  
 19 must hold a meeting within 1 week thereafter and at such  
 20 meeting order a special election to be held for the purpose  
 21 of electing the number of commissioners to which such  
 22 municipality shall be entitled. This order shall specify the  
 23 time of holding such election, which must be within no less  
 24 than 75 or more than 90 days after the making of such order,  
 25 and the mayor shall thereupon issue a proclamation setting

1 forth the purpose for which such special election is held  
 2 and the day of holding the same. The proclamation shall be  
 3 published for 10 successive days in each daily newspaper  
 4 published in such municipality if there be such; otherwise,  
 5 for 2 successive weeks in each weekly newspaper published  
 6 therein; and a copy thereof shall also be posted at each  
 7 voting place within said municipality and also in five of  
 8 the most public places in said municipality.

9 (2) Such election shall be conducted, the vote  
 10 canvassed, and the result declared in the same manner as  
 11 provided by law in respect to other municipal elections.

12 (3) The provisions of 7-3-4341 are to be followed in  
 13 the special election, except that the date of the primary  
 14 election shall be at least ~~90~~ 85 days before the special  
 15 election."

16 Section 13. Section 7-3-4311, MCA, is amended to read:

17 "7-3-4311. Procedure for multimunicipality  
 18 organization. (1) Whenever the inhabitants of any community  
 19 or group of communities in any county, whether separately  
 20 incorporated in whole or in part or unincorporated, which  
 21 are situated in such proximity or location with reference to  
 22 each other as to make single municipal control necessary or  
 23 desirable, shall desire to be organized into or annexed to  
 24 an incorporated city or town under the provisions of this  
 25 part and part 44, the board of county commissioners of such

1 county may or upon the presentation of a petition signed by  
2 not less than 25% of the qualified electors in such  
3 community or group of communities must issue a proclamation  
4 ordering a special election to be held.

5 (2) At this election the question of the organization  
6 of such community or group of communities as a municipality  
7 under the provisions of this part and part 44 shall be  
8 submitted to the qualified electors within the proposed  
9 municipal district. Said proclamation shall specify the time  
10 when and the places where such election shall be held, which  
11 must be within no less than 75 or more than 90 days from the  
12 date of filing such petition, and shall define the  
13 boundaries of said proposed municipal district, which shall  
14 include all such communities and cities and such additional  
15 adjacent territory as shall, in the judgment of the board of  
16 county commissioners, provide for future urban growth.

17 (3) If a majority of the legal voters at said election  
18 vote in favor of the organization of such municipal district  
19 or in favor of annexation to an incorporated city or town,  
20 then the board of county commissioners shall declare the  
21 result of said election and immediately thereafter shall  
22 give notice for 30 days in a newspaper published within the  
23 proposed municipal district or, if none be published  
24 therein, by posting notices in six public places within the  
25 limits of said district of the time and place or places of

1 holding the first election for commissioners of such  
2 municipal district under this law. At such election all  
3 electors qualified by the general election laws of the state  
4 who have resided within the limits of the municipal district  
5 for 6 months are qualified electors. The board of county  
6 commissioners must appoint judges and clerks of election and  
7 canvass and declare the result thereof. The election must be  
8 conducted in the manner prescribed by law for the election  
9 of county officers, and the commissioners so elected must  
10 qualify in the manner prescribed by law for county  
11 officers."

12 Section 14. Section 7-4-2106, MCA, is amended to read:  
13 "7-4-2106. Vacancy on board of county commissioners.  
14 (1) For the purposes of this part, "vacancy" has the same  
15 meaning as prescribed in 2-16-501.

16 (2) Whenever a vacancy occurs in the board of county  
17 commissioners from a failure to elect or otherwise, the  
18 district judge or judges in whose district the vacancy  
19 occurs must fill the vacancy, and such appointee shall hold  
20 office until the next general election unless otherwise  
21 provided in subsection (3) or (4).

22 (3) Whenever a vacancy occurs ~~50~~ 75 days or more  
23 before the general election held during the second or fourth  
24 year of the term, an individual shall be elected to complete  
25 the term at that general election. The election procedure

1 to be used to elect the successor is as follows:

2 (a) Whenever the vacancy occurs ~~50~~ 75 days or more  
3 before the primary election during the second or fourth year  
4 of the term, the same procedure shall be utilized as is used  
5 to elect county commissioners to full 6-year terms.

6 (b) Whenever the vacancy occurs after the ~~50th~~ 75th  
7 day preceding the primary election, any political party  
8 desiring to enter a candidate in the general election shall  
9 select a candidate as provided in 13-38-204. A political  
10 party shall notify the clerk and recorder of the party  
11 nominee. A person desiring to be a candidate as an  
12 independent shall follow the procedures provided in  
13 13-10-501 and 13-10-502. The petition for an independent  
14 candidate shall be filed with the clerk and recorder on or  
15 before the ~~40th~~ 75th day prior to the general election. A  
16 candidate for a nonpartisan office shall file as provided in  
17 Title 13, chapter 14.

18 (4) Whenever a vacancy occurs after the ~~50th~~ 75th day  
19 preceding the general election held during the fourth year  
20 of the term, the person appointed by the district judge  
21 under 7-4-2106(2) shall serve until the end of the term."

22 Section 15. Section 7-4-2206, MCA, is amended to read:

23 "7-4-2206. Vacancies. (1) For the purposes of this  
24 part, "vacancy" has the same meaning as prescribed in  
25 2-16-501.

1 (2) Vacancies in all county offices, except that of  
2 county commissioner, shall be filled by appointment by the  
3 board of county commissioners. Except for the justice of  
4 the peace, the appointee shall hold his office, if elective,  
5 until the next general election unless otherwise provided in  
6 subsections (3) or (4), and if not elective, the appointee  
7 serves at the pleasure of the commissioners.

8 (3) Whenever a vacancy occurs ~~50~~ 75 days or more  
9 before the general election held during the second year of  
10 the term, an individual shall be elected to complete the  
11 term at that general election. The election procedure to be  
12 used to elect the successor is as follows:

13 (a) Whenever the vacancy occurs ~~50~~ 75 days or more  
14 before the primary election during the second year of the  
15 term, the same procedure shall be utilized as is used to  
16 elect a person to that office for a full 4-year term.

17 (b) Whenever the vacancy occurs after the ~~50th~~ 75th  
18 day preceding the primary election, any political party  
19 desiring to enter a candidate in the general election shall  
20 select a candidate as provided in 13-38-204. A political  
21 party shall notify the clerk and recorder of the party  
22 nominee. A person desiring to be a candidate as an  
23 independent shall follow the procedures provided in  
24 13-10-501 and 13-10-502. The petition for an independent  
25 candidate shall be filed with the clerk and recorder on or

1 before the 40th 75th day prior to the general election. A  
 2 candidate for a nonpartisan office shall file as provided in  
 3 Title 13, chapter 14.

4 (4) Whenever a vacancy occurs after the 50th 75th day  
 5 preceding the general election held during the second year  
 6 of the term, the person appointed by the commissioners under  
 7 7-4-2206(2) shall serve until the end of the term.

8 (5) Vacancies occurring in the office of justice of  
 9 the peace shall be filled as provided in Title 3, chapter  
 10 10, part 2."

11 Section 16. Section 7-5-136, MCA, is amended to read:

12 "7-5-136. Submission of question to electors. (1) Any  
 13 ordinance proposed by petition or any amended ordinance  
 14 proposed by petition or any referendum on an ordinance which  
 15 is entitled to be submitted to the electors shall be voted  
 16 on at the next regular election to be held in the local  
 17 government unless:

18 (a) the petition asks that the question be submitted  
 19 at a special election and is signed by at least 25% of the  
 20 electors of the local government, in which case the  
 21 governing body shall call a special election; or

22 (b) the governing body calls for a special election on  
 23 the question.

24 (2) A special election may not be held sooner than 60  
 25 75 days after the adequacy of the petition is determined by

1 the election administrator or the governing body orders a  
 2 special election.

3 (3) If the adequacy of the petition is determined by  
 4 the election administrator less than 45 75 days prior to the  
 5 next regular election, the election shall be delayed until  
 6 the following regular election unless a special election is  
 7 called.

8 (4) Whenever a measure is ready for submission to the  
 9 electors, the appropriate election administrator shall in  
 10 writing notify the governing body and shall publish notice  
 11 of the election and the ordinance which is to be proposed or  
 12 amended. In the case of a referendum, the ordinance sought  
 13 to be repealed shall be published.

14 (5) The question shall be placed on the ballot, giving  
 15 the electors a choice between accepting or rejecting the  
 16 proposal.

17 (6) If a majority of those voting favor the proposal,  
 18 it becomes effective when the election results are  
 19 officially declared unless otherwise stated in the  
 20 proposal."

21 Section 17. Section 7-11-307, MCA, is amended to read:

22 "7-11-307. Election on service consolidation or  
 23 transfer. (1) The governing bodies of each local government  
 24 affected by a proposed service consolidation or transfer  
 25 shall jointly call a special election on the question of

1 service consolidation or transfer, to be held within no less  
 2 than 75 or more than 120 days of the date of the filing of  
 3 the petition under 7-11-303 or within no less than 75 or  
 4 more than 120 days of the receipt by the local government of  
 5 the interlocal cooperation commission recommendation. The  
 6 special election may be held in conjunction with any other  
 7 election. The county election administrator shall prepare  
 8 and print notices of the special election.

9 (2) The cost of the election shall be shared by the  
 10 affected local governments in proportionate shares as agreed  
 11 to by the governing bodies of the local governments."

12 Section 18. Section 7-13-2208, MCA, is amended to  
 13 read:

14 "7-13-2208. Decision on petition -- election required.

15 (1) On the final hearing, said board of county commissioners  
 16 shall make such changes in the proposed boundaries which be  
 17 within the county as may be deemed advisable and shall  
 18 define and establish such boundaries, but said board of  
 19 county commissioners shall not modify said boundaries as to  
 20 exclude from such proposed district any territory which  
 21 would be benefited by the formation of such district nor  
 22 shall any lands which will not, in the judgment of said  
 23 board of county commissioners, be benefited by such district  
 24 be included within such proposed district.

25 (2) Upon the final determination of the boundaries of

1 the district, the board of county commissioners of each  
 2 county in which said district lies shall give notice of an  
 3 election to be held in said proposed district for the  
 4 purpose of determining whether or not the same shall be  
 5 incorporated. The date of the election shall be ~~not more~~  
 6 ~~than 60~~ no less than 75 or more than 90 days from the date  
 7 of the final hearing of such petition."

8 Section 19. Section 7-13-2241, MCA, is amended to  
 9 read:

10 "7-13-2241. Presentation of petition of nomination.

11 (1) A petition of nomination, consisting of not less than  
 12 five individual certificates for any one candidate, may be  
 13 presented to the election administrator not earlier than ~~65~~  
 14 90 days or later than ~~50~~ 75 days before the election. The  
 15 election administrator shall endorse thereon the date upon  
 16 which the petition was presented to him.

17 (2) If the district lies in more than one county, the  
 18 petition for nomination shall be presented to the election  
 19 administrator whose county contains the largest percentage  
 20 of the territory of the district and the election  
 21 administrator shall fulfill all duties assigned to election  
 22 administrators in elections under this part and part 23."

23 Section 20. Section 7-13-2242, MCA, is amended to  
 24 read:

25 "7-13-2242. Examination of petition. (1) When a

1 petition of nomination is presented for filing to the  
 2 election administrator, he shall examine the same and  
 3 ascertain whether or not it conforms to the provisions of  
 4 7-13-2237 through 7-13-2247. If found not to conform  
 5 thereto, he shall in writing designate on the petition the  
 6 defect or omission or reason why the petition cannot be  
 7 filed and shall return the petition to the individual named  
 8 as the individual to whom it may be returned in accordance  
 9 with 7-13-2240.

10 (2) The petition may then be amended and again  
 11 presented to the election administrator as in the first  
 12 instance but in no case may a petition be presented later  
 13 than 50 75 days before the election. The election  
 14 administrator shall proceed to examine the petition as  
 15 hereinbefore provided."

16 Section 21. Section 7-13-2246, MCA, is amended to  
 17 read:

18 "7-13-2246. Withdrawal of candidacy. (1) Any  
 19 individual who has been nominated as a candidate may, not  
 20 later than 30 75 days before the day of election, cause his  
 21 name to be withdrawn from nomination by filing with the  
 22 election administrator a request therefor in writing, and no  
 23 name withdrawn may be printed upon the ballot.

24 (2) If, upon such withdrawal, the number of candidates  
 25 remaining does not exceed the number to be elected, then

1 other nominations may be made by filing petitions therefor  
 2 not later than 30 75 days prior to the election."

3 Section 22. Section 7-13-2341, MCA, is amended to  
 4 read:

5 "7-13-2341. Addition of land to district. (1) Except  
 6 as provided in subsection (5), any portion of any county,  
 7 any municipality, or both, may be added to any district  
 8 organized under the provisions of this part and part 22 at  
 9 any time upon petition presented in the manner provided in  
 10 this part and part 22 for the organization of such district.

11 (2) The petition may be granted by ordinance of the  
 12 board of directors of such district. Such ordinance shall be  
 13 submitted for adoption or rejection to the vote of the  
 14 electors in such district and in the proposed addition at a  
 15 general or special election held, as provided in this part  
 16 and part 22, ~~within 70~~ no less than 75 or more than 90 days  
 17 after the adoption of such ordinance.

18 (3) If such ordinance is approved, the president and  
 19 secretary of the board of directors shall certify that fact  
 20 to the secretary of state and to the county recorder of the  
 21 county in which such district is located. Upon the receipt  
 22 of such last-mentioned certificate, the secretary of state  
 23 shall within 10 days issue his certificate, reciting the  
 24 passage of said ordinance and the addition of said territory  
 25 to said district. A copy of such certificate shall be

1 transmitted to and filed with the county clerk of the county  
2 in which such district is situated.

3 (4) From and after the date of such certificate, the  
4 territory named therein shall be deemed added to and form a  
5 part of said district with all the rights, privileges, and  
6 powers set forth in this part and necessarily incident  
7 thereto.

8 (5) If the board of directors determines that a  
9 district has a sewer facility with a capacity greater than  
10 required to meet the needs of the current district, it may  
11 by ordinance, upon petition of contiguous property owners,  
12 expand the district to include land in an unincorporated  
13 area, to the extent of excess capacity, without complying  
14 with subsections (1) and (2). However, if the board  
15 determines that an election should be held or if 40% or more  
16 of the members of the district petition for an election,  
17 compliance with subsections (1) and (2) is required."

18 Section 23. Section 7-33-2106, MCA, is amended to  
19 read:

20 "7-33-2106. Details relating to board of trustees of  
21 fire district. (1) The five trustees initially appointed by  
22 the county commissioners shall hold office until their  
23 successors are elected or appointed and qualified as  
24 hereinafter provided.

25 (2) Trustees shall be elected as provided in

1 subsection (3) of this section, 13-1-104(3), and 13-1-401 or  
2 appointed as provided in subsection (4) of this section. The  
3 term of office shall be 3 years beginning at the first  
4 district meeting following their election or appointment and  
5 continuing until their successors are elected or appointed  
6 and qualified. Appointments to fill vacancies shall be made  
7 by the county governing body and appointees shall hold  
8 office until the next regular election. All electors, as  
9 defined in Title 13, who reside in the district are eligible  
10 to vote in the election, including any holder of title to  
11 lands within the district who presents a proof of interest  
12 in such land at the polling place, regardless of whether he  
13 is registered to vote.

14 (3) Candidates for the office of trustee of the fire  
15 district to be filled by election may be nominated by  
16 petition filed with the election administrator or deputy  
17 election administrator at least 30 75 days before the  
18 election day and signed by at least five electors of the  
19 district.

20 (4) If no nominations are made for one or more trustee  
21 offices, the county governing body shall appoint one or more  
22 trustees as necessary to fill those offices.

23 (5) The trustees shall organize by choosing a chairman  
24 and appointing one member to act as secretary."

25 Section 24. Section 7-34-2117, MCA, is amended to



1 read:

2 "7-34-2117. Procedure for the conduct of election for  
3 trustees. (1) All elections of trustees following the  
4 election of the first board of trustees shall be conducted  
5 at the time provided in 13-1-104(3) and in the manner  
6 provided by 13-1-401.

7 (2) Candidates for the office of trustee must be  
8 nominated by petition filed with the election administrator  
9 or deputy election administrator at least ~~30~~ 75 days before  
10 the election day and signed by at least five electors of the  
11 district.

12 (3) If there is no nomination petition filed, it shall  
13 not be necessary to hold an election but the board of county  
14 commissioners shall appoint a trustee to fill the term, the  
15 term to be the same as if the trustee were elected."

16 Section 25. Section 13-10-201, MCA, is amended to  
17 read:

18 "13-10-201. Declaration for nomination. (1) Each  
19 candidate in the primary election, except nonpartisan  
20 candidates filing under the provisions of chapter 14, shall  
21 send a declaration for nomination to the secretary of state  
22 or election administrator. Each candidate for governor  
23 shall send a joint declaration for nomination with a  
24 candidate for lieutenant governor.

25 (2) A declaration for nomination shall be filed in the

1 office of:

2 (a) the secretary of state for a congressional office,  
3 state or district office to be voted for in more than one  
4 county, member of the legislature, or judge of the district  
5 court;

6 (b) the election administrator for a county,  
7 municipal, precinct, or district office (other than a member  
8 of the legislature or judge of the district court) to be  
9 voted for in only one county.

10 (3) Each candidate shall sign the declaration and send  
11 with it the required filing fee or, in the case of an  
12 indigent candidate, send with it the documents required by  
13 13-10-203. The declaration for nomination shall be  
14 acknowledged by an officer empowered to acknowledge  
15 signatures if sent by mail or by the officer of the office  
16 at which the filing is made.

17 (4) The declaration, when filed, is conclusive  
18 evidence that the elector is a candidate for nomination by  
19 his party.

20 (5) The declaration for nomination shall be in the  
21 form and contain the information prescribed by the secretary  
22 of state. The secretary of state and election administrator  
23 shall furnish declaration for nomination forms to  
24 individuals requesting them.

25 (6) Declarations for nomination shall be filed no

1 sooner than the first business day in January of an election  
2 year for that office and no later than 5 p.m., 50 75 days  
3 before the date of the primary election."

4 Section 26. Section 13-10-208, MCA, is amended to  
5 read:

6 "13-10-208. Certificate of primary ballot -- printing  
7 ballot. (1) Not more than 50 75 days and not less than 42 65  
8 67 days before the date of the primary election, the  
9 secretary of state shall certify to the election  
10 administrators the names and designations of candidates,  
11 except as provided in 13-37-126, and any ballot issues as  
12 shown in the official records of his office in the manner  
13 provided in 13-10-209 and chapter 12, part 2, of this title.

14 (2) Not more than 40 65 67 days and not less than 30  
15 60 62 days before the date of the primary election, the  
16 election administrator shall certify the names and  
17 designations of candidates, except as provided in 13-37-126,  
18 and any ballot issues as shown in the official record of his  
19 office and have the official ballots printed in the manner  
20 provided in 13-10-209 and chapter 12, part 2, of this  
21 title."

22 Section 27. Section 13-10-325, MCA, is amended to  
23 read:

24 "13-10-325. Withdrawal from nomination. (1) A  
25 candidate for nomination or candidate for election to an

1 office may withdraw from the election by sending a statement  
2 of withdrawal to the officer with whom his declaration,  
3 petition, or acceptance of nomination was filed. The  
4 statement must contain all information necessary to identify  
5 the candidate and the office sought and the reason for  
6 withdrawal. It shall be sworn or affirmed before an officer  
7 empowered to administer oaths. A candidate may not withdraw  
8 later than 30 75 days before an election.

9 (2) Filing fees paid by the candidate may not be  
10 refunded."

11 Section 28. Section 13-10-326, MCA, is amended to  
12 read:

13 "13-10-326. Vacancy prior to primary election. (1) If  
14 a candidate for nomination for a partisan office dies or  
15 withdraws 40 75 days or more before the primary election,  
16 the affected political party may appoint someone to replace  
17 the candidate by the procedure provided in 13-10-327.

18 (2) If the death or withdrawal occurs less than 40 75  
19 days before the primary, the affected political party shall  
20 appoint a candidate after the primary as provided in  
21 13-10-327 if a candidate for that office for that party was  
22 not nominated at the primary election. This section does not  
23 allow a political party to appoint a candidate for an office  
24 if no candidate for nomination by that party filed for the  
25 office before the primary election."

1 Section 29. Section 13-10-327, MCA, is amended to  
2 read:

3 "13-10-327. Vacancy after primary and prior to general  
4 election. (1) If a party candidate dies or withdraws after  
5 the primary and before the general election, the affected  
6 political party shall appoint someone to replace the  
7 candidate in one of the following ways:

8 (a) For offices to be filled by the state at large,  
9 the state central committee shall make the appointment as  
10 provided by the rules of the party.

11 (b) For offices to be filled in districts including  
12 more than one county, a committee appointed by the county  
13 central committees of all counties in the district shall  
14 make the appointment. Procedures for the appointment of the  
15 committee and making the appointment shall be provided in  
16 party rules.

17 (c) For offices to be filled in counties,  
18 municipalities, or districts wholly within a county, the  
19 appointment shall be made under rules adopted by the county  
20 central committee.

21 (2) Appointments to fill vacancies must be made no  
22 later than ~~40~~ 65 days before the election. A candidate may  
23 not officially withdraw ~~50~~ 75 days or less before a general  
24 election. However, if a candidate for partisan office dies  
25 less than ~~40~~ 75 days before the general election, the

1 affected political party shall appoint a candidate within 5  
2 days after being notified of the vacancy. The procedures  
3 provided in 13-12-204 shall be used to place the name of the  
4 appointee on the ballot if necessary.

5 (3) The appointing committee shall send a certificate  
6 to the officer with whom a declaration for nomination for  
7 the office would be filed, with the information required on  
8 a declaration for nomination and the name of the candidate  
9 for whom the appointee is to be substituted. The appointee  
10 shall send a signed and acknowledged acceptance of the  
11 appointment and the filing fee for the office.

12 (4) The officer receiving the certificate of  
13 appointment, accompanied by a statement of acceptance and  
14 the filing fee, shall certify the name of the appointee for  
15 the ballot."

16 Section 30. Section 13-10-601, MCA, is amended to  
17 read:

18 "13-10-601. Parties eligible for primary election --  
19 petitions by minor parties. (1) Every political party that  
20 had a candidate for a statewide office who received a total  
21 vote that was 5% or more of the total votes cast for the  
22 successful candidate for governor at the last general  
23 election shall nominate its candidates for public office,  
24 except for presidential electors, by a primary election as  
25 provided in this chapter.

1 (2) A political party that does not qualify to hold a  
 2 primary election under subsection (1) may qualify to  
 3 nominate its candidates by primary election by presenting a  
 4 petition, in a form prescribed by the secretary of state,  
 5 requesting the primary election and signed by a number of  
 6 registered voters equal to 5% or more of the total votes  
 7 cast for the successful candidate for governor at the last  
 8 general election, which number must include the registered  
 9 voters in more than one-third of the legislative districts  
 10 equal to 5% or more of the total votes cast for the  
 11 successful candidate for governor at the last general  
 12 election in those districts. The petition must be presented  
 13 to the election administrator of the county in which the  
 14 signatures were gathered to be verified under the procedures  
 15 provided in 13-27-303 through 13-27-306. The election  
 16 administrator shall forward the verified petition to the  
 17 secretary of state at least 50 75 days before the date of  
 18 the primary. The petition must be submitted to the election  
 19 administrator at least 1 week before the deadline for  
 20 submitting the verified petition to the secretary of state."

21 Section 31. Section 13-12-201, MCA, is amended to  
 22 read:

23 "13-12-201. Secretary of state to certify ballot. (1)  
 24 Fifty Seventy-five days or more before an election, except  
 25 as provided in 13-10-208, the secretary of state shall

1 certify to the election administrators the name and party or  
 2 other designation of each candidate entitled to appear on  
 3 the ballot and ballot issues as shown in the official  
 4 records of his office, which must include the notification  
 5 specified in 13-37-126.

6 (2) The election administrator shall certify the name  
 7 and party or other designation of each candidate entitled to  
 8 appear on the ballot and ballot issues as shown in the  
 9 official records of his office, which must include the  
 10 notification specified in 13-37-126, and shall have the  
 11 official ballots printed."

12 Section 32. Section 13-13-205, MCA, is amended to  
 13 read:

14 "13-13-205. When ballots to be available. The election  
 15 administrator shall ensure that ballots are printed and  
 16 available for absentee voting at least ~~14~~ 45 days prior to  
 17 an election."

18 Section 33. Section 13-14-118, MCA, is amended to  
 19 read:

20 "13-14-118. Vacancies among nominees after nomination  
 21 and before general election. (1) If after the primary a  
 22 candidate is not able to run for the office for any reason,  
 23 the vacancy shall be filled by the candidate next in rank in  
 24 number of votes received in the primary election.

25 (2) If a vacancy for a nonpartisan nomination cannot

1 be filled as provided in subsection (1) and the vacancy  
 2 occurs no later than 50 75 days before the general election,  
 3 a 10-day period for accepting declarations for nomination or  
 4 statements of candidacy and nominating petitions for the  
 5 office shall be declared by:

6 (a) the governor for national, state, judicial  
 7 district, legislative, or any multicounty district office;

8 (b) the governing body of the appropriate political  
 9 subdivision for all other offices.

10 (3) The names of the candidates who filed as provided  
 11 in subsection (2) shall be certified and printed on the  
 12 general election ballot in the same manner as candidates  
 13 nominated in the primary.

14 (4) If the vacancy occurs later than 50 75 days before  
 15 the general election and no qualified individual is elected  
 16 to the office at the general election, the office shall be  
 17 vacant and shall be filled as provided by law."

18 Section 34. Section 13-25-101, MCA, is amended to  
 19 read:

20 "13-25-101. Nomination of electors -- ballot. (1) Each  
 21 political party qualified under 13-10-601 shall nominate  
 22 presidential electors for this state and file certificates  
 23 of nomination for these candidates with the secretary of  
 24 state no later than 45 75 days before the general election,  
 25 in the manner and number provided by law.

1 (2) The secretary of state shall certify to the  
 2 election administrator the names of the candidates for  
 3 president and vice president of the several political  
 4 parties, which shall be printed on the ballot.

5 (3) The names of candidates for electors of president  
 6 and vice president may not be printed upon the ballot."

7 Section 35. Section 13-25-203, MCA, is amended to  
 8 read:

9 "13-25-203. Vacancy in office of United States  
 10 representative. (1) If a vacancy occurs in the office of  
 11 United States representative, the governor shall immediately  
 12 order an election to be held to fill the vacancy, except as  
 13 provided in subsection (3).

14 (2) The election to fill the unexpired term shall be  
 15 held within no less than 75 or more than 90 days from the  
 16 time the vacancy occurs, except that if the vacancy occurs  
 17 150 days or less before a primary election or between the  
 18 primary and general elections in odd-numbered years, the  
 19 election shall be held with the primary or general election.

20 (3) If the vacancy occurs between the primary and  
 21 general election in even-numbered years, the candidate  
 22 elected to the office for the succeeding full term shall  
 23 immediately take office to fill the unexpired term."

24 Section 36. Section 13-25-205, MCA, is amended to  
 25 read:

1 "13-25-205. Nominations for special election. (1) When  
2 a special election is ordered to fill a vacancy in the  
3 office of United States senator or United States  
4 representative, each political party shall choose a  
5 candidate according to the rules of the party. Nominations  
6 by parties shall be made no later than 50 75 days before the  
7 date set for the election.

8 (2) Nominating petitions may be filed by independent  
9 candidates for the office up to 5:00 p.m. of the 50th 75th  
10 day before the election."

11 Section 37. Section 13-26-103, MCA, is amended to  
12 read:

13 "13-26-103. Nomination of delegates. (1) Nominations  
14 for the office of delegate shall be by petition signed by  
15 not less than 100 voters of the district.

16 (2) Nominations shall be without political designation  
17 but shall be as "in favor of" or "opposed to" ratification  
18 of the proposed amendment.

19 (3) Petitions and acceptances shall be filed not less  
20 than 30 75 days prior to the election."

21 Section 38. Section 13-35-107, MCA, is amended to  
22 read:

23 "13-35-107. Voiding election. (1) If a court finds  
24 that the violation of any provision of this title by any  
25 person probably affected the outcome of any election, the

1 result of that election may be held void and a special  
2 election held within 60 75 days of that finding. If the  
3 violation occurred during a primary election, the court may  
4 direct the selection of a new candidate according to the  
5 provisions of state law relating to the filling of vacancies  
6 on the general election ballot. Except as provided in  
7 subsection (2), an action to void an election shall be  
8 commenced within 1 year of the date of the election in  
9 question.

10 (2) An action to void a bond election shall be  
11 commenced within 60 days of the date of the election in  
12 question."

13 Section 39. Section 22-1-304, MCA, is amended to read:

14 "22-1-304. Tax levy -- special library fund -- bonds.  
15 (1) The governing body of any city or county which has  
16 established a public library may levy in the same manner and  
17 at the same time as other taxes are levied a special tax in  
18 the amount necessary to maintain adequate public library  
19 service, not to exceed 5 mills on the dollar, upon all  
20 property in such county which may be levied by the governing  
21 body of such county and not to exceed 7 mills on the dollar  
22 upon all property in such city which may be levied by the  
23 governing body of such city.

24 (2) (a) The governing body of any city or county may  
25 by resolution submit the question of exceeding the maximum

1 tax levy provided in subsection (1) to a vote of the  
 2 qualified electors thereof at the next general election.  
 3 Such resolution must be adopted at least 60 75 days prior to  
 4 the general election at which the question will be voted on.

5 (b) Upon petition being filed with the governing body  
 6 and signed by not less than 5% of the resident taxpayers of  
 7 any city or county requesting an election for the purpose of  
 8 exceeding the maximum mill levy, the governing body shall  
 9 submit to a vote of the qualified electors thereof at the  
 10 next general election the question of exceeding the maximum  
 11 mill levy. Such petition must be delivered to the governing  
 12 body at least 90 days prior to the general election at which  
 13 the question will be voted on.

14 (c) The question shall be submitted by ballots upon  
 15 which the words "FOR exceeding the ... mill maximum levy and  
 16 authorizing an additional ... mill(s) for the library" and  
 17 "AGAINST exceeding the ... mill maximum library levy" shall  
 18 appear, with a square before each proposition and a  
 19 direction to insert an "X" mark in the square before one or  
 20 the other of the propositions.

21 (d) The votes cast for the adoption or rejection of  
 22 the question must be canvassed, and:

23 (i) if a majority of the voters voting on the question  
 24 vote to exceed the maximum mill levy, the governing body  
 25 shall levy the additional tax for the year in which the vote

1 was taken; or

2 (ii) if a majority of the voters voting on the question  
 3 vote to not exceed the maximum mill levy, the maximum mill  
 4 levy may not be exceeded.

5 (3) The municipal tax authorized in this section is in  
 6 addition to all other taxes authorized by law and is not  
 7 within the all-purpose mill levy established by 7-6-4451  
 8 through 7-6-4453.

9 (4) The proceeds of such tax shall constitute a  
 10 separate fund called the public library fund and shall not  
 11 be used for any purpose except those of the public library.

12 (5) No money shall be paid out of the public library  
 13 fund by the treasurer of the city or county except by order  
 14 or warrant of the board of library trustees.

15 (6) Bonds may be issued by the governing body in the  
 16 manner prescribed by law for the erection and equipment of  
 17 public library buildings and the purchase of land therefor."

18 Section 40. Section 85-7-1702, MCA, is amended to  
 19 read:

20 "85-7-1702. Regular election -- term of office. (1)  
 21 Candidates for the office of commissioner may be nominated  
 22 by petition filed with the election administrator or deputy  
 23 election administrator at least 30 75 days before the  
 24 election and signed by at least five electors of the  
 25 district. If no nominations are made, the electors of the

1 district shall write on the ballots the name or names of the  
2 persons for whom they desire to vote.

3 (2) The regular election for commissioners in each  
4 district shall be held annually in accordance with 13-1-104  
5 and 13-1-401.

6 (3) Within 40 days following their election the  
7 commissioners shall meet and organize as a board by electing  
8 a president from their number and a secretary, who may or  
9 may not be a commissioner, and who shall each hold office  
10 during the pleasure of the board. The term of office of each  
11 commissioner shall begin on the date of the organizational  
12 meeting after the regular election and shall continue for 3  
13 years and until the election and qualification of his  
14 successor.

15 (4) Commissioners are elected by the electors of the  
16 entire district."

17 Section 41. Section 85-8-306, MCA, is amended to read:

18 "85-8-306. Nominations. Candidates for the office of  
19 commissioner to be filled by election may be nominated by  
20 petition filed with the election administrator or deputy  
21 election administrator at least 30 75 days before the  
22 election and signed by at least five electors of the  
23 district. If no nominations are made, the electors of the  
24 district shall write on the ballots the name or names of the  
25 persons for whom they desire to vote. This section does not

1 prevent an elector from voting for any qualified person,  
2 although the name does not appear on the official ballot."

3 NEW SECTION. SECTION 42. EFFECTIVE DATE. THIS ACT IS  
4 EFFECTIVE JANUARY 1, 1986.

-End-