

SENATE BILL NO. 183  
INTRODUCED BY MAZUREK

IN THE SENATE

January 22, 1985	Introduced and referred to Committee on Local Government.
February 21, 1985	Committee recommend bill do pass as amended. Report adopted.
February 22, 1985	Bill printed and placed on members' desks.
February 23, 1985	Second reading, do pass.
February 25, 1985	Considered correctly engrossed.
	Third reading, passed. Ayes, 35; Noes, 13.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Local Government.
March 27, 1985	Committee recommend bill be concurrred in as amended. Report adopted.
March 30, 1985	Second reading, concurrred in.
April 1, 1985	Third reading, concurrred in.
	Returned to Senate with amendments.

IN THE SENATE

April 1, 1985

Received from House.

April 3, 1985

Second reading, amendments  
concurrent in.

April 5, 1985

Third reading, amendments  
concurrent in. Ayes, 41;  
Noes, 4.

Sent to enrolling.

Reported correctly enrolled.

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INTRODUCED BY Senate BILL NO. 183  
T. Naguib

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE REMAINING COMMISSIONERS TO FILL A VACANCY ON THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 7-4-2106, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 7-4-2106, MCA, is amended to read:

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

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

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

(3) Whenever a vacancy occurs 50 days or more before the general election held during the second or fourth 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 days or more before

1 the primary election during the second or fourth year of the  
2 term, the same procedure shall be utilized as is used to  
3 elect county commissioners to full 6-year terms.

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

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

20 NEW SECTION. Section 2. Effective date. This act is  
21 effective January 1, 1986.

-End-

INTRODUCED BILL  
SB 183

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

1 SENATE BILL NO. 183  
2 INTRODUCED BY MAZUREK  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE REMAINING  
5 COMMISSIONERS TO FILL A VACANCY ON THE BOARD OF COUNTY  
6 COMMISSIONERS; PROVIDING A PROCEDURE FOR FILLING SUCH A  
7 VACANCY; AMENDING SECTION 7-4-2106, MCA; AND PROVIDING A  
8 DELAYED EFFECTIVE DATE."

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15 (2) Whenever a vacancy occurs in the board of county  
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18 occurs remaining county commissioners must fill the vacancy,  
19 and such appointee shall hold office until the next general  
20 election unless otherwise provided in subsection (3) or (4).

21 THE PROCEDURE TO BE USED TO FILL THE VACANCY IS AS  
22 FOLLOWS:

23 (A) IF THE FORMER INCUMBENT REPRESENTED A PARTY  
24 ELIGIBLE FOR A PRIMARY ELECTION UNDER 13-10-601, THE COUNTY  
25 CENTRAL COMMITTEE OF THAT PARTY SHALL SUBMIT TO THE

1 REMAINING COMMISSIONERS THREE NAMES OF PEOPLE WHO HAVE LIVED  
2 IN THE UNREPRESENTED DISTRICT FOR AT LEAST 2 YEARS PRECEDING  
3 THE DAY THE VACANCY OCCURS, AND THE REMAINING COMMISSIONERS  
4 SHALL APPOINT ONE OF THESE THREE TO FILL THE VACANCY.

5 (B) IF THE FORMER INCUMBENT WAS INDEPENDENT OR WAS  
6 ORIGINALLY NOMINATED BY A PARTY THAT DOES NOT MEET THE  
7 REQUIREMENTS OF 13-10-601 OR IF THE VACANCY OCCURS FROM A  
8 FAILURE TO ELECT, THE REMAINING COMMISSIONERS SHALL INVITE  
9 APPLICATIONS FOR THE VACANCY IN A NOTICE PUBLISHED AS  
10 PROVIDED IN 13-1-108 AND SHALL ACCEPT AN APPLICATION FROM  
11 ANY PERSON WHO HAS LIVED IN THE UNREPRESENTED DISTRICT FOR  
12 AT LEAST 2 YEARS PRECEDING THE DAY THE VACANCY OCCURS. THE  
13 REMAINING COMMISSIONERS SHALL APPOINT ONE OF THESE  
14 APPLICANTS TO FILL THE VACANCY.

15 (3) Whenever a vacancy occurs 50 days or more before  
16 the general election held during the second or fourth year  
17 of the term, an individual shall be elected to complete the  
18 term at that general election. The election procedure to be  
19 used to elect the successor is as follows:

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

24 (b) Whenever the vacancy occurs after the 50th day  
25 preceding the primary election, any political party desiring

**SECOND READING**

1 to enter a candidate in the general election shall select a  
2 candidate as provided in 13-38-204. A political party shall  
3 notify the clerk and recorder of the party nominee. A  
4 person desiring to be a candidate as an independent shall  
5 follow the procedures provided in 13-10-501 and 13-10-502.  
6 The petition for an independent candidate shall be filed  
7 with the clerk and recorder on or before the 40th day prior  
8 to the general election. A candidate for a nonpartisan  
9 office shall file as provided in Title 13, chapter 14.

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

THE PROCEDURE TO BE USED TO FILL THE VACANCY IS AS FOLLOWS:

(A) IF THE FORMER INCUMBENT REPRESENTED A PARTY ELIGIBLE FOR A PRIMARY ELECTION UNDER 13-10-601, THE COUNTY CENTRAL COMMITTEE OF THAT PARTY SHALL SUBMIT TO THE

REMAINING COMMISSIONERS THREE NAMES OF PEOPLE WHO HAVE LIVED IN THE UNREPRESENTED DISTRICT FOR AT LEAST 2 YEARS PRECEDING THE DAY THE VACANCY OCCURS, AND THE REMAINING COMMISSIONERS SHALL APPOINT ONE OF THESE THREE TO FILL THE VACANCY.

(B) IF THE FORMER INCUMBENT WAS INDEPENDENT OR WAS ORIGINALLY NOMINATED BY A PARTY THAT DOES NOT MEET THE REQUIREMENTS OF 13-10-601 OR IF THE VACANCY OCCURS FROM A FAILURE TO ELECT, THE REMAINING COMMISSIONERS SHALL INVITE APPLICATIONS FOR THE VACANCY IN A NOTICE PUBLISHED AS PROVIDED IN 13-1-108 AND SHALL ACCEPT AN APPLICATION FROM ANY PERSON WHO HAS LIVED IN THE UNREPRESENTED DISTRICT FOR AT LEAST 2 YEARS PRECEDING THE DAY THE VACANCY OCCURS. THE REMAINING COMMISSIONERS SHALL APPOINT ONE OF THESE APPLICANTS TO FILL THE VACANCY.

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

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**THIRD READING**



1 to enter a candidate in the general election shall select a  
2 candidate as provided in 13-38-204. A political party shall  
3 notify the clerk and recorder of the party nominee. A  
4 person desiring to be a candidate as an independent shall  
5 follow the procedures provided in 13-10-501 and 13-10-502.  
6 The petition for an independent candidate shall be filed  
7 with the clerk and recorder on or before the 40th day prior  
8 to the general election. A candidate for a nonpartisan  
9 office shall file as provided in Title 13, chapter 14.

10 (4) Whenever a vacancy occurs after the 50th day  
11 preceding the general election held during the fourth year  
12 of the term, the person appointed by the ~~district--judge~~  
13 remaining county commissioners under 7-4-2106(2) shall serve  
14 until the end of the term."

15 NEW SECTION. Section 2. Effective date. This act is  
16 effective January 1, 1986.

-End-

# STANDING COMMITTEE REPORT

HOUSE

March 26, 1985

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 183

THIRD reading copy ( BLUE )  
color

VACANCIES ON COUNTY COMMISSION TO BE FILLED BY COMMISSIONERS.

Respectfully report as follows: That SENATE Bill No. 183

BE AMENDED AS FOLLOWS:

1. Page 2, line 4.

Following: "VACANCY."

Insert: "Whenever the remaining commissioners are unable to elect an appointee from the submitted list, they shall request a second list of three names from the county central committee. The second list may not contain any of the names submitted on the first list. The remaining commissioners shall then select an appointee from the individuals named on both lists."

AND, AS SO AMENDED,  
BE CONCURRED IN  
~~BY PAS~~

54  
3/27

*Paula Darko*

PAULA DARKO,

Chairman.



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2 THE DAY THE VACANCY OCCURS, AND THE REMAINING COMMISSIONERS  
3 SHALL APPOINT ONE OF THESE THREE TO FILL THE VACANCY.  
4 WHENEVER THE REMAINING COMMISSIONERS ARE UNABLE TO ELECT AN  
5 APPOINTEE FROM THE SUBMITTED LIST, THEY SHALL REQUEST A  
6 SECOND LIST OF THREE NAMES FROM THE COUNTY CENTRAL  
7 COMMITTEE. THE SECOND LIST MAY NOT CONTAIN ANY OF THE NAMES  
8 SUBMITTED ON THE FIRST LIST. THE REMAINING COMMISSIONERS  
9 SHALL THEN SELECT AN APPOINTEE FROM THE INDIVIDUALS NAMED ON  
10 BOTH LISTS.

11 (B) IF THE FORMER INCUMBENT WAS INDEPENDENT OR WAS  
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REFERENCE BILL

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