

IN THE HOUSE

MARCH 14, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 17, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 452
2 INTRODUCTION BY William

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A MUNICIPALITY
5 WITH A MUNICIPAL COUNCIL-MAYOR GOVERNMENT TO CORRECT AN
6 ERRONEOUS DESCRIPTION OF ITS MANNER OF ELECTION; AND
7 PROVIDING A TERMINATION DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Erroneous statutory basis -- historical use
11 of nonpartisan elections. A municipality with the statutory
12 basis provided in 7-3-113, but which conducts its elections
13 in a nonpartisan manner and did so prior to the enactment of
14 7-3-113, may by adoption of a resolution provide that the
15 municipality is described under 7-3-113, except that
16 7-3-113(1)(k) does not apply and 7-3-219(2) does apply to
17 the municipality. The resolution must be adopted prior to
18 October 1, 1989. A copy of the resolution must be sent to
19 the secretary of state.

20 Section 2. Termination date. This act terminates
21 October 1, 1989.

-End-



INTRODUCED BILL
HB-452

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 House BILL NO. 452
2 INTRODUCED BY Winters

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A MUNICIPALITY
5 WITH A MUNICIPAL COUNCIL-MAYOR GOVERNMENT TO CORRECT AN
6 ERRONEOUS DESCRIPTION OF ITS MANNER OF ELECTION; AND
7 PROVIDING A TERMINATION DATE."

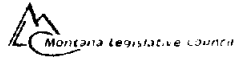
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Erroneous statutory basis -- historical use
11 of nonpartisan elections. A municipality with the statutory
12 basis provided in 7-3-113, but which conducts its elections
13 in a nonpartisan manner and did so prior to the enactment of
14 7-3-113, may by adoption of a resolution provide that the
15 municipality is described under 7-3-113, except that
16 7-3-113(1)(k) does not apply and 7-3-219(2) does apply to
17 the municipality. The resolution must be adopted prior to
18 October 1, 1989. A copy of the resolution must be sent to
19 the secretary of state.

20 Section 2. Termination date. This act terminates
21 October 1, 1989.

-End-

SECOND READING
HB-452



1 House BILL NO. 452
2 INTRODUCED BY William

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A MUNICIPALITY
5 WITH A MUNICIPAL COUNCIL-MAYOR GOVERNMENT TO CORRECT AN
6 ERRONEOUS DESCRIPTION OF ITS MANNER OF ELECTION; AND
7 PROVIDING A TERMINATION DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Erroneous statutory basis -- historical use
11 of nonpartisan elections. A municipality with the statutory
12 basis provided in 7-3-113, but which conducts its elections
13 in a nonpartisan manner and did so prior to the enactment of
14 7-3-113, may by adoption of a resolution provide that the
15 municipality is described under 7-3-113, except that
16 7-3-113(1)(k) does not apply and 7-3-219(2) does apply to
17 the municipality. The resolution must be adopted prior to
18 October 1, 1989. A copy of the resolution must be sent to
19 the secretary of state.

20 Section 2. Termination date. This act terminates
21 October 1, 1989.

-End-

1 HOUSE BILL NO. 452
2 INTRODUCED BY WALLIN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A MUNICIPALITY
5 ~~WITH A MUNICIPAL COUNCIL-MAYOR GOVERNMENT~~ TO CORRECT AN
6 ERRONEOUS DESCRIPTION OF ITS MANNER OR TIME OF ELECTION;
7 AMENDING SECTIONS 13-1-104 AND 13-1-107, MCA; AND PROVIDING
8 AN APPLICABILITY DATE, AN IMMEDIATE EFFECTIVE DATE, AND A
9 TERMINATION DATE."

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

12 NEW SECTION. Section 1. Erroneous statutory basis --
13 historical use of nonpartisan elections. A municipality with
14 the statutory basis provided in 7-3-113, but which conducts
15 its elections in a nonpartisan manner and did so prior to
16 the enactment of 7-3-113, may by adoption of a resolution
17 provide that the municipality is described under 7-3-113,
18 except that 7-3-113(1)(k) does not apply and 7-3-219(2) does
19 apply to the municipality. The resolution must be adopted
20 prior to October 1, 1989. A copy of the resolution must be
21 sent to the secretary of state.

22 SECTION 2. SECTION 13-1-104, MCA, IS AMENDED TO READ:

23 "13-1-104. Times for holding general elections. (1) A
24 general election shall be held throughout the state in every
25 even-numbered year on the first Tuesday after the first

1 Monday of November to vote on ballot issues required by
2 Article III, section 6, or Article XIV, section 8, of the
3 Montana constitution to be submitted by the legislature to
4 the electors at a general election, unless an earlier date
5 is provided in a law authorizing a special election on an
6 initiative or referendum pursuant to Article III, section 6,
7 and to elect federal officers, state or multicounty district
8 officers, members of the legislature, judges of the district
9 court, and county officers when the terms of such offices
10 will expire before the next scheduled election for the
11 offices or when one of the offices must be filled for an
12 unexpired term as provided by law.

13 (2) A general election shall be held throughout the
14 state in every odd-numbered year on the first Tuesday after
15 the first Monday in November to elect municipal officers,
16 officers of political subdivisions wholly within one county
17 and not required to hold annual elections, and any other
18 officers specified by law for election in odd-numbered years
19 when the term for the offices will expire before the next
20 scheduled election for the offices or when one of the
21 offices must be filled for an unexpired term as provided by
22 law.

23 (3) The general election for any political
24 subdivision, other than a municipality, required to hold
25 elections annually shall be held on school election day, the

1 first Tuesday of April of each year, and is subject to the
 2 election procedures provided for in 13-1-401.

3 (4) The general election for a municipality required
 4 to hold elections annually may be held either on school
 5 election day as provided in subsection (3) or on the first
 6 Tuesday after the first Monday in November, at the
 7 discretion of the governing body."

8 SECTION 3. SECTION 13-1-107, MCA, IS AMENDED TO READ:

9 "13-1-107. Times for holding primary elections. (1) On
 10 the first Tuesday after the first Monday in June preceding
 11 the general election provided for in 13-1-104(1), a primary
 12 election shall be held throughout the state.

13 (2) On the Tuesday following the second Monday in
 14 September preceding the general election provided for in
 15 13-1-104(2), a primary election, if required, shall be held
 16 throughout the state.

17 (3) If the general election for a municipality
 18 required to hold annual elections is held in November, as
 19 provided in 13-1-104(4), a primary election, if required,
 20 shall be held on the Tuesday following the second Monday in
 21 September. In an even-numbered year, the cost of this
 22 election must be paid by the municipality."

23 NEW SECTION. SECTION 4. APPLICABILITY. SECTIONS 2 AND
 24 3 APPLY TO MUNICIPAL ELECTIONS HELD AFTER THE EFFECTIVE DATE
 25 OF THIS ACT.

1 NEW SECTION. Section 5. Termination date. This--act
 2 SECTION 1 terminates October 1, 1989.

3 NEW SECTION. SECTION 6. EFFECTIVE DATE. THIS ACT IS
 4 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

STANDING COMMITTEE REPORT

March 3,

87

SENATE

SCRHB452

March 3, 1987

MR. PRESIDENT

Local Government

We, your committee on

House Bill

452

having had under consideration

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Wallin (Story)

ALLOW MUNICIPALITIES TO CORRECT ERRONEOUS DESCRIPTION OF TYPE OF ELECTIONS

Respectfully report as follows: That House Bill No. 452

BE AMENDED AS FOLLOWS;

1. Title, line 5.

Strike: "WITH A MUNICIPAL COUNCIL-MAYOR GOVERNMENT"

2. Title, line 6.

Following: "MANNER"

Insert: "OR TIME"

Following: "ELECTION;"

Insert: "AMENDING SECTIONS 13-1-104 AND 13-1-107, MCA; PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE;"

3. Page 1, following line 19.

Insert: "Section 2. Section 13-1-104, MCA, is amended to read:

"13-1-104. Times for holding general elections.

(1) A general election shall be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, unless an earlier date is provided in a law authorizing a special election on an initiative or referendum pursuant to Article III, section 6, and to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the

REPORT AMENDED

terms of such offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(2) A general election shall be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision other than a municipality required to hold elections annually shall be held on school election day, the first Tuesday of April of each year, and is subject to the election procedures provided for in 13-1-401.

(4) The general election for a municipality required to hold elections annually may be held either on school election day as provided in subsection (3) or on the first Tuesday after the first Monday in November, at the discretion of the governing body."

Section 3. Section 13-1-107, MCA, is amended to read: "13-1-107. Times for holding primary elections.

(1) On the first Tuesday after the first Monday in June preceding the general election provided for in 13-1-104(1), a primary election shall be held throughout the state.

(2) On the Tuesday following the second Monday in September preceding the general election provided for in 13-1-104(2), a primary election, if required, shall be held throughout the state.

(3) If the general election for a municipality required to hold annual elections is held in November, as provided in 13-1-104(4), a primary election, if required, shall be held on the Tuesday following the second Monday in September. In an even-numbered year, the cost of this election must be paid by the municipality."

Section 4. Applicability. Sections 2 and 3 apply to municipal elections held after the effective date of this act."

Renumber: subsequent section.

4. Page 1, line 20.

Following: "date."

Strike: "This act"

Insert: "Section 1"

5. Page 1, following line 21.

Insert: "Section 6. Effective date. This act is effective on passage and approval."

AND AS AMENDED, BE CONCURRED IN

XXXXXX

XXXXXXXX

Handwritten initials: BDE

CONTINUED

Chairman.

Handwritten notes: 3-4-87, 10/05, 241, NB

Senator Crippen

Chairman.

Handwritten notes: 3-4-87, 10/05