

HOUSE BILL 106

Introduced by Spaeth

1/09	Introduced
1/10	Referred to State Administration
1/18	Hearing
1/18	Committee Report--Bill Not Passed
1/19	Adverse Committee Report Adopted

1 House BILL NO. 106
2 INTRODUCED BY Spalth
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
5 ELECTION OF CITY AND MUNICIPAL JUDGES AT THE STATE GENERAL
6 ELECTION; AMENDING SECTIONS 3-6-201, 7-3-4462, AND 13-1-104,
7 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
8

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

10 **Section 1.** Section 3-6-201, MCA, is amended to read:

11 "3-6-201. Election -- term of office. (1) One judge of
12 each municipal court shall be elected at the state general
13 city election. The judge's term shall commence on the first
14 Monday in January following the election. The judge shall
15 hold office for the term of 4 years and until his successor
16 is elected and qualified.

17 (2) All elections of municipal judges are governed by
18 the laws applicable to the election of nonpartisan city
19 officials."

20 **Section 2.** Section 7-3-4462, MCA, is amended to read:

21 "7-3-4462. Office of city judge. (1) In each
22 municipality having a commission-manager form of government,
23 a city judge shall be elected every 4 years in a nonpartisan
24 election held in conjunction with the regularly scheduled
25 municipal state general election. The city judge shall hold

1 office for a term of 4 years.

2 (2) The qualifications to hold the office of city
3 judge shall be set by ordinance by the commission. The
4 ordinance shall be consistent with any rules adopted by the
5 Montana supreme court on city judge qualifications.

6 (3) If a vacancy occurs in the office of city judge,
7 the commission shall appoint a qualified individual to serve
8 for the remainder of the term."

9 **Section 3.** Section 13-1-104, MCA, is amended to read:

10 "13-1-104. Times for holding general elections. (1) A
11 general election shall be held throughout the state in every
12 even-numbered year on the first Tuesday after the first
13 Monday of November to vote on ballot issues required by
14 Article III, section 6, or Article XIV, section 8, of the
15 Montana constitution to be submitted by the legislature to
16 the electors at a general election, unless an earlier date
17 is provided in a law authorizing a special election on an
18 initiative or referendum pursuant to Article III, section 6,
19 and to elect federal officers, state or multicounty district
20 officers, members of the legislature, judges of the district
21 court, local judicial officers, and county officers when the
22 terms of such offices will expire before the next scheduled
23 election for the offices or when one of the offices must be
24 filled for an unexpired term as provided by law.

25 (2) A general election shall be held throughout the

1 state in every odd-numbered year on the first Tuesday after
2 the first Monday in November to elect municipal officers,
3 officers of political subdivisions wholly within one county
4 and not required to hold annual elections, and any other
5 officers specified by law for election in odd-numbered years
6 when the term for the offices will expire before the next
7 scheduled election for the offices or when one of the
8 offices must be filled for an unexpired term as provided by
9 law.

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

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

20 NEW SECTION. **Section 4.** Effective date. [This act] is
21 effective on passage and approval.

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