

SENATE BILL 230

Introduced by Gage

1/21	Introduced
1/21	Referred to Local Government
1/21	First Reading
1/28	Hearing
2/10	Committee Report--Bill Not Passed
2/10	Tabled in Committee

1 **Senate** BILL NO. **230**  
 2 INTRODUCED BY 44  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ALL LOCAL  
 5 ELECTIONS TO BE CONDUCTED ON A NONPARTISAN BASIS; AND  
 6 AMENDING SECTIONS 7-3-111, 7-3-112, 7-3-113, 7-3-114,  
 7 7-3-219, 7-3-314, 7-3-413, 7-3-513, AND 7-3-704, MCA."  
 8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 10 NEW SECTION. **Section 1.** Elections to be nonpartisan.  
 11 Local government elections must be conducted on a  
 12 nonpartisan basis.  
 13 **Section 2.** Section 7-3-111, MCA, is amended to read:  
 14 "7-3-111. Statutory basis for elected county official  
 15 government. (1) For the purpose of determining the statutory  
 16 basis of ~~existing-units-of-local-government--after--May--2,~~  
 17 ~~1977,~~ each unit of local government organized under the  
 18 general statutes authorizing the elected county official  
 19 form of government, ~~shall--be--governed--by~~ the following  
 20 sections govern:  
 21 (a) 7-3-401;  
 22 (b) 7-3-402;  
 23 (c) 7-3-412(3);  
 24 (d) 7-3-413(1);  
 25 (e) 7-3-414(1);

1 (f) 7-3-415(2);  
 2 (g) 7-3-416(2);  
 3 (h) 7-3-417(2);  
 4 (i) 7-3-418;  
 5 (j) 7-3-432(1);  
 6 (k) 7-3-433(1);  
 7 (l) 7-3-434(1);  
 8 (m) 7-3-435(1);  
 9 (n) 7-3-436(1);  
 10 (o) 7-3-437(1);  
 11 (p) 7-3-438(1);  
 12 (q) 7-3-439(1);  
 13 (r) 7-3-440(1);  
 14 (s) 7-3-441(1);  
 15 (t) 7-3-442(1) if the county has elected an auditor;  
 16 (u) 7-3-442(6) if the county has not elected an  
 17 auditor.  
 18 (2) This form has terms of 4 years for all elected  
 19 officials except commissioners who are elected to 6-year  
 20 terms. The commission consists of three members."  
 21 **Section 3.** Section 7-3-112, MCA, is amended to read:  
 22 "7-3-112. Statutory basis for county manager  
 23 government. (1) For the purpose of determining the statutory  
 24 basis of ~~existing-units-of-local-government--after--May--2,~~  
 25 ~~1977,~~ each unit of local government organized under the

1 general statutes authorizing the county manager form of  
 2 government, ~~shall--be--governed--by~~ the following sections  
 3 govern:

- 4 (a) 7-3-301;
- 5 (b) 7-3-303;
- 6 (c) 7-3-304;
- 7 (d) 7-3-305;
- 8 (e) 7-3-312(2);
- 9 (f) 7-3-313(1) or (2);
- 10 (g) 7-3-314~~(2)~~;
- 11 (h) 7-3-315(1);
- 12 (i) 7-3-316(2);
- 13 (j) 7-3-317(2);
- 14 (k) 7-3-318.
- 15 (2) Commissioners are elected to 6-year terms. The size
- 16 of the commission ~~shall~~ must be established by ordinance,
- 17 but it may not exceed five members."

18 **Section 4.** Section 7-3-113, MCA, is amended to read:

19 "7-3-113. Statutory basis for municipal council-mayor  
 20 government. (1) For the purpose of determining the statutory  
 21 basis of ~~existing-units-of-local-government~~, each unit of  
 22 local government organized under the general statutes  
 23 authorizing the municipal council-mayor form of government,  
 24 ~~which-does-not-adopt-a-new-form, shall-be-governed-after-May~~  
 25 ~~27-1977-by~~ the following sections govern:

- 1 (a) 7-3-201;
- 2 (b) 7-3-202(1);
- 3 (c) 7-3-203;
- 4 (d) 7-3-212(2);
- 5 (e) 7-3-213(3);
- 6 (f) 7-3-214(2);
- 7 (g) 7-3-215(2);
- 8 (h) 7-3-216(2);
- 9 (i) 7-3-217(1);
- 10 (j) 7-3-218(2);
- 11 (k) 7-3-219~~(1)~~;
- 12 (l) 7-3-220(1);
- 13 (m) 7-3-221(3);
- 14 (n) 7-3-222(2);
- 15 (o) 7-3-223(2).

16 (2) This form has terms of 4 years for all elected  
 17 officials. The size of the commission ~~shall~~ must be  
 18 established by ordinance, but it may not exceed 20 members."

19 **Section 5.** Section 7-3-114, MCA, is amended to read:

20 "7-3-114. Statutory basis for municipal  
 21 commission-manager government. (1) For the purpose of  
 22 determining the statutory basis of ~~existing-units-of-local~~  
 23 ~~government-after-May-27-1977~~, each unit of local government  
 24 organized under the general statutes authorizing the  
 25 municipal commission-manager form of government, ~~shall--be~~

1 governed-by the following sections govern:

- 2 (a) 7-3-301;  
 3 (b) 7-3-302(1);  
 4 (c) 7-3-303;  
 5 (d) 7-3-304;  
 6 (e) 7-3-305;  
 7 (f) 7-3-312(3);  
 8 (g) 7-3-313(1);  
 9 (h) 7-3-314(2);  
 10 (i) 7-3-315(2);  
 11 (j) 7-3-316(2);  
 12 (k) 7-3-317(2);  
 13 (l) 7-3-318.

14 (2) This form has terms of 4 years for all elected  
 15 officials. The size of the commission ~~shall~~ must be  
 16 established by ordinance, but it may not exceed five  
 17 members."

18 **Section 6.** Section 7-3-219, MCA, is amended to read:

19 "7-3-219. ~~Type-of-election Elections to be nonpartisan.~~

20 Local government elections ~~shall~~ must be conducted on a:

- 21 ~~{1}--partisan-basis;-or~~  
 22 ~~{2} nonpartisan basis."~~

23 **Section 7.** Section 7-3-314, MCA, is amended to read:

24 "7-3-314. ~~Type-of-election Elections to be nonpartisan.~~

25 Local government elections ~~shall~~ must be conducted on a:

- 1 ~~{1}--partisan-basis;-or~~  
 2 ~~{2} nonpartisan basis."~~

3 **Section 8.** Section 7-3-413, MCA, is amended to read:

4 "7-3-413. ~~Type-of-election Elections to be nonpartisan.~~

5 Local government elections ~~shall~~ must be conducted on a:

- 6 ~~{1}--partisan-basis;-or~~  
 7 ~~{2} nonpartisan basis."~~

8 **Section 9.** Section 7-3-513, MCA, is amended to read:

9 "7-3-513. ~~Type-of-election Elections to be nonpartisan.~~

10 Local government elections ~~shall~~ must be conducted on a:

- 11 ~~{1}--partisan-basis;-or~~  
 12 ~~{2} nonpartisan basis."~~

13 **Section 10.** Section 7-3-704, MCA, is amended to read:

14 "7-3-704. **Legislative body.** (1) The charter ~~shall~~ must  
 15 provide for an elected legislative body (called a commission  
 16 or council) or ~~shall~~ provide for a legislative body  
 17 comprised of all qualified electors. For elected legislative  
 18 bodies, the charter ~~shall~~ must specify the number of members  
 19 thereof, their term of office, election on a ~~partisan-or~~  
 20 nonpartisan basis, the grounds for their removal, and the  
 21 method for filling vacancies.

22 (2) The charter ~~shall~~ must provide for the nomination  
 23 and election of commissions:

- 24 (a) at large;  
 25 (b) by districts in which candidates must reside and

1 which are apportioned by population;  
2 (c) by a combination of districts, in which candidates  
3 must reside and which are apportioned by population, and at  
4 large; or  
5 (d) elected at large and nominated by a plan of  
6 nomination that may not preclude the possibility of the  
7 majority of the electors nominating candidates for the  
8 majority of the seats on the commission from persons  
9 residing in the district or districts where the majority of  
10 the electors reside."  
11 NEW SECTION. **Section 11.** Codification instruction.  
12 [Section 1] is intended to be codified as an integral part  
13 of Title 7, chapter 3, parts 41, 42, and 43, and the  
14 provisions of Title 7, chapter 3, parts 41, 42, and 43,  
15 apply to [section 1].

-End-