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2 INTRODUCED BY

House BILL NO. 79
Mary E. Clark

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR DETERMINATION OF A VACANCY IN A
5 COUNTY OFFICE; AND PROVIDING FOR REMOVAL OF ELECTED OR APPOINTED OFFICIALS."

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

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9 **NEW SECTION.** **Section 1. Determination of vacancy in county office.** An office is vacant when
10 one of the following events occurs before the expiration of the term of the incumbent:

11 (1) the death of the incumbent;

12 (2) a determination pursuant to Title 53, chapter 21, part 1, that the incumbent is mentally ill;

13 (3) the resignation of the incumbent;

14 (4) the removal of the incumbent from office;

15 (5) the absence of the incumbent from the county continuously for more than 15 days without the
16 consent of the county commissioners;

17 (6) the open neglect or refusal of the incumbent to discharge the incumbent's duties;

18 (7) the ceasing of the incumbent to be a resident of the county;

19 (8) the ceasing of the incumbent to discharge the duties of the incumbent's office for a period of
20 3 consecutive months, except when prevented by illness or when absent from the county by permission
21 of the county commissioners;

22 (9) the conviction of the incumbent of a felony or of an offense involving moral turpitude or a
23 violation of the incumbent's official duties;

24 (10) the refusal or neglect of the incumbent to file an official bond within the time prescribed; or

25 (11) the decision of a competent tribunal declaring void the election or appointment of the
26 incumbent.

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28 **NEW SECTION.** **Section 2. Removal of elected or appointed officers.** The county commissioners
29 may, upon entering written charges upon their journal, after notice to the party, and after a hearing by the
30 county commissioners with the county attorney or other legal representative, remove an elected or

1 appointed county officer by a vote of two-thirds of all the members-elect.

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3 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified
4 as an integral part of Title 7, chapter 4, part 22, and the provisions of Title 7, chapter 4, part 22, apply to
5 [sections 1 and 2].

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