

1 SENATE BILL NO. 25

2 INTRODUCED BY JERGESON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE TERM OF OFFICE FOR CERTAIN APPOINTEES
5 TO FILL VACANT ELECTED POSITIONS; AMENDING SECTION 7-4-2206, MCA; AND PROVIDING AN
6 IMMEDIATE EFFECTIVE DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9

10 **Section 1.** Section 7-4-2206, MCA, is amended to read:

11 **"7-4-2206. Vacancies.** (1) For the purposes of this part, "vacancy" has the same meaning as
12 prescribed in 2-16-501.

13 (2) Vacancies in all county offices, except that of county commissioner, ~~shall~~ must be filled by
14 appointment by the board of county commissioners. Except as provided in subsections (3) through (5) for
15 ~~the justice of the peace~~, the appointee shall hold ~~his~~ the office, if elective, until the person elected at the
16 next general election qualifies for and assumes the office. ~~unless otherwise provided in subsection (3) or~~
17 ~~(4), and if~~ If the office is not elective, the appointee serves at the pleasure of the commissioners.

18 (3) Whenever a vacancy occurs 75 days or more before the general election held during the second
19 year of the term, an individual ~~shall~~ must be elected to complete the term at that general election. The
20 election procedure to be used to elect the successor is as follows:

21 (a) Whenever the vacancy occurs 75 days or more before the primary election during the second
22 year of the term, the same procedure ~~shall~~ must be ~~utilized~~ used as is used to elect a person to that office
23 for a full 4-year term.

24 (b) Whenever the vacancy occurs after the 75th day ~~preceding~~ before the primary election, any
25 political party desiring to enter a candidate in the general election shall select a candidate as provided in
26 13-38-204. A political party shall notify the clerk and recorder of the party nominee. A person desiring
27 to be a candidate as an independent shall follow the procedures provided in 13-10-501 and 13-10-502.
28 The petition for an independent candidate ~~shall~~ must be filed with the clerk and recorder on or before the
29 75th day ~~prior to~~ before the general election. A candidate for a nonpartisan office shall file as provided in
30 Title 13, chapter 14.

1 (4) Whenever a vacancy occurs after the 75th day ~~preceding~~ before the general election held during
2 the second year of the term, the person appointed by the commissioners under ~~7-4-2206(2)~~ subsection (2)
3 shall serve until the end of the term.

4 (5) Vacancies occurring in the office of justice of the peace ~~shall~~ must be filled as provided in Title
5 3, chapter 10, part 2."

6

7 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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