

HOUSE BILL NO. 512

INTRODUCED BY J. BACHMEIER, B. MERCER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING LAWS RELATED TO FILLING A VACANCY IN ELECTED COUNTY OFFICES; PROVIDING THAT AN INDIVIDUAL APPOINTED BY THE COUNTY COMMISSIONERS AS AN INTERIM OFFICER FOR AN ELECTED COUNTY OFFICE SERVES AT THE PLEASURE OF THE COUNTY COMMISSIONERS; AND AMENDING SECTION 7-4-2206, MCA."

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

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

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

(2) (a) Vacancies in all county offices, except that of county commissioner, must be filled by an interim appointment by the board of county commissioners. The interim appointee must have the qualifications required under this chapter for the office to which the person has been appointed.

~~(b) Except as provided in subsections (3) and (4), the appointee holds the office, if elective, until the person elected at the next general election is certified pursuant to 13-15-406. If the office is not elective, the An~~ interim appointee serves at the pleasure of the commissioners and may be removed FROM THE POSITION by MAJORITY VOTE OF the commissioners and replaced by another interim appointee.

~~(b)(c) The commissioners may appoint a person to serve as an interim officer for the time period between occurrence of the vacancy and the date on which the vacancy is filled pursuant to this section. A person appointed as an interim officer must have the qualifications required under this chapter for the office to which the person has been appointed. Upon appointment, the interim officer~~ An interim appointee is authorized to perform the duties assigned by law to that office.

~~(3) For an appointive office, the interim appointee shall serve until the office is filled by regular appointment as provided under applicable law, subject to subsection (2)(b).~~

~~(3)(4) (a) Whenever a~~ For an elective office, the interim appointee shall serve, subject to subsection (2)(b), until the office is filled by election as provided in this subsection (4) and the individual elected is certified as provided in 13-15-406.

1 **(b) If the initial** vacancy occurs prior to August 1 before the general election held during the second year
2 of the term, an individual must be elected to complete the term ~~at that general election~~. The election procedure
3 to be used to elect the successor is as follows:

4 ~~(a)(i) Whenever~~ **If** the vacancy occurs prior to March 1 before the primary election during the second year
5 of the term, the same procedure must be used as is used to elect a person to that office for a full 4-year term.

6 ~~(b)(ii) Whenever~~ **If** the vacancy occurs on or after March 1 before the primary election, any political party
7 desiring to enter a candidate in a partisan election in the general election shall select a candidate as provided
8 in 13-38-204. A political party shall notify the county election administrator of the party nominee. A person desiring
9 to be a candidate as an independent shall follow the procedures provided in 13-10-501 and 13-10-502. The
10 petition for an independent candidate must be filed with the county election administrator prior to August 1 before
11 the general election. A candidate for a nonpartisan office shall file as provided in Title 13, chapter 14.

12 ~~(4)(c) Whenever a~~ **If the initial** vacancy occurs ~~on or after July 31~~ **August 1** before the general election
13 held during the second year of the term, the person appointed by the commissioners under subsection (2) shall
14 serve until the end of the term."

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