

HOUSE BILL NO. 447

INTRODUCED BY R. FITZGERALD

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE CANCELLATION OF UNCONTESTED MUNICIPAL GENERAL ELECTIONS FOR CITY OFFICERS UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTIONS 7-4-4101, 7-4-4102, AND 7-4-4103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Cancellation of general election. (1) The governing body of a municipality may cancel a general election for the election of a municipal officer by resolution after notification by the election administrator pursuant to the provisions of 13-1-403 if the number of candidates filing for election is equal to or less than the number of positions to be filled.

(2) For the purposes of this section, "municipal officer" means a person holding a position with a municipality that is ordinarily filled by election.

Section 2. Section 7-4-4101, MCA, is amended to read:

"7-4-4101. Officers of city of first class. (1) The officers of a city of the first class consist of:

- (a) one mayor;
- (b) two city council members from each ward; and
- (c) one city judge.

(2) ~~The~~ Except as provided by [section 1], officers listed in subsection (1) must be elected by the qualified electors of the city; ~~as provided in this part.~~

(3) There may also be appointed by the mayor, with the advice and consent of the council:

- (a) one city attorney;
- (b) one city clerk;
- (c) one city treasurer or finance officer or one city clerk-treasurer;
- (d) one chief of police;
- (e) one assessor;
- (f) one street commissioner;



- 1 (g) one city jailer;
 2 (h) one city surveyor; and
 3 (i) any other officers necessary to carry out the provisions of this title.
 4 (4) The city council may by ordinance prescribe the duties of all city officers and fix their compensation."
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6 **Section 3.** Section 7-4-4102, MCA, is amended to read:

7 **"7-4-4102. Officers of city of second or third class.** (1) The officers of a city of the second or third
 8 class consist of:

- 9 (a) one mayor;
 10 (b) two city council members from each ward; and
 11 (c) one city judge.

12 (2) ~~The~~ Except as provided by [section 1], officers listed in subsection (1), except the city judge for a city
 13 of the third class, must be elected by the qualified electors of the city, ~~as provided in this part.~~

14 (3) The governing body of a city of the third class may by ordinance determine whether the office of city
 15 judge must be filled by appointment by the governing body or by election or may appoint a justice of the peace
 16 or the city judge of another city as judge of the city court as provided in 3-11-205.

17 (4) There may also be appointed by the mayor, with the advice and consent of the council:

- 18 (a) one city attorney;
 19 (b) one city clerk, who is ex officio city assessor;
 20 (c) one city treasurer or one city clerk-treasurer;
 21 (d) one chief of police; and
 22 (e) any other officers necessary to carry out the provisions of this title.

23 (5) The city council may prescribe the duties of all city officers and fix their compensation."
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25 **Section 4.** Section 7-4-4103, MCA, is amended to read:

26 **"7-4-4103. Officers of towns.** (1) The officers of a town consist of:

- 27 (a) one mayor;
 28 (b) two city council members from each ward; and
 29 (c) one city judge.

30 (2) ~~The~~ Except as provided by [section 1], the officers listed in subsection (1), except for the city judge,

1 must be elected by the qualified electors of the town, ~~as provided in this part.~~

2 (3) The governing body of the town may by ordinance determine that the office of city judge must be filled
3 either by election or by appointment or may appoint a justice of the peace or the city judge of another city to be
4 judge of the city court as provided in 3-11-205.

5 (4) There may be appointed by the mayor, with the advice and consent of the council:

6 (a) one clerk, who may be ex officio assessor and tax collector and a member of the council;

7 (b) one marshal, who may be ex officio street commissioner; and

8 (c) any other officers necessary to carry out the provisions of this title.

9 (5) The town council may prescribe the duties of all town officers and fix their compensation, subject to
10 the limitations contained in this title."

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12 **NEW SECTION. Section 5. Codification instruction.** [Section 1] is intended to be codified as an
13 integral part of Title 7, chapter 5, part 44, and the provisions of Title 7, chapter 5, part 44, apply to [section 1].

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15 **NEW SECTION. Section 6. Effective date.** [This act] is effective on passage and approval.

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