

HOUSE BILL NO. 448

INTRODUCED BY R. FITZGERALD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL GOVERNMENT TO SUBMIT TO THE
5 ELECTORATE A QUESTION OF CHANGING THE TYPE OF ELECTIONS FROM PARTISAN TO
6 NONPARTISAN OR FROM NONPARTISAN TO PARTISAN; PROVIDING FOR CONDUCT OF AN ELECTION
7 CALLED BY AN ORDINANCE OF THE GOVERNING BODY; AMENDING SECTIONS 7-3-103, 7-3-111, AND
8 7-3-149, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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12 **Section 1.** Section 7-3-103, MCA, is amended to read:

13 **"7-3-103. Amendment of self-government charter or adopted alternative form of government --**
14 **proposed change in type of election -- election.** (1) An amendment to a self-government charter or an adopted
15 alternative form of government may only be made by submitting the question of amendment to the electors of the
16 local government as provided in 7-3-149. An amendment approved by the electors becomes effective on the first
17 day of the local government fiscal year following the fiscal year of approval unless the question submitted to the
18 electors provides otherwise.

19 (2) An amendment to a self-government charter or an adopted alternative form of government may be
20 proposed by:

- 21 (a) petition as provided in 7-3-125;
22 (b) the local government by ordinance; or
23 (c) a study commission recommendation pursuant to 7-3-192.

24 (3) The local government, by ordinance, may provide procedures for the submission and verification of
25 initiative petitions.

26 (4) The question to change the type of election held under the local government's form of government
27 from being conducted on a partisan basis to being conducted on a nonpartisan basis OR FROM BEING CONDUCTED
28 ON A NONPARTISAN BASIS TO BEING CONDUCTED ON A PARTISAN BASIS may, by ordinance, be submitted to the
29 electorate of the local government as provided in 7-3-149. The type of election may be changed only upon an
30 affirmative vote of a simple majority of those voting on the question pursuant to 7-3-149."

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Section 2. Section 7-3-111, MCA, is amended to read:

"7-3-111. Statutory basis for elected county official government. (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) 7-3-401;
- (b) 7-3-402;
- (c) 7-3-412(3);
- (d) 7-3-413(~~4~~);
- (e) 7-3-414(1);
- (f) 7-3-415(2);
- (g) 7-3-416(2);
- (h) 7-3-417(2);
- (i) 7-3-418;
- (j) 7-3-432(1);
- (k) 7-3-433(1);
- (l) 7-3-434(1);
- (m) 7-3-435(1);
- (n) 7-3-436(1);
- (o) 7-3-437(1);
- (p) 7-3-438(1);
- (q) 7-3-439(1);
- (r) 7-3-440(1);
- (s) 7-3-441(1);
- (t) 7-3-442(1) if the county has elected an auditor;
- (u) 7-3-442(6) if the county has not elected an auditor.

(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members."

1 **Section 3.** Section 7-3-149, MCA, is amended to read:

2 "**7-3-149. Election on alteration of form of government.** (1) ~~Upon the election administrator's~~
3 ~~verification that a petition filed pursuant to sections 7-3-121 through 7-3-123, 7-3-125, and 7-3-141 through~~
4 ~~7-3-148 meets all the necessary requirements, the~~ The governing body shall call an election on the question of
5 an alteration of the form of government, or a change in a plan of government, proposed by the petition or a
6 change in the type of election proposed pursuant to 7-3-103(4) upon:

7 (a) the election administrator's verification that a petition filed pursuant to 7-3-121 through 7-3-123,
8 7-3-125, and 7-3-141 through 7-3-148 meets all the necessary requirements;

9 (b) adoption of a local government ordinance pursuant to 7-3-103(2)(b) or (4); or

10 (c) a recommendation by a study commission pursuant to 7-3-192.

11 (2) The election must be conducted in accordance with Title 13, chapter 1, part 4.

12 ~~(2)~~(3) The cost of the election must be paid for by the local government.

13 ~~(3)~~(4) (a) The affirmative vote of a simple majority of those voting on the question is required for
14 adoption.

15 (b) In any election involving the question of consolidation, each question must be submitted to the
16 electors in the county and requires an affirmative vote of a simple majority of the votes cast in the county on the
17 question for adoption. There is no requirement for separate majorities in local governments voting on
18 consolidation.

19 (c) In any election involving the question of county merger, the questions must be submitted to the
20 electors in the counties affected and require a majority of the votes cast on the questions in each affected county
21 for adoption.

22 (d) If the electors disapprove the proposed new form of local government, amendments, or consolidation
23 plan, the local government retains its existing form."

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25 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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