



AN ACT ALLOWING AN ELECTED COUNTY OFFICIAL GOVERNMENT TO SUBMIT TO THE ELECTORATE A QUESTION OF CHANGING THE TYPE OF ELECTIONS FROM PARTISAN TO NONPARTISAN OR FROM NONPARTISAN TO PARTISAN; REVISING THE USE OF PARTY NAME OR SYMBOL; AMENDING SECTIONS 7-3-103, 7-3-111, 7-3-149, AND 13-10-602, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

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

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

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

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

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

(4) The question to change the type of election held under an elected county official government provided for in 7-3-111 from being conducted on a partisan basis to being conducted on a nonpartisan basis or from being conducted on a nonpartisan basis to being conducted on a partisan basis may, by ordinance, be submitted to the electorate of the local government as provided in 7-3-149. A change to the type of election requires an affirmative vote of a simple majority of those voting on the question, pursuant to 7-3-149."

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."

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

"7-3-149. Election on alteration of form of government. (1) The governing body shall call an election on the question of an alteration of the form of government, ~~or a change in a plan of government, or, for an elected county official government,~~ a change in the type of election proposed pursuant to 7-3-103(4) upon:

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

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

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

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

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

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

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

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

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

Section 4. Section 13-10-602, MCA, is amended to read:

"13-10-602. Use of party name. (1) ~~Except as provided in subsection (3),~~ a political party and its regularly nominated candidates, members, and officers have the sole and exclusive right to the use of the party name. A candidate for office may not use any word of the name of any other political party or organization other than that by which the candidate is nominated in a manner that indicates or implies the individual is a candidate of the nonnominating party.

(2) An independent or nonpartisan candidate, except as provided in subsection (3), may not use any

word of the name of any existing political party or organization in the candidacy in a manner that indicates or implies that the individual is a candidate of that party or organization.

(3) A candidate for an elective office under an elected county official government provided for in 7-3-111 who is running in an election conducted after electors have approved a change pursuant to 7-3-103(4) in the type of election held from partisan to nonpartisan may use a party name or symbol in the candidate's campaign material."

Section 5. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0129, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2019.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 129

INTRODUCED BY R. FITZGERALD

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