

## 1 HOUSE BILL NO. 635

2 INTRODUCED BY D. SKEES

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN  
 5 AMENDMENT TO ARTICLE VI, SECTION 6, OF THE MONTANA CONSTITUTION TO PROVIDE THAT IF  
 6 THE OFFICE OF SECRETARY OF STATE, ATTORNEY GENERAL, AUDITOR, OR SUPERINTENDENT OF  
 7 PUBLIC INSTRUCTION BECOMES VACANT, THE GOVERNOR SHALL APPOINT A QUALIFIED PERSON  
 8 TO FILL THE VACANCY WHO IS FROM THE SAME POLITICAL PARTY AS THE PERSON WHO VACATED  
 9 THE OFFICE; AND PROVIDING AN EFFECTIVE DATE."

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

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13 **Section 1.** Article VI, section 6, of The Constitution of the State of Montana is amended to read:

14 **"Section 6. Vacancy in office.** (1) If the office of lieutenant governor becomes vacant by his  
 15 succession to the office of governor, or by his death, resignation, or disability as determined by law, the  
 16 governor shall appoint a qualified person to serve in that office for the remainder of the term. If both the elected  
 17 governor and the elected lieutenant governor become unable to serve in the office of governor, succession to  
 18 the respective offices shall be as provided by law for the period until the next general election. Then, a governor  
 19 and lieutenant governor shall be elected to fill the remainder of the original term.

20 (2) If the office of secretary of state, attorney general, auditor, or superintendent of public instruction  
 21 becomes vacant by death, resignation, or disability as determined by law, the governor shall appoint a qualified  
 22 person to serve in that office until the next general election and until a successor is elected and qualified. If the  
 23 person who vacated the office was elected or appointed to the office after being nominated by a political party,  
 24 the governor shall make the appointment from a list of three nominees submitted by the state central committee  
 25 of the same political party that nominated the person for the office. The person elected to fill a vacancy shall  
 26 hold the office until the expiration of the term for which his predecessor was elected."

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28 **NEW SECTION. Section 2. Two-thirds vote required.** Because [section 1] is a legislative proposal

1 to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote  
2 of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

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4 NEW SECTION. **Section 3. Effective date.** [This act] is effective upon approval of the electorate.

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6 NEW SECTION. **Section 4. Submission to electorate.** [This act] shall be submitted to the qualified  
7 electors of Montana at the general election to be held in November 2022 by printing on the ballot the full title of  
8 [this act] and the following:

9  YES on Constitutional Amendment \_\_\_\_.

10  NO on Constitutional Amendment \_\_\_\_.

11 - END -