

1 SENATE BILL NO. 420

2 INTRODUCED BY C. FRIEDEL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ELECTIONS FOR MUNICIPAL OFFICERS TO BE  
5 HELD ON EVEN-NUMBERED YEARS; AMENDING SECTIONS 3-6-201 AND 13-1-104, MCA; AND  
6 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

9  
10 **Section 1.** Section 3-6-201, MCA, is amended to read:

11 **"3-6-201. Number of judges -- election -- term of office -- chief judge -- duties of chief judge. (1)**

12 The governing body of a city shall determine by ordinance the number of judges required to operate the  
13 municipal court.

14 (2) A municipal court judge must be elected at the general election, as provided in 13-1-104~~(3)~~(2).

15 The judge's term commences on the first Monday in January following the election. The judge shall hold office  
16 for the term of 4 years and until a successor is elected and qualified.

17 (3) Except as provided in subsection (2), all elections of municipal court judges are governed by  
18 the laws applicable to the election of district court judges.

19 (4) (a) If there is more than one municipal court judge, the judges shall adopt a procedure by which  
20 they either:

21 (i) select a chief municipal court judge at the beginning of each calendar year; or

22 (ii) select a chief municipal court judge for a specific period of time.

23 (b) If the judges cannot agree, the judge with the most seniority shall serve as the chief municipal  
24 court judge.

25 (5) The chief municipal court judge shall provide for the efficient management of the court, in  
26 cooperation with the other judge or judges, if any, and shall:

27 (a) maintain a central docket of the court's cases;

**Amendment - 1st Reading/2nd House-blue - Requested by: Larry Brewster - (H) Local Government**

- 2023

68th Legislature 2023

Drafter: Laura Sankey Keip, 406-444-4410

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- 1 (b) provide for the distribution of cases from the central docket among the judges, if there is more  
2 than one judge, in order to equalize the work of the judges;
- 3 (c) request the jurors needed for cases set for jury trial;
- 4 (d) if there is more than one judge, temporarily reassign or substitute judges among the  
5 departments as necessary to carry out the business of the court; and
- 6 (e) supervise and control the court's personnel and the administration of the court."

7

8 **Section 2.** Section 13-1-104, MCA, is amended to read:

9 **"13-1-104. Times for holding general elections.** (1) A general election must be held throughout the  
10 state on the first Tuesday after the first Monday in November.

11 (2) In every even-numbered year, the following elections must be held on general election day:

12 (a) an election on any ballot issue submitted to electors pursuant to Article III, section 6, unless the  
13 legislature orders a special election, or Article XIV, section 8, of the Montana constitution;

14 (b) an election of federal officers, members of the legislature, state officers, multicounty district  
15 officers elected at a statewide election, district court judges, ~~and county officers, and municipal officers~~; and

16 (c) any other election required by law to be held on general election day in an even-numbered  
17 year.

18 (3) In every odd-numbered year, ~~the following elections must be held on the same day as the~~  
19 ~~general election:~~

20 ~~(a) an election of officers for municipalities required by law to hold the election; and~~

21 ~~(b) any other election required by law to must be held on general election day in an odd-numbered~~  
22 ~~year."~~

23

24 **NEW SECTION. Section 3. Transition.** (1) (a) A municipal officer whose term ends in January 2024  
25 shall be appointed to the office for an additional 1-year term ending in January 2025.

26 (b) A municipal officer appointed as provided in subsection (1)(a) may run for reelection in 2024 if  
27 the officer is not otherwise restricted from running for reelection.

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1 (2) (a) A municipal officer whose term ends in January 2026 shall be appointed to the office for an  
2 additional 1-year term ending in January 2027.

3 (b) A municipal officer appointed as provided in subsection (2)(a) may run for reelection in 2026 if  
4 the officer is not otherwise restricted from running for reelection.

5 (3) The additional 1-year term provided in subsections (1)(a) and (2)(a) may not be counted as a  
6 term of office when calculating whether the municipal officer has reached a term limit.

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8 COORDINATION SECTION. Section 4. Coordination instruction. If House Bill No. 774 is passed  
9 and approved and if it includes a section that amends 13-1-104, then [section 2 of this act], amending 13-1-104,  
10 is void.

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

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