

1 SENATE BILL NO. 156
2 INTRODUCED BY W. MCKAMEY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT AN ELECTED COUNTY CLERK MUST BE
5 ELECTED ON A NONPARTISAN BASIS; AND AMENDING SECTIONS 7-3-112, 7-3-114, 7-3-314, 7-3-413,
6 AND 7-3-434, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 7-3-112, MCA, is amended to read:

11 **"7-3-112. Statutory basis for county manager government.** (1) For the purpose of determining the
12 statutory basis of existing units of local government after May 2, 1977, each unit of local government organized
13 under the general statutes authorizing the county manager form of government ~~shall~~must be governed by the
14 following sections:

- 15 (a) 7-3-301;
- 16 (b) 7-3-303;
- 17 (c) 7-3-304;
- 18 (d) 7-3-305;
- 19 (e) 7-3-312(2);
- 20 (f) 7-3-313(1) or (2);
- 21 (g) 7-3-314~~(2)~~(1)(b);
- 22 (h) 7-3-315(1);
- 23 (i) 7-3-316(2);
- 24 (j) 7-3-317(2);
- 25 (k) 7-3-318.

26 (2) Commissioners are elected to 6-year terms. The size of the commission ~~shall~~must be
27 established by ordinance, but it may not exceed five members."

28

1 **Section 2.** Section 7-3-114, MCA, is amended to read:

2 **"7-3-114. Statutory basis for municipal commission-manager government.** (1) For the purpose of
3 determining the statutory basis of existing units of local government after May 2, 1977, each unit of local
4 government organized under the general statutes authorizing the municipal commission-manager form of
5 government ~~shall~~must be governed by the following sections:

- 6 (a) 7-3-301;
- 7 (b) 7-3-302(1);
- 8 (c) 7-3-303;
- 9 (d) 7-3-304;
- 10 (e) 7-3-305;
- 11 (f) 7-3-312(3);
- 12 (g) 7-3-313(1);
- 13 (h) 7-3-314~~(2)~~(1)(b);
- 14 (i) 7-3-315(2);
- 15 (j) 7-3-316(2);
- 16 (k) 7-3-317(2);
- 17 (l) 7-3-318.

18 (2) This form has terms of 4 years for all elected officials. The size of the commission ~~shall~~must be
19 established by ordinance, but it may not exceed five members."

20

21 **Section 3.** Section 7-3-314, MCA, is amended to read:

22 **"7-3-314. Type of election.** (1) Except as provided in subsection (2), local local government elections
23 ~~shall~~must be conducted on a:

- 24 ~~(1)~~(a) partisan basis; or
- 25 ~~(2)~~(b) nonpartisan basis.

26 (2) If elected, the office of county clerk as provided in Title 7, chapter 4, part 26, must be elected
27 on a nonpartisan basis."

28

1 **Section 4.** Section 7-3-413, MCA, is amended to read:

2 "**7-3-413. Type of election.** (1) Except as provided in subsection (2), Local local government elections

3 ~~shall~~ must be conducted on a:

4 ~~(4)~~(a) partisan basis; or

5 ~~(2)~~(b) nonpartisan basis.

6 (2) If elected, the office of county clerk as provided in Title 7, chapter 4, part 26, must be elected
7 on a nonpartisan basis."

8

9 **Section 5.** Section 7-3-434, MCA, is amended to read:

10 "**7-3-434. Clerk and recorder.** A clerk and recorder:

11 (1) may be elected on a nonpartisan basis;

12 (2) may be appointed by the local government commission;

13 (3) may be appointed by the presiding officer of the local government commission;

14 (4) may be selected as provided by ordinance;

15 (5) may at the discretion of the commission be selected as provided by ordinance; or

16 (6) may not be included in this form as a separate office."

17

- END -