

**Unofficial Draft Copy**

As of: April 8, 2016 (8:50am)

LC0030

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act generally revising election laws; allowing local government study commission elections and local government studies to be cancelled when the number of candidates for a study commission is insufficient; clarifying when an election requested by petition concerning a local government ordinance must be held; revising notice requirements in resort tax elections; clarifying terms of office for special district officers elected before 2016; amending sections 7-3-174, 7-3-175, 7-3-176, 7-5-132, 7-6-1504, and 13-1-504, MCA; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 7-3-174, MCA, is amended to read:

**"7-3-174. Election dates and procedures.** (1) An election on the question of establishing a study commission under 7-3-173 must be held in conjunction with a primary election held on the date established in 13-1-107.

(2) An Except as provided in 7-3-175, the question of establishing a study commission is approved, the election of study commission members under 7-3-176 must be held in conjunction with a general election held on the date established in 13-1-104.

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(3) The elections must be counted, canvassed, and returned as provided in Title 13 for general elections.

(4) The election administrator shall report the results of an election conducted under 7-3-171 through 7-3-193 to the secretary of state within 15 days of the date the election results become official."

{*Internal References to 7-3-174:*

x7-3-171 \* x7-3-174 \* x7-3-176 }

**Section 2.** Section 7-3-175, MCA, is amended to read:

**"7-3-175. Ballot form and question.** (1) The question of conducting a local government review and establishing a study commission must be submitted to the electors in substantially the following form:

Vote for one:

[ ] FOR the review of the government of (insert name of local government) and the establishment and funding, not to exceed (insert dollar or mill amount), of a local government study commission consisting of (insert number of members) members to examine the government of (insert name of local government) and submit recommendations on the government.

[ ] AGAINST the review of the government of (insert name of local government) and the establishment and funding, not to exceed (insert dollar or mill amount), of a local government study commission consisting of (insert number of members) members to examine the government of (insert name of local government) and submit recommendations on the

government.

(2) The ballot must also contain a clear and conspicuous statement informing the voter that pursuant to 7-3-176(5)(b) if the study is approved but there are not enough candidates to fill the study commission positions and the election is cancelled, then the study will not be conducted."

{ *Internal References to 7-3-175:*

x7-3-171 \* x7-3-174 \* }

**Section 3.** Section 7-3-176, MCA, is amended to read:

**"7-3-176. Election of commission members -- cancellation -- appointments.** (1) An election to fill the positions on the local government study commission must be held in accordance with 7-3-174. A primary election may not be held.

(2) The names of study commission candidates who have filed declarations of nomination not later than the filing deadline established in 13-1-403 must be placed on the ballot. There is no filing fee. The election is nonpartisan, and candidates must be listed without party or other designation or slogan. The secretary of state shall prescribe the ballot form for study commissioners.

(3) Candidates for study commission positions must be electors of the local government for which the study commission has been established. The candidates may not be elected officials of the local government.

(4) The number of candidates, equal to the number of study commission positions to be elected, receiving the highest number

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of votes, which includes votes cast for candidates who have officially filed nominations and votes for write-in candidates, must be declared elected. If there is a tie vote among candidates, the governing body shall decide by lot which candidate will fill the position.

(5) (a) If the number of candidates filing for election is equal to ~~or less~~ than the number of positions to be filled, the election administrator shall notify the governing body and the governing body shall proceed in accordance with 13-1-403(4) and (5). ~~If the number of study commissioners elected is not equal to the number required to be selected, the presiding officer of the governing body, with the confirmation of the governing body, shall appoint the additional study commissioners within 20 days after the election. An elected official of the local government may not be appointed~~ may by resolution cancel the election and declare the candidates elected by acclamation.

(b) If the number of candidates is less than the number of study commission positions to be filled, the election administrator shall notify the governing body and the governing body may by resolution cancel the election and the study. However, if the governing body does not cancel the election, then the governing body shall fill the positions by appointment. An elected official of the local government may not be appointed."

{ *Internal References to 7-3-176:*

x7-3-171 \* x7-3-174 x7-3-174 \* }

**Section 4.** Section 7-5-132, MCA, is amended to read:

**"7-5-132. Procedure for initiative or referendum election.**

(1) The electors of a local government may, by petition, request an election on whether to enact, repeal, or amend an ordinance. The form of the petition must be approved by the county election administrator. A petition signed by at least 15% of the local government's qualified electors is sufficient to require an election.

(2) (a) If an approved petition containing sufficient signatures is filed prior to the ordinance's effective date or within 60 days after the passage of the ordinance, whichever is later, a petition requesting an election on whether to amend or repeal the ordinance delays the ordinance's effective date until the ordinance is ratified by the electors.

(b) If an approved petition containing sufficient signatures is filed within 60 days after the effective date of an emergency ordinance, the emergency ordinance is suspended until it is ratified by the electors.

(3) The governing body may refer an existing or proposed ordinance to a vote of the people by resolution.

(4) A petition or resolution for an election must:

(a) embrace only a single comprehensive subject;

(b) set out fully the ordinance sought, the ordinance to be amended and the proposed amendment, or the ordinance to be repealed;

(c) be in the form prescribed in Title 13, chapter 27, except as specifically provided in this part; and

(d) contain transition provisions if the measure changes

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terms of office or forms of government.

(5) An election held pursuant to this section must be conducted in conjunction with the next local government election held in accordance with Title 13, chapter 1, part 4, except that if the petition asks for a special election, specifies an election date that complies with 13-1-405, and is signed by at least 25% of the qualified electors, a special election must be held on the date specified in the petition.

(6) If a majority of those voting on the question approve the proposal, it becomes effective when the election results are officially declared, unless otherwise stated in the proposal."

{*Internal References to 7-5-132:*

x3-10-101 \* x3-11-101 \* x7-1-4130 \* x7-3-1204 \*  
x7-5-131 \* x7-5-134 x7-6-1504 x16-1-205  
x16-1-205 \* }

**Section 5.** Section 7-6-1504, MCA, is amended to read:

**"7-6-1504. Resort tax -- election required -- procedure -- notice.** (1) A resort community or area may not impose or, except as provided in 7-6-1505, amend or repeal a resort tax unless the resort tax question has been approved by a majority of the qualified electors voting on the question.

(2) The resort tax question may be presented to the qualified electors of:

(a) a resort community by a petition of the electors as provided by 7-5-131, 7-5-132, 7-5-134, 7-5-135, and 7-5-137 or by a resolution of the governing body of the resort community; or

(b) a resort area by a resolution of the board of county

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commissioners, following receipt of a petition of electors as provided in 7-6-1508.

(3) If a resort area is in more than one county, the resort tax question must be presented to and approved by the qualified electors in the resort area of each county.

(4) The petition or resolution referring the taxing question must state:

(a) the rate of the resort tax;

(b) the duration of the resort tax;

(c) the date when the tax becomes effective, which date may not be earlier than 35 days after the election;

(d) the goods and services subject to the resort tax; and

~~(d)~~(e) the purposes that may be funded by the resort tax revenue.

(5) On receipt of an adequate petition, the governing body shall hold an election in accordance with Title 13, chapter 1, part 5.

(6) Notice of the election must be accomplished as provided in 13-1-108 and include the information listed in subsection (4) of this section.

(7) The question of the imposition of a resort tax may not be placed before the qualified electors more than once in any fiscal year."

{ *Internal References to 7-6-1504:*

x7-6-1502 \* x7-6-1502 \* x7-6-1503 x7-6-1506  
x7-6-1508 x7-6-1508 x7-6-1509 x7-6-1541  
x7-7-4424 \* }

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**Section 6.** Section 13-1-504, MCA, is amended to read:

**"13-1-504. Dates for special purpose district elections -- call for election.** (1) Except as provided in subsection (2), the following elections for a special purpose district must be held on the same day as the regular school election day established in 20-20-105(1), which is the first Tuesday after the first Monday in May:

(a) an election to create, alter the boundaries of, continue, or dissolve a special purpose district; and

(b) an election to fill a special purpose district office.

(2) (a) A special purpose district election that includes a question affecting district funding, such as fee assessments, bonds, or the sale or lease of property, may be held on the day specified in subsection (1) or scheduled as a special election.

(b) A conservation district election must be held on a primary or general election day.

(3) If specifically authorized by law, a special purpose district election may be held at the district's annual meeting.

(4) A special purpose district election may not be held earlier than 85 days after the date of the order or resolution calling for the election.

(5) Pursuant to 13-19-201, the governing body authorized by law to call an election shall specify in the order or resolution calling for the election whether the governing body is requesting that the election be conducted by mail.

(6) Notwithstanding any other provision of law, the term of office for a special district officer that was elected in a



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November election before 2016 does not expire until a successor is elected or appointed and sworn in."

{*Internal References to 13-1-504:*

x7-6-1544 x7-13-2323 x20-15-203 x20-15-231  
x22-1-304 }

NEW SECTION. **Section 7. {standard} Effective date.** [This act] is effective on passage and approval.

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