

1 HOUSE BILL NO. 193

2 INTRODUCED BY R. HAGAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS TO
5 APPOINT AN INTERIM OFFICER TO A COUNTY OFFICE UPON OCCURRENCE OF A VACANCY;
6 REQUIRING THE INTERIM OFFICER TO HAVE THE QUALIFICATIONS REQUIRED OF THE OFFICE;
7 PROVIDING THAT THE INTERIM OFFICER IS AUTHORIZED TO PERFORM THE DUTIES OF THE OFFICE;
8 AND AMENDING SECTION 7-4-2206, MCA."

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

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12 **Section 1.** Section 7-4-2206, MCA, is amended to read:
13 **"7-4-2206. Vacancies -- appointment of interim officer.** (1) For the purposes of this part, "vacancy"
14 has the same meaning as prescribed in 2-16-501.

15 (2) (a) Vacancies in all county offices, except that of county commissioner, must be filled by appointment
16 by the board of county commissioners. Except as provided in subsections (3) through (5), the appointee holds
17 the office, if elective, until the person elected at the next general election is certified pursuant to 13-15-406. If the
18 office is not elective, the appointee serves at the pleasure of the commissioners.

19 (b) The commissioners may appoint a person to serve as an interim officer for the time period between
20 occurrence of the vacancy and the date on which the vacancy is filled pursuant to this section. A person
21 appointed as an interim officer must have the qualifications required under this chapter for the office to which the
22 person has been appointed. Upon appointment, the interim officer is authorized to perform the duties assigned
23 by law to that office.

24 (3) Whenever a vacancy occurs 75 days or more before the general election held during the second year
25 of the term, an individual must be elected to complete the term at that general election. The election procedure
26 to be used to elect the successor is as follows:

27 (a) Whenever the vacancy occurs 75 days or more before the primary election during the second year
28 of the term, the same procedure must be used as is used to elect a person to that office for a full 4-year term.

29 (b) Whenever the vacancy occurs after the 75th day before the primary election, any political party
30 desiring to enter a candidate in the general election shall select a candidate as provided in 13-38-204. A political

1 party shall notify the clerk and recorder of the party nominee. A person desiring to be a candidate as an
2 independent shall follow the procedures provided in 13-10-501 and 13-10-502. The petition for an independent
3 candidate must be filed with the clerk and recorder on or before the 75th day before the general election. A
4 candidate for a nonpartisan office shall file as provided in Title 13, chapter 14.

5 (4) Whenever a vacancy occurs after the 75th day before the general election held during the second
6 year of the term, the person appointed by the commissioners under subsection (2) shall serve until the end of the
7 term.

8 (5) Vacancies occurring in the office of justice of the peace must be filled as provided in Title 3, chapter
9 10, part 2."

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