

HOUSE BILL NO. 333

INTRODUCED BY B. HAMLETT

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A SHERIFF SUBJECT TO ELECTION BE ELECTED ONLY ON A NONPARTISAN BASIS; AMENDING SECTIONS 7-3-219, 7-3-314, 7-3-413, 7-3-433, 7-3-513, AND 7-3-705, MCA."

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

NEW SECTION. Section 1. Nonpartisan election. If the sheriff or other principal law enforcement officer for a county, including a consolidated city-county government, is subject to election, the officer may be elected only in a nonpartisan election.

Section 2. Section 7-3-219, MCA, is amended to read:

"7-3-219. Type of election. Local government elections shall be conducted on a:

- (1) partisan basis, except as provided in [section 1]; or
- (2) nonpartisan basis."

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

"7-3-314. Type of election. Local government elections shall be conducted on a:

- (1) partisan basis, except as provided in [section 1]; or
- (2) nonpartisan basis."

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

"7-3-413. Type of election. Local government elections shall be conducted on a:

- (1) partisan basis, except as provided in [section 1]; or
- (2) nonpartisan basis."

Section 5. Section 7-3-433, MCA, is amended to read:

"7-3-433. Law enforcement officer. A law enforcement officer, who may be called the sheriff:

- 1 (1) may be elected only as provided in [section 1];
- 2 (2) may be appointed by the local government commission;
- 3 (3) may be appointed by the presiding officer of the local government commission;
- 4 (4) may be selected as provided by ordinance;
- 5 (5) may at the discretion of the commission be selected as provided by ordinance; or
- 6 (6) may not be included in this form as a separate office."

7

8 **Section 6.** Section 7-3-513, MCA, is amended to read:

9 **"7-3-513. Type of election.** Local government elections shall be conducted on a:

- 10 (1) partisan basis, except as provided in [section 1]; or
- 11 (2) nonpartisan basis."

12

13 **Section 7.** Section 7-3-705, MCA, is amended to read:

14 **"7-3-705. Officials and personnel.** (1) The charter must specify which official of the local government
 15 will be the chief administrative and executive officer, the method of the officer's selection, the term of office
 16 (except that it may be at the pleasure of the selecting authority if the officer is not elected by popular vote), the
 17 grounds for the officer's removal, and the officer's powers and duties. However, the charter may allocate the chief
 18 executive and the chief administrative functions among two or more officials specified as provided in this section,
 19 or the charter may provide that chief executive and administrative functions of the local government will be
 20 performed by one or more members of the legislative body.

21 (2) A charter form of government must have the officers, departments, boards, commissions, and
 22 agencies that are established in the charter, by local ordinance, or required by state law.

23 (3) If the charter provides for the election of a county law enforcement officer, the charter must comply
 24 with [section 1]."

25

26 **NEW SECTION. Section 8. Codification instruction.** [Section 1] is intended to be codified as an
 27 integral part of Title 7, chapter 32, part 21, and the provisions of Title 7, chapter 32, part 21, apply to [section 1].

28

- END -