

1 SENATE BILL NO. 381

2 INTRODUCED BY C. FRIEDEL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ONE CITY COUNCIL MEMBER FROM EACH WARD
5 IN A FIRST-CLASS CITY WHEN WARDS REACH A CERTAIN POPULATION THRESHOLD; AMENDING
6 SECTIONS 7-2-4107, 7-4-4101, AND 7-4-4402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

9
10 **Section 1.** Section 7-2-4107, MCA, is amended to read:

11 **"7-2-4107. Officers elected at first election.** (1) At the election provided for in 7-2-4106, there must
12 be elected:

13 (a) in a city of the first class, a mayor, a city judge, a city attorney, a city treasurer, a city marshal,
14 and, EXCEPT AS PROVIDED IN SUBSECTION (3), ~~two one~~ TWO city council members ~~member~~ MEMBERS from each
15 ward into which the city is divided;

16 (b) in a city of the second class, a mayor, a city judge, a city treasurer, a city marshal, and two city
17 council members from each ward;

18 (c) in a town, a mayor and two city council members from each ward.

19 (2) Those elected hold office until the first Monday of January after the first annual election and
20 until their successors are elected and qualified. The persons elected shall qualify in the manner prescribed by
21 law for county officers.

22 (3) IF THE DIVISION OF A CITY OF THE FIRST CLASS INTO WARDS REPRESENTED BY TWO CITY COUNCIL
23 MEMBERS WOULD RESULT IN WARDS WITH POPULATIONS OF MORE THAN 15,000 INHABITANTS, THEN, SUBJECT TO THE
24 LIMITS OF 7-5-4401, THE CITY SHALL REDISTRIBUTE INTO TWICE THE NUMBER OF WARDS AND EACH WARD MUST BE
25 REPRESENTED BY ONE CITY COUNCIL MEMBER."

26
27 **Section 2.** Section 7-4-4101, MCA, is amended to read:

28 **"7-4-4101. Officers of city of first class.** (1) The officers of a city of the first class may not consist of

1 more than:

2 (a) one mayor;

3 (b) ~~two one city council members member~~ EXCEPT AS PROVIDED IN SUBSECTION (2), TWO CITY
4 COUNCIL MEMBERS from each ward; and

5 (c) one city judge.

6 (2) IF THE WARDS OF A CITY HAVE POPULATIONS OF MORE THAN 15,000 INHABITANTS, THEN, SUBJECT TO
7 THE LIMITS OF 7-5-4401, THE CITY SHALL REDISTRIBUTE INTO TWICE THE NUMBER OF WARDS AND EACH WARD MUST BE
8 REPRESENTED BY ONE CITY COUNCIL MEMBER.

9 (3) Except as provided in 7-5-4410, officers listed in ~~subsection (1)~~ SUBSECTIONS (1) AND (2) must
10 be elected by the qualified electors of the city.

11 (3) There may also be appointed by the mayor, with the advice and consent of the council:

12 (a) one city attorney;

13 (b) one city clerk;

14 (c) one city treasurer or finance officer or one city clerk-treasurer;

15 (d) one chief of police;

16 (e) one assessor;

17 (f) one street commissioner;

18 (g) one city jailer;

19 (h) one city surveyor; and

20 (i) any other officers necessary to carry out the provisions of this title.

21 (4) The city council may by ordinance prescribe the duties of all city officers and fix their
22 compensation."

23

24 **Section 3.** Section 7-4-4402, MCA, is amended to read:

25 **"7-4-4402. Term of office.** ~~(1) Except as provided in subsection (2), a~~ A city council member shall
26 hold office for a term of 4 years and until the qualification of a successor.

27 ~~(2) At the first annual election held after the organization of a city or town under this title, the electors~~
28 ~~of the city or town shall elect two city council members from each ward, who shall, at the first meeting of the~~

1 council, decide by lot their terms of office, with one from each ward to hold for a term of 4 years and one for a
2 term of 2 years and until the qualification of their successors. In the succeeding elections, one city council
3 member from each ward must be elected for a 4-year term."
4

5 NEW SECTION. Section 4. Transition. (1) (a) In a city that divides into new wards pursuant to ~~7-5-~~
6 ~~4404 7-4-4101(2)~~:

7 (i) the city shall determine and publish new ward boundaries and assign council members
8 pursuant to subsection (1)(a)(iii) by June 1, 2023, to allow citizens who intend to run for the office of council
9 member in the 2023 general election to meet the candidate filing deadline on June 19, 2023;

10 (ii) a city council member whose term of office ends in January 2024 shall serve out the end of the
11 term; and

12 (iii) a city council member whose term of office ends in January 2026 shall be appointed to the
13 ward in which the member resides and serve the remainder of the council member's term.

14 (b) A city council member whose term ends:

15 (i) as provided in subsection (1)(a)(ii) may run for reelection in the 2023 municipal election in a
16 newly assigned ward, if applicable; and

17 (ii) as provided in subsection (1)(a)(iii) may run for reelection in the 2025 municipal election in the
18 ward to which the council member was assigned.

19 (2) (a) In a city that retains the same number of wards that the city had prior to [this act]:

20 (i) the council members whose terms of office end in January 2024 shall serve out the end of the
21 term and a successor may not be elected;

22 (ii) the offices of the council members whose terms of office end in January 2026 must be filled as
23 follows:

24 (A) half of the council members, or a majority of the council members if the total number of council
25 members is an odd number, must be elected in the 2025 municipal election to 4-year terms; and

26 (B) half of the council members, or a minority of the council members if the total number of council
27 members is an odd number, must be elected in the 2025 municipal election to 2-year terms.

28 (b) The council members shall decide by lot, in a manner that they select, which members shall

1 hold the office of council member that expires 2 years after the election as provided for in subsection
2 (2)(a)(ii)(B) and which members shall hold office for a term of 4 years as provided in subsection (2)(a)(ii)(A).
3 (c) The offices of council members elected to 2-year terms as provided in subsection (2)(a)(ii)(B)
4 must be elected to 4-year terms in the 2027 municipal election.

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6 NEW SECTION. Section 5. Saving clause. [This act] does not affect rights and duties that matured,
7 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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9 NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval.

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