

**AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF GALLATIN COUNTY, MONTANA THE QUESTION OF CHANGING THE TYPE OF ELECTION HELD FOR ELECTED GALLATIN COUNTY OFFICIALS FROM BEING CONDUCTED ON A PARTISAN BASIS TO A NONPARTISAN BASIS**

**1. Purpose.** On May 7, 2019, House Bill 129 (“HB 129”) was signed into law and allows Montana counties to change the type of election held for the officials of an elected county official government from being conducted on a partisan basis to being conducted on a nonpartisan basis. The Gallatin County Board of County Commissioners (“County Commission”) desires to submit to the qualified electors of Gallatin County (“County”) the question of whether or not the type of election held for elected Gallatin County officials should be changed to being conducted on a nonpartisan basis.

**2. Authority.** HB129, enacted as Chapter 345, Laws 2019, became immediately effective on its passage and approval. Section 1 of Chapter 345, Laws 2019, amended § 7-3-103, Montana Code Annotated (MCA), to add subsection (4), which states as follows:

The question to change the type of election held under an elected county official government provided for in 7-3-111 from being conducted on a partisan basis to being conducted on a nonpartisan basis or from being conducted on a nonpartisan basis to being conducted on a partisan basis may, by ordinance, be submitted to the electorate of the local government as provided in 7-3-149. A change to the type of election requires an affirmative vote of a simple majority of those voting on the question, pursuant to 7-3-149.

In addition, Section 2 of Chapter 345, Laws 2019, amended § 7-3-111(1)(a), MCA, to specifically allow each unit of local government authorizing the elected county official form of government to conduct its elections on either a partisan or nonpartisan basis under § 7-3-413, MCA. Section 3 of Chapter 345, Laws 2019, further amended § 7-3-149, MCA, to authorize an elected county official government to change the type of election held for county officials through adoption of an ordinance submitting the question to qualified voters. Section 7-3-149, MCA, requires such an election to be conducted pursuant to Title 13, Chapter 1, Part 4, MCA. Per § 13-1-405(1), MCA, the election must be held on the general election day established by § 13-1-104, MCA, which is the first Tuesday after the first Monday in November, and not sooner than 85 days after the date of the order calling for the election.

**3. Legislative Findings.** Gallatin County is a political subdivision of the State of Montana that has an elected county official form of government as provided for in § 7-3-111, MCA. Therefore, the type of election held for elected Gallatin County officials may be changed from being conducted on a partisan basis to being conducted on a nonpartisan basis per HB 129, Ch. 345, L. 2019. The County Commission must submit to the electorate of Gallatin County, by ordinance as required under § 7-3-149, MCA, the question as to whether to change the type of

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election held for county elected officials to a nonpartisan basis. Pursuant to § 13-1-405(1), MCA such election must be held on the general election day of November 5, 2019.

**4. Calling of Election.** The County Commission hereby calls and directs a County mail ballot election to be held on the general election day of November 5, 2019, for the purpose of voting on the following question:

*Shall the type of election held for the elected county officials of Gallatin County, Montana be changed from being conducted on a partisan basis to being conducted on a nonpartisan basis?*

**5. Conduct of Election.** All qualified electors of the County shall be entitled to vote at the election. The Gallatin County Election Administrator hereby is requested and authorized to give proper notice of the close of registration and thereafter prepare printed lists of the electors in the County entitled to vote in the election in the County and to conduct the election in the form and manner prescribed by law for mail ballot elections. The Election Administrator shall prepare and arrange for the printing of the ballot in accordance with law. The Election Administrator is authorized to cause notice of the call and holding of the election in accordance with relevant law.

**6. Notice of Election.** The Election Administrator hereby is authorized and requested to cause notice of the call and holding of the election to be given by publishing notice at least three times no earlier than 40 days and no later than 10 days before the election in the *Bozeman Daily Chronicle*, a newspaper of general circulation in Gallatin County. The notice of election as published shall read substantially as follows:

NOTICE OF ELECTION ON THE TYPE OF ELECTION HELD FOR THE ELECTED  
COUNTY OFFICIALS OF GALLATIN COUNTY, MONTANA

NOTICE HEREBY IS GIVEN by the Board of County Commissioners of Gallatin County (“County Commission”) that, pursuant to Gallatin County Ordinance No. \_\_\_\_\_, which ordinance was duly adopted after first and second readings at regular public meetings of the County Commission, a mail ballot election of the registered voters of Gallatin County will be held on November 5, 2019, for the purpose of voting on the following question:

*Shall the type of election held for the elected county officials of Gallatin County, Montana be changed from being conducted on a partisan basis to being conducted on a nonpartisan basis?*

The election will be conducted solely by mail ballot by the Gallatin County Election Administrator. Ballots will be mailed to all eligible registered voters in the County on October 16, 2019, and must be returned by each voter, by mail or in person, to the Gallatin County Election Administrator, 311 W. Main Street, Room 210, Bozeman, Montana, 59715, weekdays (exclusive of holidays) and during regular business hours (8:00 a.m. to 5:00 p.m.), from October 17, 2019 through November 5, 2019.

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On Election Day, November 5, 2019, voted ballots must be returned to the office of the Gallatin County Election Administrator, 311 W. Main Street, Room 210, Bozeman, Montana, 59715, which will be open from 7:00 a.m. to 8:00 p.m., and all ballots must be in that office by 8:00 p.m. in order to be counted. All ballots will be counted, and the results released, in accordance with Montana law.

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Gallatin County Clerk & Recorder

Publish: October 6, 2019; October 13, 2019; October 20, 2019

**7. Ballots.** The Election Administrator hereby is requested to prepare suitable mail ballots to be distributed in accordance with the law.

**8. Form of Ballot.** The ballot shall be printed in substantially the following form:

OFFICIAL BALLOT  
GALLATIN COUNTY, MONTANA  
ELECTION ON THE TYPE OF ELECTION HELD FOR THE ELECTED COUNTY  
OFFICIALS OF GALLATIN COUNTY, MONTANA  
NOVEMBER 5, 2019

Fill in the oval before the words “NONPARTISAN – YES”, if you wish to vote to change the type of election held for the elected county officials of Gallatin County, Montana from a partisan election to a nonpartisan election. If you are opposed to changing the type of election for elected Gallatin County officials to a nonpartisan election, fill in the oval before the words: “NONPARTISAN – NO”. The following Gallatin County officials currently are elected on a partisan basis: County Commissioners; County Attorney; Clerk of District Court/Public Administrator; Clerk and Recorder/Surveyor; Sheriff/Coroner; Treasurer/Assessor; Auditor; and Superintendent of Schools.

Shall the type of election held for the elected county officials of Gallatin County, Montana be changed from being conducted on a partisan basis to being conducted on a nonpartisan basis?

- NONPARTISAN – YES  
 NONPARTISAN – NO

**9. Copy to Election Administrator.** A copy of this ordinance shall be provided to the Election Administrator as soon as possible after its second reading and approval in order to inform him of the details of the election and pertinent requests and authorizations as to the conduct of the election.

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**10. Effective Date.** If a simple majority of those voting on the question vote in the affirmative to change the type of election for elected Gallatin County Officials to being conducted on a nonpartisan basis, such change in the type of election shall become effective, pursuant to § 7-3-156(3), MCA, at the beginning of the County’s fiscal year commencing after the election results are officially declared, or on July 1, 2020.

**11. Severability.** Should any provision of this ordinance be determined to be unenforceable, all remaining terms and clauses shall remain in force and shall be fully severable.

FIRST READING & APPROVAL on the  
18<sup>th</sup> day of June, 2019.

SECOND READING & APPROVAL on the  
9<sup>th</sup> day of July, 2019.

Board of Gallatin County Commissioners

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Joe P. Skinner, Chair

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Joe P. Skinner, Chair

ATTEST

ATTEST:

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Eric Semerad, Clerk and Recorder

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Eric Semerad, Clerk and Recorder