

Montana's Local Government Review Process

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Local Government Center

Webinar
Objectives

Local Government Review Process

Study Commission Focus

Montana's 1972 Constitution

The background is a solid blue color. It features several abstract geometric shapes in a darker shade of blue. These include a large triangle in the top right, a circle in the middle right, a semi-circle in the middle right, a square in the bottom right, a large circle in the bottom center, and several dashed lines scattered throughout the right side.



MT Constitution, Article II Bill of Rights

Section 2. Self-government. The people have the exclusive right of governing themselves as a free, sovereign, and independent state. They may alter or abolish the constitution and form of government whenever they deem it necessary.

MT Constitution, Article XI

1974 **Section 9. Voter review of local government.** (1) The legislature shall, within four years of the ratification of this constitution, provide procedures requiring each local government unit or combination of units to review its structure and submit one alternative form of government to the qualified electors at the next general or special election.

2024 (2) The legislature shall require an election in each local government to determine whether a local government will undertake a review procedure once every ten years after the first election. Approval by a majority of those voting in the decennial general election on the question of undertaking a local government review is necessary to mandate the election of a local government study commission. Study commission members shall be elected during any regularly scheduled election in local governments mandating their election.

Where can I find the laws on the Local Government Review?

The applicable laws, **7-3-171** through **7-3-193** MCA

Resolution on Election

Each Jurisdiction must pass a resolution and submit it to the County Election Administrator by **March 11**

Resolution places the question of the Local Government Review on the **June 4** primary ballot

Resolution **can** ask for an increase in **mills** or number of **dollars** to fund the local government review

Resolution shall designate the **number of study commissioners** to be elected to conduct the local government review

RESOLUTION NUMBER 2024-

A RESOLUTION OF THE COUNTY COMMISSION OF _____ COUNTY MONTANA, CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO.

WHEREAS, Article XI, Section 9, of the Constitution of the State of Montana requires that each unit of local government shall conduct an election once every ten years to determine whether the local government will undertake a local government review procedure; and

WHEREAS, 7-3-173(2) M.C.A. requires that the governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission; and

WHEREAS, the _____ County Commission is the governing body of the County of _____.

NOW THEREFORE BE IT RESOLVED THAT:

1. The County of _____ hereby calls for an election on the question of conducting a local government review and electing a study commission to be held at the primary election on June 4, 2024.
2. If the voters decide in favor of conducting a local government review, a study commission comprised of three members (or other odd number of members greater than 3) shall be elected at the general election of November 5, 2024.
3. Pursuant to 7-3-175, M.C.A. the question of conducting a local government review shall 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.

How much should we budget?

- **Fixed Cost:**

- Election in Nov 2024
- Possible election in 2026
- Publication of Final Report

- **Variable Cost:**

- Training cost for commissions to learn their roles and responsibilities
- Community outreach
- Fees and expenses for consultants
- Support Staff
- Advertising/Notices

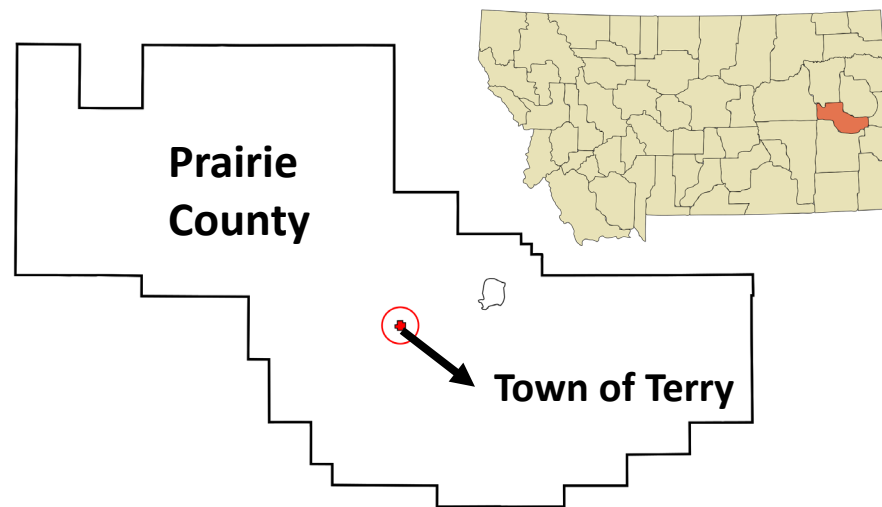


Who pays the local government review election cost?

- According to 13-1-302, MCA, each jurisdiction shall pay their proportionate cost.
- The county will bill the municipality for their proportionate cost, which cannot include the services of the election administrator or capital expenditures.
- The proportionate costs should be:
 - Any extra ballot costs
 - Any extra equipment programming costs
 - Any extra advertising costs,
 - Any extra costs incurred because the municipal ballot issue appears on the primary ballot and
 - Any extra costs municipal study commission candidates appear on the general election ballot.

What happens if
a voter is eligible
to vote in the
county election
and in the city
election?

- Since the local government review election is for **cities** and **counties**, an elector who lives within the city limits will be presented with the question of whether to hold a local government review election twice (once for the county of residence and once for the city of residence.)



Prairie County, MT

County Resident

Votes only for the county
LGR ballot question

Terry Resident

Votes for the County and
the Town of Terry's LGR
Election

A hand holding a blue pencil is positioned over a ballot paper. The ballot paper features a grid of bubbles for marking answers. The background is slightly blurred, showing a white surface and a yellow object. The text is overlaid on the image in a white, sans-serif font.

Local Government Review
Ballot Passes!!

Now what??

Study Commission Election

Candidates must File by August 12, 2024
Nonpartisan election

Candidates must live in the jurisdiction

Must be eligible to hold elected office

May not be elected officials of the local government

No primary - candidates receiving the highest number of votes
assume office

Write-in candidates must file as candidates

Presiding officer, with consent of the governing body, appoints
vacant seats

What is an Ex Officio Member of the Commission?

Every study commission shall include an **ex officio nonvoting member**

Ex officio member is appointed from the *governing body* or an *elected official or employee* of the local government

Ex officio member is appointed by the *governing body*

The **ex officio** member is appointed before the study commission is organized

Do study commissioners get paid?

- **No**, members of the study commission may not receive compensation other than for actual and necessary expenses incurred in their official capacity (7-3-178 MCA).

Study Commission Organization (7-3-179 MCA)

- Study Commissioner terms begin the day the election is declared **certified or appointed**.
- Within 10 days of election or appointment, of the study commission:
 - **Shall** meet and organize at a time set by the presiding officer of the *governing body*.
 - **May** elect a temporary presiding officer, who will serve until a permanent presiding officer is selected.
 - Take the Oath of Office

Voter Review In Review

- **1974-76**
 - Counties 56
 - Municipalities 128
- **1984-86**
 - Counties 28
 - Municipalities 78
- **1994-96**
 - Counties 36
 - Municipalities 85
- **2004-06**
 - Counties 18
 - Municipalities 71
- **2014-16**
 - Counties 11
 - Municipalities 39

Timeline for 2024-2026 Voter Review Process

- **March 11, 2024** Deadline for governing bodies to call for local government review
- **June 4, 2024** Primary election citizens vote on whether or not they want to conduct local government review
- **June 18, 2024** Beginning of study commission candidate filing
- **August 12, 2024** Last day for local government review commission candidates to file declaration of nomination by 5:00 p.m.
- **November 5, 2024** Study commission election
- **Late November** Study commissioners have their first meeting and are sworn in no later than 10 days after the election to the study commission is declared or certified



Questions



Montana Local Government Profiles

56 Montana Counties

- Charters (4)
 - 2 Commission Executive
 - 2 Commission
- Non-Charter (52)
 - 41 Commission
 - 11 Commission Amended
 - ~~1 Manager~~
- Powers of Government
 - 4 Self-Government
 - 52 General Government

125 Montana Municipalities (w/o Consolidated)

- Charter (32)
 - 9 Manager
 - 22 Commission Executive
 - 1 Town Meeting
- Non-Charter (94)
 - 3 Manager
 - 2 Commission Presiding Officer
 - 58 Commission Executive
 - 30 Commission Executive - Amended
- **POWERS OF GOVERNMENT**
 - 42 Self Government
 - 85 General Government

THANK YOU!!

Please contact me with any questions:

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