



**Montana Secretary of State Linda McCulloch
Elections and Government Services
2014 Local Government Review Information**

Compiled in conjunction with the Montana Association of Counties and the MSU Local Government Center

Frequently Asked Questions

Q. What is the Local Government Review election?

A. Established as part of the 1972 Constitution, the Local Government Review election is to be held by each city and county government every 10 years. If your city or county government has held a Local Government Review election any time after the 2004 general election until now, you should consult with your county attorney regarding your responsibility.

Q. Where can I find the laws on the Local Government Review election?

A. The applicable laws, 7-3-171 through 7-3-193, MCA, are found at http://leg.mt.gov/bills/mca_toc/7_3_1.htm.

Q. Does the Local Government Review election apply only to city governments?

A. No, local governments have been defined to include both city and county governments.

Q. It is a requirement that the governing body call for a local government review?

A. Yes. As required under 7-3-173(2), MCA, "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. . . ." A governing body shall call for an election on Local Government Review by March 10, 2014.

Q. Who pays the cost of putting the local government review question on the ballot?

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 shall be only those **additional costs** incurred as a result of the political subdivision holding its election in conjunction with the primary or general election.

For uniformity purposes, those costs should be any extra ballot costs, any extra equipment programming costs, any extra advertising costs, and any other additional costs incurred because of the municipal ballot issue appearing on the primary ballot and because of the municipal local government review candidates appearing on the general election ballot, if applicable.

Q. What exactly will voters be asked to decide at the June 3 Primary?

A. The ballot language is to be substantially as follows, under Section 7-3-175, MCA:

[] 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.

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

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

Q. Do we have to report the results to the Secretary of State's Office?

A. Even though you do not provide the canvass for other local election results to the Secretary of State, according to Section 7-3-174(2), MCA, the election administrator shall report the results of the local government review ballot question and the results of the election of commissioner members (if applicable) to the Secretary of State within 15 days of the official canvass. The report of results will have to be filed 15 days after the primary election canvass, and 15 days after the general election canvass (if applicable).

Q. How many commission positions will be open after the primary, if the voters choose to have a commission?

A. Under Section 7-3-177, MCA, the study commission shall consist of three members unless the local governing body by resolution declares that a larger number shall be elected.

Q. When will candidate filing open and close?

A. If a majority of voters voting on the question at the primary election vote in favor of the study commission, candidate filing will open on the date that the primary election results are certified (the primary canvass), and will close **August 11, 85 days before the general election.**

Q. Where are the candidate filing forms?

A. Declaration for nomination forms can be found on the Secretary of State's website at <http://www.sos.mt.gov/elections/Filing/documents/Declaration-for-Nomination-Oath-of-Candidacy.pdf>.

Q. Is this a partisan election? Will there be a primary? Are filing fees required? Can election officials of the local government be candidates for the study commission?

A. According to Section 7-3-176, MCA, the election is a nonpartisan election, there will be no primary election, and there are no filing fees. Also, the candidates are not permitted to be elected officials of the local government.

Q. Does a person have to live within the jurisdiction being studied to be a candidate?

A. Yes, candidates for study commission positions must be electors of the local government for which the study commission has been established. Candidates may not be elected officials of the local government.

Local Government Review Calendar

DATE	ACTION	MCA SECTION
March 10, 2014	Deadline for governing bodies to call for local government review	7-3-173(2)
June 3, 2014	Primary Election Citizens vote on whether or not they want to conduct local government review	7-3-173(2)
No later than June 17, 2014	Results canvassed and returned as provided in Title 13; beginning of study commission candidate filing (assuming vote is in favor of study commission)	7-3-174(1)
July 2, 2014	Deadline for local government review results to be delivered to the Secretary of State (within 15 days of the date that the results become official)	7-3-174(2)
August 11, 2014	Last day for local government review commission candidates to file declaration of nomination by 5:00 p.m. (assuming vote is in favor of study commission) **No filing fee **Nonpartisan declaration **No primary	7-3-176(2)
November 4, 2014	Election for study commissioners	7-3-176
No later than November 18, 2014	Results to be canvassed and returned as provided in Title 13	7-3-174(1)
December 3, 2014	Deadline for local government review results to be delivered to the Secretary of State (within 15 days of the official canvass)	7-3-174(2)

SAMPLE NOTICE

NOTICE OF LOCAL GOVERNMENT REVIEW ELECTION

At the June 3rd primary election, voters in the cities/towns of _____ and _____ County will be asked whether or not they wish to have their form of local government reviewed.

The local government review was initiated by Article XI, Section 9 of the 1972 Constitution and the first review was conducted in 1974. Required every ten years, the local government review election asks voters to decide if they want to elect study commissions to review their city and county governments.

If a majority of the electors vote in favor of having a study commission to examine the form of local government, the study commission members will be elected at the November 4, 2014 general election.

Interested individuals can file after the primary election as a candidate for the study commission with the County Election Administrator. There is no filing fee, and the race is nonpartisan. Candidates must be electors of the local government for which the study commission has been established, and cannot be elected officials of the local government. Filing for the positions of study commission members will open after the primary election results are certified, and will close at 5:00 p.m. on August 11, 2014.

The purpose of the study commission is to study the existing form and powers of the local government and compare them with other forms available under the laws of the state. The study commission members must write a report detailing their recommendations for changes to the local government.

The final report of the study commission is presented to the voters of the local government for approval or rejection. The report must be presented to the registered electors for a vote no later than the 2016 general election (November 8, 2016).

For more information on this election, please contact your county election administrator, at (406) _____ - _____.