

GUIDANCE ON CANCELLING A GENERAL ELECTION OF A MUNICIPAL OFFICER

HB 447 (Chapter 174, Laws 2017) authorizes a municipality to cancel a general election for the election of a municipal officer by resolution after notification by the election administrator if the number of candidates filing for election is equal or less than the number of positions to be filled.

In order to cancel an election of a municipal officer as provided for under the new law, the governing body should initiate the process by adopting a resolution of intent to cancel notifying the public of the write-in deadline and that they intend to cancel if no candidates create a contested election for the election of a municipal officer by filing a declaration of intent by the write-in deadline (65 days before the date of the general election). If there are multiple offices to fill, and one of them does not qualify for cancellation and the other(s) do, the governing body can just cancel those offices that are eligible for cancellation.

If the general election for the election of a municipal officer is cancelled and there is only one candidate for a position, the governing body shall declare the candidate elected to the position by acclamation. (13-1-403(5)(a), MCA.) If the election is cancelled and there are no regular or write-in candidates, the governing body shall fill the position by appointment (13-1-403(5)(b), MCA.) If someone expresses interest after the election has been cancelled as set forth above, the governing body can consider them for appointment to the position. Otherwise, they must wait until the position is up for election again.

Accordingly, be aware of the following deadlines for the 2017 general election:

August 4, 2017 - Deadline to adopt 30-day notice of intent to cancel general election for one or more elected municipal officer positions (template attached). 30 days is not a statutory requirement but recommended to provide ample opportunity for public notice.

September 5, 2017 – First day to adopt resolution to cancel general election for one or more elected municipal officer positions (template attached). A local government may still cancel after this deadline but should not cancel before in order to coordinate the cancellation with the statutory write-in candidacy deadline. Election may be cancelled for each position that has equal or less number of candidates than the number of positions to be filled.

November 7, 2017 – General election for contested general election for one or more elected municipal officer positions.