



POLITICAL PARTIES

Do political parties make a difference in Montana's local electoral politics?

Good Morning!

I have received 3 calls in the last two weeks asking how a city or town can change their form of government. From changing the number of council seats, to adopting nonpartisan elections, the process is explained on pages 16-17 of the **Municipal Officials Handbook**.

1.303 Methods to Alter the Form of Municipal Government

Under Montana law, there are three methods of altering the form of a local government and *all three methods of alteration require voter approval*:

1. By the Local Government Review process (7-3-171 through 7-3-193, MCA and Article XI, Section 9, Montana State Constitution)
2. By citizen petition (initiative) process (7-3-103 and 7-3-125, MCA)
3. By a council/commission referendum process (7-3-103(2), MCA)

Alteration by Local Government Review

This method of altering local government forms and powers (often referred to as the

Voter Review process) is unique in the United States. In essence, Montana's 1972 constitution requires that, every ten years starting in 1974, the governments in every municipal and county jurisdiction must ask their voters whether they wish to elect a panel of citizens to conduct a two-year review of the forms, powers, functions and services of their unit of local government and to make recommendations directly to the voters concerning alterations in the form of government.

Since its implementation in 1974, four cycles of the Voter Review process have now been conducted resulting in some 197 proposed changes to municipal government of which some 73 proposals for change have been approved by municipal voters.

Alteration by Citizen Petition (Popular Initiative)

The authority and process for altering municipal government form, structures and

powers by popular initiative are set forth at 7-3-125 through 161, MCA, which require that the petition be signed by at least 15 percent of the electors registered at the most recent municipal election. Upon receipt of an authenticated citizen initiative, the municipal government is obliged to call an election on the proposed alteration.

Alteration by Commission/Council Referendum

A unit of municipal government which has previously adopted an alternative form of government or which has previously adopted a self-government charter may, by ordinance, *refer to the local voters* a proposed amendment to the existing form of government or an amendment to the self-government charter.

It should be noted that at the November 1976 election following the first round of Voter

Review *all* Montana municipalities were required to vote for one of the *alternative forms of government* enumerated at 7-3-102, MCA. Importantly, the required ballot language had to specify a vote *FOR* the adoption of a proposed form of government or *FOR* the existing form of government (7-3-150, MCA). Either outcome resulted in an affirmative vote for the *adoption of one of the alternative forms of government listed at 7-3-102, MCA*, thereby satisfying the enabling condition for referral of a proposed amendment by the council, as required by 7-3-103(2), MCA.

1.304 Principal Statutes Related to Forms of Municipal Government

1. 7-3-102 and 103, MCA
2. 7-3-111 through 114, MCA and, by reference, 7-3-201 through 709, MCA
3. Article XI, section 3, Constitution of the State of Montana.

Have a great week!!

Dan Clark

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