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April 14, 2026

Sydney Wiley, Mayor  
Members of the Town Council  
Town of Clyde Park  
P.O. Box 177  
Clyde Park, MT 59018-0177

Via Email Only

***RE: Must a person be a resident of a ward of the Town of Clyde Park to be eligible for office of the Town Council?***

Dear Mayor and Members of the Town Council:

The Mayor has presented the following question to me:

**Question:** must a person be a resident of a ward of the Town of Clyde Park to be eligible for office of the Town Council?

**Answer:** Yes.

**Discussion:**

The Town of Clyde Park Municipal Codes do not have a residency requirement to hold office on the Town Council. Thus, we must defer to the State Statutes.

**Section 7-4-4401, MCA**, attached, states as follows:

“A person is not eligible for the office of city council member unless the person is a **resident** for at least 60 days preceding the election to office of the ward electing the person or of an area that has been annexed by the city or town and placed in the ward.”

The Town as two wards. See Municipal Code Section 1.02.010.

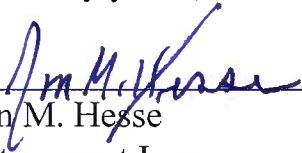
A requirement that a person own land within a city or town was ruling unconstitutional in Sadler v. Connolly, 175. Mont. 484, 575 P. 51 (1978).

There is some authority that this requirement do not apply to filing vacancies on a town council. But, in order to run for election and to be elected to a position on a town council, the restriction applies. There are many reasons for this statute, one being to prevent “carpet bagging” .

The County Election Administrator may not enforce the residency requirement due to the difficulty of finding people who are willing to run for office in small towns in Montana. That aside, if a individual where to file an action in the District Court challenging the right of a non-resident sitting on the Town Council, I do not believe it would survive judicial scrutiny.

If you have questions, please email or write my office.

Sincerely yours,



Jon M. Hesse  
Attorney at Law

JMH/bs

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West's Montana Code Annotated

The Constitution of the State of Montana (Refs & Annos)

Article IV. Suffrage and Elections

MT CONST Art. 4, § 4

## Section 4. Eligibility for public office

Currentness

Any qualified elector is eligible to any public office except as otherwise provided in this constitution. The legislature may provide additional qualifications but no person convicted of a felony shall be eligible to hold office until his final discharge from state supervision.

### Credits

1889 MT Const., Art. 9, §§ 10, 11.

Notes of Decisions (10)

MT CONST Art. 4, § 4, MT CONST Art. 4, § 4

Current through the end of the 2025 Regular Session of the Montana Legislature, with the exception of Senate Bill 437.

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