

1 House BILL NO. 599
2 INTRODUCED BY [Signature]
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
5 16-4505, 16-4507, 16-4508, AND 16-4520, R.C.M. 1947, TO
6 CLARIFY WHO MAY VOTE IN RELATION TO THE FORMATION AND
7 OPERATION OF COUNTY WATER AND SEWER DISTRICTS."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 16-4505, R.C.M. 1947, is amended to
11 read as follows:

12 "16-4505. Proposition submitted -- who may vote --
13 certificate of secretary of state--district deemed
14 incorporated--must hear testimony--suit commenced within one
15 year--election. Upon such hearing of said petition, the
16 board of commissioners shall determine whether or not said
17 petition complies with the requirements of the provisions of
18 this act, and for that purpose must hear all competent and
19 relevant testimony offered in support of or in opposition
20 thereto. Such determination shall be entered upon the
21 minutes of said board of commissioners. A finding of the
22 board of commissioners in favor of the genuineness and
23 sufficiency of the petition and notice shall be final and
24 conclusive against all persons except the state of Montana
25 upon suit commenced by the attorney general. Any such suit

1 must be commenced within one (1) year after the order of the
2 board of commissioners declaring such district organized as
3 herein provided, and not otherwise. Upon the final
4 determination of the boundaries of the district the board of
5 commissioners of each county in which said district lies
6 shall give notice of an election to be held in said proposed
7 district for the purpose of determining whether or not the
8 same shall be incorporated, the date of which election shall
9 be not more than sixty (60) days from the date of the final
10 hearing of such petition. Such notice shall describe the
11 boundaries so established and shall state the proposed name
12 of the proposed incorporation (which name shall contain the
13 words "... county water and/or sewer district"), and this
14 notice shall be published for ten (10) consecutive days in a
15 daily newspaper or in two (2) issues of a weekly newspaper
16 printed and published in every county in which said district
17 lies. The first publication shall be made at least two (2)
18 weeks before the time at which the election is to be held.
19 At such election the proposition to be submitted shall be:
20 "Shall the proposition to organize county water and/or
21 sewer district under (naming the chapter containing this
22 act) of the acts of the session of the Montana
23 legislature and amendments thereto be adopted?" And the
24 election thereupon shall be conducted, the vote canvassed
25 and the result declared in the same manner as provided by

1 law in respect to general elections, so far as they may be
 2 applicable, except as in this act otherwise provided. No
 3 person shall be entitled to vote at any election under the
 4 provisions of this act unless such person possesses all the
 5 qualifications required of voters under the general election
 6 laws of the state, and is a resident of the proposed
 7 district ~~or--the--owner--or--lessee--of--taxable--real--property~~
 8 ~~located--within--the--county--in--which--he--proposes--to--vote--and~~
 9 ~~situated--within--the--boundaries--of--the--proposed--district,~~
 10 ~~provided--however--a--person--who--is--the--owner--or--lessee--of--such~~
 11 ~~real--property--need--not--possess--the--qualifications--required~~
 12 ~~of--a--voter--in--subsection--(1)--(c)--of--section--23--2701,--R.C.M.~~
 13 ~~1947,--provided--further--that--such--voter--shall--be--qualified--if~~
 14 ~~he--is--registered--to--vote--in--any--state--of--the--United--States.~~
 15 Within four (4) days after such election the vote shall be
 16 canvassed by the board of commissioners. If at least forty
 17 percent (40%) of all eligible registered voters within the
 18 proposed district have voted and if a majority of the votes
 19 cast at such election in each municipal corporation or part
 20 thereof and in the unincorporated territory of each county
 21 included in such proposed district shall be in favor of
 22 organizing such county district, said board of each such
 23 county shall be an order entered on its minutes declare the
 24 territory enclosed within the proposed boundaries duly
 25 organized as a county water and/or sewer district under the

1 name theretofore designated, and the county clerk of each
 2 such county shall immediately cause to be filed with the
 3 secretary of state and shall cause to be recorded in the
 4 office of the county recorder of the county or counties in
 5 which such district is situated, each, a certificate stating
 6 that such a proposition was adopted. Upon the receipt of
 7 such last-mentioned certificate the secretary of state
 8 shall, within ten (10) days, issue his certificate reciting
 9 that the district (naming it) has been duly incorporated
 10 according to the laws of the state of Montana. A copy of
 11 such certificate shall be transmitted to and filed with the
 12 county clerk of the county or counties in which such
 13 district is situated. From and after the date of such
 14 certificate, the district named therein shall be deemed
 15 incorporated, with all the rights, privileges and powers set
 16 forth in this act and necessarily incident thereto. In case
 17 less than a majority of the votes cast are in favor of said
 18 proposition the organization fails but without prejudice to
 19 renewing proceedings at any time in the future."

20 Section 2. Section 16-4507, R.C.M. 1947, is amended to
 21 read as follows:

22 "16-4507. Nomination of officers. (1) The mode of
 23 nomination and election of all elective officers of such
 24 district to be voted for at any district election and the
 25 mode of appointment of a director or directors by said mayor

1 or by said board of commissioners shall be as follows and
2 not otherwise.

3 (2) The name of a candidate shall be printed upon the
4 ballot when a petition of nomination shall have been filed
5 in his behalf in the manner and form and under the
6 conditions hereinafter set forth.

7 (3) The petition of nomination shall consist of not
8 less than twenty-five (25) individual certificates, which
9 shall read substantially as follows:

10 PETITION OF NOMINATION

11 Individual Certificate

12 State of
13 County of

14 Prec. No.

15 I, the undersigned, certify that I do hereby join in a
16 petition for the nomination of, whose residence is at
17 for the office of of the district to be voted
18 for at the district election to be held in the district
19 on the day of, 19..; and I further certify that I
20 am a qualified elector and an owner or lessee of real
21 property within said district, or a resident therein, and am
22 not at this time a signer of any other petition nominating
23 any other candidate for the above named office; or, in case
24 there are several places to be filled in the above named
25 office, that I have not signed more petitions than there are

1 places to be filled in the above named office; that my
2 residence is at No. street,, and that my
3 occupation is

4 (Signed)

5 State of Montana
6 County of

7, being duly sworn, deposes and says that he is the
8 person who signed the foregoing certificate and that the
9 statements therein are true and correct.

10 (Signed)

11 Subscribed and sworn to before me this day of 19..

12

13 Notary Public

14 The petition of nomination of which this certificate
15 forms a part shall, if found insufficient, be returned to
16, at, Montana.

17 (4) Clerk to furnish forms. It shall be the duty of the
18 county clerk to furnish upon application a reasonable number
19 of forms of individual certificates of the above character.
20 If the district lies in more than one county, the county
21 clerk whose county contains the largest percentage of the
22 territory of said district shall fulfill this function.

23 (5) Certificates. Each certificate must be a separate
24 paper. All certificates must be of uniform size as
25 determined by the county clerk. Each certificate must

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1 contain the name of one signer thereto and no more. Each
 2 certificate shall contain the name of one candidate and no
 3 more. Each signer must be a ~~qualified-electer-owning-or~~
 4 ~~leasing-or~~ registered voter residing ~~upon--real--property~~
 5 within said district, must not at the time of signing a
 6 certificate have his name signed to any other certificate
 7 for any other candidate for the same office, or, in case
 8 there are several places to be filled in the same office,
 9 signed to more certificates for candidates for that office
 10 than there are places to be filled in such office. In case
 11 an elector has signed two or more conflicting certificates,
 12 all such certificates shall be rejected. Each signer must
 13 verify his certificate and make oath that the same is true,
 14 before a notary public. Each certificate shall further
 15 contain the name and address of the person to whom the
 16 petition is to be returned in case said petition is found
 17 insufficient.

18 (6) Presentation of petition. A petition of nomination,
 19 consisting of not less than twenty-five (25) individual
 20 certificates for any one candidate, may be presented to the
 21 county clerk not earlier than forty-five (45) days nor later
 22 than thirty (30) days before the election. The county clerk
 23 shall endorse thereon the date upon which the petition was
 24 presented to him. If the district lies in more than one
 25 county, such petition for nomination shall be presented to

1 the county clerk whose county contains the largest
 2 percentage of the territory of said district and said county
 3 clerk shall fulfill all duties assigned to county clerks in
 4 elections under this act.

5 (7) Examination of petition. When a petition of
 6 nomination is presented for filing to the county clerk, he
 7 shall forthwith examine the same, and ascertain whether or
 8 not it conforms to the provisions of this section. If found
 9 not to conform thereto, he shall then and there in writing
 10 designate on said petition the defect or omission or reason
 11 why such petition cannot be filed, and shall return the
 12 petition to the person named as the person to whom the same
 13 may be returned in accordance with this section. The
 14 petition may then be amended and again presented to the
 15 clerk as in the first instance. The clerk shall forthwith
 16 proceed to examine the petition as hereinbefore provided. If
 17 necessary, the board of commissioners shall provide extra
 18 help to enable the clerk to perform satisfactorily and
 19 promptly the duties imposed by this section.

20 (8) Signer may withdraw name. Any signer to a petition
 21 of nomination and certificate may withdraw his name from the
 22 same by filing with the county clerk a verified revocation
 23 of his signature before the filing of his petition by the
 24 clerk, and not otherwise. He shall then be at liberty to
 25 sign a petition for another candidate for the same office.

1 (9) Candidate may withdraw. Any person whose name has
 2 been presented under this section as a candidate may, not
 3 later than twenty-five (25) days before the day of election,
 4 cause his name to be withdrawn from nomination by filing
 5 with the county clerk a request therefor in writing, and no
 6 name so withdrawn shall be printed upon the ballot. If, upon
 7 such withdrawal, the number of candidates remaining does not
 8 exceed the number to be elected, then other nominations may
 9 be made by filing petitions therefor not later than
 10 twenty-five (25) days prior to such election.

11 (10) Petition filed. If either the original or amended
 12 petition of nomination be found sufficiently signed as
 13 hereinbefore provided, the clerk shall file the same
 14 twenty-five (25) days before the date of the election. When
 15 a petition of nomination shall have been filed by the clerk
 16 it shall not be withdrawn or added to and no signatures
 17 shall be revoked thereafter.

18 (11) Petitions preserved. The county clerk shall
 19 preserve in his office for a period of two years, all
 20 petitions of nomination and all certificates belonging
 21 thereto, filed under this section.

22 (12) List of candidates. Immediately after such
 23 petitions are filed, the county clerk shall enter the names
 24 of the candidates in a list, with the offices to be filled,
 25 and shall not later than twenty (20) days before the

1 election certify such list as being the list of candidates
 2 nominated as required by the provisions of this act, and the
 3 board of commissioners of each county in which the district
 4 lies shall cause said certified list of names and the
 5 offices to be filled, to be published in the proclamation
 6 calling the election at least ten (10) successive days
 7 before the election in at least one (1) but not more than
 8 three (3) newspapers of general circulation published in
 9 each county in which such district is located. Such
 10 proclamation shall conform in all respects to the general
 11 state law governing the conduct of general elections now or
 12 hereafter in force, applicable thereto, except as otherwise
 13 herein provided.

14 (13) Ballots. Form. The county clerk shall cause the
 15 ballots to be printed and bound and numbered as provided by
 16 said general state law, except as otherwise required in this
 17 act. The ballots shall contain the list of names and the
 18 respective offices as published in the proclamation and
 19 shall be in substantially the following form:

20 GENERAL (OR SPECIAL) DISTRICT ELECTION

21 District,

22 (Inserting date thereof.)

23 Instructions to Voters: To vote, stamp or write a cross
 24 (x) opposite the name of the candidate for whom you desire
 25 to vote. All marks otherwise made are forbidden. All

1 distinguishing marks are forbidden and make the ballot void.
 2 If you wrongly mark, tear or deface this ballot, return it
 3 to the inspector of election, and obtain another.

4 (14) How printed. All ballots printed shall be
 5 precisely on the same size, quality, tint of paper, kind of
 6 type, and color of ink, so that without the number it would
 7 be impossible to distinguish one ballot from another; and
 8 the names of all candidates printed upon the ballot shall be
 9 in type of the same size and style. A column may be provided
 10 on the right-hand side for questions to be voted upon at
 11 district election, as provided for under this act. The names
 12 of the candidates for each office shall be arranged in
 13 alphabetical order, and nothing on the ballot shall be
 14 indicative of the source of the candidacy or of the support
 15 of any candidate.

16 (15) No candidate omitted. The name of no candidate who
 17 has been duly and regularly nominated, and who has not
 18 withdrawn his name as herein provided shall be omitted from
 19 the ballot.

20 (16) Office. The offices to be filled shall be arranged
 21 in the following order: "For director vote for (giving
 22 number)."

23 (17) Voting squares. Half-inch square shall be provided
 24 at the right of the name of each candidate wherein to mark
 25 the cross.

1 (18) Spaces below printed names. Half-inch spaces shall
 2 be left below the printed names of candidates for each
 3 office, equal in number to the number to be voted for,
 4 wherein the voter may write the name of any person or
 5 persons for whom he may wish to vote.

6 (19) Votes necessary to elect. In case there is but one
 7 person to be elected to an office, the candidate receiving a
 8 majority of the votes cast for all the candidates for that
 9 office, shall be declared elected; in case there are two or
 10 more persons to be elected to an office, as that of
 11 director, then those candidates equal in number to the
 12 number to be elected, who receive the highest number of
 13 votes for such office shall be declared elected.

14 (20) Failure to qualify. If a person elected fails to
 15 qualify, the office shall be filled as if there were a
 16 vacancy in such office, as hereinafter provided.

17 (21) Mode of appointment by mayor. The mode of
 18 appointment of director or directors by a mayor, or by a
 19 board of commissioners, shall be by certificate of
 20 appointment signed by said mayor or mayors, or issued by
 21 said board of commissioners, and transmitted to the board of
 22 directors of said district.

23 (22) Informality not to invalidate. No informality in
 24 conducting district elections shall invalidate the same, if
 25 they have been conducted by directors to fill a vacancy, or

1 appointed by a mayor or by this act."

2 Section 1. Section 16-4508, R.C.M. 1947, is amended to
3 read as follows:

4 "16-4508. General law to govern. The provisions of the
5 law relating to the qualifications of electors, the manner
6 of voting, the duties of election officers, the canvassing
7 of returns, and all other particulars in respect to the
8 management of general elections, so far as they may be
9 applicable, shall govern all district elections, except as
10 in this act otherwise provided, ~~provided,--however,--that~~
11 ~~where-a-corporation-owns-real-property-within-the-boundaries~~
12 ~~of--the-district,--the-president,--vice-president-or-secretary~~
13 ~~of-such-corporation-shall-be-entitled--to--cast--a--vote--on~~
14 ~~behalf--of--the--corporation,--provided-also-that-an-elect~~
15 ~~owning-or-leasing-real-property-within-the-district-need-not~~
16 ~~reside-within-the-district-in-order-to--vote,--and--provided~~
17 ~~that--the~~ The board of commissioners shall canvass the
18 returns of the first election and that thereafter, except as
19 herein provided, the board of directors shall meet as a
20 canvassing board and duly canvass the returns within four
21 (4) days after any district election, including any district
22 bond election. If the district lies in more than one county,
23 the board of commissioners whose county contains the largest
24 percentage of the territory of said district shall canvass
25 the returns of the first election."

1 Section 2. Section 16-4520, R.C.M. 1947, is amended to
2 read as follows:

3 "16-4520. Publication. Such notice shall be published
4 for ten (10) consecutive days in a daily newspaper or in two
5 (2) issues of a weekly newspaper published in each county
6 wherein such district is located, which newspaper or
7 newspapers shall be designated by the board of directors.
8 Every qualified elector, ~~owning-or-leasing-or~~ residing upon
9 ~~real-property,~~ within such voting precincts, but no others,
10 shall be entitled to vote at such election. All the expenses
11 of holding such election shall be borne by the district."

-End-

SECOND READING

MISSING

1 House BILL NO. 599
 2 INTRODUCED BY *[Signature]*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
 5 16-4505, 16-4507, 16-4508, AND 16-4520, R.C.M. 1947, TO
 6 CLARIFY WHO MAY VOTE IN RELATION TO THE FORMATION AND
 7 OPERATION OF COUNTY WATER AND SEWER DISTRICTS."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 16-4505, R.C.M. 1947, is amended to
 11 read as follows:

12 "16-4505. Proposition submitted -- who may vote --
 13 certificate of secretary of state--district deemed
 14 incorporated--must hear testimony--suit commenced within one
 15 year--election. Upon such hearing of said petition, the
 16 board of commissioners shall determine whether or not said
 17 petition complies with the requirements of the provisions of
 18 this act, and for that purpose must hear all competent and
 19 relevant testimony offered in support of or in opposition
 20 thereto. Such determination shall be entered upon the
 21 minutes of said board of commissioners. A finding of the
 22 board of commissioners in favor of the genuineness and
 23 sufficiency of the petition and notice shall be final and
 24 conclusive against all persons except the state of Montana
 25 upon suit commenced by the attorney general. Any such suit

1 must be commenced within one (1) year after the order of the
 2 board of commissioners declaring such district organized as
 3 herein provided, and not otherwise. Upon the final
 4 determination of the boundaries of the district the board of
 5 commissioners of each county in which said district lies
 6 shall give notice of an election to be held in said proposed
 7 district for the purpose of determining whether or not the
 8 same shall be incorporated, the date of which election shall
 9 be not more than sixty (60) days from the date of the final
 10 hearing of such petition. Such notice shall describe the
 11 boundaries so established and shall state the proposed name
 12 of the proposed incorporation (which name shall contain the
 13 words "... county water and/or sewer district"), and this
 14 notice shall be published for ten (10) consecutive days in a
 15 daily newspaper or in two (2) issues of a weekly newspaper
 16 printed and published in every county in which said district
 17 lies. The first publication shall be made at least two (2)
 18 weeks before the time at which the election is to be held.
 19 At such election the proposition to be submitted shall be:
 20 "Shall the proposition to organize county water and/or
 21 sewer district under (naming the chapter containing this
 22 act) of the acts of the session of the Montana
 23 legislature and amendments thereto be adopted?" And the
 24 election thereupon shall be conducted, the vote canvassed
 25 and the result declared in the same manner as provided by

1 law in respect to general elections, so far as they may be
 2 applicable, except as in this act otherwise provided. No
 3 person shall be entitled to vote at any election under the
 4 provisions of this act unless such person possesses all the
 5 qualifications required of voters under the general election
 6 laws of the state, and is a resident of the proposed
 7 district ~~or--the--owner--or--lessee--of--taxable--real--property~~
 8 ~~located--within--the--county--in--which--he--proposes--to--vote--and~~
 9 ~~situated--within--the--boundaries--of--the--proposed--district,~~
 10 ~~provided--however--a--person--who--is--the--owner--or--lessee--of--such~~
 11 ~~real--property--need--not--possess--the--qualifications--required~~
 12 ~~of--a--voter--in--subsection--(1)--(c)--of--section--23--2701,--R.C.M.~~
 13 ~~1947,--provided--further--that--such--voter--shall--be--qualified--if~~
 14 ~~he--is--registered--to--vote--in--any--state--of--the--United--States.~~

15 Within four (4) days after such election the vote shall be
 16 canvassed by the board of commissioners. If at least forty
 17 percent (40%) of all eligible registered voters within the
 18 proposed district have voted and if a majority of the votes
 19 cast at such election in each municipal corporation or part
 20 thereof and in the unincorporated territory of each county
 21 included in such proposed district shall be in favor of
 22 organizing such county district, said board of each such
 23 county shall be an order entered on its minutes declare the
 24 territory enclosed within the proposed boundaries duly
 25 organized as a county water and/or sewer district under the

1 name theretofore designated, and the county clerk of each
 2 such county shall immediately cause to be filed with the
 3 secretary of state and shall cause to be recorded in the
 4 office of the county recorder of the county or counties in
 5 which such district is situated, each, a certificate stating
 6 that such a proposition was adopted. Upon the receipt of
 7 such last-mentioned certificate the secretary of state
 8 shall, within ten (10) days, issue his certificate reciting
 9 that the district (naming it) has been duly incorporated
 10 according to the laws of the state of Montana. A copy of
 11 such certificate shall be transmitted to and filed with the
 12 county clerk of the county or counties in which such
 13 district is situated. From and after the date of such
 14 certificate, the district named therein shall be deemed
 15 incorporated, with all the rights, privileges and powers set
 16 forth in this act and necessarily incident thereto. In case
 17 less than a majority of the votes cast are in favor of said
 18 proposition the organization fails but without prejudice to
 19 renewing proceedings at any time in the future."

20 Section 2. Section 16-4507, R.C.M. 1947, is amended to
 21 read as follows:

22 "16-4507. Nomination of officers. (1) The mode of
 23 nomination and election of all elective officers of such
 24 district to be voted for at any district election and the
 25 mode of appointment of a director or directors by said mayor

1 or by said board of commissioners shall be as follows and
2 not otherwise.

3 (2) The name of a candidate shall be printed upon the
4 ballot when a petition of nomination shall have been filed
5 in his behalf in the manner and form and under the
6 conditions hereinafter set forth.

7 (3) The petition of nomination shall consist of not
8 less than twenty-five (25) individual certificates, which
9 shall read substantially as follows:

10 PETITION OF NOMINATION

11 Individual Certificate

12 State of

13 County of

14 Prec. No.

15 I, the undersigned, certify that I do hereby join in a
16 petition for the nomination of, whose residence is at
17 for the office of of the district to be voted
18 for at the district election to be held in the district
19 on the day of, 19..; and I further certify that I
20 am a qualified elector and an owner or lessee of real
21 property within said district, or a resident therein, and am
22 not at this time a signer of any other petition nominating
23 any other candidate for the above named office; or, in case
24 there are several places to be filled in the above named
25 office, that I have not signed more petitions than there are

1 places to be filled in the above named office; that my
2 residence is at No. street,, and that my
3 occupation is

4 (Signed)

5 State of Montana

6 County of

7, being duly sworn, deposes and says that he is the
8 person who signed the foregoing certificate and that the
9 statements therein are true and correct.

10 (Signed)

11 Subscribed and sworn to before me this day of 19..

12

13 Notary Public

14 The petition of nomination of which this certificate
15 forms a part shall, if found insufficient, be returned to
16, at, Montana.

17 (4) Clerk to furnish forms. It shall be the duty of the
18 county clerk to furnish upon application a reasonable number
19 of forms of individual certificates of the above character.
20 If the district lies in more than one county, the county
21 clerk whose county contains the largest percentage of the
22 territory of said district shall fulfill this function.

23 (5) Certificates. Each certificate must be a separate
24 paper. All certificates must be of uniform size as
25 determined by the county clerk. Each certificate must

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1 contain the name of one signer thereto and no more. Each
 2 certificate shall contain the name of one candidate and no
 3 more. Each signer must be a ~~qualified-electer-owning-or~~
 4 ~~leasing-or~~ registered voter residing ~~upon--real--property~~
 5 within said district, must not at the time of signing a
 6 certificate have his name signed to any other certificate
 7 for any other candidate for the same office, or, in case
 8 there are several places to be filled in the same office,
 9 signed to more certificates for candidates for that office
 10 than there are places to be filled in such office. In case
 11 an elector has signed two or more conflicting certificates,
 12 all such certificates shall be rejected. Each signer must
 13 verify his certificate and make oath that the same is true,
 14 before a notary public. Each certificate shall further
 15 contain the name and address of the person to whom the
 16 petition is to be returned in case said petition is found
 17 insufficient.

18 (6) Presentation of petition. A petition of nomination,
 19 consisting of not less than twenty-five (25) individual
 20 certificates for any one candidate, may be presented to the
 21 county clerk not earlier than forty-five (45) days nor later
 22 than thirty (30) days before the election. The county clerk
 23 shall endorse thereon the date upon which the petition was
 24 presented to him. If the district lies in more than one
 25 county, such petition for nomination shall be presented to

1 the county clerk whose county contains the largest
 2 percentage of the territory of said district and said county
 3 clerk shall fulfill all duties assigned to county clerks in
 4 elections under this act.

5 (7) Examination of petition. When a petition of
 6 nomination is presented for filing to the county clerk, he
 7 shall forthwith examine the same, and ascertain whether or
 8 not it conforms to the provisions of this section. If found
 9 not to conform thereto, he shall then and there in writing
 10 designate on said petition the defect or omission or reason
 11 why such petition cannot be filed, and shall return the
 12 petition to the person named as the person to whom the same
 13 may be returned in accordance with this section. The
 14 petition may then be amended and again presented to the
 15 clerk as in the first instance. The clerk shall forthwith
 16 proceed to examine the petition as hereinbefore provided. If
 17 necessary, the board of commissioners shall provide extra
 18 help to enable the clerk to perform satisfactorily and
 19 promptly the duties imposed by this section.

20 (8) Signer may withdraw name. Any signer to a petition
 21 of nomination and certificate may withdraw his name from the
 22 same by filing with the county clerk a verified revocation
 23 of his signature before the filing of his petition by the
 24 clerk, and not otherwise. He shall then be at liberty to
 25 sign a petition for another candidate for the same office.

1 (9) Candidate may withdraw. Any person whose name has
 2 been presented under this section as a candidate may, not
 3 later than twenty-five (25) days before the day of election,
 4 cause his name to be withdrawn from nomination by filing
 5 with the county clerk a request therefor in writing, and no
 6 name so withdrawn shall be printed upon the ballot. If, upon
 7 such withdrawal, the number of candidates remaining does not
 8 exceed the number to be elected, then other nominations may
 9 be made by filing petitions therefor not later than
 10 twenty-five (25) days prior to such election.

11 (10) Petition filed. If either the original or amended
 12 petition of nomination be found sufficiently signed as
 13 hereinbefore provided, the clerk shall file the same
 14 twenty-five (25) days before the date of the election. When
 15 a petition of nomination shall have been filed by the clerk
 16 it shall not be withdrawn or added to and no signatures
 17 shall be revoked thereafter.

18 (11) Petitions preserved. The county clerk shall
 19 preserve in his office for a period of two years, all
 20 petitions of nomination and all certificates belonging
 21 thereto, filed under this section.

22 (12) List of candidates. Immediately after such
 23 petitions are filed, the county clerk shall enter the names
 24 of the candidates in a list, with the offices to be filled,
 25 and shall not later than twenty (20) days before the

1 election certify such list as being the list of candidates
 2 nominated as required by the provisions of this act, and the
 3 board of commissioners of each county in which the district
 4 lies shall cause said certified list of names and the
 5 offices to be filled, to be published in the proclamation
 6 calling the election at least ten (10) successive days
 7 before the election in at least one (1) but not more than
 8 three (3) newspapers of general circulation published in
 9 each county in which such district is located. Such
 10 proclamation shall conform in all respects to the general
 11 state law governing the conduct of general elections now or
 12 hereafter in force, applicable thereto, except as otherwise
 13 herein provided.

14 (13) Ballots. Form. The county clerk shall cause the
 15 ballots to be printed and bound and numbered as provided by
 16 said general state law, except as otherwise required in this
 17 act. The ballots shall contain the list of names and the
 18 respective offices as published in the proclamation and
 19 shall be in substantially the following form:

20 GENERAL (OR SPECIAL) DISTRICT ELECTION

21 District,

22 (Inserting date thereof.)

23 Instructions to Voters: To vote, stamp or write a cross
 24 (x) opposite the name of the candidate for whom you desire
 25 to vote. All marks otherwise made are forbidden. All

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1 distinguishing marks are forbidden and make the ballot void.
 2 If you wrongly mark, tear or deface this ballot, return it
 3 to the inspector of election, and obtain another.

4 (14) How printed. All ballots printed shall be
 5 precisely on the same size, quality, tint of paper, kind of
 6 type, and color of ink, so that without the number it would
 7 be impossible to distinguish one ballot from another; and
 8 the names of all candidates printed upon the ballot shall be
 9 in type of the same size and style. A column may be provided
 10 on the right-hand side for questions to be voted upon at
 11 district election, as provided for under this act. The names
 12 of the candidates for each office shall be arranged in
 13 alphabetical order, and nothing on the ballot shall be
 14 indicative of the source of the candidacy or of the support
 15 of any candidate.

16 (15) No candidate omitted. The name of no candidate who
 17 has been duly and regularly nominated, and who has not
 18 withdrawn his name as herein provided shall be omitted from
 19 the ballot.

20 (16) Office. The offices to be filled shall be arranged
 21 in the following order: "For director vote for (giving
 22 number)."

23 (17) Voting squares. Half-inch square shall be provided
 24 at the right of the name of each candidate wherein to mark
 25 the cross.

1 (18) Spaces below printed names. Half-inch spaces shall
 2 be left below the printed names of candidates for each
 3 office, equal in number to the number to be voted for,
 4 wherein the voter may write the name of any person or
 5 persons for whom he may wish to vote.

6 (19) Votes necessary to elect. In case there is but one
 7 person to be elected to an office, the candidate receiving a
 8 majority of the votes cast for all the candidates for that
 9 office, shall be declared elected; in case there are two or
 10 more persons to be elected to an office, as that of
 11 director, then those candidates equal in number to the
 12 number to be elected, who receive the highest number of
 13 votes for such office shall be declared elected.

14 (20) Failure to qualify. If a person elected fails to
 15 qualify, the office shall be filled as if there were a
 16 vacancy in such office, as hereinafter provided.

17 (21) Mode of appointment by mayor. The mode of
 18 appointment of director or directors by a mayor, or by a
 19 board of commissioners, shall be by certificate of
 20 appointment signed by said mayor or mayors, or issued by
 21 said board of commissioners, and transmitted to the board of
 22 directors of said district.

23 (22) Informality not to invalidate. No informality in
 24 conducting district elections shall invalidate the same, if
 25 they have been conducted by directors to fill a vacancy, or

1 appointed by a mayor or by this act."

2 Section 1. Section 16-4508, R.C.M. 1947, is amended to
3 read as follows:

4 "16-4508. General law to govern. The provisions of the
5 law relating to the qualifications of electors, the manner
6 of voting, the duties of election officers, the canvassing
7 of returns, and all other particulars in respect to the
8 management of general elections, so far as they may be
9 applicable, shall govern all district elections, except as
10 in this act otherwise provided; ~~provided; however; that~~
11 ~~where a corporation owns real property within the boundaries~~
12 ~~of the district, the president, vice-president or secretary~~
13 ~~of such corporation shall be entitled to cast a vote on~~
14 ~~behalf of the corporation; provided also that an elector~~
15 ~~owning or leasing real property within the district need not~~
16 ~~reside within the district in order to vote; and provided~~
17 ~~that the~~ The board of commissioners shall canvass the
18 returns of the first election and that thereafter, except as
19 herein provided, the board of directors shall meet as a
20 canvassing board and duly canvass the returns within four
21 (4) days after any district election, including any district
22 bond election. If the district lies in more than one county,
23 the board of commissioners whose county contains the largest
24 percentage of the territory of said district shall canvass
25 the returns of the first election."

1 Section 2. Section 16-4520, R.C.M. 1947, is amended to
2 read as follows:

3 "16-4520. Publication. Such notice shall be published
4 for ten (10) consecutive days in a daily newspaper or in two
5 (2) issues of a weekly newspaper published in each county
6 wherein such district is located, which newspaper or
7 newspapers shall be designated by the board of directors.
8 Every qualified elector, ~~owning or leasing or~~ residing upon
9 ~~real property,~~ within such voting precincts, but no others,
10 shall be entitled to vote at such election. All the expenses
11 of holding such election shall be borne by the district."

-End-

HB 599

March 17, 1975

SENATE COMMITTEE ON LOCAL GOVERNMENT

AMENDMENTS TO HOUSE BILL NO. 599

That House Bill No. 599, third reading, be amended as follows:

1. Amend page 3, section 1, line 7.
Following: "district"
Insert: "or the owner of taxable real property located within the county in which he proposes to vote and situated within the boundaries of the proposed district; provided however a person who is the owner of such real property need not possess the qualifications required of a voter in subsection (1) (c) of section 23-2701, R.C.M. 1947; provided further that such voter shall be qualified if he is registered to vote in any state of the United States."
2. Amend page 3, section 1, line 17.
Following: "all"
Strike: "registered"
Insert: "eligible"
3. Amend page 7, section 2, line 3.
Following: "a"
Insert: "qualified elector owning"
4. Amend page 7, section 2, line 4.
Following: "~~or~~"
Strike: "registered voter"
Insert: "~~or~~"
5. Amend page 13, section 1, line 2.
Following: line 1
Strike: "Section 1."
Insert: "Section 3."
6. Amend page 13, section 1, line 10.
Following: "provided"
Strike: "."
Insert: "; provided, however, that where a corporation owns real property within the boundaries of the district, the president, vice president or secretary of such corporation shall be entitled to cast a vote on behalf of the corporation; provided also that an elector owning real property within the district need not reside within the district in order to vote, and provided that the"

7. Amend page 13, section 1, line 17.
Following: "the"
Strike: "The"
8. Amend page 14, section 2, line 1.
Strike: "Section 2."
Insert: "Section 4."
9. Amend page 14, section 2, line 8.
Following: "elector"
Insert: ", owning or"
10. Amend page 14, section 2, line 8.
Following: "residing"
Insert: "upon real property,"

1 HOUSE BILL NO. 599
 2 INTRODUCED BY YARDLEY
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
 5 16-4505, 16-4507, 16-4508, AND 16-4520, R.C.M. 1947, TO
 6 CLARIFY WHO MAY VOTE IN RELATION TO THE FORMATION AND
 7 OPERATION OF COUNTY WATER AND SEWER DISTRICTS."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 16-4505, R.C.M. 1947, is amended to
 11 read as follows:
 12 "16-4505. Proposition submitted -- who may vote --
 13 certificate of secretary of state -- district deemed
 14 incorporated -- must hear testimony -- suit commenced within
 15 one year -- election. Upon such hearing of said petition,
 16 the board of commissioners shall determine whether or not
 17 said petition complies with the requirements of the
 18 provisions of this act, and for that purpose must hear all
 19 competent and relevant testimony offered in support of or in
 20 opposition thereto. Such determination shall be entered upon
 21 the minutes of said board of commissioners. A finding of the
 22 board of commissioners in favor of the genuineness and
 23 sufficiency of the petition and notice shall be final and
 24 conclusive against all persons except the state of Montana
 25 upon suit commenced by the attorney general. Any such suit

1 must be commenced within one (1) year after the order of the
 2 board of commissioners declaring such district organized as
 3 herein provided, and not otherwise. Upon the final
 4 determination of the boundaries of the district the board of
 5 commissioners of each county in which said district lies
 6 shall give notice of an election to be held in said proposed
 7 district for the purpose of determining whether or not the
 8 same shall be incorporated, the date of which election shall
 9 be not more than sixty (60) days from the date of the final
 10 hearing of such petition. Such notice shall describe the
 11 boundaries so established and shall state the proposed name
 12 of the proposed incorporation (which name shall contain the
 13 words "... county water and/or sewer district"), and this
 14 notice shall be published for ten (10) consecutive days in a
 15 daily newspaper or in two (2) issues of a weekly newspaper
 16 printed and published in every county in which said district
 17 lies. The first publication shall be made at least two (2)
 18 weeks before the time at which the election is to be held.
 19 At such election the proposition to be submitted shall be:
 20 "Shall the proposition to organize county water and/or
 21 sewer district under (naming the chapter containing this
 22 act) of the acts of the session of the Montana
 23 legislature and amendments thereto be adopted?" And the
 24 election thereupon shall be conducted, the vote canvassed
 25 and the result declared in the same manner as provided by

1 law in respect to general elections, so far as they may be
 2 applicable, except as in this act otherwise provided. No
 3 person shall be entitled to vote at any election under the
 4 provisions of this act unless such person possesses all the
 5 qualifications required of voters under the general election
 6 laws of the state, and is a resident of the proposed
 7 district ~~or--the--owner--or--lessee--of--taxable--real--property~~
 8 ~~located--within--the--county--in--which--he--proposes--to--vote--and~~
 9 ~~situated--within--the--boundaries--of--the--proposed--district,~~
 10 ~~provided--however--a--person--who--is--the--owner--or--lessee--of--such~~
 11 ~~real--property--need--not--possess--the--qualifications--required~~
 12 ~~of--a--voter--in--subsection--(1)--(c)--of--section--23--2701,--R.C.M.~~
 13 ~~1947,--provided--further--that--such--voter--shall--be--qualified--if~~
 14 ~~he--is--registered--to--vote--in--any--state--of--the--United--States,~~
 15 OR THE OWNER OF TAXABLE REAL PROPERTY LOCATED WITHIN THE
 16 COUNTY IN WHICH HE PROPOSES TO VOTE AND SITUATED WITHIN THE
 17 BOUNDARIES OF THE PROPOSED DISTRICT; PROVIDED HOWEVER A
 18 PERSON WHO IS THE OWNER OF SUCH REAL PROPERTY NEED NOT
 19 POSSESS THE QUALIFICATIONS REQUIRED OF A VOTER IN SUBSECTION
 20 (1)(C) OF SECTION 23-2701, R.C.M. 1947; PROVIDED FURTHER
 21 THAT SUCH VOTER SHALL BE QUALIFIED IF HE IS REGISTERED TO
 22 VOTE IN ANY STATE OF THE UNITED STATES. Within four (4) days
 23 after such election the vote shall be canvassed by the board
 24 of commissioners. If at least forty percent (40%) of all
 25 ~~eligible~~ registered ~~eligible~~ REGISTERED voters RESIDING

1 within the proposed district have voted and if a majority of
 2 the votes cast at such election in each municipal
 3 corporation or part thereof and in the unincorporated
 4 territory of each county included in such proposed district
 5 shall be in favor of organizing such county district, said
 6 board of each such county shall be an order entered on its
 7 minutes declare the territory enclosed within the proposed
 8 boundaries duly organized as a county water and/or sewer
 9 district under the name theretofore designated, and the
 10 county clerk of each such county shall immediately cause to
 11 be filed with the secretary of state and shall cause to be
 12 recorded in the office of the county recorder of the county
 13 or counties in which such district is situated, each, a
 14 certificate stating that such a proposition was adopted.
 15 Upon the receipt of such last-mentioned certificate the
 16 secretary of state shall, within ten (10) days, issue his
 17 certificate reciting that the district (naming it) has been
 18 duly incorporated according to the laws of the state of
 19 Montana. A copy of such certificate shall be transmitted to
 20 and filed with the county clerk of the county or counties in
 21 which such district is situated. From and after the date of
 22 such certificate, the district named therein shall be deemed
 23 incorporated, with all the rights, privileges and powers set
 24 forth in this act and necessarily incident thereto. In case
 25 less than a majority of the votes cast are in favor of said

1 proposition the organization fails but without prejudice to
2 renewing proceedings at any time in the future."

3 Section 2. Section 16-4507, R.C.M. 1947, is amended to
4 read as follows:

5 "16-4507. Nomination of officers. (1) The mode of
6 nomination and election of all elective officers of such
7 district to be voted for at any district election and the
8 mode of appointment of a director or directors by said mayor
9 or mayors or by said board of commissioners shall be as
10 follows and not otherwise.

11 (2) The name of a candidate shall be printed upon the
12 ballot when a petition of nomination shall have been filed
13 in his behalf in the manner and form and under the
14 conditions hereinafter set forth.

15 (3) The petition of nomination shall consist of not
16 less than twenty-five (25) individual certificates, which
17 shall read substantially as follows:

18 PETITION OF NOMINATION

19 Individual Certificate

20 State of

21 County of

22 Prec. No.

23 I, the undersigned, certify that I do hereby join in a
24 petition for the nomination of, whose residence is at
25 for the office of of the district to be voted

1 for at the district election to be held in the district
2 on the day of, 19..; and I further certify that I
3 am a qualified elector and an owner or lessee of real
4 property within said district, or a resident therein, and am
5 not at this time a signer of any other petition nominating
6 any other candidate for the above named office; or, in case
7 there are several places to be filled in the above named
8 office, that I have not signed more petitions than there are
9 places to be filled in the above named office; that my
10 residence is at No. street,, and that my
11 occupation is

12 (Signed)

13 State of Montana

14 County of

15, being duly sworn, deposes and says that he is the
16 person who signed the foregoing certificate and that the
17 statements therein are true and correct.

18 (Signed)

19 Subscribed and sworn to before me this day of
20 19...

21

22 Notary Public

23 The petition of nomination of which this certificate
24 forms a part shall, if found insufficient, be returned to
25, at, Montana.

1 (4) Clerk to furnish forms. It shall be the duty of the
 2 county clerk to furnish upon application a reasonable number
 3 of forms of individual certificates of the above character.
 4 If the district lies in more than one county, the county
 5 clerk whose county contains the largest percentage of the
 6 territory of said district shall fulfill this function.

7 (5) Certificates. Each certificate must be a separate
 8 paper. All certificates must be of uniform size as
 9 determined by the county clerk. Each certificate must
 10 contain the name of one signer thereto and no more. Each
 11 certificate shall contain the name of one candidate and no
 12 more. Each signer must be a ~~qualified--elector--owning--or~~
 13 ~~leasing---or registered--voter~~ QUALIFIED--ELECTOR--OWNING
 14 QUALIFIED ELECTOR OWNING REAL PROPERTY OR residing ~~upon-real~~
 15 ~~property~~ within said district, must not at the time of
 16 signing a certificate have his name signed to any other
 17 certificate for any other candidate for the same office, or,
 18 in case there are several places to be filled in the same
 19 office, signed to more certificates for candidates for that
 20 office than there are places to be filled in such office. In
 21 case an elector has signed two or more conflicting
 22 certificates, all such certificates shall be rejected. Each
 23 signer must verify his certificate and make oath that the
 24 same is true, before a notary public. Each certificate shall
 25 further contain the name and address of the person to whom

1 the petition is to be returned in case said petition is
 2 found insufficient.

3 (6) Presentation of petition. A petition of
 4 nomination, consisting of not less than twenty-five (25)
 5 individual certificates for any one candidate, may be
 6 presented to the county clerk not earlier than forty-five
 7 (45) days nor later than thirty (30) days before the
 8 election. The county clerk shall endorse thereon the date
 9 upon which the petition was presented to him. If the
 10 district lies in more than one county, such petition for
 11 nomination shall be presented to the county clerk whose
 12 county contains the largest percentage of the territory of
 13 said district and said county clerk shall fulfill all duties
 14 assigned to county clerks in elections under this act.

15 (7) Examination of petition. When a petition of
 16 nomination is presented for filing to the county clerk, he
 17 shall forthwith examine the same, and ascertain whether or
 18 not it conforms to the provisions of this section. If found
 19 not to conform thereto, he shall then and there in writing
 20 designate on said petition the defect or omission or reason
 21 why such petition cannot be filed, and shall return the
 22 petition to the person named as the person to whom the same
 23 may be returned in accordance with this section. The
 24 petition may then be amended and again presented to the
 25 clerk as in the first instance. The clerk shall forthwith

1 proceed to examine the petition as hereinbefore provided. If
2 necessary, the board of commissioners shall provide extra
3 help to enable the clerk to perform satisfactorily and
4 promptly the duties imposed by this section.

5 (8) Signer may withdraw name. Any signer to a petition
6 of nomination and certificate may withdraw his name from the
7 same by filing with the county clerk a verified revocation
8 of his signature before the filing of his petition by the
9 clerk, and not otherwise. He shall then be at liberty to
10 sign a petition for another candidate for the same office.

11 (9) Candidate may withdraw. Any person whose name has
12 been presented under this section as a candidate may, not
13 later than twenty-five (25) days before the day of election,
14 cause his name to be withdrawn from nomination by filing
15 with the county clerk a request therefor in writing, and no
16 name so withdrawn shall be printed upon the ballot. If, upon
17 such withdrawal, the number of candidates remaining does not
18 exceed the number to be elected, then other nominations may
19 be made by filing petitions therefor not later than
20 twenty-five (25) days prior to such election.

21 (10) Petition filed. If either the original or amended
22 petition of nomination be found sufficiently signed as
23 hereinbefore provided, the clerk shall file the same
24 twenty-five (25) days before the date of the election. When
25 a petition of nomination shall have been filed by the clerk

1 it shall not be withdrawn or added to and no signatures
2 shall be revoked thereafter.

3 (11) Petitions preserved. The county clerk shall
4 preserve in his office for a period of two years, all
5 petitions of nomination and all certificates belonging
6 thereto, filed under this section.

7 (12) List of candidates. Immediately after such
8 petitions are filed, the county clerk shall enter the names
9 of the candidates in a list, with the offices to be filled,
10 and shall not later than twenty (20) days before the
11 election certify such list as being the list of candidates
12 nominated as required by the provisions of this act, and the
13 board of commissioners of each county in which the district
14 lies shall cause said certified list of names and the
15 offices to be filled, to be published in the proclamation
16 calling the election at least ten (10) successive days
17 before the election in at least one (1) but not more than
18 three (3) newspapers of general circulation published in
19 each county in which such district is located. Such
20 proclamation shall conform in all respects to the general
21 state law governing the conduct of general elections now or
22 hereafter in force, applicable thereto, except as otherwise
23 herein provided.

24 (13) Ballots. Form. The county clerk shall cause the
25 ballots to be printed and bound and numbered as provided by

1 said general state law, except as otherwise required in this
 2 act. The ballots shall contain the list of names and the
 3 respective offices as published in the proclamation and
 4 shall be in substantially the following form:

5 GENERAL (OR SPECIAL) DISTRICT ELECTION

6 District,

7 (Inserting date thereof.)

8 Instructions to Voters: To vote, stamp or write a cross
 9 (x) opposite the name of the candidate for whom you desire
 10 to vote. All marks otherwise made are forbidden. All
 11 distinguishing marks are forbidden and make the ballot void.
 12 If you wrongly mark, tear or deface this ballot, return it
 13 to the inspector of election, and obtain another.

14 (14) How printed. All ballots printed shall be
 15 precisely on the same size, quality, tint of paper, kind of
 16 type, and color of ink, so that without the number it would
 17 be impossible to distinguish one ballot from another; and
 18 the names of all candidates printed upon the ballot shall be
 19 in type of the same size and style. A column may be provided
 20 on the right-hand side for questions to be voted upon at
 21 district election, as provided for under this act. The names
 22 of the candidates for each office shall be arranged in
 23 alphabetical order, and nothing on the ballot shall be
 24 indicative of the source of the candidacy or of the support
 25 of any candidate.

1 (15) No candidate omitted. The name of no candidate who
 2 has been duly and regularly nominated, and who has not
 3 withdrawn his name as herein provided shall be omitted from
 4 the ballot.

5 (16) Office. The offices to be filled shall be arranged
 6 in the following order: "For director vote for (giving
 7 number)."

8 (17) Voting squares. Half-inch square shall be provided
 9 at the right of the name of each candidate wherein to mark
 10 the cross.

11 (18) Spaces below printed names. Half-inch spaces shall
 12 be left below the printed names of candidates for each
 13 office, equal in number to the number to be voted for,
 14 wherein the voter may write the name of any person or
 15 persons for whom he may wish to vote.

16 (19) Votes necessary to elect. In case there is but one
 17 person to be elected to an office, the candidate receiving a
 18 majority of the votes cast for all the candidates for that
 19 office, shall be declared elected; in case there are two or
 20 more persons to be elected to an office, as that of
 21 director, then those candidates equal in number to the
 22 number to be elected, who receive the highest number of
 23 votes for such office shall be declared elected.

24 (20) Failure to qualify. If a person elected fails to
 25 qualify, the office shall be filled as if there were a

1 vacancy in such office, as hereinafter provided.

2 (21) Mode of appointment by mayor. The mode of
3 appointment of director or directors by a mayor, or by a
4 board of commissioners, shall be by certificate of
5 appointment signed by said mayor or mayors, or issued by
6 said board of commissioners, and transmitted to the board of
7 directors of said district.

8 (22) Informality not to invalidate. No informality in
9 conducting district elections shall invalidate the same, if
10 they have been conducted by directors to fill a vacancy, or
11 appointed by a mayor or by this act."

12 Section 3. Section 16-4508, R.C.M. 1947, is amended to
13 read as follows:

14 "16-4508. General law to govern. The provisions of the
15 law relating to the qualifications of electors, the manner
16 of voting, the duties of election officers, the canvassing
17 of returns, and all other particulars in respect to the
18 management of general elections, so far as they may be
19 applicable, shall govern all district elections, except as
20 in this act otherwise provided; ~~provided;--however;--that~~
21 ~~where-a-corporation-owns-real-property-within-the-boundaries~~
22 ~~of--the-district;--the-president;--vice-president-or-secretary~~
23 ~~of-such-corporation-shall-be-entitled--to--cast--a--vote--on~~
24 ~~behalf--of--the--corporation;--provided-also-that-an-electer~~
25 ~~owning-or-leasing-real-property-within-the-district-need-not~~

1 ~~reside-within-the-district-in-order-to--vote;--and--provided~~
2 ~~that--the~~ ; PROVIDED, HOWEVER, THAT WHERE A CORPORATION OWNS
3 REAL PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT, THE
4 PRESIDENT, VICE-PRESIDENT OR SECRETARY OF SUCH CORPORATION
5 SHALL BE ENTITLED TO CAST A VOTE ON BEHALF OF THE
6 CORPORATION; PROVIDED ALSO THAT AN ELECTOR OWNING REAL
7 PROPERTY WITHIN THE DISTRICT NEED NOT RESIDE WITHIN THE
8 DISTRICT IN ORDER TO VOTE, AND PROVIDED THAT THE ~~The~~ board
9 of commissioners shall canvass the returns of the first
10 election and that thereafter, except as herein provided, the
11 board of directors shall meet as a canvassing board and duly
12 canvass the returns within four (4) days after any district
13 election, including any district bond election. If the
14 district lies in more than one county, the board of
15 commissioners whose county contains the largest percentage
16 of the territory of said district shall canvass the returns
17 of the first election."

18 Section 4. Section 16-4520, R.C.M. 1947, is amended to
19 read as follows:

20 "16-4520. Publication. Such notice shall be published
21 for ten (10) consecutive days in a daily newspaper or in two
22 (2) issues of a weekly newspaper published in each county
23 wherein such district is located, which newspaper or
24 newspapers shall be designated by the board of directors.
25 Every qualified elector, ~~owning-or~~ OWNING OR leasing--or

1 residing ~~upon-real-property,~~ UPON REAL PROPERTY, within such
2 voting precincts, but no others, shall be entitled to vote
3 at such election. All the expenses of holding such election
4 shall be borne by the district."

-End-