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Senate BILL NO. 318
McPherson *Stary*

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 16-4506 AND 16-4507 RELATING TO THE NOMINATION AND ELECTION OF THE BOARD OF DIRECTORS OF A COUNTY WATER OR SEWER DISTRICT."

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

Section 1. Section 16-4506, R.C.M. 1947, is amended to read as follows:

"16-4506. Election of directors--term of office. At an election to be held within such district under the provisions of this act and the laws governing general elections not inconsistent herewith, the district thus organized shall proceed within ninety (90) days after its formation to the election of a board of directors consisting, if there are no municipalities within the boundaries of said district, of five (5) members, or three (3) members if there are ten (10) or less qualified electors in the district. In all cases where the boundaries of such district include any municipality or municipalities, said board of directors, in addition to said five (5) or three (3) directors to be elected as aforesaid, shall consist of one (1) additional director for each one of said

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municipalities within such district, each such additional director to be appointed by the mayor of the municipality for which said additional director is allowed; and if there be any unincorporated territory within said district, one additional director, to be appointed by the board of commissioners of each county containing such territory. Any director so elected or appointed shall be an owner or lessee of real property within said district or a resident therein. All directors, elected or appointed, shall hold office until the election and qualification or appointment and qualification of their successors. The term of office of directors elected under the provisions of this act shall be four (4) years from and after the date of their election; provided, that the directors first elected after the passage of this act shall hold office only until the election and qualification of their successors as hereinafter provided. The term of office of directors appointed by said mayor or mayors or by said board of commissioners shall be six (6) years from and after the date of appointment. Directors to be first appointed under the provisions of this act shall be appointed within ninety (90) days after the formation of the district. The election of directors of such district shall be in every fourth year after its organization, on the fourth Tuesday in March, and shall be known as the "general district election." All other elections which may be held by

1 authority of this act, or of the general laws, shall be
2 known as special district election."

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)~~ five (5) individual certificates,
17 which 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 the
7 case there are several places to be filled in the above
8 named office, that I have not signed more petitions than
9 there are places to be filled in the above named office;
10 that my 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
 2 the county clerk to furnish upon application a reasonable
 3 number of forms of individual certificates of the above
 4 character. If the district lies in more than one county, the
 5 county clerk whose county contains the largest percentage of
 6 the 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 residing upon real property within said district,
 14 must not at the time of signing a certificate have his name
 15 signed to any other certificate for any other candidate for
 16 the same office, or, in case there are several places to be
 17 filled in the same office, signed to more certificates for
 18 candidates for that office than there are places to be
 19 filled in such office. In case an elector has signed two or
 20 more conflicting certificates, all such certificates shall
 21 be rejected. Each signer must verify his certificate and
 22 make oath that the same is true, before a notary public.
 23 Each certificate shall further contain the name and address
 24 of the person to whom the petition is to be returned in case
 25 said petition is found insufficient.

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

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

1 help to enable the clerk to perform satisfactorily and
2 promptly the duties imposed by this section.

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

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

19 (10) Petition filed. If either the original or amended
20 petition of nomination be found sufficiently signed as
21 hereinbefore provided, the clerk shall file the same
22 twenty-five (25) days before the date of the election. When
23 a petition of nomination shall have been filed by the clerk
24 it shall not be withdrawn or added to and no signatures
25 shall be revoked thereafter.

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

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

22 (13) Ballots. Form. The county clerk shall cause the
23 ballots to be printed and bound and numbered as provided by
24 said general state law, except as otherwise required in this
25 act. The ballots shall contain the list of names and the

1 respective offices as published in the proclamation and
2 shall be in substantially the following form:

3 GENERAL (OR SPECIAL) DISTRICT ELECTION

4District

5 (Inserting date thereof.)

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

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

24 (15) No candidate omitted. The name of no candidate
25 who has been duly and regularly nominated, and who has not

1 withdrawn his name as herein provided shall be omitted from
2 the ballot.

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

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

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

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

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

25 (21) Mode of appointment by mayor. The mode of

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1 appointment of director or directors by a mayor, or by a
2 board of commissioners, shall be by certificate of
3 appointment signed by said mayor or mayors, or issued by
4 said board of commissioners, and transmitted to the board of
5 directors of said district.

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

-End-

Approved by Comm.
on Local Government

1 Senate BILL NO. 318
2 INTRODUCED BY McLamb Stary

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
5 16-4506 AND 16-4507 RELATING TO THE NOMINATION AND ELECTION
6 OF THE BOARD OF DIRECTORS OF A COUNTY WATER OR SEWER
7 DISTRICT."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 16-4506, R.C.M. 1947, is amended to
11 read as follows:

12 "16-4506. Election of directors--term of office. At an
13 election to be held within such district under the
14 provisions of this act and the laws governing general
15 elections not inconsistent herewith, the district thus
16 organized shall proceed within ninety (90) days after its
17 formation to the election of a board of directors
18 consisting, if there are no municipalities within the
19 boundaries of said district, of five (5) members, or three
20 (3) members if there are ten (10) or less qualified electors
21 in the district. In all cases where the boundaries of such
22 district include any municipality or municipalities, said
23 board of directors, in addition to said five (5) or three
24 (3) directors to be elected as aforesaid, shall consist of
25 one (1) additional director for each one of said

1 municipalities within such district, each such additional
2 director to be appointed by the mayor of the municipality
3 for which said additional director is allowed; and if there
4 be any unincorporated territory within said district, one
5 additional director, to be appointed by the board of
6 commissioners of each county containing such territory. Any
7 director so elected or appointed shall be an owner or lessee
8 of real property within said district or a resident therein.
9 All directors, elected or appointed, shall hold office until
10 the election and qualification or appointment and
11 qualification of their successors. The term of office of
12 directors elected under the provisions of this act shall be
13 four (4) years from and after the date of their election;
14 provided, that the directors first elected after the passage
15 of this act shall hold office only until the election and
16 qualification of their successors as hereinafter provided.
17 The term of office of directors appointed by said mayor or
18 mayors or by said board of commissioners shall be six (6)
19 years from and after the date of appointment. Directors to
20 be first appointed under the provisions of this act shall be
21 appointed within ninety (90) days after the formation of the
22 district. The election of directors of such district shall
23 be in every fourth year after its organization, on the
24 fourth Tuesday in March, and shall be known as the "general
25 district election." All other elections which may be held by

SECOND READING

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1 authority of this act, or of the general laws, shall be
2 known as special district election."

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)~~ five (5) individual certificates,
17 which 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 the
7 case there are several places to be filled in the above
8 named office, that I have not signed more petitions than
9 there are places to be filled in the above named office;
10 that my 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
 2 the county clerk to furnish upon application a reasonable
 3 number of forms of individual certificates of the above
 4 character. If the district lies in more than one county, the
 5 county clerk whose county contains the largest percentage of
 6 the 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 residing upon real property within said district,
 14 must not at the time of signing a certificate have his name
 15 signed to any other certificate for any other candidate for
 16 the same office, or, in case there are several places to be
 17 filled in the same office, signed to more certificates for
 18 candidates for that office than there are places to be
 19 filled in such office. In case an elector has signed two or
 20 more conflicting certificates, all such certificates shall
 21 be rejected. Each signer must verify his certificate and
 22 make oath that the same is true, before a notary public.
 23 Each certificate shall further contain the name and address
 24 of the person to whom the petition is to be returned in case
 25 said petition is found insufficient.

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

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

1 help to enable the clerk to perform satisfactorily and
2 promptly the duties imposed by this section.

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

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

19 (10) Petition filed. If either the original or amended
20 petition of nomination be found sufficiently signed as
21 hereinbefore provided, the clerk shall file the same
22 twenty-five (25) days before the date of the election. When
23 a petition of nomination shall have been filed by the clerk
24 it shall not be withdrawn or added to and no signatures
25 shall be revoked thereafter.

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

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

22 (13) Ballots. Form. The county clerk shall cause the
23 ballots to be printed and bound and numbered as provided by
24 said general state law, except as otherwise required in this
25 act. The ballots shall contain the list of names and the

1 respective offices as published in the proclamation and
2 shall be in substantially the following form:

3 GENERAL (OR SPECIAL) DISTRICT ELECTION

4District

5 (Inserting date thereof.)

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

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

24 (15) No candidate omitted. The name of no candidate
25 who has been duly and regularly nominated, and who has not

1 withdrawn his name as herein provided shall be omitted from
2 the ballot.

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

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

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

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

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

25 (21) Mode of appointment by mayor. The mode of

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1 appointment of director or directors by a mayor, or by a
2 board of commissioners, shall be by certificate of
3 appointment signed by said mayor or mayors, or issued by
4 said board of commissioners, and transmitted to the board of
5 directors of said district.

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

-End-

1 *Senate* BILL NO. 318
 2 INTRODUCED BY *McClure Story*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
 5 16-4506 AND 16-4507 RELATING TO THE NOMINATION AND ELECTION
 6 OF THE BOARD OF DIRECTORS OF A COUNTY WATER OR SEWER
 7 DISTRICT."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 16-4506, R.C.M. 1947, is amended to
 11 read as follows:

12 "16-4506. Election of directors--term of office. At an
 13 election to be held within such district under the
 14 provisions of this act and the laws governing general
 15 elections not inconsistent herewith, the district thus
 16 organized shall proceed within ninety (90) days after its
 17 formation to the election of a board of directors
 18 consisting, if there are no municipalities within the
 19 boundaries of said district, of five (5) members, or three
 20 (3) members if there are ten (10) or less qualified electors
 21 in the district. In all cases where the boundaries of such
 22 district include any municipality or municipalities, said
 23 board of directors, in addition to said five (5) or three
 24 (3) directors to be elected as aforesaid, shall consist of
 25 one (1) additional director for each one of said

1 municipalities within such district, each such additional
 2 director to be appointed by the mayor of the municipality
 3 for which said additional director is allowed; and if there
 4 be any unincorporated territory within said district, one
 5 additional director, to be appointed by the board of
 6 commissioners of each county containing such territory. Any
 7 director so elected or appointed shall be an owner or lessee
 8 of real property within said district or a resident therein.
 9 All directors, elected or appointed, shall hold office until
 10 the election and qualification or appointment and
 11 qualification of their successors. The term of office of
 12 directors elected under the provisions of this act shall be
 13 four (4) years from and after the date of their election;
 14 provided, that the directors first elected after the passage
 15 of this act shall hold office only until the election and
 16 qualification of their successors as hereinafter provided.
 17 The term of office of directors appointed by said mayor or
 18 mayors or by said board of commissioners shall be six (6)
 19 years from and after the date of appointment. Directors to
 20 be first appointed under the provisions of this act shall be
 21 appointed within ninety (90) days after the formation of the
 22 district. The election of directors of such district shall
 23 be in every fourth year after its organization, on the
 24 fourth Tuesday in March, and shall be known as the "general
 25 district election." All other elections which may be held by

1 authority of this act, or of the general laws, shall be
2 known as special district election."

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)~~ five (5) individual certificates,
17 which 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 the
7 case there are several places to be filled in the above
8 named office, that I have not signed more petitions than
9 there are places to be filled in the above named office;
10 that my 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
2 the county clerk to furnish upon application a reasonable
3 number of forms of individual certificates of the above
4 character. If the district lies in more than one county, the
5 county clerk whose county contains the largest percentage of
6 the 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 residing upon real property within said district,
14 must not at the time of signing a certificate have his name
15 signed to any other certificate for any other candidate for
16 the same office, or, in case there are several places to be
17 filled in the same office, signed to more certificates for
18 candidates for that office than there are places to be
19 filled in such office. In case an elector has signed two or
20 more conflicting certificates, all such certificates shall
21 be rejected. Each signer must verify his certificate and
22 make oath that the same is true, before a notary public.
23 Each certificate shall further contain the name and address
24 of the person to whom the petition is to be returned in case
25 said petition is found insufficient.

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

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

1 help to enable the clerk to perform satisfactorily and
2 promptly the duties imposed by this section.

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

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

19 (10) Petition filed. If either the original or amended
20 petition of nomination be found sufficiently signed as
21 hereinbefore provided, the clerk shall file the same
22 twenty-five (25) days before the date of the election. When
23 a petition of nomination shall have been filed by the clerk
24 it shall not be withdrawn or added to and no signatures
25 shall be revoked thereafter.

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

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

22 (13) Ballots. Form. The county clerk shall cause the
23 ballots to be printed and bound and numbered as provided by
24 said general state law, except as otherwise required in this
25 act. The ballots shall contain the list of names and the

1 respective offices as published in the proclamation and
2 shall be in substantially the following form:

3 GENERAL (OR SPECIAL) DISTRICT ELECTION

4District

5 (Inserting date thereof.)

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

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

24 (15) No candidate omitted. The name of no candidate
25 who has been duly and regularly nominated, and who has not

1 withdrawn his name as herein provided shall be omitted from
2 the ballot.

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

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

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

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

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

25 (21) Mode of appointment by mayor. The mode of

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1 appointment of director or directors by a mayor, or by a
2 board of commissioners, shall be by certificate of
3 appointment signed by said mayor or mayors, or issued by
4 said board of commissioners, and transmitted to the board of
5 directors of said district.

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

-End-

1 SENATE BILL NO. 318
 2 INTRODUCED BY MCOMBER, STOFY
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
 5 16-4506 AND 16-4507 RELATING TO THE NOMINATION AND ELECTION
 6 OF THE BOARD OF DIRECTORS OF A COUNTY WATER OR SEWER
 7 DISTRICT."
 8

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

10 Section 1. Section 16-4506, R.C.M. 1947, is amended to
 11 read as follows:

12 "16-4506. Election of directors--term of office. At an
 13 election to be held within such district under the
 14 provisions of this act and the laws governing general
 15 elections not inconsistent herewith, the district thus
 16 organized shall proceed within ninety (90) days after its
 17 formation to the election of a board of directors
 18 consisting, if there are no municipalities within the
 19 boundaries of said district, of five (5) members, or three
 20 (3) members if there are ten (10) or less qualified electors
 21 in the district. In all cases where the boundaries of such
 22 district include any municipality or municipalities, said
 23 board of directors, in addition to said five (5) or three
 24 (3) directors to be elected as aforesaid, shall consist of
 25 one (1) additional director for each one of said

1 municipalities within such district, each such additional
 2 director to be appointed by the mayor of the municipality
 3 for which said additional director is allowed; and if there
 4 be any unincorporated territory within said district, one
 5 additional director, to be appointed by the board of
 6 commissioners of each county containing such territory. Any
 7 director so elected or appointed shall be an owner or lessee
 8 of real property within said district or a resident therein.
 9 All directors, elected or appointed, shall hold office until
 10 the election and qualification or appointment and
 11 qualification of their successors. The term of office of
 12 directors elected under the provisions of this act shall be
 13 four (4) years from and after the date of their election;
 14 provided, that the directors first elected after the passage
 15 of this act shall hold office only until the election and
 16 qualification of their successors as hereinafter provided.
 17 The term of office of directors appointed by said mayor or
 18 mayors or by said board of commissioners shall be six (6)
 19 years from and after the date of appointment. Directors to
 20 be first appointed under the provisions of this act shall be
 21 appointed within ninety (90) days after the formation of the
 22 district. The election of directors of such district shall
 23 be in every fourth year after its organization, on the
 24 fourth Tuesday in March, and shall be known as the "general
 25 district election." All other elections which may be held by

1 authority of this act, or of the general laws, shall be
2 known as special district election."

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)~~ five (5) individual certificates,
17 which 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 the
7 case there are several places to be filled in the above
8 named office, that I have not signed more petitions than
9 there are places to be filled in the above named office;
10 that my 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
2 the county clerk to furnish upon application a reasonable
3 number of forms of individual certificates of the above
4 character. If the district lies in more than one county, the
5 county clerk whose county contains the largest percentage of
6 the 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 residing upon real property within said district,
14 must not at the time of signing a certificate have his name
15 signed to any other certificate for any other candidate for
16 the same office, or, in case there are several places to be
17 filled in the same office, signed to more certificates for
18 candidates for that office than there are places to be
19 filled in such office. In case an elector has signed two or
20 more conflicting certificates, all such certificates shall
21 be rejected. Each signer must verify his certificate and
22 make oath that the same is true, before a notary public.
23 Each certificate shall further contain the name and address
24 of the person to whom the petition is to be returned in case
25 said petition is found insufficient.

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

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

1 help to enable the clerk to perform satisfactorily and
2 promptly the duties imposed by this section.

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

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

19 (10) Petition filed. If either the original or amended
20 petition of nomination be found sufficiently signed as
21 hereinbefore provided, the clerk shall file the same
22 twenty-five (25) days before the date of the election. When
23 a petition of nomination shall have been filed by the clerk
24 it shall not be withdrawn or added to and no signatures
25 shall be revoked thereafter.

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

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

22 (13) Ballots. Form. The county clerk shall cause the
23 ballots to be printed and bound and numbered as provided by
24 said general state law, except as otherwise required in this
25 act. The ballots shall contain the list of names and the

1 respective offices as published in the proclamation and
2 shall be in substantially the following form:

3 GENERAL (OR SPECIAL) DISTRICT ELECTION

4District

5 (Inserting date thereof.)

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

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

24 (15) No candidate omitted. The name of no candidate
25 who has been duly and regularly nominated, and who has not

1 withdrawn his name as herein provided shall be omitted from
2 the ballot.

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

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

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

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

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

25 (21) Mode of appointment by mayor. The mode of

1 appointment of director or directors by a mayor, or by a
2 board of commissioners, shall be by certificate of
3 appointment signed by said mayor or mayors, or issued by
4 said board of commissioners, and transmitted to the board of
5 directors of said district.

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

-End-