

1 H BILL NO. 264
 2 INTRODUCED BY Hannigan, Courtney, Larkin,
 3 Willigan, Lynch, Menahan, Cooney

4 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING COUNTIES THE
 5 OPTION TO DETERMINE IF GAMBLING GAMES MAY BE CONDUCTED OR
 6 GAMING DEVICES MADE AVAILABLE FOR PLAY WITHIN THE COUNTY;
 7 PROVIDING FOR ELECTIONS."

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

10 Section 1. Local option law -- petition -- time for
 11 election. Upon application by petition signed by one-third
 12 of the voters who are qualified to vote for members of the
 13 legislature in any county in the state, the board of county
 14 commissioners shall order an election to be held at the
 15 places of holding elections for county officers, to take
 16 place within 40 days after the reception of such petition,
 17 to determine whether or not any gambling game specifically
 18 authorized by statute in this state may be conducted or
 19 gaming device specifically authorized by statute may be made
 20 available for play within the county. No election under this
 21 section may take place in any month in which general
 22 elections are held. The board of county commissioners shall
 23 determine the sufficiency of the petition presented from the
 24 roll of registered electors of the territory affected.

25 Section 2. Notice of election. The notice of election

1 shall be published once a week for 4 weeks in whatever
 2 newspaper or newspapers of the county wherein the election
 3 is to be held as the board of county commissioners thinks
 4 proper.

5 Section 3. Ballots -- what to contain. The county
 6 clerk shall furnish the ballots to be used at the election,
 7 as provided in the general election law, which ballots shall
 8 contain the following words: "conducting of the gambling
 9 game known as ____, yes"; "conducting of the gambling game
 10 known as ____, no"; "offering for play, the gaming device
 11 known as ____, yes"; "offering for play, the gaming device
 12 known as ____, no"; and the elector in order to vote must
 13 mark an "X" opposite one of the answers. A single election
 14 may include a vote on more than one form of gambling game or
 15 gaming device.

16 Section 4. Elections -- how held. The polling place
 17 shall be established, the officials to conduct the election
 18 shall be designated, and the election shall be held,
 19 canvassed, and returned in all respects in conformity with
 20 the laws of the state.

21 Section 5. Licenses void if majority vote no. If a
 22 majority of the votes cast are "conducting of the gambling
 23 game known as ____, no" or "offering for play, the gaming
 24 device known as ____, no", the board of county commissioners
 25 shall publish the result once a week for 4 weeks in the

1 paper in which the notice of the election was given. The
2 provisions of this act shall take effect at the expiration
3 of the time of the publication of the notice, and thereupon
4 all existing licenses permitting the conducting of gambling
5 games or offering for play of gaming devices shall be
6 cancelled.

7 Section 6. No election more than once in two years. No
8 election under this act may be held in the same county more
9 often than once in 2 years.

10 Section 7. Conducting of gambling games and offering
11 for play of gaming devices prohibited. If a majority of the
12 votes at the election are "conducting of gambling game known
13 as ____, no", or "offering for play, the gaming device known
14 as ____, no", it is unlawful for any person within the
15 county in which the vote was taken to conduct or allow to be
16 conducted any gambling game or to make available any gaming
17 device to any person for play.

18 Section 8. Contested elections. Any election held
19 under the provisions of this act may be contested in the
20 same manner as provided by the general election laws.

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