

HOUSE BILL NO. 139

INTRODUCED BY THOFT, BENGTSON, ROBBINS, MANUEL,
DONALDSON, SCHOLTZ, SALES, WALDRON, NORDTVEST, EUDALLY

IN THE HOUSE

January 9, 1981	Introduced and referred to Committee on State Administration.
January 15, 1981	Committee recommend bill do pass. Report adopted.
January 16, 1981	Bill printed and placed on members' desks.
January 17, 1981	Second reading, do pass.
January 19, 1981	Considered correctly engrossed. Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 20, 1981	Introduced and referred to Committee on State Administration.
February 10, 1981	Committee recommend bill be concurred in. Report adopted.
February 12, 1981	Second reading, pass consideration.
February 13, 1981	Second reading, concurred in.
February 17, 1981	Third reading, concurred in. Ayes, 46; Nays, 4.

IN THE HOUSE

February 18, 1981	Returned from Senate. Concurred in. Sent to enrolling.
February 20, 1981	Reported correctly enrolled.

February 20, 1981

Signed by Speaker.

February 23, 1981

Signed by President.

Delivered to Governor.

February 27, 1981

Returned from Governor
with amendments.

March 2, 1981

Second reading, Governor's
amendments concurred in.

On motion rules suspended
and bill placed on third
reading this day.

Third reading, Governor's
amendments concurred in.
Transmitted to Senate.

IN THE SENATE

March 3, 1981

On motion rules suspended.
Bill referred to second reading
for consideration this day.

Second reading, Governor's
amendments concurred in.

On motion rules suspended.
Bill placed on calendar for
third reading this day.

Third reading, Governor's
amendments concurred in.
Yeas, 48; Nays, 0.
Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 139
 2 INTRODUCED BY THAT Peyton Robbins-Manuel
 3 Donald's Jane Schuch Salis Waldon
 4 Cudaily Wardwell
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE ANNUAL
 6 ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, IRRIGATION
 7 DISTRICTS, AND DRAINAGE DISTRICTS FROM THE CONSOLIDATING
 8 PROVISIONS OF TITLE 13; TO PROVIDE THAT THE ELECTIONS FOR
 9 SUCH POLITICAL SUBDIVISIONS BE HELD ON SCHOOL ELECTION DAY,
 10 THE FIRST TUESDAY OF APRIL, EITHER IN COOPERATION WITH A
 11 SCHOOL DISTRICT OR AT ANOTHER CONVENIENT LOCATION WITHIN THE
 12 POLITICAL SUBDIVISION; TO PROVIDE FOR A MANNER OF CONDUCTING
 13 SUCH ELECTIONS, NAMING QUALIFIED ELECTORS, AND NOMINATING
 14 CANDIDATES FOR OFFICE; AMENDING SECTIONS 7-33-2106,
 15 7-34-2116 THROUGH 7-34-2118, 13-1-104, 13-1-301, 13-1-302,
 16 85-7-1702, 85-7-1710, 85-8-302, 85-8-304, AND 85-8-306, MCA;
 17 REPEALING SECTION 85-8-303, MCA; AND PROVIDING AN IMMEDIATE
 18 EFFECTIVE DATE."

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

20 Section 1. Section 7-33-2106, MCA, is amended to read:
 21 "7-33-2106. Details relating to board of trustees of
 22 fire district. (1) The five trustees initially appointed by
 23 the county commissioners shall hold office until their
 24 successors are elected and qualified as hereinafter
 25 provided.

(2) Trustees shall be elected as provided in

1 ~~subsection (3) of this section, 13-1-104(3), and [section~~
 2 ~~8]. The term of office shall be 3 years beginning on at the~~
 3 ~~first Monday--in--January district meeting following their~~
 4 ~~election or until their successors are elected and~~
 5 ~~qualified. Appointments to fill vacancies shall be made by~~
 6 ~~the county governing body and appointees shall hold office~~
 7 ~~until the next regular election. Nominations-for-office~~
 8 ~~shall-be-made-as-provided-in--13-14-113. All electors, as~~
 9 ~~defined in Title 13, who reside in the district are eligible~~
 10 ~~to vote in the election including any holder of title to~~
 11 ~~lands within the district who presents a proof of interest~~
 12 ~~in such land at the polling place, regardless of whether he~~
 13 ~~is registered to vote.~~

14 ~~(3) Candidates for the office of trustee of the fire~~
 15 ~~district to be filled by election may be nominated by~~
 16 ~~petition filed with the deputy election administrator at~~
 17 ~~least 30 days before the election day and signed by at least~~
 18 ~~five electors of the district. If no nominations are made,~~
 19 ~~the electors of the district shall write on the ballots the~~
 20 ~~name or names of the persons for whom they desire to vote.~~
 21 ~~This subsection does not prevent an elector from voting for~~
 22 ~~any qualified person, although the name does not appear on~~
 23 ~~the official ballot.~~

24 ~~(3)(4) The trustees shall organize by choosing a~~
 25 ~~chairman and appointing one member to act as secretary."~~

1 Section 2. Section 7-34-2116, MCA, is amended to read:
 2 "7-34-2116. Election of first board of trustees. (1)
 3 The first board of trustees shall be elected at the same
 4 election held upon the creation of the district, subject to
 5 the creation thereof, and shall qualify upon the
 6 organization of the district if created.

7 (2) The trustees may be nominated and have their names
 8 appear upon the ballots as provided in ~~13-14-113~~ 7-34-2117."

9 Section 3. Section 7-34-2117, MCA, is amended to read:
 10 "7-34-2117. Procedure for the conduct of election for
 11 trustees. (1) All elections ~~and nominations for election~~ of
 12 trustees following the election of the first board of
 13 trustees shall be conducted at the time provided in
 14 13-1-104(3) and in the manner provided by ~~title 13~~ [section
 15 8].

16 (2) Candidates for the office of trustee must be
 17 nominated by petition filed with the deputy election
 18 administrator at least 30 days before the election day and
 19 signed by at least five electors of the district.

20 ~~(2)(3)~~ If there is no nomination petition filed, it
 21 shall not be necessary to hold an election but the board of
 22 county commissioners shall appoint a trustee to fill the
 23 term, the term to be the same as if the trustee were
 24 elected."

25 Section 4. Section 7-34-2118, MCA, is amended to read:

1 "7-34-2118. Term of office. (1) The trustees elected
 2 for the first board shall serve for terms:

3 (a) commencing upon their being elected and qualified;
 4 and

5 (b) terminating 1, 2, and 3 years, respectively, from
 6 the first ~~Monday-in-January district meeting~~ following their
 7 election and until their respective successors shall be
 8 elected and qualified.

9 (2) Annually thereafter there may be elected a trustee
 10 to serve for a term of 3 years and until his successor shall
 11 be qualified. Such term of 3 years shall commence ~~on at~~ the
 12 first ~~Monday-in-January district meeting~~ following the said
 13 trustee's election."

14 Section 5. Section 13-1-104, MCA, is amended to read:

15 "13-1-104. Times for holding general elections. (1) A
 16 general election shall be held throughout the state in every
 17 even-numbered year on the first Tuesday after the first
 18 Monday of November to elect federal officers, state or
 19 multicounty district officers, members of the legislature,
 20 judges of the district court, and county officers when the
 21 terms of such offices will expire before the next scheduled
 22 election for the offices or when one of the offices must be
 23 filled for an unexpired term as provided by law.

24 (2) A general election shall be held throughout the
 25 state in every odd-numbered year on the first Tuesday after

1 the first Monday in November to elect municipal officers,
 2 officers of political subdivisions wholly within one county
 3 ~~and not required to hold annual elections,~~ and any other
 4 officers specified by law for election in odd-numbered years
 5 when the term for the offices will expire before the next
 6 scheduled election for the offices or when one of the
 7 offices must be filled for an unexpired term as provided by
 8 law.

9 (3) The general election for any political subdivision
 10 required to hold elections annually shall be held ~~with--the~~
 11 ~~general election provided for in subsections (1) and (2), if~~
 12 ~~a primary election is necessary it shall be held at the~~
 13 ~~same time as the primary provided for the regular general~~
 14 ~~election for that year on school election day, the first~~
 15 ~~Tuesday of April of each year, and is subject to the~~
 16 ~~election procedures provided for in [section 8]."~~

17 Section 6. Section 13-1-301, MCA, is amended to read:

18 "13-1-301. Election administrator. (1) The county
 19 clerk and recorder of each county is the election
 20 administrator unless the governing body of the county
 21 designates another official or appoints an election
 22 administrator.

23 (2) The election administrator is responsible for the
 24 administration of all procedures relating to registration of
 25 electors and conduct of elections and shall keep all records

1 relating to elector registration and elections.

2 ~~(3) The election administrator is responsible for~~
 3 ~~appointing a deputy election administrator for each~~
 4 ~~political subdivision required to hold annual elections~~
 5 ~~under the provisions of 13-1-104(3). Each deputy election~~
 6 ~~administrator is responsible for the conduct of the annual~~
 7 ~~elections of such political subdivision, as provided by~~
 8 ~~[section 8]."~~

9 Section 7. Section 13-1-302, MCA, is amended to read:

10 "13-1-302. Election costs. (1) Unless specifically
 11 provided otherwise, all costs of the primary and general
 12 elections regularly scheduled for even-numbered years shall
 13 be paid by the counties.

14 (2) Costs of the primary and general elections
 15 regularly scheduled for odd-numbered years shall be paid by
 16 the counties and other political subdivisions for which the
 17 elections are held. Each political subdivision shall bear
 18 its proportionate share of the costs as determined by the
 19 county governing body.

20 (3) A political subdivision holding an annual election
 21 with a regularly scheduled school election shall bear its
 22 proportionate share of the costs as determined by the county
 23 ~~governing body election administrator and the school~~
 24 ~~district election administrator.~~

25 (4) The political subdivision for which a special

1 election is held shall bear all costs of the election, or
2 its proportionate share as determined by the county
3 governing body if held in conjunction with any other
4 election.

5 (5) Costs of elections may not include the services of
6 the election administrator or capital expenditures.

7 (6) The county governing body shall set a schedule of
8 fees for services provided to school districts by the
9 election administrator.

10 (7) Election costs shall be paid from county funds,
11 and any shares paid by other political subdivisions shall be
12 credited to the fund from which the costs were paid."

13 NEW SECTION. Section 8. Manner of conducting general
14 elections for political subdivisions required to hold annual
15 elections. (1) Any political subdivision required to hold
16 annual elections under 13-1-104(3) may cooperate with school
17 districts having similar district boundaries to hold the
18 election at the same location. The deputy election
19 administrator appointed under the provisions of 13-1-301
20 shall cooperate with the school district election
21 administrator to share costs, as provided in 13-1-302.

22 (2) A political subdivision subject to 13-1-104(3) may
23 conduct its annual election at an annual meeting of the
24 political subdivision or at another convenient location
25 within the political subdivision.

1 (3) The deputy election administrator conducting an
2 election under the provisions of subsections (1) or (2)
3 shall give notice of the election not less than 20 days or
4 more than 40 days before the day of the election by display
5 advertisement at least two times in a newspaper of general
6 circulation within the political subdivision. The deputy
7 election administrator may notify the public of the election
8 by additional posting of notices or radio and television
9 announcements.

10 Section 9. Section 85-7-1702, MCA, is amended to read:

11 "85-7-1702. Regular election -- term of office. (1)
12 Candidates for the office of commissioner may be nominated
13 by petition filed with the deputy election administrator at
14 least 30 days before the election and signed by at least
15 five electors of the district. If no nominations are made,
16 the electors of the district shall write on the ballots the
17 name or names of the persons for whom they desire to vote.

18 (2) The regular election for commissioners in each
19 district shall be held annually in accordance with 13-1-104,
20 and [section 9].

21 (3) ~~within~~ Within 40 days following their election the
22 commissioners shall meet and organize as a board by electing
23 a president from their number and a secretary, who may or
24 may not be a commissioner, and who shall each hold office
25 during the pleasure of the board. The term of office of each

1 commissioner shall begin on the date of the organizational
2 meeting after the regular election and shall continue for 3
3 years and until the election and qualification of his
4 successor.

5 (4) Commissioners are elected by the electors of the
6 entire district."

7 Section 10. Section 85-7-1710, MCA, is amended to
8 read:

9 "85-7-1710. Qualification of electors and nature of
10 voting rights. (1) At all elections held under the
11 provisions of this part, except as otherwise expressly
12 provided, the following holders of title or evidence of
13 title to lands within the district, herein designated
14 electors, are entitled to vote:

15 (a) all individuals having the qualifications of
16 electors under the constitution and general ~~and school~~
17 ~~election laws of the state, except that no registration of~~
18 ~~electors may be required;~~

19 (b) guardians, executors, administrators, and trustees
20 ~~residing-in-the-state;~~

21 (c) domestic corporations, by their duly authorized
22 agents.

23 (2) In all elections held under this part, each
24 elector is permitted to cast one vote for each 40 acres of
25 irrigable land or major fraction thereof owned by the

1 elector within the district, irrespective of the location of
2 the irrigable lands within the tracts designated by the
3 commissioners for assessment and taxation purposes or within
4 congressional subdivisions, platted lots or blocks (except
5 as hereinafter provided for), election precincts, or
6 district divisions, but any elector owning any less than 40
7 acres of irrigable land is entitled to one vote. Until the
8 irrigable area under the proposed plan of reclamation is
9 determined, all land included within the boundaries of the
10 district shall be considered irrigable land for election
11 purposes.

12 (3) Whenever land is owned by co-owners, the owners
13 may designate one of their number or an agent to cast the
14 vote for the owners, and one vote only for each 40 acres of
15 irrigable land or major fraction thereof may be cast by the
16 voting co-owner or agent. Whenever land is under contract of
17 sale to a purchaser residing within the state, the purchaser
18 may vote on behalf of the owner of the land. When voting,
19 the agent of a corporation or co-owners, the co-owner
20 designated for purpose of voting, or the purchaser of land
21 under contract of sale, as the case may be, shall file with
22 the secretary of the district or with the election officials
23 a written instrument of his authority, executed and
24 acknowledged by the proper officers of the corporation, by
25 the co-owners, or by the owner of land under contract of

1 sale, as the case may be, and thereupon the agent or
 2 co-owner or purchaser, as the case may be, is an elector
 3 within the meaning of this part. Whenever the total
 4 irrigable acreage within any one district has been platted
 5 or subdivided into lots or blocks to the extent of 5% or
 6 more of the total acreage of the district, each elector is
 7 permitted to cast one vote for each acre of irrigable land
 8 or major fraction thereof owned by the elector within the
 9 district, irrespective of the location of such irrigable
 10 lands within the tracts designated by the commissioners for
 11 assessment and taxation purposes or within the congressional
 12 subdivisions, but any elector owning any less than 1 acre of
 13 irrigable land within the district is entitled to one vote.
 14 The balloting shall take place in the following manner: 10
 15 votes or less, separate ballots will be used; more than 10
 16 votes, the elector shall vote in blocks of 10 using one
 17 ballot for each 10 votes and separate ballots for odd votes
 18 over multiples of 10. ~~The election shall otherwise conform~~
 19 ~~with the provisions of Title 13.~~"

20 Section 11. Section 85-8-302, MCA, is amended to read:
 21 "85-8-302. Election of commissioners -- regular term
 22 of office. (1) The regular election of commissioners shall
 23 be held annually in accordance with 13-1-104 and [section
 24 8]. The term of office of commissioners shall commence on
 25 the first Monday Tuesday in January May following their

1 election. At the first regular election following the
 2 organization of a district and in districts organized and in
 3 existence on March 1, 1921, and which, on petition, have
 4 been divided into divisions, at the first regular election
 5 following the date of the order making such division, there
 6 shall be elected three commissioners, one commissioner being
 7 elected from each division of which he must be an actual
 8 landowner. One of the commissioners, to be determined by
 9 lot, shall hold office until the first Monday Tuesday in
 10 January May in the year following his election; another of
 11 the commissioners, to be determined by lot, shall hold
 12 office until the first Monday Tuesday in January May in the
 13 second year following his election; and the third of the
 14 commissioners shall hold office until the first Monday
 15 Tuesday in January May in the third year following his
 16 election. Thereafter one commissioner shall be elected each
 17 year, who shall hold office for a term of 3 years and until
 18 his successor is elected and qualified. The person elected
 19 as a commissioner in each year to succeed the commissioner
 20 whose term is then expiring must be elected as a
 21 commissioner from the same division as the commissioner whom
 22 he is to succeed.

23 (2) Each commissioner must be a resident of a county
 24 where a portion of the district lands is situated."

25 Section 12. Section 85-8-304, MCA, is amended to read:

1 "85-8-304. Results of election. The clerk ~~secretary~~ of
2 the board of directors ~~commissioners~~ shall enter the result
3 of the election in the minutes of the board and file with
4 the clerk of the district court creating the district a
5 statement showing the names of the persons elected as
6 commissioners, the names of the commissioners whose term
7 will expire on the first Monday ~~Tuesday~~ in January ~~May~~
8 following, and the names of all of the persons who will
9 compose the board of directors ~~commissioners~~ for the year
10 next following the first Monday ~~Tuesday~~ in January ~~May~~."

11 Section 13. Section 85-8-306, MCA, is amended to read:

12 "85-8-306. Nominations. Candidates for the office of
13 commissioner to be filled by election ~~under--the--provisions~~
14 ~~of--this--part~~ may be nominated by petition filed with the
15 county deputy election administrator at least 30 days before
16 the election and signed by at least five electors of the
17 district. If no nominations are made, the electors of the
18 district shall write on the ballots the name or names of the
19 persons for whom they desire to vote. ~~Nothing--herein~~
20 ~~contained--shall~~ This section does not prevent an elector
21 from voting for any qualified person, although the name does
22 not appear on the official ballot."

23 Section 14. Transition of officers. (1) If the
24 effective date of this act is on or later than March 15,
25 1981, then any officer of a hospital, fire, irrigation, or

1 drainage district whose term was due to expire following the
2 November 1981 election of his successor is entitled to
3 remain in office until his successor is properly qualified
4 following an election held in April, 1982.

5 (2) If the effective date is before March 15, 1981,
6 then an election of officers may be held on school election
7 day in April, 1981. However, the officers of the district
8 may decide that the best interests of the district would not
9 be served by giving such short notice for an election and
10 may follow the procedure in subsection (1).

11 Section 15. Repealer. Section 85-8-303, MCA, is
12 repealed.

13 Section 16. Effective date. This act is effective on
14 passage and approval.

-End-

Approved by Committee
on State Administration

House BILL NO. 139

INTRODUCED BY Th. E. Bergsten, Robert Manuel
Donalds, James Schultz, Les Wilson
Cordally, Lindswell
A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE ANNUAL

ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, IRRIGATION
DISTRICTS, AND DRAINAGE DISTRICTS FROM THE CONSOLIDATING
PROVISIONS OF TITLE 13; TO PROVIDE THAT THE ELECTIONS FOR
SUCH POLITICAL SUBDIVISIONS BE HELD ON SCHOOL ELECTION DAY,
THE FIRST TUESDAY OF APRIL, EITHER IN COOPERATION WITH A
SCHOOL DISTRICT OR AT ANOTHER CONVENIENT LOCATION WITHIN THE
POLITICAL SUBDIVISION; TO PROVIDE FOR A MANNER OF CONDUCTING
SUCH ELECTIONS, NAMING QUALIFIED ELECTORS, AND NOMINATING
CANDIDATES FOR OFFICE; AMENDING SECTIONS 7-33-2106,
7-34-2116 THROUGH 7-34-2118, 13-1-104, 13-1-301, 13-1-302,
85-7-1702, 85-7-1710, 85-8-302, 85-8-304, AND 85-8-306, MCA;
REPEALING SECTION 85-8-303, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE."

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

Section 1. Section 7-33-2106, MCA, is amended to read:

"7-33-2106. Details relating to board of trustees of
fire district. (1) The five trustees initially appointed by
the county commissioners shall hold office until their
successors are elected and qualified as hereinafter
provided.

(2) Trustees shall be elected as provided in

~~subsection (3) of this section, 13-1-104(3), and [section
8]. The term of office shall be 3 years beginning on at the
first Monday in January district meeting following their
election or until their successors are elected and
qualified. Appointments to fill vacancies shall be made by
the county governing body and appointees shall hold office
until the next regular election. Nominations for office
shall be made as provided in 13-14-113. All electors, as
defined in Title 13, who reside in the district are eligible
to vote in the election including any holder of title to
lands within the district who presents a proof of interest
in such land at the polling place, regardless of whether he
is registered to vote.~~

(3) Candidates for the office of trustee of the fire
district to be filled by election may be nominated by
petition filed with the deputy election administrator at
least 30 days before the election day and signed by at least
five electors of the district. If no nominations are made,
the electors of the district shall write on the ballots the
name or names of the persons for whom they desire to vote.
This subsection does not prevent an elector from voting for
any qualified person, although the name does not appear on
the official ballot.

~~(3)(4) The trustees shall organize by choosing a
chairman and appointing one member to act as secretary."~~

1 Section 2. Section 7-34-2116, MCA, is amended to read:

2 "7-34-2116. Election of first board of trustees. (1)
3 The first board of trustees shall be elected at the same
4 election held upon the creation of the district, subject to
5 the creation thereof, and shall qualify upon the
6 organization of the district if created.

7 (2) The trustees may be nominated and have their names
8 appear upon the ballots as provided in ~~13-14-113~~ 7-34-2117."

9 Section 3. Section 7-34-2117, MCA, is amended to read:

10 "7-34-2117. Procedure for the conduct of election for
11 trustees. (1) All elections ~~and nominations for election~~ of
12 trustees following the election of the first board of
13 trustees shall be conducted at the time provided in
14 13-1-104(3) and in the manner provided by ~~13-1-104~~ [section
15 8].

16 (2) Candidates for the office of trustee must be
17 nominated by petition filed with the deputy election
18 administrator at least 30 days before the election day and
19 signed by at least five electors of the district.

20 ~~(2)(3)~~ If there is no nomination petition filed, it
21 shall not be necessary to hold an election but the board of
22 county commissioners shall appoint a trustee to fill the
23 term, the term to be the same as if the trustee were
24 elected."

25 Section 4. Section 7-34-2118, MCA, is amended to read:

1 "7-34-2118. Term of office. (1) The trustees elected
2 for the first board shall serve for terms:

3 (a) commencing upon their being elected and qualified;
4 and

5 (b) terminating 1, 2, and 3 years, respectively, from
6 the first ~~Monday-in-January district meeting~~ following their
7 election and until their respective successors shall be
8 elected and qualified.

9 (2) Annually thereafter there may be elected a trustee
10 to serve for a term of 3 years and until his successor shall
11 be qualified. Such term of 3 years shall commence ~~on at~~ the
12 first ~~Monday-in-January district meeting~~ following the said
13 trustee's election."

14 Section 5. Section 13-1-104, MCA, is amended to read:

15 "13-1-104. Times for holding general elections. (1) A
16 general election shall be held throughout the state in every
17 even-numbered year on the first Tuesday after the first
18 Monday of November to elect federal officers, state or
19 multicounty district officers, members of the legislature,
20 judges of the district court, and county officers when the
21 terms of such offices will expire before the next scheduled
22 election for the offices or when one of the offices must be
23 filled for an unexpired term as provided by law.

24 (2) A general election shall be held throughout the
25 state in every odd-numbered year on the first Tuesday after

1 the first Monday in November to elect municipal officers,
 2 officers of political subdivisions wholly within one county
 3 ~~and not required to hold annual elections,~~ and any other
 4 officers specified by law for election in odd-numbered years
 5 when the term for the offices will expire before the next
 6 scheduled election for the offices or when one of the
 7 offices must be filled for an unexpired term as provided by
 8 law.

9 (3) The general election for any political subdivision
 10 required to hold elections annually shall be held ~~with the~~
 11 ~~general election provided for in subsections (1) and (2). If~~
 12 ~~a primary election is necessary, it shall be held at the~~
 13 ~~same time as the primary provided for the regular general~~
 14 ~~election for that year on school election day, the first~~
 15 ~~Tuesday of April of each year, and is subject to the~~
 16 ~~election procedures provided for in [section 9]."~~

17 Section 6. Section 13-1-301, MCA, is amended to read:

18 "13-1-301. Election administrator. (1) The county
 19 clerk and recorder of each county is the election
 20 administrator unless the governing body of the county
 21 designates another official or appoints an election
 22 administrator.

23 (2) The election administrator is responsible for the
 24 administration of all procedures relating to registration of
 25 electors and conduct of elections and shall keep all records

1 relating to elector registration and elections.

2 ~~(3) The election administrator is responsible for~~
 3 ~~appointing a deputy election administrator for each~~
 4 ~~political subdivision required to hold annual elections~~
 5 ~~under the provisions of 13-1-104(3). Each deputy election~~
 6 ~~administrator is responsible for the conduct of the annual~~
 7 ~~elections of such political subdivision, as provided by~~
 8 ~~[section 8]."~~

9 Section 7. Section 13-1-302, MCA, is amended to read:

10 "13-1-302. Election costs. (1) Unless specifically
 11 provided otherwise, all costs of the primary and general
 12 elections regularly scheduled for even-numbered years shall
 13 be paid by the counties.

14 (2) Costs of the primary and general elections
 15 regularly scheduled for odd-numbered years shall be paid by
 16 the counties and other political subdivisions for which the
 17 elections are held. Each political subdivision shall bear
 18 its proportionate share of the costs as determined by the
 19 county governing body.

20 (3) A political subdivision holding an annual election
 21 with a regularly scheduled school election shall bear its
 22 proportionate share of the costs as determined by the county
 23 ~~governing body~~ election administrator and the school
 24 district election administrator.

25 (4) The political subdivision for which a special

1 election is held shall bear all costs of the election, or
2 its proportionate share as determined by the county
3 governing body if held in conjunction with any other
4 election.

5 (5) Costs of elections may not include the services of
6 the election administrator or capital expenditures.

7 (6) The county governing body shall set a schedule of
8 fees for services provided to school districts by the
9 election administrator.

10 (7) Election costs shall be paid from county funds,
11 and any shares paid by other political subdivisions shall be
12 credited to the fund from which the costs were paid."

13 NEW SECTION. Section 8. Manner of conducting general
14 elections for political subdivisions required to hold annual
15 elections. (1) Any political subdivision required to hold
16 annual elections under 13-1-104(3) may cooperate with school
17 districts having similar district boundaries to hold the
18 election at the same location. The deputy election
19 administrator appointed under the provisions of 13-1-301
20 shall cooperate with the school district election
21 administrator to share costs, as provided in 13-1-302.

22 (2) A political subdivision subject to 13-1-104(3) may
23 conduct its annual election at an annual meeting of the
24 political subdivision or at another convenient location
25 within the political subdivision.

1 (3) The deputy election administrator conducting an
2 election under the provisions of subsections (1) or (2)
3 shall give notice of the election not less than 20 days or
4 more than 40 days before the day of the election by display
5 advertisement at least two times in a newspaper of general
6 circulation within the political subdivision. The deputy
7 election administrator may notify the public of the election
8 by additional posting of notices or radio and television
9 announcements.

10 Section 9. Section 85-7-1702, MCA, is amended to read:
11 "85-7-1702. Regular election -- term of office. (1)
12 Candidates for the office of commissioner may be nominated
13 by petition filed with the deputy election administrator at
14 least 30 days before the election and signed by at least
15 five electors of the district. If no nominations are made,
16 the electors of the district shall write on the ballots the
17 name or names of the persons for whom they desire to vote.

18 (2) The regular election for commissioners in each
19 district shall be held annually in accordance with 13-1-104
20 and [section 9].

21 (3) within within 40 days following their election the
22 commissioners shall meet and organize as a board by electing
23 a president from their number and a secretary, who may or
24 may not be a commissioner, and who shall each hold office
25 during the pleasure of the board. The term of office of each

1 commissioner shall begin on the date of the organizational
2 meeting after the regular election and shall continue for 3
3 years and until the election and qualification of his
4 successor.

5 ~~(4)~~ Commissioners are elected by the electors of the
6 entire district."

7 Section 10. Section ~~8-7-1710~~, MCA, is amended to
8 read:

9 "85-7-1710. Qualification of electors and nature of
10 voting rights. (1) At all elections held under the
11 provisions of this part, except as otherwise expressly
12 provided, the following holders of title or evidence of
13 title to lands within the district, herein designated
14 electors, are entitled to vote:

15 (a) all individuals having the qualifications of
16 electors under the constitution and general ~~and school~~
17 ~~election laws of the state, except that no registration of~~
18 ~~electors may be required;~~

19 (b) guardians, executors, administrators, and trustees
20 ~~residing-in-the-state;~~

21 (c) domestic corporations, by their duly authorized
22 agents.

23 (2) In all elections held under this part, each
24 elector is permitted to cast one vote for each 40 acres of
25 irrigable land or major fraction thereof owned by the

1 elector within the district, irrespective of the location of
2 the irrigable lands within the tracts designated by the
3 commissioners for assessment and taxation purposes or within
4 congressional subdivisions, platted lots or blocks (except
5 as hereinafter provided for), election precincts, or
6 district divisions, but any elector owning any less than 40
7 acres of irrigable land is entitled to one vote. Until the
8 irrigable area under the proposed plan of reclamation is
9 determined, all land included within the boundaries of the
10 district shall be considered irrigable land for election
11 purposes.

12 (3) Whenever land is owned by co-owners, the owners
13 may designate one of their number or an agent to cast the
14 vote for the owners, and one vote only for each 40 acres of
15 irrigable land or major fraction thereof may be cast by the
16 voting co-owner or agent. Whenever land is under contract of
17 sale to a purchaser residing within the state, the purchaser
18 may vote on behalf of the owner of the land. When voting,
19 the agent of a corporation or co-owners, the co-owner
20 designated for purpose of voting, or the purchaser of land
21 under contract of sale, as the case may be, shall file with
22 the secretary of the district or with the election officials
23 a written instrument of his authority, executed and
24 acknowledged by the proper officers of the corporation, by
25 the co-owners, or by the owner of land under contract of

1 sale, as the case may be, and thereupon the agent or
 2 co-owner or purchaser, as the case may be, is an elector
 3 within the meaning of this part. Whenever the total
 4 irrigable acreage within any one district has been platted
 5 or subdivided into lots or blocks to the extent of 5% or
 6 more of the total acreage of the district, each elector is
 7 permitted to cast one vote for each acre of irrigable land
 8 or major fraction thereof owned by the elector within the
 9 district, irrespective of the location of such irrigable
 10 lands within the tracts designated by the commissioners for
 11 assessment and taxation purposes or within the congressional
 12 subdivisions, but any elector owning any less than 1 acre of
 13 irrigable land within the district is entitled to one vote.
 14 The balloting shall take place in the following manner: 10
 15 votes or less, separate ballots will be used; more than 10
 16 votes, the elector shall vote in blocks of 10 using one
 17 ballot for each 10 votes and separate ballots for odd votes
 18 over multiples of 10. ~~The election shall otherwise conform~~
 19 ~~with the provisions of Title 13.~~"

20 Section 11. Section 85-8-302, MCA, is amended to read:
 21 "85-8-302. Election of commissioners -- regular term
 22 of office. (1) The regular election of commissioners shall
 23 be held annually in accordance with 13-1-104 and [section
 24 8]. The term of office of commissioners shall commence on
 25 the first Monday Tuesday in January May following their

1 election. At the first regular election following the
 2 organization of a district and in districts organized and in
 3 existence on March 1, 1921, and which, on petition, have
 4 been divided into divisions, at the first regular election
 5 following the date of the order making such division, there
 6 shall be elected three commissioners, one commissioner being
 7 elected from each division of which he must be an actual
 8 landowner. One of the commissioners, to be determined by
 9 lot, shall hold office until the first Monday Tuesday in
 10 January May in the year following his election; another of
 11 the commissioners, to be determined by lot, shall hold
 12 office until the first Monday Tuesday in January May in the
 13 second year following his election; and the third of the
 14 commissioners shall hold office until the first Monday
 15 Tuesday in January May in the third year following his
 16 election. Thereafter one commissioner shall be elected each
 17 year, who shall hold office for a term of 3 years and until
 18 his successor is elected and qualified. The person elected
 19 as a commissioner in each year to succeed the commissioner
 20 whose term is then expiring must be elected as a
 21 commissioner from the same division as the commissioner whom
 22 he is to succeed.

23 (2) Each commissioner must be a resident of a county
 24 where a portion of the district lands is situated."

25 Section 12. Section 85-8-304, MCA, is amended to read:

1 "85-8-304. Results of election. The ~~clerk~~ secretary of
 2 the board of ~~directors~~ commissioners shall enter the result
 3 of the election in the minutes of the board and file with
 4 the clerk of the district court creating the district a
 5 statement showing the names of the persons elected as
 6 commissioners, the names of the commissioners whose term
 7 will expire on the first Monday Tuesday in January May
 8 following, and the names of all of the persons who will
 9 compose the board of ~~directors~~ commissioners for the year
 10 next following the first Monday Tuesday in January May."

11 Section 13. Section 85-8-306, MCA, is amended to read:

12 "85-8-306. Nominations. Candidates for the office of
 13 commissioner to be filled by election ~~under--the--provisions~~
 14 ~~of--this--part~~ may be nominated by petition filed with the
 15 county deputy election administrator at least 30 days before
 16 the election and signed by at least five electors of the
 17 district. If no nominations are made, the electors of the
 18 district shall write on the ballots the name or names of the
 19 persons for whom they desire to vote. ~~Nothing--herein~~
 20 ~~contained--shall~~ This section does not prevent an elector
 21 from voting for any qualified person, although the name does
 22 not appear on the official ballot."

23 Section 14. Transition of officers. (1) If the
 24 effective date of this act is on or later than March 15,
 25 1981, then any officer of a hospital, fire, irrigation, or

1 drainage district whose term was due to expire following the
 2 November 1981 election of his successor is entitled to
 3 remain in office until his successor is properly qualified
 4 following an election held in April, 1982.

5 (2) If the effective date is before March 15, 1981,
 6 then an election of officers may be held on school election
 7 day in April, 1981. However, the officers of the district
 8 may decide that the best interests of the district would not
 9 be served by giving such short notice for an election and
 10 may follow the procedure in subsection (1)."

11 Section 15. Repealer. Section 85-8-303, MCA, is
 12 repealed.

13 Section 16. Effective date. This act is effective on
 14 passage and approval.

-End-

HOUSE BILL NO. 139

INTRODUCED BY THOMAS RAYMOND KALVIN-MANUAL
Donald's *James Schultz* *Sales Waldon*
Curdally *Wendell*

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE ANNUAL ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, IRRIGATION DISTRICTS, AND DRAINAGE DISTRICTS FROM THE CONSOLIDATING PROVISIONS OF TITLE 13; TO PROVIDE THAT THE ELECTIONS FOR SUCH POLITICAL SUBDIVISIONS BE HELD ON SCHOOL ELECTION DAY, THE FIRST TUESDAY OF APRIL, EITHER IN COOPERATION WITH A SCHOOL DISTRICT OR AT ANOTHER CONVENIENT LOCATION WITHIN THE POLITICAL SUBDIVISION; TO PROVIDE FOR A MANNER OF CONDUCTING SUCH ELECTIONS, NAMING QUALIFIED ELECTORS, AND NOMINATING CANDIDATES FOR OFFICE; AMENDING SECTIONS 7-33-2106, 7-34-2116 THROUGH 7-34-2118, 13-1-104, 13-1-301, 13-1-302, 85-7-1702, 85-7-1710, 85-8-302, 85-8-304, AND 85-8-306, MCA; REPEALING SECTION 85-8-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-33-2106, MCA, is amended to read:

"7-33-2106. Details relating to board of trustees of fire district. (1) The five trustees initially appointed by the county commissioners shall hold office until their successors are elected and qualified as hereinafter provided.

(2) Trustees shall be elected as provided in

~~subsection (3) of this section 13-1-104(3), and [section 8]. The term of office shall be 3 years beginning on at the first Monday in January district meeting following their election or until their successors are elected and qualified. Appointments to fill vacancies shall be made by the county governing body and appointees shall hold office until the next regular election. Nominations for office shall be made as provided in 13-1-113. All electors, as defined in Title 13, who reside in the district are eligible to vote in the election including any holder of title to lands within the district who presents a proof of interest in such land at the polling place, regardless of whether he is registered to vote.~~

~~(3) Candidates for the office of trustee of the fire district to be filled by election may be nominated by petition filed with the deputy election administrator at least 30 days before the election day and signed by at least five electors of the district. If no nominations are made the electors of the district shall write on the ballots the name or names of the persons for whom they desire to vote. This subsection does not prevent an elector from voting for any qualified person, although the name does not appear on the official ballot.~~

~~(3)(4) The trustees shall organize by choosing a chairman and appointing one member to act as secretary."~~

1 Section 2. Section 7-34-2116, MCA, is amended to read:

2 "7-34-2116. Election of first board of trustees. (1)

3 The first board of trustees shall be elected at the same
4 election held upon the creation of the district, subject to
5 the creation thereof, and shall qualify upon the
6 organization of the district if created.

7 (2) The trustees may be nominated and have their names
8 appear upon the ballots as provided in ~~13-14-113~~ 7-34-2117."

9 Section 3. Section 7-34-2117, MCA, is amended to read:

10 "7-34-2117. Procedure for the conduct of election for
11 trustees. (1) All elections ~~and nominations for election~~ of
12 trustees following the election of the first board of
13 trustees shall be conducted at the time provided in
14 ~~13-1-104(3)~~ and in the manner provided by ~~7-34-2117~~ [section
15 8].

16 (2) Candidates for the office of trustee must be
17 nominated by petition filed with the deputy election
18 administrator at least 30 days before the election day and
19 signed by at least five electors of the district.

20 ~~(2)(3)~~ If there is no nomination petition filed, it
21 shall not be necessary to hold an election but the board of
22 county commissioners shall appoint a trustee to fill the
23 term, the term to be the same as if the trustee were
24 elected."

25 Section 4. Section 7-34-2118, MCA, is amended to read:

1 "7-34-2118. Term of office. (1) The trustees elected
2 for the first board shall serve for terms:

3 (a) commencing upon their being elected and qualified;
4 and

5 (b) terminating 1, 2, and 3 years, respectively, from
6 the first ~~Monday-in-January district meeting~~ following their
7 election and until their respective successors shall be
8 elected and qualified.

9 (2) Annually thereafter there may be elected a trustee
10 to serve for a term of 3 years and until his successor shall
11 be qualified. Such term of 3 years shall commence ~~on at~~ the
12 first ~~Monday-in-January district meeting~~ following the said
13 trustee's election."

14 Section 5. Section 13-1-104, MCA, is amended to read:

15 "13-1-104. Times for holding general elections. (1) A
16 general election shall be held throughout the state in every
17 even-numbered year on the first Tuesday after the first
18 Monday of November to elect federal officers, state or
19 multicounty district officers, members of the legislature,
20 judges of the district court, and county officers when the
21 terms of such offices will expire before the next scheduled
22 election for the offices or when one of the offices must be
23 filled for an unexpired term as provided by law.

24 (2) A general election shall be held throughout the
25 state in every odd-numbered year on the first Tuesday after

1 the first Monday in November to elect municipal officers,
 2 officers of political subdivisions wholly within one county
 3 and not required to hold annual elections, and any other
 4 officers specified by law for election in odd-numbered years
 5 when the term for the offices will expire before the next
 6 scheduled election for the offices or when one of the
 7 offices must be filled for an unexpired term as provided by
 8 law.

9 (3) The general election for any political subdivision
 10 required to hold elections annually shall be held ~~with--the~~
 11 ~~general election provided for in subsections (1) and (2) if~~
 12 ~~a primary election is necessary, it shall be held at the~~
 13 ~~same time as the primary provided for the regular general~~
 14 ~~election for that year~~ on school election day, the first
 15 Tuesday of April of each year, and is subject to the
 16 election procedures provided for in [section 8]."

17 Section 6. Section 13-1-301, MCA, is amended to read:

18 "13-1-301. Election administrator. (1) The county
 19 clerk and recorder of each county is the election
 20 administrator unless the governing body of the county
 21 designates another official or appoints an election
 22 administrator.

23 (2) The election administrator is responsible for the
 24 administration of all procedures relating to registration of
 25 electors and conduct of elections and shall keep all records

1 relating to elector registration and elections.

2 (3) The election administrator is responsible for
 3 appointing a deputy election administrator for each
 4 political subdivision required to hold annual elections
 5 under the provisions of 13-1-104(3). Each deputy election
 6 administrator is responsible for the conduct of the annual
 7 elections of such political subdivision, as provided by
 8 [section 8]."

9 Section 7. Section 13-1-302, MCA, is amended to read:

10 "13-1-302. Election costs. (1) Unless specifically
 11 provided otherwise, all costs of the primary and general
 12 elections regularly scheduled for even-numbered years shall
 13 be paid by the counties.

14 (2) Costs of the primary and general elections
 15 regularly scheduled for odd-numbered years shall be paid by
 16 the counties and other political subdivisions for which the
 17 elections are held. Each political subdivision shall bear
 18 its proportionate share of the costs as determined by the
 19 county governing body.

20 (3) A political subdivision holding an annual election
 21 with a regularly scheduled school election shall bear its
 22 proportionate share of the costs as determined by the county
 23 ~~governing~~ body election administrator and the school
 24 district election administrator.

25 (4) The political subdivision for which a special

1 election is held shall bear all costs of the election, or
2 its proportionate share as determined by the county
3 governing body if held in conjunction with any other
4 election.

5 (5) Costs of elections may not include the services of
6 the election administrator or capital expenditures.

7 (6) The county governing body shall set a schedule of
8 fees for services provided to school districts by the
9 election administrator.

10 (7) Election costs shall be paid from county funds,
11 and any shares paid by other political subdivisions shall be
12 credited to the fund from which the costs were paid."

13 NEW SECTION. Section 8. Manner of conducting general
14 elections for political subdivisions required to hold annual
15 elections. (1) Any political subdivision required to hold
16 annual elections under 13-1-104(3) may cooperate with school
17 districts having similar district boundaries to hold the
18 election at the same location. The deputy election
19 administrator appointed under the provisions of 13-1-301
20 shall cooperate with the school district election
21 administrator to share costs, as provided in 13-1-302.

22 (2) A political subdivision subject to 13-1-104(3) may
23 conduct its annual election at an annual meeting of the
24 political subdivision or at another convenient location
25 within the political subdivision.

1 (3) The deputy election administrator conducting an
2 election under the provisions of subsections (1) or (2)
3 shall give notice of the election not less than 20 days or
4 more than 40 days before the day of the election by display
5 advertisement at least two times in a newspaper of general
6 circulation within the political subdivision. The deputy
7 election administrator may notify the public of the election
8 by additional posting of notices or radio and television
9 announcements.

10 Section 9. Section 85-7-1702, MCA, is amended to read:
11 "85-7-1702. Regular election -- term of office. (1)
12 Candidates for the office of commissioner may be nominated
13 by petition filed with the deputy election administrator at
14 least 30 days before the election and signed by at least
15 five electors of the district. If no nominations are made,
16 the electors of the district shall write on the ballots the
17 name or names of the persons for whom they desire to vote.

18 (2) The regular election for commissioners in each
19 district shall be held annually in accordance with 13-1-104
20 and [section 8].

21 (3) within within 40 days following their election the
22 commissioners shall meet and organize as a board by electing
23 a president from their number and a secretary, who may or
24 may not be a commissioner, and who shall each hold office
25 during the pleasure of the board. The term of office of each

1 commissioner shall begin on the date of the organizational
2 meeting after the regular election and shall continue for 3
3 years and until the election and qualification of his
4 successor.

5 (4) Commissioners are elected by the electors of the
6 entire district."

7 Section 10. Section 85-7-1710, MCA, is amended to
8 read:

9 "85-7-1710. Qualification of electors and nature of
10 voting rights. (1) At all elections held under the
11 provisions of this part, except as otherwise expressly
12 provided, the following holders of title or evidence of
13 title to lands within the district, herein designated
14 electors, are entitled to vote:

15 (a) all individuals having the qualifications of
16 electors under the constitution and general ~~and school~~
17 election laws of the state, except that no registration of
18 electors may be required;

19 (b) guardians, executors, administrators, and trustees
20 ~~residing in the state;~~

21 (c) domestic corporations, by their duly authorized
22 agents.

23 (2) In all elections held under this part, each
24 elector is permitted to cast one vote for each 40 acres of
25 irrigable land or major fraction thereof owned by the

1 elector within the district, irrespective of the location of
2 the irrigable lands within the tracts designated by the
3 commissioners for assessment and taxation purposes or within
4 congressional subdivisions, platted lots or blocks (except
5 as hereinafter provided for), election precincts, or
6 district divisions, but any elector owning any less than 40
7 acres of irrigable land is entitled to one vote. Until the
8 irrigable area under the proposed plan of reclamation is
9 determined, all land included within the boundaries of the
10 district shall be considered irrigable land for election
11 purposes.

12 (3) Whenever land is owned by co-owners, the owners
13 may designate one of their number or an agent to cast the
14 vote for the owners, and one vote only for each 40 acres of
15 irrigable land or major fraction thereof may be cast by the
16 voting co-owner or agent. Whenever land is under contract of
17 sale to a purchaser residing within the state, the purchaser
18 may vote on behalf of the owner of the land. When voting,
19 the agent of a corporation or co-owners, the co-owner
20 designated for purpose of voting, or the purchaser of land
21 under contract of sale, as the case may be, shall file with
22 the secretary of the district or with the election officials
23 a written instrument of his authority, executed and
24 acknowledged by the proper officers of the corporation, by
25 the co-owners, or by the owner of land under contract of

1 sale, as the case may be, and thereupon the agent or
 2 co-owner or purchaser, as the case may be, is an elector
 3 within the meaning of this part. whenever the total
 4 irrigable acreage within any one district has been platted
 5 or subdivided into lots or blocks to the extent of 5% or
 6 more of the total acreage of the district, each elector is
 7 permitted to cast one vote for each acre of irrigable land
 8 or major fraction thereof owned by the elector within the
 9 district, irrespective of the location of such irrigable
 10 lands within the tracts designated by the commissioners for
 11 assessment and taxation purposes or within the congressional
 12 subdivisions, but any elector owning any less than 1 acre of
 13 irrigable land within the district is entitled to one vote.
 14 The balloting shall take place in the following manner: 10
 15 votes or less, separate ballots will be used; more than 10
 16 votes, the elector shall vote in blocks of 10 using one
 17 ballot for each 10 votes and separate ballots for odd votes
 18 over multiples of 10. ~~The election shall otherwise conform~~
 19 ~~with the provisions of Title 13.~~"

20 Section 11. Section 85-8-302, MCA, is amended to read:
 21 "85-8-302. Election of commissioners -- regular term
 22 of office. (1) The regular election of commissioners shall
 23 be held annually in accordance with 13-1-104 and [section
 24 8]. The term of office of commissioners shall commence on
 25 the first Monday Tuesday in January May following their

1 election. At the first regular election following the
 2 organization of a district and in districts organized and in
 3 existence on March 1, 1921, and which, on petition, have
 4 been divided into divisions, at the first regular election
 5 following the date of the order making such division, there
 6 shall be elected three commissioners, one commissioner being
 7 elected from each division of which he must be an actual
 8 landowner. One of the commissioners, to be determined by
 9 lot, shall hold office until the first ~~Monday~~ Tuesday in
 10 ~~January May~~ in the year following his election; another of
 11 the commissioners, to be determined by lot, shall hold
 12 office until the first ~~Monday~~ Tuesday in ~~January May~~ in the
 13 second year following his election; and the third of the
 14 commissioners shall hold office until the first ~~Monday~~
 15 Tuesday in ~~January May~~ in the third year following his
 16 election. Thereafter one commissioner shall be elected each
 17 year, who shall hold office for a term of 3 years and until
 18 his successor is elected and qualified. The person elected
 19 as a commissioner in each year to succeed the commissioner
 20 whose term is then expiring must be elected as a
 21 commissioner from the same division as the commissioner whom
 22 he is to succeed.

23 (2) Each commissioner must be a resident of a county
 24 where a portion of the district lands is situated."

25 Section 12. Section 85-8-304, MCA, is amended to read:

1 "85-8-304. Results of election. The ~~clerk~~ secretary of
 2 the board of ~~directors~~ commissioners shall enter the result
 3 of the election in the minutes of the board and file with
 4 the clerk of the district court creating the district a
 5 statement showing the names of the persons elected as
 6 commissioners, the names of the commissioners whose term
 7 will expire on the first ~~Monday~~ Tuesday in ~~January~~ May
 8 following, and the names of all of the persons who will
 9 compose the board of ~~directors~~ commissioners for the year
 10 next following the first ~~Monday~~ Tuesday in ~~January~~ May."

11 Section 13. Section 85-8-306, MCA, is amended to read:

12 "85-8-306. Nominations. Candidates for the office of
 13 commissioner to be filled by election ~~under--the--provisions~~
 14 ~~of--this--part~~ may be nominated by petition filed with the
 15 ~~county deputy~~ election administrator at least 30 days before
 16 the election and signed by at least five electors of the
 17 district. If no nominations are made, the electors of the
 18 district shall write on the ballots the name or names of the
 19 persons for whom they desire to vote. ~~Nothing--herein~~
 20 ~~contained--shall~~ This section does not prevent an elector
 21 from voting for any qualified person, although the name does
 22 not appear on the official ballot."

23 Section 14. Transition of officers. (1) If the
 24 effective date of this act is on or later than March 15,
 25 1981, then any officer of a hospital, fire, irrigation, or

1 drainage district whose term was due to expire following the
 2 November 1981 election of his successor is entitled to
 3 remain in office until his successor is properly qualified
 4 following an election held in April, 1982.

5 (2) If the effective date is before March 15, 1981,
 6 then an election of officers may be held on school election
 7 day in April, 1981. However, the officers of the district
 8 may decide that the best interests of the district would not
 9 be served by giving such short notice for an election and
 10 may follow the procedure in subsection (1).

11 Section 15. Repealer. Section 85-8-303, MCA, is
 12 repealed.

13 Section 16. Effective date. This act is effective on
 14 passage and approval.

-End-

1 HOUSE BILL NO. 139

2 INTRODUCED BY THOFT, BENGTSON, ROBBINS, MANUEL,
3 DONALDSON, SCHULTZ, SALES, WALDRON, NORDTVEDT, EUDAILY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE ANNUAL
6 ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, IRRIGATION
7 DISTRICTS, AND DRAINAGE DISTRICTS FROM THE CONSOLIDATING
8 PROVISIONS OF TITLE 13; TO PROVIDE THAT THE ELECTIONS FOR
9 SUCH POLITICAL SUBDIVISIONS BE HELD ON SCHOOL ELECTION DAY,
10 THE FIRST TUESDAY OF APRIL, EITHER IN COOPERATION WITH A
11 SCHOOL DISTRICT OR AT ANOTHER CONVENIENT LOCATION WITHIN THE
12 POLITICAL SUBDIVISION; TO PROVIDE FOR A MANNER OF CONDUCTING
13 SUCH ELECTIONS, NAMING QUALIFIED ELECTORS, AND NOMINATING
14 CANDIDATES FOR OFFICE; AMENDING SECTIONS 7-33-2106,
15 7-34-2116 THROUGH 7-34-2118, 13-1-104, 13-1-301, 13-1-302,
16 85-7-1702, 85-7-1710, 85-8-302, 85-8-304, AND 85-8-306, MCA;
17 REPEALING SECTION 85-8-303, MCA; AND PROVIDING AN IMMEDIATE
18 EFFECTIVE DATE."

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 Section 1. Section 7-33-2106, MCA, is amended to read:

22 "7-33-2106. Details relating to board of trustees of
23 fire district. (1) The five trustees initially appointed by
24 the county commissioners shall hold office until their
25 successors are elected and qualified as hereinafter

1 provided.

2 (2) Trustees shall be elected as provided in
3 subsection (3) of this section, 13-1-104(3), and [section
4 8]. The term of office shall be 3 years beginning on at the
5 first Monday--in--January district meeting following their
6 election or until their successors are elected and
7 qualified. Appointments to fill vacancies shall be made by
8 the county governing body and appointees shall hold office
9 until the next regular election. ~~Nominations for office~~
10 ~~shall be made as provided in 13-1-113.~~ All electors, as
11 defined in Title 13, who reside in the district are eligible
12 to vote in the election including any holder of title to
13 lands within the district who presents a proof of interest
14 in such land at the polling place, regardless of whether he
15 is registered to vote.

16 (3) Candidates for the office of trustee of the fire
17 district to be filled by election may be nominated by
18 petition filed with the deputy election administrator at
19 least 30 days before the election day and signed by at least
20 five electors of the district. If no nominations are made,
21 the electors of the district shall write on the ballots the
22 name or names of the persons for whom they desire to vote.
23 This subsection does not prevent an elector from voting for
24 any qualified person, although the name does not appear on
25 the official ballot.

1 ~~{3}~~{4} The trustees shall organize by choosing a
2 chairman and appointing one member to act as secretary."

3 Section 2. Section 7-34-2116, MCA, is amended to read:
4 "7-34-2116. Election of first board of trustees. (1)
5 The first board of trustees shall be elected at the same
6 election held upon the creation of the district, subject to
7 the creation thereof, and shall qualify upon the
8 organization of the district if created.

9 (2) The trustees may be nominated and have their names
10 appear upon the ballots as provided in ~~13-14-113~~ 7-34-2117."

11 Section 3. Section 7-34-2117, MCA, is amended to read:

12 "7-34-2117. Procedure for the conduct of election for
13 trustees. (1) All elections ~~and nominations for election~~ of
14 trustees following the election of the first board of
15 trustees shall be conducted at the time provided in
16 13-1-104(3) and in the manner provided by ~~title 13~~ [section
17 8].

18 {2} Candidates for the office of trustee must be
19 nominated by petition filed with the deputy election
20 administrator at least 30 days before the election day and
21 signed by at least five electors of the district.

22 ~~{2}~~{3} If there is no nomination petition filed, it
23 shall not be necessary to hold an election but the board of
24 county commissioners shall appoint a trustee to fill the
25 term, the term to be the same as if the trustee were

1 elected."

2 Section 4. Section 7-34-2118, MCA, is amended to read:

3 "7-34-2118. Term of office. (1) The trustees elected
4 for the first board shall serve for terms:

5 (a) commencing upon their being elected and qualified;
6 and

7 (b) terminating 1, 2, and 3 years, respectively, from
8 the first ~~Monday in January~~ district meeting following their
9 election and until their respective successors shall be
10 elected and qualified.

11 (2) Annually thereafter there may be elected a trustee
12 to serve for a term of 3 years and until his successor shall
13 be qualified. Such term of 3 years shall commence ~~on~~ at the
14 first ~~Monday in January~~ district meeting following the said
15 trustee's election."

16 Section 5. Section 13-1-104, MCA, is amended to read:

17 "13-1-104. Times for holding general elections. (1) A
18 general election shall be held throughout the state in every
19 even-numbered year on the first Tuesday after the first
20 Monday of November to elect federal officers, state or
21 multicounty district officers, members of the legislature,
22 judges of the district court, and county officers when the
23 terms of such offices will expire before the next scheduled
24 election for the offices or when one of the offices must be
25 filled for an unexpired term as provided by law.

1 (2) A general election shall be held throughout the
 2 state in every odd-numbered year on the first Tuesday after
 3 the first Monday in November to elect municipal officers,
 4 officers of political subdivisions wholly within one county
 5 and not required to hold annual elections, and any other
 6 officers specified by law for election in odd-numbered years
 7 when the term for the offices will expire before the next
 8 scheduled election for the offices or when one of the
 9 offices must be filled for an unexpired term as provided by
 10 law.

11 (3) The general election for any political subdivision
 12 required to hold elections annually shall be held ~~with--the~~
 13 ~~general-election-provided-for-in-subsections-(1)-and-(2),-if~~
 14 ~~a--primary--election--is--necessary,-it-shall-be-held-at-the~~
 15 ~~same-time-as-the-primary-provided-for--the--regular--general~~
 16 ~~election--for--that--year~~ on school election day, the first
 17 Tuesday of April of each year, and is subject to the
 18 election procedures provided for in [Section 3]."

19 Section 6. Section 13-1-301, MCA, is amended to read:
 20 "13-1-301. Election administrator. (1) The county
 21 clerk and recorder of each county is the election
 22 administrator unless the governing body of the county
 23 designates another official or appoints an election
 24 administrator.

25 (2) The election administrator is responsible for the

1 administration of all procedures relating to registration of
 2 electors and conduct of elections and shall keep all records
 3 relating to elector registration and elections.

4 (3) The election administrator is responsible for
 5 appointing a deputy election administrator for each
 6 political subdivision required to hold annual elections
 7 under the provisions of 13-1-104(3). Each deputy election
 8 administrator is responsible for the conduct of the annual
 9 elections of such political subdivision, as provided by
 10 [section 8]."

11 Section 7. Section 13-1-302, MCA, is amended to read:
 12 "13-1-302. Election costs. (1) Unless specifically
 13 provided otherwise, all costs of the primary and general
 14 elections regularly scheduled for even-numbered years shall
 15 be paid by the counties.

16 (2) Costs of the primary and general elections
 17 regularly scheduled for odd-numbered years shall be paid by
 18 the counties and other political subdivisions for which the
 19 elections are held. Each political subdivision shall bear
 20 its proportionate share of the costs as determined by the
 21 county governing body.

22 (3) A political subdivision holding an annual election
 23 with a regularly scheduled school election shall bear its
 24 proportionate share of the costs as determined by the county
 25 governing--body election administrator and the school

1 district election administrator.

2 (4) The political subdivision for which a special
3 election is held shall bear all costs of the election, or
4 its proportionate share as determined by the county
5 governing body if held in conjunction with any other
6 election.

7 (5) Costs of elections may not include the services of
8 the election administrator or capital expenditures.

9 (6) The county governing body shall set a schedule of
10 fees for services provided to school districts by the
11 election administrator.

12 (7) Election costs shall be paid from county funds,
13 and any shares paid by other political subdivisions shall be
14 credited to the fund from which the costs were paid."

15 NEW SECTION. Section 8. Manner of conducting general
16 elections for political subdivisions required to hold annual
17 elections. (1) Any political subdivision required to hold
18 annual elections under 13-1-104(3) may cooperate with school
19 districts having similar district boundaries to hold the
20 election at the same location. The deputy election
21 administrator appointed under the provisions of 13-1-301
22 shall cooperate with the school district election
23 administrator to share costs, as provided in 13-1-302.

24 (2) A political subdivision subject to 13-1-104(3) may
25 conduct its annual election at an annual meeting of the

1 political subdivision or at another convenient location
2 within the political subdivision.

3 (3) The deputy election administrator conducting an
4 election under the provisions of subsections (1) or (2)
5 shall give notice of the election not less than 20 days or
6 more than 40 days before the day of the election by display
7 advertisement at least two times in a newspaper of general
8 circulation within the political subdivision. The deputy
9 election administrator may notify the public of the election
10 by additional posting of notices or radio and television
11 announcements.

12 Section 9. Section 85-7-1702, MCA, is amended to read:

13 "85-7-1702. Regular election -- term of office. (1)
14 Candidates for the office of commissioner may be nominated
15 by petition filed with the deputy election administrator at
16 least 30 days before the election and signed by at least
17 five electors of the district. If no nominations are made,
18 the electors of the district shall write on the ballots the
19 name or names of the persons for whom they desire to vote.

20 (2) The regular election for commissioners in each
21 district shall be held annually in accordance with 13-1-104
22 and [section 8].

23 (3) within Within 40 days following their election the
24 commissioners shall meet and organize as a board by electing
25 a president from their number and a secretary, who may or

1 may not be a commissioner, and who shall each hold office
 2 during the pleasure of the board. The term of office of each
 3 commissioner shall begin on the date of the organizational
 4 meeting after the regular election and shall continue for 3
 5 years and until the election and qualification of his
 6 successor.

7 (4) Commissioners are elected by the electors of the
 8 entire district."

9 Section 10. Section 85-7-1710, MCA, is amended to
 10 read:

11 "85-7-1710. Qualification of electors and nature of
 12 voting rights. (1) At all elections held under the
 13 provisions of this part, except as otherwise expressly
 14 provided, the following holders of title or evidence of
 15 title to lands within the district, herein designated
 16 electors, are entitled to vote:

17 (a) all individuals having the qualifications of
 18 electors under the constitution and general ~~and school~~
 19 election laws of the state, except that no registration of
 20 electors may be required;

21 (b) guardians, executors, administrators, and trustees
 22 ~~residing-in-the-state;~~

23 (c) domestic corporations, by their duly authorized
 24 agents.

25 (2) In all elections held under this part, each

1 elector is permitted to cast one vote for each 40 acres of
 2 irrigable land or major fraction thereof owned by the
 3 elector within the district, irrespective of the location of
 4 the irrigable lands within the tracts designated by the
 5 commissioners for assessment and taxation purposes or within
 6 congressional subdivisions, platted lots or blocks (except
 7 as hereinafter provided for), election precincts, or
 8 district divisions, but any elector owning any less than 40
 9 acres of irrigable land is entitled to one vote. Until the
 10 irrigable area under the proposed plan of reclamation is
 11 determined, all land included within the boundaries of the
 12 district shall be considered irrigable land for election
 13 purposes.

14 (3) Whenever land is owned by co-owners, the owners
 15 may designate one of their number or an agent to cast the
 16 vote for the owners, and one vote only for each 40 acres of
 17 irrigable land or major fraction thereof may be cast by the
 18 voting co-owner or agent. Whenever land is under contract of
 19 sale to a purchaser residing within the state, the purchaser
 20 may vote on behalf of the owner of the land. When voting,
 21 the agent of a corporation or co-owners, the co-owner
 22 designated for purpose of voting, or the purchaser of land
 23 under contract of sale, as the case may be, shall file with
 24 the secretary of the district or with the election officials
 25 a written instrument of his authority, executed and

1 acknowledged by the proper officers of the corporation, by
 2 the co-owners, or by the owner of land under contract of
 3 sale, as the case may be, and thereupon the agent or
 4 co-owner or purchaser, as the case may be, is an elector
 5 within the meaning of this part. Whenever the total
 6 irrigable acreage within any one district has been platted
 7 or subdivided into lots or blocks to the extent of 5% or
 8 more of the total acreage of the district, each elector is
 9 permitted to cast one vote for each acre of irrigable land
 10 or major fraction thereof owned by the elector within the
 11 district, irrespective of the location of such irrigable
 12 lands within the tracts designated by the commissioners for
 13 assessment and taxation purposes or within the congressional
 14 subdivisions, but any elector owning any less than 1 acre of
 15 irrigable land within the district is entitled to one vote.
 16 The balloting shall take place in the following manner: 10
 17 votes or less, separate ballots will be used; more than 10
 18 votes, the elector shall vote in blocks of 10 using one
 19 ballot for each 10 votes and separate ballots for odd votes
 20 over multiples of 10. ~~The election shall otherwise conform~~
 21 ~~with the provisions of Title 13.~~"

22 Section 11. Section 85-8-302, MCA, is amended to read:
 23 "85-8-302. Election of commissioners -- regular term
 24 of office. (1) The regular election of commissioners shall
 25 be held annually in accordance with 13-1-104 and section

1 8]. The term of office of commissioners shall commence on
 2 the first Monday Tuesday in January May following their
 3 election. At the first regular election following the
 4 organization of a district and in districts organized and in
 5 existence on March 1, 1921, and which, on petition, have
 6 been divided into divisions, at the first regular election
 7 following the date of the order making such division, there
 8 shall be elected three commissioners, one commissioner being
 9 elected from each division of which he must be an actual
 10 landowner. One of the commissioners, to be determined by
 11 lot, shall hold office until the first Monday Tuesday in
 12 January May in the year following his election; another of
 13 the commissioners, to be determined by lot, shall hold
 14 office until the first Monday Tuesday in January May in the
 15 second year following his election; and the third of the
 16 commissioners shall hold office until the first Monday
 17 Tuesday in January May in the third year following his
 18 election. Thereafter one commissioner shall be elected each
 19 year, who shall hold office for a term of 3 years and until
 20 his successor is elected and qualified. The person elected
 21 as a commissioner in each year to succeed the commissioner
 22 whose term is then expiring must be elected as a
 23 commissioner from the same division as the commissioner whom
 24 he is to succeed.

25 (2) Each commissioner must be a resident of a county

1 where a portion of the district lands is situated."

2 Section 12. Section 85-8-304, MCA, is amended to read:

3 "85-8-304. Results of election. The ~~clerk~~ secretary of
4 the board of ~~directors~~ commissioners shall enter the result
5 of the election in the minutes of the board and file with
6 the clerk of the district court creating the district a
7 statement showing the names of the persons elected as
8 commissioners, the names of the commissioners whose term
9 will expire on the first ~~Monday~~ Tuesday in ~~January~~ May
10 following, and the names of all of the persons who will
11 compose the board of ~~directors~~ commissioners for the year
12 next following the first ~~Monday~~ Tuesday in ~~January~~ May."

13 Section 13. Section 85-8-306, MCA, is amended to read:

14 "85-8-306. Nominations. Candidates for the office of
15 commissioner to be filled by election ~~under--the--provisions~~
16 ~~of--this--part~~ may be nominated by petition filed with the
17 county deputy election administrator at least 30 days before
18 the election and signed by at least five electors of the
19 district. If no nominations are made, the electors of the
20 district shall write on the ballots the name or names of the
21 persons for whom they desire to vote. ~~Nothing--herein~~
22 ~~contained--shall~~ This section does not prevent an elector
23 from voting for any qualified person, although the name does
24 not appear on the official ballot."

25 Section 14. Transition of officers. (1) If the

1 effective date of this act is on or later than March 15,
2 1981, then any officer of a hospital, fire, irrigation, or
3 drainage district whose term was due to expire following the
4 November 1981 election of his successor is entitled to
5 remain in office until his successor is properly qualified
6 following an election held in April, 1982.

7 (2) If the effective date is before March 15, 1981,
8 then an election of officers may be held on school election
9 day in April, 1981. However, the officers of the district
10 may decide that the best interests of the district would not
11 be served by giving such short notice for an election and
12 may follow the procedure in subsection (1).

13 Section 15. Repealer. Section 85-8-303, MCA, is
14 repealed.

15 Section 16. Effective date. This act is effective on
16 passage and approval.

-End-

HOUSE BILL NO. 139

INTRODUCED BY THOFT, BENGTSON, ROBBINS, MANUEL,
DONALDSON, SCHULTZ, SALES, WALDRON, NORDTVEDT, EUDAILY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE ANNUAL ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, IRRIGATION DISTRICTS, AND DRAINAGE DISTRICTS FROM THE CONSOLIDATING PROVISIONS OF TITLE 13; TO PROVIDE THAT THE ELECTIONS FOR SUCH POLITICAL SUBDIVISIONS BE HELD ON SCHOOL ELECTION DAY, THE FIRST TUESDAY OF APRIL, EITHER IN COOPERATION WITH A SCHOOL DISTRICT OR AT ANOTHER CONVENIENT LOCATION WITHIN THE POLITICAL SUBDIVISION; TO PROVIDE FOR A MANNER OF CONDUCTING SUCH ELECTIONS, NAMING QUALIFIED ELECTORS, AND NOMINATING CANDIDATES FOR OFFICE; AMENDING SECTIONS 7-33-2106, 7-34-2116 THROUGH 7-34-2118, 13-1-104, 13-1-301, 13-1-302, 85-7-1702, 85-7-1710, 85-8-302, 85-8-304, AND 85-8-306, MCA; REPEALING SECTION 85-8-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-33-2106, MCA, is amended to read:

"7-33-2106. Details relating to board of trustees of fire district. (1) The five trustees initially appointed by the county commissioners shall hold office until their successors are elected and qualified as hereinafter

provided.

(2) Trustees shall be elected as provided in subsection (3) of this section, 13-1-104(3), and [section 8]. The term of office shall be 3 years beginning on at the first Monday--in--January district meeting following their election or until their successors are elected and qualified. Appointments to fill vacancies shall be made by the county governing body and appointees shall hold office until the next regular election. ~~Nominations-for-office shall-be-made-as-provided-in--13-14-113.~~ All electors, as defined in Title 13, who reside in the district are eligible to vote in the election including any holder of title to lands within the district who presents a proof of interest in such land at the polling place, regardless of whether he is registered to vote.

(3) Candidates for the office of trustee of the fire district to be filled by election may be nominated by petition filed with the ELECTION ADMINISTRATOR OR deputy election administrator at least 30 days before the election day and signed by at least five electors of the district. If no nominations are made, the electors of the district shall write on the ballots the name or names of the persons for whom they desire to vote. This subsection does not prevent an elector from voting for any qualified person, although the name does not appear on the official ballot.

1 ~~(3)~~(4) The trustees shall organize by choosing a
2 chairman and appointing one member to act as secretary."

3 Section 2. Section 7-34-2116, MCA, is amended to read:
4 "7-34-2116. Election of first board of trustees. (1)
5 The first board of trustees shall be elected at the same
6 election held upon the creation of the district, subject to
7 the creation thereof, and shall qualify upon the
8 organization of the district if created.

9 (2) The trustees may be nominated and have their names
10 appear upon the ballots as provided in ~~13-14-113~~ 7-34-2117."

11 Section 3. Section 7-34-2117, MCA, is amended to read:
12 "7-34-2117. Procedure for the conduct of election for
13 trustees. (1) All elections ~~and nominations for election~~ of
14 trustees following the election of the first board of
15 trustees shall be conducted at the time provided in
16 13-1-104(3) and in the manner provided by ~~7-14-13~~ [section
17 8].

18 (2) Candidates for the office of trustee must be
19 nominated by petition filed with the ELECTION ADMINISTRATOR
20 OR deputy election administrator at least 30 days before the
21 election day and signed by at least five electors of the
22 district.

23 ~~(2)~~(3) If there is no nomination petition filed, it
24 shall not be necessary to hold an election but the board of
25 county commissioners shall appoint a trustee to fill the

1 term, the term to be the same as if the trustee were
2 elected."

3 Section 4. Section 7-34-2118, MCA, is amended to read:
4 "7-34-2118. Term of office. (1) The trustees elected
5 for the first board shall serve for terms:

6 (a) commencing upon their being elected and qualified;
7 and

8 (b) terminating 1, 2, and 3 years, respectively, from
9 the first ~~Monday in January~~ district meeting following their
10 election and until their respective successors shall be
11 elected and qualified.

12 (2) Annually thereafter there may be elected a trustee
13 to serve for a term of 3 years and until his successor shall
14 be qualified. Such term of 3 years shall commence on at the
15 first ~~Monday in January~~ district meeting following the said
16 trustee's election."

17 Section 5. Section 13-1-104, MCA, is amended to read:
18 "13-1-104. Times for holding general elections. (1) A
19 general election shall be held throughout the state in every
20 even-numbered year on the first Tuesday after the first
21 Monday of November to elect federal officers, state or
22 multicounty district officers, members of the legislature,
23 judges of the district court, and county officers when the
24 terms of such offices will expire before the next scheduled
25 election for the offices or when one of the offices must be

1 filled for an unexpired term as provided by law.
 2 (2) A general election shall be held throughout the
 3 state in every odd-numbered year on the first Tuesday after
 4 the first Monday in November to elect municipal officers,
 5 officers of political subdivisions wholly within one county
 6 and not required to hold annual elections, and any other
 7 officers specified by law for election in odd-numbered years
 8 when the term for the offices will expire before the next
 9 scheduled election for the offices or when one of the
 10 offices must be filled for an unexpired term as provided by
 11 law.
 12 (3) The general election for any political subdivision
 13 required to hold elections annually shall be held ~~with--the~~
 14 ~~general-election-provided-for-in-subsections-(1)-and-(2)-if~~
 15 ~~a--primary--election--is--necessary--it-shall-be-held-at-the~~
 16 ~~some-time-as-the-primary-provided-for--the--regular--general~~
 17 ~~election--for--that--year~~ on school election day, the first
 18 Tuesday of April of each year, and is subject to the
 19 election procedures provided for in [section 8]."
 20 Section 6. Section 13-1-301, MCA, is amended to read:
 21 "13-1-301. Election administrator. (1) The county
 22 clerk and recorder of each county is the election
 23 administrator unless the governing body of the county
 24 designates another official or appoints an election
 25 administrator.

1 (2) The election administrator is responsible for the
 2 administration of all procedures relating to registration of
 3 electors and conduct of elections and shall keep all records
 4 relating to elector registration and elections.
 5 ~~(3) The election administrator is responsible for MAY~~
 6 ~~appointing~~ APPOINT a deputy election administrator for each
 7 political subdivision required to hold annual elections
 8 under the provisions of 13-1-104(3). Each ELECTION
 9 ADMINISTRATOR OR deputy election administrator is
 10 responsible for the conduct of the annual elections of such
 11 political subdivision, as provided by [section 8]."
 12 Section 7. Section 13-1-302, MCA, is amended to read:
 13 "13-1-302. Election costs. (1) Unless specifically
 14 provided otherwise, all costs of the primary and general
 15 elections regularly scheduled for even-numbered years shall
 16 be paid by the counties.
 17 (2) Costs of the primary and general elections
 18 regularly scheduled for odd-numbered years shall be paid by
 19 the counties and other political subdivisions for which the
 20 elections are held. Each political subdivision shall bear
 21 its proportionate share of the costs as determined by the
 22 county governing body.
 23 (3) A political subdivision holding an annual election
 24 with a regularly scheduled school election shall bear its
 25 proportionate share of the costs as determined by the county

1 governing---body election administrator and the school
2 district election administrator.

3 (4) The political subdivision for which a special
4 election is held shall bear all costs of the election, or
5 its proportionate share as determined by the county
6 governing body if held in conjunction with any other
7 election.

8 (5) Costs of elections may not include the services of
9 the election administrator or capital expenditures.

10 (6) The county governing body shall set a schedule of
11 fees for services provided to school districts by the
12 election administrator.

13 (7) Election costs shall be paid from county funds,
14 and any shares paid by other political subdivisions shall be
15 credited to the fund from which the costs were paid."

16 NEW SECTION. Section 8. Manner of conducting general
17 elections for political subdivisions required to hold annual
18 elections. (1) Any political subdivision required to hold
19 annual elections under 13-1-104(3) may cooperate with school
20 districts having similar district boundaries to hold the
21 election at the same location. The ELECTION ADMINISTRATOR OR
22 deputy election administrator appointed under the provisions
23 of 13-1-301 shall cooperate with the school district
24 election administrator to share costs, as provided in
25 13-1-302.

1 (2) A political subdivision subject to 13-1-104(3)
2 may, WITH THE CONSENT OF THE ELECTION OR DEPUTY ELECTION
3 ADMINISTRATOR, conduct its annual election at an annual
4 meeting of the political subdivision or at another
5 convenient location within the political subdivision.

6 (3) The ELECTION ADMINISTRATOR OR deputy election
7 administrator conducting an election under the provisions of
8 subsection (1) or (2) shall give notice of the election not
9 less than 20 days or more than 40 days before the day of the
10 election by display advertisement at least two times in a
11 newspaper of general circulation within the political
12 subdivision. The ELECTION ADMINISTRATOR OR deputy election
13 administrator may notify the public of the election by
14 additional posting of notices or radio and television
15 announcements.

16 Section 9. Section 85-7-1702, MCA, is amended to read:
17 "85-7-1702. Regular election -- term of office. (1)
18 Candidates for the office of commissioner may be nominated
19 by petition filed with the ELECTION ADMINISTRATOR OR deputy
20 election administrator at least 30 days before the election
21 and signed by at least five electors of the district. If no
22 nominations are made, the electors of the district shall
23 write on the ballots the name or names of the persons for
24 whom they desire to vote.

25 (2) The regular election for commissioners in each

1 district shall be held annually in accordance with 13-1-104,
2 and [section 8].

3 (3) within Within 40 days following their election the
4 commissioners shall meet and organize as a board by electing
5 a president from their number and a secretary, who may or
6 may not be a commissioner, and who shall each hold office
7 during the pleasure of the board. The term of office of each
8 commissioner shall begin on the date of the organizational
9 meeting after the regular election and shall continue for 3
10 years and until the election and qualification of his
11 successor.

12 (4) Commissioners are elected by the electors of the
13 entire district."

14 Section 10. Section 85-7-1710, MCA, is amended to
15 read:

16 *85-7-1710. Qualification of electors and nature of
17 voting rights. (1) At all elections held under the
18 provisions of this part, except as otherwise expressly
19 provided, the following holders of title or evidence of
20 title to lands within the district, herein designated
21 electors, are entitled to vote:

22 (a) all individuals having the qualifications of
23 electors under the constitution and general ~~and school~~
24 election laws of the state, except that no registration of
25 electors may be required;

1 (b) guardians, executors, administrators, and trustees
2 ~~residing-in-the-state;~~

3 (c) domestic corporations, by their duly authorized
4 agents.

5 (2) In all elections held under this part, each
6 elector is permitted to cast one vote for each 40 acres of
7 irrigable land or major fraction thereof owned by the
8 elector within the district, irrespective of the location of
9 the irrigable lands within the tracts designated by the
10 commissioners for assessment and taxation purposes or within
11 congressional subdivisions, platted lots or blocks (except
12 as hereinafter provided for), election precincts, or
13 district divisions, but any elector owning any less than 40
14 acres of irrigable land is entitled to one vote. Until the
15 irrigable area under the proposed plan of reclamation is
16 determined, all land included within the boundaries of the
17 district shall be considered irrigable land for election
18 purposes.

19 (3) Whenever land is owned by co-owners, the owners
20 may designate one of their number or an agent to cast the
21 vote for the owners, and one vote only for each 40 acres of
22 irrigable land or major fraction thereof may be cast by the
23 voting co-owner or agent. Whenever land is under contract of
24 sale to a purchaser residing within the state, the purchaser
25 may vote on behalf of the owner of the land. When voting,

1 the agent of a corporation or co-owners, the co-owner
 2 designated for purpose of voting, or the purchaser of land
 3 under contract of sale, as the case may be, shall file with
 4 the secretary of the district or with the election officials
 5 a written instrument of his authority, executed and
 6 acknowledged by the proper officers of the corporation, by
 7 the co-owners, or by the owner of land under contract of
 8 sale, as the case may be, and thereupon the agent or
 9 co-owner or purchaser, as the case may be, is an elector
 10 within the meaning of this part. Whenever the total
 11 irrigable acreage within any one district has been platted
 12 or subdivided into lots or blocks to the extent of 5% or
 13 more of the total acreage of the district, each elector is
 14 permitted to cast one vote for each acre of irrigable land
 15 or major fraction thereof owned by the elector within the
 16 district, irrespective of the location of such irrigable
 17 lands within the tracts designated by the commissioners for
 18 assessment and taxation purposes or within the congressional
 19 subdivisions, but any elector owning any less than 1 acre of
 20 irrigable land within the district is entitled to one vote.
 21 The balloting shall take place in the following manner: 10
 22 votes or less, separate ballots will be used; more than 10
 23 votes, the elector shall vote in blocks of 10 using one
 24 ballot for each 10 votes and separate ballots for odd votes
 25 over multiples of 10. ~~The election shall otherwise conform~~

1 ~~with the provisions of Title 13.~~

2 Section 11. Section 85-8-302, MCA, is amended to read:
 3 "85-8-302. Election of commissioners -- regular term
 4 of office. (1) The regular election of commissioners shall
 5 be held annually in accordance with 13-1-104 and [section
 6 8]. The term of office of commissioners shall commence on
 7 the first Monday Tuesday in January May following their
 8 election. At the first regular election following the
 9 organization of a district and in districts organized and in
 10 existence on March 1, 1921, and which, on petition, have
 11 been divided into divisions, at the first regular election
 12 following the date of the order making such division, there
 13 shall be elected three commissioners, one commissioner being
 14 elected from each division of which he must be an actual
 15 landowner. One of the commissioners, to be determined by
 16 lot, shall hold office until the first Monday Tuesday in
 17 January May in the year following his election; another of
 18 the commissioners, to be determined by lot, shall hold
 19 office until the first Monday Tuesday in January May in the
 20 second year following his election; and the third of the
 21 commissioners shall hold office until the first Monday
 22 Tuesday in January May in the third year following his
 23 election. Thereafter one commissioner shall be elected each
 24 year, who shall hold office for a term of 3 years and until
 25 his successor is elected and qualified. The person elected

1 as a commissioner in each year to succeed the commissioner
2 whose term is then expiring must be elected as a
3 commissioner from the same division as the commissioner whom
4 he is to succeed.

5 (2) Each commissioner must be a resident of a county
6 where a portion of the district lands is situated."

7 Section 12. Section 85-8-304, MCA, is amended to read:

8 "85-8-304. Results of election. The ~~clerk~~ secretary of
9 the board of ~~directors~~ commissioners shall enter the result
10 of the election in the minutes of the board and file with
11 the clerk of the district court creating the district a
12 statement showing the names of the persons elected as
13 commissioners, the names of the commissioners whose term
14 will expire on the first ~~Monday~~ Tuesday in ~~January~~ May
15 following, and the names of all of the persons who will
16 compose the board of ~~directors~~ commissioners for the year
17 next following the first ~~Monday~~ Tuesday in ~~January~~ May."

18 Section 13. Section 85-8-306, MCA, is amended to read:

19 "85-8-306. Nominations. Candidates for the office of
20 commissioner to be filled by election ~~under the provisions~~
21 ~~of this part~~ may be nominated by petition filed with the
22 county ELECTION ADMINISTRATOR OR deputy election
23 administrator at least 30 days before the election and
24 signed by at least five electors of the district. If no
25 nominations are made, the electors of the district shall

1 write on the ballots the name or names of the persons for
2 whom they desire to vote. ~~Nothing herein contained shall~~
3 This section does not prevent an elector from voting for any
4 qualified person, although the name does not appear on the
5 official ballot."

6 Section 14. Transition of officers. (1) If the
7 effective date of this act is on or later than March 15,
8 1981, then any officer of a hospital, fire, irrigation, or
9 drainage district whose term was due to expire following the
10 November 1981 election of his successor is entitled to
11 remain in office until his successor is properly qualified
12 following an election held in April 1982.

13 (2) If the effective date is before March 15, 1981,
14 then an election of officers may be held on school election
15 day in April, 1981. However, the officers of the district
16 may decide that the best interests of the district would not
17 be served by giving such short notice for an election and
18 may follow the procedure in subsection (1).

19 Section 15. Repealer. Section 85-8-303, MCA, is
20 repealed.

21 Section 16. Effective date. This act is effective on
22 passage and approval.

-End-

State of Montana
Office of the Governor
Helena 59620

TED SCHWINDEN
GOVERNOR

February 27, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol Bldg.
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol Bldg.
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill 139, "A BILL FOR AN ACT TO REMOVE THE ANNUAL ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, IRRIGATION DISTRICTS, AND DRAINAGE DISTRICTS FROM THE CONSOLIDATING PROVISIONS OF TITLE 13; TO PROVIDE THAT THE ELECTIONS FOR SUCH POLITICAL SUBDIVISIONS BE HELD ON SCHOOL ELECTION DAY, THE FIRST TUESDAY OF APRIL, EITHER IN COOPERATION WITH A SCHOOL DISTRICT OR AT ANOTHER CONVENIENT LOCATION WITHIN THE POLITICAL SUBDIVISION; TO PROVIDE FOR A MANNER OF CONDUCTING SUCH ELECTIONS, NAMING QUALIFIED ELECTORS, AND NOMINATING CANDIDATES FOR OFFICE; AMENDING SECTIONS 7-33-2106, 7-34-2116 THROUGH 7-34-2118, 13-1-104, 13-1-301, 13-1-302, 85-7-1702, 85-7-1710, 85-8-302, 85-8-304, AND 85-8-306, MCA; REPEALING SECTION 85-8-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE" without my signature and recommend the attached amendments.

I propose that in Section 13-1-104(3), (Section 6), an election administrator have the option to appoint a deputy election administrator rather than be required to do so. Also, as the proposed amendments indicate, the words "election administrator" have been added to certain sections of the bill in order to make the sections consistent with situations where the election administrator does not appoint a deputy.

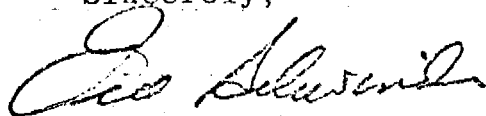
Senator Turnage and
Representative Marks
February 27, 1981
Page Two

Further, Section 13-1-104(3), (Section 6), provides that a deputy election administrator is responsible for the conduct of the annual election of a political subdivision, as provided by Section 8. Section 8 provides that a political subdivision may conduct its annual election at an annual meeting of the political subdivision or at another convenient location subject to 13-1-104(3). When sections 6 and 8 are read together a question arises as to the authority of the deputy election administrator to determine the conduct of an election.

The problem can be solved by inserting language in Section 8 which requires a political subdivision to secure the consent of the election or deputy election administrator when determining the conduct of an election. This proposed amendment will allow the political subdivision and the election or deputy election administrator to work together to coordinate voting places for different special district elections when such coordination is desirable. This amendment assures that the election administrator actively participates in establishing the conduct of an election.

I urge your concurrence in these amendments.

Sincerely,



TED SCHWINDEN
Governor

February 27, 1981

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL 139;
REFERENCE COPY, AS FOLLOWS:

1. Page 2, line 18
Following: "the"
Insert: "election administrator or" ✓
2. Page 3, line 19
Following: "the"
Insert: "election administrator or" ✓
3. Page 6, line 4
Following: "administrator"
Delete: "is responsible for"
Insert: may ✓
4. Page 6, Line 5
In the word: "appointing"
Delete: ing ✓
5. Page 6, Line 7
Following: "Each"
Insert: "election administrator or" ✓
6. Page 7, Line 20
Following: "The"
Insert: "election administrator or" ✓
7. Page 7, Line 24
Following: "may"
Insert: ",with the consent of the election or
deputy election administrator," ✓
8. Page 8, line 3
Following: "The"
Insert: "election administrator or" ✓
9. Page 8, Line 8
Following: "The"
Insert: "election administrator or" ✓
10. Page 8, Line 15
Following: "the"
Insert: "election administrator or" ✓
11. Page 13, Line 17
Following: county
Insert: "election administrator or"