January 12, 1981

February 2, 1981

February 3, 1981

February 4, 1981
February 5, 1981
February 6, 1981

February 7, 1981

April 23, 1981

Introduced and referred to Committee on Agriculture, Livestock and Irrigation.

Committee recommend bill do pass as amended.

Bill printed and placed on members' desks.

Second reading do pass.
Correctly engrossed.
Third reading passed.
In The House
Introduced and referred to Committee on Local Government.

Died in Committee.
a bill for an act entitled: "an act to remove the annial ELECTIONS OF IRRIGATION DISTRICTS AND DRAINAGE DISTRICTS FKJM THE CONSOLIDATING PROVISIONS OF TITLE 13; TO PROVIDE that such clactions be held on the first tuesoay in april bf Eachi year; to provide that such elections be conoucteo in THE HANHER PRESCRIBED gY LAW BEFURE THE 1979 REVISIDA AND consolidation of the general election laws of montana; AMENDING SECTIONS 13-1-104, 85-7-1702, 85-7-1710, AND 85-3-302 THROUGH 85-8-305, MCA."
be it enacted by the legislature of the state of gontana:
Saction 1. Section 13-1-104; MCAy is amended to read:
"13-1-104. Times for holding general elections. (1) A general election shall be held throughout the state in every evon-numbered year on the first Tuesday after the first Monday of November to elect federal officers, state or multicounty district officers, members of the legislature, judres of the district court, ant county officers when the tarms of such offices will expire before the next schedulea election for the offices or when one of the offices must be fillsa fur an unexpired tern as provider by 1 awe
(2) A general election shall be held throughout the
state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one countye

## exceat_those_political_subdivisions_etherwise_-krovided_for

 in__subsection__(41. and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.(3) The general election for any political subdivision required to hold elections annually shall be held with the general election provided for in subsections (1) and (2)z except those_politisal_subdivisions_otherwise_provided__for in_msubsection_ (4). If a primary election is necessary, it shall be held at the same time as the primary provided for the regular general election for that year.

141_The oeneral_election_for_ircigatigu_districts_and srainage_districts_sball_he__held__anoually_on_the_first Iuesjax_in_April_of_each_yeare"

Section 2. Section $85-7-1702$, MCA, is amended to read:
"85-7-1702. Regular election -- term of office. The regular election for commissioners in each district shall be
 Iusscay__io__Aprile within bitsin 40 days following their election the comaissioners shall meet and organize as $A$
board by electing a president from their number and a secretary, who may or may not be a cominissioner, and who shall edch hola office during the pleasure of the beard. The terim of effice of each comaissioner shall begin on the date of the organizational aeeting after the regular alection and shall continue for 3 years and until the elaction and qualification of his successor. Commissioners are elected by the electors of the entire district."

NEW SEELIDNe Section 3. Election frecincts* (1) The boarc of cominssionersy withia montas efter orgenizetion of the district, shall divide the district into one or more election precincts.
(2) The boerd of commissioners ray change the boundaries of the election precincts of the district whenever the best interests of the district and the convinience of the electors would be served by such a chance. No such change may be made less than 30 days vefore any election to be held in the district. To be effective, such a change must be approved by the sistrict court. In making such changes, the several precincts of the district shall be kept as nearly equal in area and populetion as practicable.

NEh_SECLIONe Section 4. Election notice and election officers. Fifteen days before any election held under this part, the secretary of the board of cominissioners shall post
notices of the tinie and places of holding the election ia three public places in each election precinct and in the office of the board. Prior to the time for posting notices. the doard, by a resolution or order entered on their recordsp shall designate the house or place within each precinct where the election will be hela and shall appoint for each pracinct, from the electors therecf, three jutses, who will constitute a board ef election for such recinct. The judges of each precinct shall appoint one of their number to act as clerk. If the board of commissioners fails to appoint a board of election or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board of election or supply the flace of any absent member. The boari of commissioners shall prescrite the forms and provide for the printing and distribution of the ballots for all elections neld uncer this part.

MEH SECIIONE Section 5. Baths of election officers. The judges may administer all oaths required in the progress of an election and appoint judges and clerks if, during the progress of election, any judge or clerk ceases to act. Any member of the board of election may aminister and certify oatins required to be administered during the progress of an election. Before opening the polls, each member of the board of election must take and subscribe an oath faithfully to
perform the duties imposed upon him by law. Any elector of the precinct may administer and certify any such oathe

NEn SECILOLE Section 6. Conduct of election. (l) Any election held under this part must be conducted, excect as otherwise provided, as nearly as practicable in accordance with the provisions of the general election laws of this state, except that no registration of electors is required.
(2) As soon as all the votes are counted, a certificate nust be attached to ach of the papers containing the poll list and tallies, stating the number of votes cast for each candidate or for each proposition and designating the office or proposition voted for Each certificate must be signed by the clerk and judges.
(3) The ballots, together with the certificates and the attached poll list and tallies, must be saled ty the junges and clerk, endorsed as the election returns of the precinct, and delivered to the secretary of the board of comissioners by the judges or some other safe and responsible carrier. The ballots must be kept by the poard of commissioners in the same manner as ballcts are kept in otiter elections.

DEh_SECIIONe Section 7. Canvasse vo poll list, telly paper, or certificate returned from any election may be set aside or rejected merely for want of form, if it can be satisfactorily understood. The board of commissioners of the
district shall meet on the first Monday after the election to canvass the returns. If, at the time of the meeting, the returns have been received from each precinct in the district in which the polls were opened, the board shall proceed to canvass the returns. If all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received. The canvass must be made in public. The board shall declare elected the person receiving the highest number of votes for each office and also declare the result of the vote on any question submitted.

NEW_SECIDONe Section B. Statement of election results. (1) The secretary of the board of commissioners, as soon as the result of any election held under the provisions of this part is declared, shall enter in the records of the board and file with the county election administrator the following statement of the results:
(a) a copy of the election notice and proof of posting the same;
(t) the names of the judges and clerks of the election;
(c) the whole number of votes cast in the tistrict and in each precinct of the district;
(d) the names of the perscns voted for;
$(e)$ the offices to be filled by the election;

althuugh the name does not appear on the official oallots. Section 10. Section 85-7-1710, MCA, is artenced to reac:
"85-7-1710. Qualification of electors and nature of voting rights. (1) At all elections neld unoer the provisions of this part, except as otherwise expressly provided, the following holders of title or evidence of titla to lands within the districtp herein desisnatsan electors, are entitled to vote:
(己) all individuels having the qualificetions of electors under the constitution and general end--sehoot election laws of the stateqexfeot that no_registration of electors may be_required;
(b) guardians, executors, administrators, and trustees resifing in the state;
(c) domestic corporations, by their fuly authcrized agents.
(2) In all elections held under this part, each elector is permitted to cast one vote for each 40 acres of irrigable land or major fraction theresf owned sy the elector within the district, irrespective of the location of the irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within congressional subdivisions, platted lots or blocks (except as hereinafter provided for), election precinctsp or
district divisions, but any elector owning any less than 40 acres of irrigable 1 and is entitled to one vote. Until the irrigable area under the proposed plan of reclamation is determined, all land included within the boundaries of the district shall be considered irrigable land for election purposes.
(3) Whenever land is owned by co-owners, the owners may designate one of their number or an agent to cast the vote for the owners, and one vote only for each 40 acres of irrijable 1 and or major fraction thereof may be cast by the voting co-owner or agent. Whenever land is under contract of sale to a purchaser residing within the state, the purchaser may vote on behalf of the owner of the 1 and. when voting, tne agent of a corporation or co-owners, the co-owner designated for purpose of voting, or the purchaser of land under contract of sale, as the case may bev shall file with the secretary of the district or with the election officials a written instrument of his authority, executed and acknowledged by the proper officers of the corporation, by the co-owners, or by the owner of 1 and under contract of sale, as the case may be, and thereupon the agent or co-owner or purchaser, as the case may be, is in elector within the meaning of this parte Henever the total irri;ade acreage within any one fistrict has seen platted or subdivided into lots or blocks to the extent of $5 \%$ or
more of the total acreage of the district, each elector is permitted to cast one vote for each acre of irrigable land or major fraction thereof owned by the elector within the districte irrespective of the location of such irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within the congressional subdivisions, but any elector owning any less than 1 acre of irrigable land within the district is entitled to one vote. The balloting shall take place in the following ganner: 10 votes or less, separate ballots will be used; more than 10 votes, the elector shall vote in blocks of 10 using one ballot for each 10 votes and separate ballots for odd votes over multiples of 10 . The election shall otherwise conform with the provisions of fitte- $\mathbf{7 3}$ [section_6]."

Section 11. Section 85-8-302. MCA, is amended to read:
*B5-8-302. Election of commissioners -- regular term of office. (1) The regular election of commissioners shall be held annually tn-aceordance-with-iق-t-t 84 on_thefirst Iuestay in_April. The term of office of commissioners shall commence on the first Monday Iuesday in damuary May following their election. At the first regular election following the organization of a district and in districts organized and in existence on March 1, 1921, and whichy on petition, have been divided into divisions, at the first regular election fallowing the date of the order making such
division，there sinall be elected three commissionerst one commissioner being elected from each division of which he must be an actual landowner．One of the commissioners，to be detarmined by loty shall hold office until the first Monday Iuesday in fanuary Hax in the year following his election； another of the commissioners，to be determined by lotp shall hold office until the first Monday Iuesday in denmery Miay in the second year following his election；and the third of the commissioners shall hold office until the first Mendey Iuesday in tenuary May in the thirdyear following his election．Thereafter one commissioner shall be elected each year，who shall hold office for a term of 3 years and until his successor is elected and qualified．The person elected as a commissioner in each year to succeed the commissioner whose term is then expiring must be elected as a commissioner from the same division as the commissioner whom he is to succeed．
（2）Each commissioner must be a resident of a county where a portion of the district lands is situated．＂

Section 12．Section 85－8－303，ACA，is amended to read：
n85－s－303．Notice of election．Ferty Eifteen days before any regular election，the secretary of the board of commissioners shall give notice by mail to all landowners Within the district of the time and place of holding the election．Rrior to the mailing of such noticese＿the＿boacd
shall＿designate＿a＿polling＿plece＿and＿appoint＿three persons＿to act as iudges＿and＿clecks＿of election＿in＿each＿precincte＿Ibe board shall＿prescrite＿the＿formand＿provide＿for＿the＿zinting Pf the ballots＿for＿all＿electionsa＂

Section 13．Section 85－8－304，MCA，is amended to read：
＂85－8－304．Resutes Conduct of election．（11 Anx iudge of＿＿election＿may＿administer＿＿any＿oath＿required＿＿to＿be administered＿turing theroracess＿of＿an＿electione＿defore＿the opening＿of the bells＿the＿judges＿of election＿＿ust＿take＿and subscrite＿an＿oath＿tofalthfully perform＿the＿dutias＿ioposed uscn＿them by lake＿Ine＿oath＿⿴囗十＿be＿administeced by any electer．
（2）＿AnX election＿held＿under this＿oart＿must＿be conductede＿except＿as＿othermise＿orovidede＿as＿onarlx＿as practicable＿in accordancemith the prexisions＿of the general election laws of the states excent that no cegistration is requirede
（3）＿As＿soon as＿tne polls＿are＿closed＿the＿＿judges＿must count＿＿and＿＿tabulate＿＿the＿rotes＿cast＿and＿make＿out＿a certificatee to be＿signed by theur shoniag＿the＿total＿number of votes＿cast at the＿election＿and the＿total＿nuaher cast＿for each＿candidate＿for compissioner＿＿and＿shall＿delilyer＿such certificater＿＿rith＿a＿list＿of＿＿the＿electors＿xoting＿at＿such electioneto the board of comissionorsa
（4）Ine＿board＿of commissioners shallmeet＿on＿the first

Mondax follewiag_the election and_canvass the_returase_Ibe board_siall_declare elested_theperson_or_Rersons_receivins the_bighest number of_yotese
(5) The eferk secretary of the board of direetors commissioaers shall enter the result of the election in the minutes of the board and file with the clerk of the district court creating the district a statement showing the names of tine persons elected as commissioners, the names of the commissioners whose term will expire on the first Mondey Iuesday in dontary hay following, and the names of all of the persons who will compose the board of direeters sommissioners for the year next following the first monday Ivesday in danuary gay."

Section 14. Section 85-8-305, HCA, is amended to reac:
"85-8-305. Gualifications of electors. (1) At all such elections, except as herein otherwise expressly provided, the following persons holding title or evidence of title to lands within the district shall be entitled to vote:
(a) all of the persons having the qualifications of electors under the constitution and general elettion 1 aws of the statezexcont that_ne_recistration_of__三lestors_may_ $2=$ cequired;
(b) guardians, administrators, executors, and trustees residing in the state;
(c) domestic corporations by their duly authorized

## Approved by Committee on Agrixulture Livestock \& Irrigation

SENATE BILL NO. 97
INTRODUCED BY EICHART

A BILL FOR AN ACT ENTITLEO: AN ACT TU REMOVE THE ANNUAL ELECTIONS OF IRRIGATION DISTRICTS AMO DRAINAGE DISTRICIS from the consol idating provisions uf title 13; to provide that such elections be helo on the first tuesday in april of each year; to provide that such elections be conducted in the manner prescribeo by law before the 1979 REVISION and CONSOLIDATION OF THE GENERAL ELECTION LAWS OF MONTANA; AMENDING SECTIONS 13-1-104, 85-7-1702, 85-7-1710, ANO 85-8-302 THROUGH 85-8-305, MCA.*
be it enacted by the legislature of the state of montana:
Section 1. Section 13-1-104, MCA, is amended to read:
*13-1-104. Times for holding general elections. (1) A general election shall be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to elect federal officers, state or molticounty district officers, members of the legislature, judges of the district court, and county officers when the terms of such offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by lawe
(2) A general election shall be held throughout the
state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county? except tnose_political subgivisions_othermise provided for in subsection_-141, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.
(3) The general election for any political subdivision required to hold elections annually shall be held with the general election provided for in subsections (1) and (2), except_those_political_subdivisions_otherwise_provided for in_-subsection_142. Lf a primary election is necessary, it shall be held at the same time as the primary provided for the regular general election for that year.

141__The_general election_for irrigation districts_and drainage_districts shall_be held annually on the first Iuesday_in_april of each_yeard"

Section 2. Section 85-7-1702, MCA, is amended to read:
*85-7-1702. Regular election -- term of office. The regular election for commissioners in each district shall de held annually th-oceordance-with-13-t-te4m-and on the first Iuesday _in Aprile within Within 40 days following their election the commissioners shall meet and organize as a
board by electing a president from their number and a secretary, who may or may not be a commissioner, and who shall each hold office during the pleasure of the board. The term of office of each commissioner shall begin on the date of the organizational meeting after the regular election and shall continue for 3 years and until the election and qualification of his successor. Commissioners are elected by the electors of the entire district."

NEM SECIIGNe Section 3. Election precincts. (l) The board of commissioners, within 6 months after organization of the district. shall divide the district into one or more election precincts.
(2) The board of comassioners may change the boundaries of the election precincts of the district whenever the best interests of the district and the convenience of the electors would be served by such a change. No such change may be made less than 30 days before any election to be held in the district. To be effective, such a change must be approved by the district court. In making such changes, the several precincts of the district shall be kept as nearly equal in area and population as practicable.

NEH_SECIION. Section 4. Election notice and election officers. Fifteen days before any election held under this part, the secretary of the board of commissioners shall post
notices of the time and places of holding the election in three public places in each election precinct and in the office of the board. Prior to the time for posting notices. the board, by a resolution or order entered on their records, shall designate the house or place within each precinct where the election will be held and shall appoint for each precinct. from the electors thereof, three judges, who will constitute a board of election for such precinct. The judges of each precinct shall appoint one of their number to act ds elerk. If the board of comissioners fails to appoint a board of election or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board of election or supply the flace of any absent member. The board of commissioners shall prescribe the forms and provide for the printing and distribution of the ballots for all elections held under this parte

NEW_SECTION= Section 5. Daths of election officers. The judges may administer all oaths required in the progress of an election and appoint judges and clerks if, during the progress of election, any judge or clerk ceases to act. Any member of the board of election may administer and cercity oaths required to be administered during the progress of an election. Before opening the polls, each member of the board of election must take and subscribe an oath faithfully to
perform the duties imposed upon hia by law. Any elector of the precinct may administer and certify any such oathe

NEW SECTION. Section 6. Conduct of election. (1) Any election held under this part must be conducted, except as otherwise provided, as nearly as practicable in accordance with the provisions of the general election laws of this state, except that no registration of electors is required.
(2) As soon as all the votes are counted, a certificate must be attached to each of the papers containing the poll list and tallies, stating the number of votes cast for each candidate or for each proposition and designating the office or proposition voted for. Each certificate must be signed by the clerk and judges.
(3) The ballots, together with the certificates and the attached poll list and tallies, must be sealed by the judges and clerk, endorsed as the election returns of the precinct, and delivered to the secretary of the board of commissioners by the judges or some other safe and responsible carrier. The ballots must be kept by the board of commissioners in the same aanner as ballots are kept in other elections.

NEW_SECIION. Section 7. Canvass. No poll list, tally paper. or certificate returned from any election may de set aside or rejected merely for want of form, if it can be satisfactorily understood. The board of commissioners of the
district shall meet on the first Monday after the election to canvass the returns. If, at the time of the meeting, the returns have been received from each precinct in the district in which the polls were opened, the board shall proceed to canvass the returns. If all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received. The canvass aust be made in public. The board shall declare elected the person receiving the highest number of votes for each office and also declare the result of the vote on any question submitted.

NEH SECIIQN. Section 8. Statement of election results. (1) The secretary of the board of commissioners, as soon as the result of any election held under the provisions of this part is declared, shall enter in the records of the board and file with the county election administrator the following statement of the results:
(a) a copy of the election notice and proof of posting the same:
(D) the names of the judges and clerks of the election;
(c) the whole number of votes cast in the district and in each precinct of the district;
(d) the names of the persons voted for:
(e) the offices to be filled by the election;
(f) the number of votes given in each precinct for each person;
(g) the number of votes given in the district for each person:
(h) the names of the persons declared elected;
(i) the proposition of $\underline{Q}$ propositions submitted, the vote for and against each, and the result of the vote.
(2) The secretary shall immediately complete and deliver to each person elected a certificate of election, signed by him and authenticated with the seal of the district.
NEW_SECIIUN. Section 9. Nominations. (1) Candidates for the office of commissioner to be filled by election under the provisions of this part may be nominated by petition filed with the secretary of the board of comissioners of the district at least lo days prior to the election and signed by not less than five electors of the district. The petition shall specify the respective divisions for which the nominees are candidates. The names of all candidates for each division of the district must be printed on the same ballot.
(2) If no nominations are made, the electors of the district shall urite on the ballots the names of the persons for whom they desire to vote for commissioners. Nothing prevents an elector from voting for any qualified person
although the name does not appear on the official vallotse
Section 10. Section 85-7-1710. MCA. is amended to read:

- 85-7-1710. Qualification of electors and nature of voting rights. (A) At all elections neld under the provisions of this part, except as otherwise expressiy provided. the following holders of title or evidence of title to lands within the district. nerein designated electors, are entitled to vate:
(a) all individuals haviny the qualifications of electors under the constitution and general and--senoot election laws of the stategexcept thot no registration of electors_may be_required;
(b) guardians, executors, administrators, and trustees residing in the state;
(c) domestic corporations, by their duly authorized agents.
(2) In all elections neld under this party each elector is permitted to cast one vote for each 40 acres of irrigable land or major fraction thereof owned by the elector within the district, irrespective of the location of the irrigabie lands within the tracts designated by the commissioners for assessment and taxation purposes or within congressional subdivisions. platted lots or blocks fexcept as hereinafter provided for), election precincts, or
district divisions, but any elector owning any less than 40 acres of irrigable land is entitled to one vote. Until the irrigable area under the proposed plan of reclamation is determined, all land included within the boundaries of the district shall be considered irrigable land for election purposes.
(3) Whenever land is owned by co-owners. the owners may designate one of their number or an agent to cast the vote for the owners, and one vote only for each 40 acres of irrigable land or major fraction thereof may be cast uy the voting co-owner or agent. Whenever land is under contract of sale to a purchaser residing within the state the purchoser may vote on behalf of the owner of the land. When voting. the agent of a corporation or co-owners, the co-owner designated for purpose of vating, or the purchaser of land under contract of sale, as the case may be, snall file with the secretary of the district or with the election officials a written instrument of his authority, executed and acknowledged by the proper officers of the corporation, by the co-owners, or by the owner of land under contract of sale, as the case may be, and thereupon the agent or co-owner or purchaser, as the case may be, is an elector within the meaning of this part. Whenever the total irriyable acreage within any one district has been platted or subdivided into lots or blocks to the extent of $5 \%$ or


#### Abstract

more of the total acreage of the district, each elector is perimitted to cast one vote for each acre of irrigable land or major fraction thereof owned by the elector within the district, irrespective of the location of such irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within the congressional subdivisions, but any elector owning any less than 1 acre of irrigable land within the district is entitled to one vote. The balloting shall take place in the following manner: 10 votes or less, separate ballots will be used; more than 10 votes, the elector shall vote in blocks of 10 using one ballot for each 10 votes and separate ballots for odd votes over multiples of 10 . The election shall otherwise conform with the provisions of fitte-t3 [section_6]•*

Section 11. Section 85-8-302, MCA, is amended to read: "85-8-302. Election of commissioners -- regular term of office. (1) The regular election of commissioners shall be held annually th-zecerdance-with-ṫ-t-t日4 on thefirst Iuesday in April. The term of office of commissioners shall commence on the first Monday IUesday in tanuary May following their election. At the first regular election following the organization of a district and in districts organized and in existence on March 1,1921 , and which, on petition, have been divided into divisionsp at the first regular election following the date of the order making such


division, there shall be elected three commissioners, one commissioner being elected fromeach division of which he must be an actual landowner. One of the commissioners, to be determined by lot, shall hold office until the first Monday Iuesday in tanuary May in the year following his election; another of the commissioners, to be determined by lot, shall hold office until the first Monday Iuesday in tanary May in the second year following his election: and the third of the comissioners shall nold office until the first Monday Tuesday in tantory May in the third year following his election. thereafter one commissioner shall be elected each year, who shall hold office for a term of 3 years and until his successor is elected and quabified. The person elected as a comissioner in each year to succeed the commissioner whose term is then expiring must be elected as a commissioner from the same division as the comissioner whom he is to succeed.
(2) Each commissioner must be a resident of a county where a portion of the district lands is situated."

Section 12. Section 85-8-303. HCA, is amended to read: "85-8-303. Notice of election. Ferty Fifteen days before any regular election, the secretary of the board of commissioners shall give natice by mail to all landowners within the district of the $t i m e$ and place of holding the election. Prior to the_manling of such_noticesp_the board
shall_designate a_polling_place_ang_apgoint_three_persons_to act os_judges and_clerks of election_in each precincte_The board_shall_prescribe_the form and_provide for the_printing of the ballots for allelectionse*

Section 13. Section 95-8-304, MCA, is amended to read:
"85-8-304. Resutes Conduct of election. (llany_jugge of election_may_administer_any_oath_reguired__to_ce administered_during_the_progress of an electione_defore_the goening of the polls_the_jugges_of election_must toke_and subscribe_zon_oath to faithfully perform the_dyties imposed ugon_ther by lawe The_oath may be_ administered by_any elector.
(2) Any election held under this part qust be condycted, except_as_otherwise__providedz_as_nearly_as practicable_in accordance with the provisions of the general election_laws_of the_stateg_except that_no_registrotion_1s reguired.

131_As soon as_the_polls are_closed the ludges must count __and__tabulate__the__otes_cast__and make_out_a certificateg to be signed_ty theme showing_the_total number of yotes cast at the_election_and the total number_cast_for each_candidate for commissioner_and shall deliver such certificateg_with_o_list_of the electors_voting_at_such electiong to_the board of commissioners.
(4) The board_of compissioners shall meet on the firstMonday following_the election and canvass the returns. Theboard_ shall_declare_elected_the_person_or persons receiving the_nighest_number of votes.
(5) The eterk secretary of the board of direetors commissioners shall enter the result of the election in the minutes of the bcard and file with the clerk of the district court creating the district a statement showing the names of the persons elected as commissioners, the names of the comissioners whose term will expire on the first Monday Tuesday in tanaary May following, and the names of all of the persons who will compose the board of directers comassioners for the year next following the first Monday Yuesday in tanoary May."
Section 14. Section 85-8-305, MCA, is amended to read:
"85-8-305. Qualifications of electors. (1) At all such elections, except as herein otherwise expressly provided, the following persons holding title or evidence of title to lands within the district shall be entitled to vote:
(a) all of the persons having the qualifications of electors under the constitution and yeneral election laws of the stateq_except_that_no_registration of _electors_may_oe reguired;
(0) guardians, administrators, executors, and trustees residing in the state:
(c) domestic corporations by their duly authorized
agents.
(2) In all elections each elector shall be permitted to cast one vote for each 40 acres of land or major fraction thereof in the district owned by such elector, but any elector owning 20 acres or less shall be entitled to one vote."

Section 15. Codification instruction. Sections 3 through 9 are intended to be codified as an integral part of Title 85, chapter 7, part 17, and the provisions of Title 85, chapter 7. part 17, apply to sections 3 through 9.
-End-

## SENATE BILL NO. 97

 INTRODUCED BY ETCHARTa bill for an act entitled: an act to remove the annual ELECTIONS OF IRRIGATION DISTRICTS AND DRAINAGE DISTRICTS from the cansolidating provisions af title 13; to provide that such elections be helo on the first tuesday in april of each year: to provide that such elections be conducted in the manner prescribeg by lah before the 1979 revision and CONSOLIDATION OF THE GENERAL ELECTION LAWS OF MDNTANA; AMENDING SECTIONS 13-1-104, 85-7-1702, 85-7-1710, AND 85-8-302 THRDUGH 85-8-305, MCA."
de it enacted by the legislature of the state of montana:
Section 1. Section 13-1-104. MCA, is amended to read:
"13-1-104. Times for holding general elections. (1) A general election shall be held throughout the stata in every even-numbered year on the first Iuesday after the first Monday of November to elect federal officers, state or inulticounty district officers, members of the legislature, judges of the district court, and county officers when the terms of such offices will expire before the next scheduled election for the offices or when one of the offices must of filled for an unexpired term as provided by law.
(2) A general election shall be held throughout the
state in every odd-numbered year on the first Iuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within ore countyg except tnose_political_subdivisions_otherwise_provided_for in subsection 14), and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.
(3) The general election for any political subdivision required to hold elections annually shall be held with the general election provided for in subsections (1) and (2)? except those political_subdivisions_otherwise_provided for in_subsection_141. If a primary election is necessary, it shall be held at the same time as the primary provided for the regular general election for that year.
(4) The general election_for irrigation districts_and drainage_districts shall be neld_annully on the first Iuesday_in_April_of each_yeara"

Section 2. Section 85-7-1702, MCA, is amended to read:
*85-7-1702. Regular election - term of office. The regular election for commissioners in each district shall de held annually in-aceordance-wth-t3-t-te4y-and on the first Iuesday in Agrile within Hithin 40 days following their election the commissioners shall meet and organize as a

THIRD READING
board by electing a president from their number and a secretary, who may or may not be a comissioner. and who shall each hold office during the pleasure of the board. The term of office of each comanssioner shall begin on the date of the organizational meeting after the regular election and shall continue for 3 years and until the election and qualification of his successor. Comissioners are elected by the electors of the entire district."

NEM SECTIONe Section 3. EJection precincts. (1) The board of commissioners, within 6 months after organization of the district: shall divide the district into one or more election precincts.
(2) The board of comissioners may change the boundaries of the election precincts of the district whenever the best intergsts of the district and the convenience of the electors would be served by such a change. No such change may be made less than 30 days before any election to be held in the district. To be effective, such a change must be approved by the district court In making such changes, the several precincts of the district shall be kept as nearly equal in area and population as practicable.

NEW SECILONe Section 4e Election notice and election officers. fifteen days before any election held under this part the secretary of the board of comissioners shall post
notices of the time and places of holding the election in three pubtic places in each election precinct and in the office of the board. Prior to the time for posting notices. the board, by a resolution or order entered on their recordsy shall designate the house or placewithin each precinct where the election will be held and shall appoiat for each precinct, from the electors thereof, three judges, who will constitute a board of election for such precinct. The judges of each precinct shall appoint one of their number to act as clerk. If the board of comissioners fails to appoint a board of election or the members appointed do not attend at the opening of the polis on the morning of election. the electors of the precinct present at tnat hour may appoint the board of election or supply the place of any absent member. The board of commissioners shall prescribe the forms and provide for the printing and distribution of the ballots for all elections held under this part.

NEW SECTION. Section 5. Daths of election officers. The judges may administer all oaths required in the progress of an election and appoint judges and clerks if, during the progress of election any judge or clerk ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board of election must take and subscribe an oath faithfully to
perform the duties imposed upon him by law. any elector of the precinct may administer and certify any such oath.

MEH_SECIION. Section 6. Conduct of electione (1) Any election held under this part must be conducted, except as otherwise provided, as nearly as practicable in accordance with the provisions of the general election laws of this state, except that no registration of electors is required.
(2) As soon as all the votes are counted, a certificate must be attached to each of the papers containing the poll list and tallies, stating the number of votes cast for each candidate or for each proposition and designating the office or proposition voted for. Each certificate must be signed by the clerk and judges.
(3) The ballots, together with the certificates and the attached poll list and tallies, must be sealed by the judges and clerk, endorsed as the election returns of the precinct, and delivered to the secretary of the board of commissioners by the judges or some other safe and responsible carrier. The ballots must be kept by the board of commissioners in the same manner ds ballots are kept in other elections.

NEESECIION= Section 7. Canvass. No poll list, tally paper. or certificate returned from any election may de set aside or rejected merely for want of formy if it can oe satisfactorily understood. The board of commissioners of tne
district shall meet on the first Monday after the election to canvass the returns. If, at the time of the meeting, the returns have been received from each precinct in the district in which the polls were opened, the board shall proced to canvass the returns. If all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received. The canvass must be made in public. The board shall declare elected the person receiving the highest number of votes for each office and also declare the result of the vote on any question submitted.

NEH SECTION. Section 8. Statement of election results. (1) The secretary of the board of commissioners, as soon as the result of any election held under the provisions of this part is declared, shall enter in the records of the board and file with the county election administrator the following statement of the results:
(a) a copy of the election notice and proof of posting the same:
(D) the names of the judges and clerks of the election;
(c) the whole number of votes cast in the district and in each precinct of the district;
(d) the names of the persons voted for:
(e) the offices to be filled by the election;
(f) the number of votes given in each precanct for each person:
(9) the number of votes given in the district for each person:
(h) the names of the persons declared elected;
(i) the proposition of OR propositions submitted the vote for and against each, and the result of the vote.
(2) The secretary shall immediately complete and deliver to each person elected a certificate of elections signed by him and authenticated with the seal of the district.

NEH_SECIIDN. Section 9. Nominations. (1) Candidates for the office of commissioner to be filled by election under the provisions of this part may be nominated by petition filed with the secretary of the board of comissioners of the district at least 10 days prior to the election and signed by not less than five electors of the district. The petition shall specify the respective divisions for which the nominees are candidatesio the names of all candidates for each division of the district must be printed on the same ballote
(2) If no nominations are made, the electors of the district shall write on the ballots the names of the persons for whom they desire to vote for cominssioners. Nothing prevents an elector from voting for any qualified person

```
although the name does not appear on the official vallots.
    Section 10. Section 85-7-1710, MCA, is amended to
read:
    -85-7-1710. Qualification of electors and nature of
voting rights. {l) At all elections neld under the
provisions of this part, except as otherwise expressly
provided, the following holders of title or evidence of
title to lands within the district. herein designated
electors, are entitfed to vote:
    (a) all individuals having the qualifications of
electors under the constitution and general and--senoot
election laws of the stategexcept that no registration_of
electors may be_reguired;
(b) guardians, executors, administrators, and trustees residing in the state;
(c) domestic corporations, by their duly authorized agents.
(2) In all elections held under this part, each elector is permitted to cast one vote for each 40 acres of irrigable land or major fraction thereof owned by the elector within the district, irrespective of the location of the irrigable landswithin the tracts designated by the commissioners for assessment and taxation purposes or within congressional subdivisions, platted lots or blocks (except as hereinafter provided for), election precincts. or
```

district divisions, but any elector owing any less than 40 acres of irrigable land is entitled to one vote. Until the irrigable area under the proposed plan of reclamation is determined all 1 and included within the boundaries of the district shall be considered irrigable land for election purposes.
(3) Whenever land is owned by co-owners. the owners may designate one of their number or an agent to cast the vote for the owners, and one vote only for each 40 acres of irrigable land or major fraction thereof may be cast dy the voting co-owner or agent. Whenever 1 and is under contract of sale to a purchaser residing within the state, the purchaser may vote on behalf of the owner of the land. When voting, the agent of a corporation or co-owners, the co-owner designated for purpose of voting, or the purchaser of land under contract of sale, as the case may be, shall file with the secretary of the district or with the election officials a written instrument of his authority, executed and acknowledged by the proper officers of the corporation, by the co-ownersy or by the owner of land under contract of salep as the case may be, and thereupon the agent or co-owner or purchaser, as the case may be, is an elector within the meaning of this part. whenever the total irrigable acreage within any one district has been platted or subdivided into lots or blocks to the extent of $5 \%$ or

permitted of the cast one vote for each irrigable land or major fraction thereof owned by the elector within the district, irrespective of the lacation of such irrigable assessment and taxation purposes or with the congressionaf subdivisions, but any elector owning any less than 1 acre of The balloting shall take place in the follawing manner: 10 votes or less. separate ballots will be used; more than 10 votes, the elector shall vote in blocks of 10 using one ballot for each 10 votes and separate ballots for odd votes over multiples of 10 . The election shall otherwise conform th the provisions of Fitte-i3 [section_6]."

Section 11. Section 85-8-302, MCA, is amended to read:
"85-8-302. Election of commissioners - regular term of office. (1) The regular election of comnissioners shall be held annually tn-aceardonce-with-i3-t-t94 on the first Iuesday in Aprit. The term of office of commissioners shall commence on the first Monday Iuesday in sanaary May following their election. At the first reqular election following the organization of a district and in districts regular election following the date of the order making such
division there shall be elected three commissioners, one comissioner being elected fromeach division of which ne must be an actual landowner. One of the comissioners, ta be determined by lot. shall huld office until the first mondey Tuesgay in fanaary May in the year following his election; amother of the comaissioners, to be determined by lot, shall hold office until the first Monday Iuesday in danuary May in the second year following his election; and the third of the commissioners shall hold office until the first Monday Iuesday in fansery Hay in the third year following his election. Thereafter one comissioner shall be elected each year, who shall hold office for a term of 3 years and until his successor is elected and qualified. The person elected as a commissioner in each year to succeed the commissioner whose tera is then expiring must be elected as a commissioner from the same division as the commissioner whom he is to sucçeed.
(2) Each commissioner must be a resident of a county where a portion of the district lands is situated."
Section 12. Section 85-8-303, NA, is amended to read: "85-8-303. Notice of election. Forty Eifteen days before any regular election the secretary of the board of commissioners shall give notice by mail to all landowners within the district of the time and place of holding the election. Prior_to the_mailing_of such_noticesp_the board
shall_designate_a_polling_place_and_appoint_three_persons_to act__as__judges_and_clerks of election_in each_grecincto_ine board shall_prescribe the formand provide for the printing of the ballots for allelections. ${ }^{m}$

Sectíon 13. Section 85-8-304. MCA, is amended to read:
"85-8-304. Restzes Gonduct of election. fllany iudge of _election_max odminister_any oath_reguired__to be administered_oduring the_progress of on Electione defore_the ogening of the polls the_judges of election must toke and subscribe an oath to faithfully perform the duties_igposed upon_them_by_lave_The_oath_may be_administered_by any elector.
(21_Any election held under this part qust be conducted,_except_as otherwise_providedy_as_neariy__ds practicable in accordance with the provisions of the general election laws of the state, except that no registration is reguirede
(31_As soon as the polls are closed the iudges must count__and tabulate the votes_cast_and_aake_out a certificateq to_be signed_by thean showing the total number of votes cast at the election and the total_number_sat for each candidate for comissioner and shall deliyer such certificateg_mith a_ list of the electors voting at_such electiong to the board of comissioners.
(4) Ihe board_of conmissioners_shall_ ${ }^{(4)}$ eat on the first
Monday following the election and canvass the returnso The
board_shall declare_elected_the_person or persons receiving
the highest_number of voteso
151 The eferk secretary of the board of direeters
commissioners shall enter the result of the election in the
minutes of the board and file with the clerk of the district
court creating the district a statement showing the names of
the persons elected as commissioners. the names of the
commissioners whose term will expire on the first Monday
Iuesday in fanuary May following, and the names of all of
the persons who will compose the board of directors
conmelsioners for the year next following the first Monday
Iuesday in fanuary May."
Section 14. Section 85-8-305, MCA, is amended to read:
*85-8-305. Qualifications of elector 5 - (1) At all such
elections. except as herein otherwise expressly provided,
the following persons holding title or evidence of title to
lands within the district shall be entitled to vote:
(a) all of the persons having the qualifications of electors under the constitution and yeneral election laws of the state_ except that_ng_registration_of electors_may_oe reguired;
(b) quardians, administrators, executors, and trustees residing in the state;
(c) domestic corporations by their duly autharized
agents.
(2) In all elections each elector shall be permitted to cast one vote for each 40 acres of land or major fraction thereof in the district owned by such elector, but any elector owning 20 acres or less shall be entitled to one vote."

Section 15. Codification instructione Sections 3 through 9 are intended to be codified as an integral part of Title 85, chapter 7 , part 17 , and the provisions of Title 85, chapter 7, part 17, apply to sections 3 through 9.

-End-

