

HOUSE BILL 203

Introduced by Schye

1/16	Introduced
1/17	Referred to Agriculture, Livestock & Irrig.
1/25	Hearing
1/25	Tabled in Committee

1 HOUSE BILL NO. 203
2 INTRODUCED BY Schje
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE NUMBER OF
5 VOTES AN ELECTOR MAY CAST IN AN IRRIGATION DISTRICT
6 ELECTION; AND AMENDING SECTION 85-7-1710, MCA."

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

9 **Section 1.** Section 85-7-1710, MCA, is amended to read:

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

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

20 (b) guardians, executors, administrators, and
21 trustees;

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

24 (2) In all elections held under this part, each
25 elector is permitted to cast one vote for each 40 acres of

1 irrigable land or major fraction thereof owned by the
2 elector within the district, irrespective of the location of
3 the irrigable lands within the tracts designated by the
4 commissioners for assessment and taxation purposes or within
5 congressional subdivisions, platted lots or blocks (except
6 as hereinafter provided for), election precincts, or
7 district divisions, but--any An elector owning any less
8 than 40 acres of irrigable land is entitled to one vote, but
9 no elector may cast more than five votes. 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. No such person may cast more than
19 five votes. Whenever land is under contract of sale to a
20 purchaser residing within the state, the purchaser may vote
21 on behalf of the owner of the land. When voting, the agent
22 of a corporation or co-owners, the co-owner designated for
23 purpose of voting, or the purchaser of land under contract
24 of sale, as the case may be, shall file with the secretary
25 of the district or with the election officials a written

1 instrument of his authority, executed and acknowledged by
2 the proper officers of the corporation, by the co-owners, or
3 by the owner of land under contract of sale, as the case may
4 be, and thereupon the agent or co-owner or purchaser, as the
5 case may be, is an elector within the meaning of this part.

6 (4) Whenever the total irrigable acreage within any
7 one district has been platted or subdivided into lots or
8 blocks to the extent of 5% or more of the total acreage of
9 the district or whenever the majority of the district board
10 adopts a resolution allowing it, each elector is permitted
11 to cast one vote for each acre of irrigable land or major
12 fraction thereof owned by the elector within the district,
13 irrespective of the location of such irrigable lands within
14 the tracts designated by the commissioners for assessment
15 and taxation purposes or within the congressional
16 subdivisions, but any elector owning any less than 1 acre of
17 irrigable land within the district is entitled to one vote.
18 No elector may cast more than 200 votes. The balloting shall
19 take place in the following manner: 10 votes or less,
20 separate ballots will be used; more than 10 votes, the
21 elector shall vote in blocks of 10 using one ballot for each
22 10 votes and separate ballots for odd votes over multiples
23 of 10."

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