

HOUSE BILL NO. 532

INTRODUCED BY STOKER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURE FOR THE ELECTION OF DRAINAGE DISTRICT COMMISSIONERS; PROVIDING THAT IF THE NUMBER OF CANDIDATES IS EQUAL TO OR LESS THAN THE NUMBER OF POSITIONS TO BE ELECTED, THE ELECTION ADMINISTRATOR MAY CANCEL THE ELECTION; PROVIDING FOR A DECLARATION OF ELECTION BY ACCLAMATION; PROVIDING FOR AN APPOINTMENT TO FILL A POSITION IF THERE ARE NO CANDIDATES; AMENDING SECTION 85-8-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 85-8-302, MCA, is amended to read:

"85-8-302. Election of commissioners -- regular term of office. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (2), THE regular election of commissioners ~~shall~~ must be held annually in accordance with 13-1-104 and 13-1-401. The term of office of commissioners shall commence on the first Tuesday in 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 that~~, on petition, have been divided into divisions, at the first regular election following the date of the order making ~~such the~~ the division, ~~there shall be elected~~ three commissioners must be elected, with one commissioner being elected from each division, ~~of which he~~ A commissioner must be an actual landowner in the division in which the commissioner is elected. One of the commissioners, to be determined by lot, shall hold office until the first Tuesday in May in the year following ~~his~~ his election; another of the commissioners, to be determined by lot, shall hold office until the first Tuesday in May in the second year following ~~his~~ his election; and the third ~~of the commissioners~~ commissioner shall hold office until the first Tuesday in May in the third year following ~~his~~ his election. ~~Thereafter~~ After the election of the initial commissioners, one commissioner ~~shall~~ must be elected each year, ~~who~~ Commissioners shall hold office for a term of 3 years and until ~~his~~ a 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~~ whose term expires.

(2) If the number of candidates is equal to or less than the number of positions to be elected, the

1 election administrator may cancel the election in accordance with 13-1-304. If an election is not held AS PROVIDED
2 IN THIS SUBSECTION, the county governing body shall declare elected by acclamation the candidate who filed a
3 nominating petition for the position. If no candidate filed a nominating petition for the position, the board of
4 commissioners shall make an appointment to fill the position, and the term is the same as if the commissioner
5 were elected.

6 ~~(2)(3)~~ Each commissioner must be a resident of a county where a portion of the district lands is
7 situated."

8
9 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

10 - END -