

HOUSE BILL NO. 563
INTRODUCED BY J. LASZLOFFY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; PROHIBITING A THIRD PARTY FROM COLLECTING ABSENTEE BALLOT APPLICATIONS TO FORWARD TO AN ELECTION ADMINISTRATOR; ALLOWING POLITICAL PARTY COMMITTEEMEN FOR AN ELECTION PRECINCT TO BE ELECTED BY ACCLAMATION; ALLOWING COMMISSIONERS OF A DRAINAGE DISTRICT TO BE ELECTED BY ACCLAMATION; AND AMENDING SECTIONS 13-13-213, 13-38-201, 85-8-302, AND 85-8-624, MCA."

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

Section 1. Section 13-13-213, MCA, is amended to read:

"13-13-213. Transmission of application to election administrator -- delivery of ballot. (1) Except as provided in subsection ~~(2)~~ (3), the elector shall ~~forward the application by mail~~ the application directly to the election administrator or deliver ~~the application~~ the application in person to the election administrator. A third party may not collect applications for absentee ballots from electors and forward the applications to the election administrator.

(2) The election administrator shall compare the signature on the application with the applicant's signature on the registration card. If convinced the individual making the application is the same as the one whose name appears on the registration card, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214.

~~(2)~~(3) In lieu of the requirement provided in subsection (1), an elector who requests an absentee ballot pursuant to 13-13-212(3) may return the application to the special absentee election board. Upon receipt of the application, the special absentee election board shall examine the signatures on the application and a copy of the voting registration card to be provided by the election administrator. If the special absentee election board believes that the applicant is the same person as the one whose name appears on the registration card, the special absentee election board shall provide a ballot to the elector."

Section 2. Section 13-38-201, MCA, is amended to read:

"13-38-201. Election of committeemen at primary. (1) ~~Each~~ Except as provided in subsection (4), each political party shall elect at each primary election ~~one man and one woman~~ person of each sex who shall serve as committeemen for each election precinct. The committeemen ~~shall~~ must be residents and registered

voters of the precinct.

(2) An elector may be placed in nomination for committeeman by a ~~writing so stating~~ written statement, signed by the elector, notarized, and filed in the office of the registrar within the time for filing declarations naming candidates for nomination at the regular biennial primary election.

(3) ~~The~~ Except as provided in subsection (4), the names of candidates for precinct committeeman of each political party ~~shall~~ must be printed on the party ticket in the same manner as other candidates and the voter shall vote for them in the same manner ~~as he~~ that the voter does for other candidates.

(4) If only one person of each sex has been nominated to fill a precinct's positions, the election administrator may decline to include that precinct's election in the primary election. If a precinct's election is not held during the primary election pursuant to this subsection, the county governing body shall declare elected by acclamation the candidates nominated for that precinct's committeemen positions."

Section 3. 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.

(2) 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 in accordance with 13-1-304. If an election is canceled as provided in this subsection, the county governing body shall declare elected by acclamation the candidate who filed a nominating petition for the position. If there is not a candidate nominated for the position, the board of commissioners shall make an appointment to fill the position and the term is the same as if the commissioner were elected.

(3) The term of office of commissioners ~~shall commence~~ commences on the first Tuesday in May following their election or appointment.

(4) ~~At~~ Except as provided in subsection (2), 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 division, there ~~shall~~ must be elected three commissioners, one commissioner being elected from each division of which ~~he~~ the commissioner must be an actual landowner. One of the commissioners, to be determined by lot, shall hold office until the first Tuesday in May in the year following ~~his~~ the commissioner's 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~~ the commissioner's election; and the third of the commissioners shall hold office until the first Tuesday in May in the

third year following ~~his~~ the commissioner's election. Thereafter, one commissioner ~~shall~~ must be elected each year, who shall hold office for a term of 3 years and until ~~his~~ the commissioner's successor is elected or appointed and qualified. The person elected or appointed as a commissioner in each year to succeed the commissioner whose term is then expiring must be elected or appointed as a commissioner from the same division as the commissioner whom ~~he~~ the commissioner is to succeed.

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

Section 4. Section 85-8-624, MCA, is amended to read:

"85-8-624. Assessments on improvements -- taxpayers' approval, limitations, and election procedures. (1) ~~It shall require a~~ A vote of the persons on the assessment rolls in any existing district is required to make Chapter 409, Laws of 1973, applicable to ~~such districts~~ a district.

(2) ~~Nothing in~~ Chapter 409, Laws of 1973, ~~confers~~ does not confer upon districts created for drainage purposes only the authority to levy assessments on benefits to improvements.

(3) The election provided for by subsection (1) ~~shall~~ must be governed by the following rules:

(a) Notice of the election ~~shall~~ must be as provided in 13-1-401(4).

(b) The manner of conducting the election ~~shall~~ must be as provided in ~~85-8-302~~ 13-1-401 and as nearly as practicable in accordance with the provisions of the general election laws of the state in Title 13, except that ~~no~~ registration may not be required.

(c) The qualifications of electors ~~shall~~ must be as provided in 85-8-305, except that, in addition to persons holding title or evidence of title to lands within the district, any person, ~~as therein defined~~ provided in 85-8-305, who does not own land within the district but has been assessed or will have ~~his~~ the person's improvements assessed under Chapter 409, Laws of 1973, or who will be assessed for benefits received ~~shall~~ be is entitled to one vote. Commissioners shall prepare a list of ~~such~~ persons, and the election administrator or deputy election administrator shall give them notice as provided in 13-1-401(4).

(d) The commissioners of any district in existence prior to March 21, 1973, who wish to hold an election to determine if the district ~~shall be~~ is governed by Chapter 409, Laws of 1973, shall at any regular or special meeting adopt a resolution calling for an election to determine whether or not the voters of ~~said~~ the district wish to be governed by Chapter 409, Laws of 1973. The resolution ~~shall~~ must contain a short summary of the changes made by Chapter 409, Laws of 1973, and the summary must be included in the notice provided for by 13-1-401(4). In addition, the commission shall provide copies of Chapter 409, Laws of 1973, to any person interested in obtaining a copy ~~of the same~~, and the notice to the persons in the district calling the election ~~shall~~

must describe where and how copies may be obtained. The commissioners may authorize a reasonable charge for providing ~~said~~ copies, not to exceed 20 cents ~~per a~~ page.

(e) The ballot ~~shall~~ must include the summary as provided for in ~~the preceding subsection (3)(d)~~, and the form of the ballot ~~shall~~ must conform as closely as possible to that provided for in Title 13, chapter 27.

(f) A simple majority of those who cast valid ballots ~~shall determine~~ determines the outcome of the election."

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