

SENATE BILL NO. 252

INTRODUCED BY M. ROSENDALE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NUMBER OF ACRES THAT MUST BE OWNED BY
5 AN ELECTOR IN ORDER TO CAST EACH VOTE FOR ELECTIONS WITHIN IRRIGATION DISTRICTS;
6 AMENDING SECTION 85-7-1710, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

- 14 (a) all individuals having the qualifications of electors under the constitution and general election laws
15 of the state, except that registration of electors and county residency may not be required;
16 (b) guardians, executors, administrators, and trustees;
17 (c) domestic corporations, by their duly authorized agents.

18 (2) In all elections held under this part, each elector is permitted to cast one vote for each ~~40 acres~~ acre
19 of irrigable land or major fraction of ~~40 acres~~ an acre owned by the elector within the district, irrespective of the
20 location of the irrigable lands within the tracts designated by the commissioners for assessment and taxation
21 purposes or within congressional subdivisions, platted lots or blocks (except as otherwise provided for), election
22 precincts, or district divisions, but any elector owning any less than ~~40 acres~~ 1 acre of irrigable land is entitled
23 to one vote. Until the irrigable area under the proposed plan of reclamation is determined, all land included within
24 the boundaries of the district must be considered irrigable land for election purposes.

25 (3) Whenever land is owned by co-owners, the owners may designate one of their number or an agent
26 to cast the vote for the owners. Whenever the land is owned by a single owner, the owner may designate an
27 agent to cast the vote. ~~One~~ Only one vote ~~only for~~ may be cast for each ~~40 acres~~ acre of irrigable land or major
28 fraction of ~~40 acres~~ an acre ~~may be cast~~ by the voting co-owner or by an agent. Whenever land is under contract
29 of sale to a purchaser residing within the state, the purchaser may vote on behalf of the owner of the land. When
30 voting, the agent of a corporation, of a single owner or co-owners, of the co-owner designated for the purpose

1 of voting, or of the purchaser of land under contract of sale, ~~as the case may be,~~ shall file with the secretary of
 2 the district or with the election officials a written instrument of the agent's authority, executed and acknowledged
 3 by the proper officers of the corporation, by the single owner or co-owners, or by the owner of land under contract
 4 of sale, ~~as the case may be,~~ and upon filing, the agent or co-owner or purchaser, ~~as the case may be,~~ is an
 5 elector within the meaning of this part. ~~Whenever the total irrigable acreage within any one district has been
 6 platted or subdivided into lots or blocks to the extent of 5% or more of the total acreage of the district or whenever
 7 the majority of the district board adopts a resolution allowing it, each elector is permitted to cast one vote for each
 8 acre of irrigable land or major fraction of an acre of irrigable land owned by the elector within the district,
 9 irrespective of the location of the irrigable lands within the tracts designated by the commissioners for assessment
 10 and taxation purposes or within the congressional subdivisions, but any elector owning any less than 1 acre of
 11 irrigable land within the district is entitled to one vote.~~

12 (4) The board of commissioners shall choose one of the following methods of balloting:

13 (a) ~~for~~ 10 votes or less, separate ballots ~~will~~ must be used; ~~and for~~ more than 10 votes, the elector shall
 14 vote in blocks of 10 using one ballot for each 10 votes and separate ballots for odd votes over multiples of 10;
 15 or

16 (b) the elector shall submit a ballot that includes the number of acres owned and the number of votes
 17 being cast."

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

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