



AN ACT REVISING WHO MAY BE CONSIDERED AN ELECTOR IN AN IRRIGATION DISTRICT ELECTION; REQUIRING OWNERS OF LAND IN A DISTRICT TO NOTIFY THE IRRIGATION DISTRICT OF WHO IS DESIGNATED TO VOTE; REQUIRING THE LIST OF DESIGNEES TO BE PROVIDED TO THE COUNTY ELECTION OFFICE AT LEAST 60 DAYS BEFORE AN ELECTION; AMENDING SECTION 85-7-1710, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

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

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

~~(a) all individuals having the qualifications of if, except as provided in subsection (1)(b), they are qualified electors under the constitution and general election laws of the state; except that registration of electors and county residency may not be required;~~

~~(b)(i)~~ (i) guardians, executors, administrators, and trustees;

~~(c)(ii)~~ (ii) domestic corporations, by their duly authorized agents; and

(iii) owners of land described in subsection (3), including but not limited to corporations, limited liability companies, partnerships, and other entities that may vote through their duly authorized agents.

(b) Electors under this section are not subject to state residency or registration requirements.

(2) In all elections held under this part, each elector is permitted to cast one vote for each acre of irrigable land or major fraction of an acre owned by 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 otherwise provided for, election precincts, or district divisions, but any elector owning any less than 1 acre 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

must be considered irrigable land for election purposes.

(3) Whenever land is owned by co-owners, the owners ~~may~~ shall designate one of their number or an agent to cast the vote for the owners. Whenever the land is owned by a single owner, the owner at the owner's discretion may designate an agent to cast the vote. Only one vote may be cast for each acre of irrigable land or major fraction of an acre by the voting ~~co-owner or by an agent~~ individual. 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 land. When voting, the agent of a corporation, of a single owner or co-owners, of the co-owner designated for the purpose of voting, or of the purchaser of land under contract of sale shall file with the secretary of the district ~~or with the election officials~~ a written instrument of the agent's authority, executed and acknowledged by the proper officers of the corporation, by the single owner or co-owners, or by the owner of land under contract of sale, and upon filing, the agent or co-owner or purchaser is an elector within the meaning of this part.

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

(a) for 10 votes or less, separate ballots must be used, and for 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; or

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

(5) (a) Each holder of the title or evidence of title to irrigable land within the district who is qualified as an elector under subsection (1)(a) shall provide notice to the irrigation district in which the land is located designating the individual who will be voting in the election with respect to the irrigable land. If there is a change in the designation, a new notice must be provided to the irrigation district.

(b) The list of designated voters compiled under subsection (5)(a) and maintained and certified by the irrigation district must be provided to the county election office not less than 60 days before the election."

Section 2. One-time notification requirement. By December 31, 2017, the district shall notify each holder of a title or evidence of title to irrigable land within the district concerning the requirements under 85-7-1710(5)(a).

Section 3. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0388, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2017.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2017.

HOUSE BILL NO. 388

INTRODUCED BY G. HERTZ

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