

SENATE BILL NO. 116

INTRODUCED BY D. SALOMON

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTOR REQUIREMENTS IN AN IRRIGATION DISTRICT ELECTION; REVISING ELECTOR OPTIONS FOR CO-OWNERS; REVISING NOTIFICATION REQUIREMENTS FOR DESIGNATED ELECTORS; REVISING REQUIREMENTS TO NOTIFY A COUNTY ELECTION OFFICE OF DESIGNEES; 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 if, except as provided in subsection (1)(b), they are qualified electors under the constitution and general election laws of the state:

- (i) guardians, executors, administrators, and trustees;
- (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 requirements, ~~or~~ registration requirements, or county signature verification 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) (a) Whenever land is owned by co-owners, either owner may vote on behalf of the co-owners, the

1 owners may vote based on an agreed-upon percentage ownership, or the owners shall may designate one of
 2 their number or an agent to cast the vote for the owners. Whenever the land is owned by a single owner, the
 3 owner at the owner's discretion may designate an agent to cast the vote. Only one vote may be cast for each acre
 4 of irrigable land or major fraction of an acre by the voting individual. Whenever land is under contract of sale to
 5 a purchaser, the purchaser may vote on behalf of the owner of the land. ~~When~~ Prior to voting, the agent of a
 6 corporation, ~~of a single owner or the~~ co-owners, ~~of the co-owner designated for the purpose of voting, or of the~~
 7 purchaser of land under contract of sale shall file with the secretary of the district a written instrument of document
 8 indicating the agent's authority, executed and ~~acknowledged~~ signed by the proper officers of the corporation, by
 9 the single owner or co-owners, or by the owner of land under contract of sale, and upon filing, the agent or
 10 co-owner or purchaser is an elector within the meaning of this part.

11 (b) Prior to voting, if there is a change in the designated agent, the new designated agent is responsible
 12 for providing a written document signed by the proper officers of the corporation, by the single owner or
 13 co-owners, or by the owner of land under contract of sale indicating the changes in the designated agent.

14 (c) When an irrigation district provides notice of an election, the notice must indicate that, if there is a
 15 change in a designated agent, a new signed document must be presented to the district indicating the change.
 16 The list of designated agents compiled under this section must be maintained and certified by the irrigation district
 17 to ensure that only one vote is cast on behalf of each acre or fraction of an acre.

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

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

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

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

27 ~~(b) The~~ Except as provided in subsections (5)(b) and (5)(c), if the county election office administers the
 28 election, the list of designated eligible electors that is voters compiled under subsection (5)(a) and maintained
 29 and certified by the irrigation district must be provided to the county election office not less than 60 days before
 30 the election.

1 (b) If the irrigation district receives a valid change document regarding a qualified elector or a designated
2 agent at least 14 days prior to an election being administered by the county election office and the district fulfills
3 the requirements of subsection (5)(c), the elector or designated agent is eligible to vote.

4 (c) The irrigation district shall notify the election office within 4 days of receiving a change document as
5 described in subsection (5)(b) and shall provide the necessary information regarding the change to the election
6 office in order for the election office to administer the proper ballot.

7 (d) After receiving notice in accordance with subsection (5)(c), the county election office shall ~~make a~~
8 ~~reasonable effort to provide the elector with a ballot.~~

9 (E) IF A QUALIFIED ELECTOR OR DESIGNATED AGENT PROVIDES A VALID CHANGE DOCUMENT TO AN IRRIGATION
10 DISTRICT WITHIN THE 13 DAYS PRIOR TO AND INCLUDING ELECTION DAY, THE DISTRICT MUST PROVIDE TO THE ELECTOR
11 OR AGENT A NOTICE, WHICH THE ELECTOR OR DESIGNATED AGENT MAY PRESENT TO THE ELECTION OFFICE. ~~AND, IF~~ IF THE
12 ELECTION OFFICE DETERMINES THAT THE VOTES HAVE NOT ALREADY BEEN CAST FOR THE RESPECTIVE IRRIGABLE ACRES,
13 THE ELECTOR OR AGENT MAY RECEIVE A BALLOT FROM THE ELECTION OFFICE AND CAST THE VOTES FOR THOSE ACRES."

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

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