

SENATE BILL NO. 252

INTRODUCED BY ROSENDALE, DOANE, HALVORSON, KNUDSEN, F. MOORE, SALOMON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NUMBER OF ACRES THAT MUST BE OWNED BY AN ELECTOR IN ORDER TO CAST EACH VOTE FOR ELECTIONS WITHIN IRRIGATION DISTRICTS; 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) 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 electors under the constitution and general election laws of the state, except that registration of electors and county residency may not be required;

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

(c) domestic corporations, by their duly authorized agents.

(2) In all elections held under this part, each elector is permitted to cast one vote for each ~~40 acres~~ acre of irrigable land or major fraction of ~~40 acres~~ 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 ~~40 acres~~ 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 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 may designate an agent to cast the vote. ~~One~~ Only one vote ~~only for~~ may be cast for each ~~40 acres~~ acre of irrigable land or major fraction of ~~40 acres~~ an acre ~~may be cast~~ by the voting co-owner or by an agent. 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

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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