

1 HOUSE BILL NO. 84

2 INTRODUCED BY B. BENNETT

3 BY REQUEST OF THE STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; CONSOLIDATING AND

6 STANDARDIZING CERTAIN DATES AND DEADLINES FOR ELECTION ADMINISTRATION; PROVIDING FOR

7 EXCEPTIONS TO STANDARD PROVISIONS IF SPECIFICALLY AUTHORIZED BY LAW; REQUIRING THAT

8 SPECIAL PURPOSE DISTRICT ELECTIONS, OTHER THAN FUNDING ELECTIONS, BE CONDUCTED ON

9 THE SAME DAY AS SCHOOL TRUSTEE ELECTIONS; PROVIDING THAT COUNTY ELECTION

10 ADMINISTRATORS CONDUCT ALL SPECIAL PURPOSE DISTRICT AND COMMUNITY COLLEGE DISTRICT

11 ELECTIONS; APPLYING LATE VOTER REGISTRATION PROVISIONS TO SCHOOL ELECTIONS

12 CONDUCTED BY SCHOOL DISTRICT CLERKS; REVISING AND CLARIFYING CERTAIN TERMS OF OFFICE

13 PROVISIONS FOR CERTAIN ELECTED OFFICIALS; ELIMINATING ANY REQUIREMENTS FOR CANDIDATE

14 NOMINATION PETITIONS SIGNED BY A CERTAIN NUMBER OR ELECTORS AS A PREREQUISITE TO

15 CANDIDACY; REVISING INFORMATION TO BE INCLUDED IN A CALL FOR CERTAIN ELECTIONS;

16 REVISING CERTAIN PROVISIONS REGARDING ELECTIONS CONDUCTED BY MAIL; REVISING CERTAIN

17 PROVISIONS CONCERNING PUBLIC NOTICE OF ELECTIONS; REVISING DEFINITIONS; ELIMINATING

18 REDUNDANT AND OUTDATED PROVISIONS; AMENDING SECTIONS 2-16-622, 3-1-1013, 3-6-201, 3-10-101,

19 3-11-101, 7-1-201, 7-1-2121, 7-1-4130, 7-2-2215, 7-2-2604, 7-2-2705, 7-2-2709, 7-2-2804, 7-2-4104, 7-2-4106,

20 7-2-4314, 7-2-4601, 7-2-4602, 7-2-4606, 7-2-4733, 7-2-4902, 7-2-4904, 7-3-103, 7-3-121, 7-3-122, 7-3-125,

21 7-3-149, 7-3-154, 7-3-155, 7-3-160, 7-3-173, 7-3-174, 7-3-175, 7-3-176, 7-3-178, 7-3-186, 7-3-187, 7-3-192,

22 7-3-1204, 7-3-1205, 7-3-1206, 7-3-1208, 7-3-1209, 7-3-1216, 7-3-1218, 7-3-1219, 7-3-1229, 7-3-1231, 7-3-1254,

23 7-3-1271, 7-3-4208, 7-3-4210, 7-3-4212, 7-3-4214, 7-3-4222, 7-3-4223, 7-3-4305, 7-3-4307, 7-3-4309, 7-3-4310,

24 7-3-4311, 7-3-4316, 7-3-4319, 7-3-4322, 7-3-4462, 7-5-131, 7-5-132, 7-5-4321, 7-5-4322, 7-6-1501, 7-6-1502,

25 7-6-1504, 7-6-1505, 7-6-1506, 7-6-1508, 7-6-1509, 7-6-1532, 7-6-1533, 7-6-1535, 7-6-1536, 7-6-1541, 7-6-1542,

26 7-6-1543, 7-6-1544, 7-6-1546, 7-6-1547, 7-6-1548, 7-6-1551, 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-2404,

27 7-7-2405, 7-7-2406, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426, 7-8-4201, 7-10-101, 7-10-102, 7-10-104, 7-10-110,

28 7-11-1011, 7-11-1012, 7-12-4243, 7-13-2201, 7-13-2204, 7-13-2208, 7-13-2210, 7-13-2211, 7-13-2214,

29 7-13-2217, 7-13-2222, 7-13-2225, 7-13-2231, 7-13-2234, 7-13-2241, 7-13-2258, 7-13-2261, 7-13-2262,

30 7-13-2271, 7-13-2272, 7-13-2273, 7-13-2276, 7-13-2321, 7-13-2323, 7-13-2324, 7-13-2328, 7-13-2333,

1 7-13-2341, 7-13-2342, 7-13-2352, 7-13-4204, 7-13-4511, 7-13-4512, 7-13-4535, 7-14-210, 7-14-211, 7-14-212,
 2 7-14-214, 7-14-1106, 7-14-1134, 7-14-1633, 7-14-2507, 7-14-4512, 7-14-4642, 7-16-2102, 7-16-2109, 7-33-2106,
 3 7-34-2110, 7-34-2112, 7-34-2117, 13-1-101, 13-1-104, 13-1-106, 13-1-107, 13-1-108, 13-1-301, 13-1-401,
 4 13-2-304, 13-3-202, 13-10-201, 13-10-208, 13-10-209, 13-10-211, 13-10-325, 13-10-326, 13-10-327, 13-10-405,
 5 13-12-201, 13-13-205, 13-14-112, 13-14-113, 13-14-115, 13-15-206, 13-19-205, 13-19-207, 13-35-107,
 6 13-37-126, 13-37-206, 15-10-425, 15-65-101, 16-1-205, 16-4-420, 20-1-101, 20-3-202, 20-3-301, 20-3-305,
 7 20-3-306, 20-3-307, 20-3-313, 20-3-321, 20-3-337, 20-3-338, 20-3-341, 20-9-426, 20-9-428, 20-9-471,
 8 20-15-203, 20-15-204, 20-15-207, 20-15-208, 20-15-209, 20-15-219, 20-15-221, 20-15-222, 20-15-224,
 9 20-15-225, 20-15-231, 20-15-241, 20-20-105, 20-20-106, 20-20-201, 20-20-204, 20-20-311, 20-20-312,
 10 20-20-401, 20-20-417, 22-1-304, 22-1-703, 22-1-706, 22-1-708, 22-1-709, 22-1-710, 76-5-1106, 76-15-303,
 11 76-15-305, 76-15-311, 76-15-312, 76-15-506, 76-15-605, 85-7-1702, 85-7-1712, 85-7-1837, 85-7-1974,
 12 85-7-2013, 85-8-302, 85-8-306, 85-8-624, 85-9-103, 85-9-203, 85-9-206, 85-9-302, 85-9-408, 85-9-501,
 13 85-9-602, AND 85-9-623, MCA; REPEALING SECTIONS 7-2-2219, 7-2-2605, 7-2-2603, 7-2-2710, 7-2-4105,
 14 7-2-4603, 7-2-4903, 7-3-121, 7-3-124, 7-3-4209, 7-3-4210, 7-3-4306, 7-3-4308, 7-3-4341, 7-5-136, 7-6-1531,
 15 7-6-1537, 7-6-1538, 7-6-1545, 7-6-1549, 7-7-2228, 7-7-4427, 7-13-2235, 7-13-2236, 7-13-2243, 7-13-2246,
 16 7-13-2247, 7-13-2254, 7-13-2255, 7-13-2256, 7-34-2116, 20-3-304, 20-3-344, 20-15-205, 20-15-206, 20-20-101,
 17 20-20-202, 76-15-302, 76-15-304, AND 85-9-422, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

18

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

20

21 NEW SECTION. **Section 1. Purpose.** (1) The purpose of [sections 1 through 5] is to consolidate,
 22 simplify, and standardize, to the extent feasible, dates and deadlines for special purpose district elections and
 23 to provide more consistency for election administrators and voters.

24 (2) Nothing in [sections 1 through 5] may be interpreted to require the secretary of state to oversee
 25 special purpose district elections.

26

27 NEW SECTION. **Section 2. Deadlines for candidate filing, write-in candidacy, and withdrawal --**
 28 **election cancellation -- election by acclamation.** (1) Consistent with the candidate filing deadline in
 29 13-10-201(7) for primary elections, and except as provided in subsection (3) for a write-in candidate, the
 30 candidate filing deadline for election to a special purpose district office is no sooner than 145 days and no later

1 than 85 days before the election.

2 (2) Consistent with the withdrawal deadline in 13-10-325 for primary elections, a candidate may not
3 withdraw after the candidate filing deadline provided in subsection (1).

4 (3) Consistent with the deadline for write-in candidates under 13-10-211 for primary elections, a
5 declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the 10th
6 day before the date on which the ballot must be available for absentee or mail ballot voting under [section 3], as
7 applicable.

8 (4) If by the write-in candidate deadline in subsection (3) the number of candidates is equal to or less
9 than the number of positions to be filled at the election, the election administrator shall cancel the election and,
10 pursuant to 13-1-304, immediately notify the governing body in writing of the cancellation. However, the governing
11 body may by resolution require that the election be held.

12 (5) (a) If an election has been canceled and there is only one candidate for a position, the governing
13 body shall declare the candidate elected to the position by acclamation.

14 (b) Except as otherwise provided by law:

15 (i) if an election has been canceled and there are no regular or declared write-in candidates for a
16 position, the county's governing body shall fill the position by appointment. In multicounty districts, the
17 appointment must be made by the governing body of the county in which the most territory of the district is
18 located.

19 (ii) an appointed member shall serve the same term as if the member were elected.

20

21 **NEW SECTION. Section 3. Deadlines for absentee and mail ballots.** (1) Pursuant to 13-13-205,
22 ballots for a special purpose district election must be available for absentee voting at least 20 days before election
23 day if the election is not conducted by mail.

24 (2) Pursuant to 13-19-207, ballots must be mailed no sooner than the 20th day and no later than the 15th
25 day before election day if the election is conducted by mail.

26

27 **NEW SECTION. Section 4. Dates for special purpose district elections -- call for election.** (1)
28 Except as provided in subsection (2), the following elections for a special purpose district must be held on the
29 same day as the regular school election day established in 20-20-105(1), which is the first Tuesday after the first
30 Monday in May:

- 1 (a) an election to create, alter the boundaries of, continue, or dissolve a special purpose district; and
2 (b) an election to fill a special purpose district office.
- 3 (2) (a) A special purpose district election that includes a question affecting district funding, such as fee
4 assessments, bonds, or the sale or lease of property, may be held on the day specified in subsection (1) or
5 scheduled as a special election.
- 6 (b) A conservation district election must be held on a primary or general election day.
- 7 (3) If specifically authorized by law, a special purpose district election may be held at the district's annual
8 meeting.
- 9 (4) A special purpose district election may not be held earlier than 85 days after the date of the order or
10 resolution calling for the election.
- 11 (5) Pursuant to 13-19-201, the governing body authorized by law to call an election shall specify in the
12 order or resolution calling for the election whether the governing body is requesting that the election be conducted
13 by mail.

- 14
- 15 **NEW SECTION. Section 5. Conduct of elections.** (1) A special purpose district election must be
16 conducted by a county election administrator.
- 17 (2) If a special purpose district lies in more than one county, the county election administrator in the
18 county with the largest percentage of qualified electors in the district shall conduct the election.
- 19 (3) Notice of the election must be provided as required in 13-1-108.
- 20 (4) Subject to 13-19-104, a special purpose district election may be conducted by mail.
- 21 (5) Unless otherwise specified by law, conduct of the election, voter registration, and how votes must
22 be cast, counted, and canvassed for a special purpose election must be conducted in accordance with the
23 applicable provisions of this title.

- 24
- 25 **NEW SECTION. Section 6. Purpose -- definition.** (1) The purpose of [sections 6 through 10] is to
26 consolidate, simplify, and standardize, to the extent feasible, dates and deadlines for local government elections
27 and to provide more consistency for election administrators and voters.
- 28 (2) For the purposes of [sections 6 through 10], "local government" means a local government entity,
29 other than a special purpose district or a school district, that is conducting an election that may be held on the
30 same day as a primary election but is not a primary election, such as an election on question or an election for

1 officers that does not involve a primary.

2

3 **NEW SECTION. Section 7. Election deadlines for candidate filing, write-in candidacy, and**
4 **withdrawal -- election cancellation -- election by acclamation.** (1) Consistent with the candidate filing deadline
5 in 13-10-201(7) for primary elections, and except as provided in subsection (2) for a write-in candidate, the
6 candidate filing deadline for election to a local government office is no sooner than 145 days and no later than
7 85 days before the election.

8 (2) Consistent with the deadline for write-in candidates under 13-10-211 for primary elections, a
9 declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the 10th
10 day before the date on which the ballot must be available for absentee or mail ballot voting under [section 8], as
11 applicable.

12 (3) Consistent with the withdrawal deadline in 13-10-325 for primary elections, a candidate may not
13 withdraw after the candidate filing deadline provided in subsection (1).

14 (4) Except as provided in subsection (b) and unless otherwise specifically provided by law, if the number
15 of candidates filing for election is equal to or less than the number of positions to be filled, the election
16 administrator shall notify the governing body in writing that the election is not necessary and the governing body
17 may by resolution cancel the election.

18 (5) (a) If an election has been canceled and there is only one candidate for a position, the governing
19 body shall declare the candidate elected to the position by acclamation.

20 (b) If an election has been canceled and there are no regular or declared write-in candidates for a
21 position, the governing body shall fill the position by appointment. The term of an appointed member must be the
22 same as if the member were elected.

23

24 **NEW SECTION. Section 8. Deadline for absentee ballots and mail ballots.** (1) Pursuant to
25 13-13-205, ballots for a local government election must be available for absentee voting at least 25 days prior
26 to a polling place election.

27 (2) Pursuant to 13-19-207, ballots must be mailed no sooner than the 20th day and no later than the 15th
28 day before election day for an election conducted by mail.

29

30 **NEW SECTION. Section 9. Date of local government elections -- call for election.** (1) A local

1 government election must be held on the same day as the primary election day established in 13-1-107 or the
 2 general election day established in 13-1-104, except that an election concerning funding may be called as a
 3 special election.

4 (2) A local government election may not be held sooner than 85 days after the date of the order or
 5 resolution calling for the election.

6 (3) Pursuant to 13-19-201, the governing body authorized by law to call an election shall specify in the
 7 order or resolution calling for the election whether the governing body is requesting that the election be conducted
 8 by mail.

9
 10 **NEW SECTION. Section 10. Conduct of elections.** (1) Notice of a local government election must be
 11 provided as required in 13-1-108.

12 (2) Subject to 13-19-104, a local government election may be conducted by mail.

13 (3) Unless otherwise specified by law, conduct of the election, voter registration, and how votes must
 14 be cast, counted, and canvassed must be done in accordance with the applicable provisions of this title.

15
 16 **Section 11.** Section 2-16-622, MCA, is amended to read:

17 **"2-16-622. Resignation of officer -- proclamation of election.** (1) If the officer named in the petition
 18 for recall submits a resignation in writing, it must be accepted and become effective ~~the day~~ 72 hours after it is
 19 offered. The vacancy created by the resignation must be filled as provided by law. However, the officer named
 20 in the petition for recall may not be appointed to fill the vacancy. If the officer named in the petition for recall
 21 refuses to resign or does not resign within 5 days after the petition is filed, a election must be held. If the recall
 22 petition was filed between 145 days and 90 days before a general election, the recall election must held at the
 23 same time as the general election. If the recall petition was filed more than 145 days or less than 90 days before
 24 a general election, a special election must be called unless the filing is within 90 days of a general election, in
 25 which case the question must be placed on a separate ballot at the same time as the general election.

26 (2) The call of a special election must be made by the governor in the case of a state or state-district
 27 officer or by the board or officer empowered by law to call special elections for a political subdivision in the case
 28 of any officer of a political subdivision of the state."

29
 30 **Section 12.** Section 3-1-1013, MCA, is amended to read:

1 **"3-1-1013. Senate confirmation -- exception -- nomination in the interim -- appointment contingent**

2 **on vacancy.** (1) (a) Except as provided in subsection (2):

3 (i) each appointment must be confirmed by the senate; and

4 (ii) an appointment made while the senate is not in session is effective until the end of the next special
5 or regular legislative session.

6 (b) If the appointment is subject to senate confirmation under subsection (1)(a) and is not confirmed, the
7 office is vacant and another selection of nominees and appointment must be made.

8 (2) The following appointments are not subject to senate confirmation, and there must be an election for
9 the office at the general election immediately preceding the scheduled expiration of the term or following the
10 appointment, as applicable:

11 (a) an appointment made while the senate is not in session if the term to which the appointee is
12 appointed expires prior to the next legislative session, regardless of the time of the appointment in relation to the
13 candidate filing deadlines for the office; and

14 (b) an appointment made while the senate is not in session if a general election will be held prior to the
15 next legislative session and the appointment is made prior to the candidate filing deadline for primary elections
16 ~~held pursuant to 13-1-107~~ under 13-10-201(7), in which case the position is subject to election at the next primary
17 and general elections.

18 (3) A nomination is not effective unless a vacancy in office occurs."

19

20 **Section 13.** Section 3-6-201, MCA, is amended to read:

21 **"3-6-201. Number of judges -- election -- term of office -- chief judge -- duties of chief judge --**

22 **assistant judge.** (1) The governing body of a city shall determine by ordinance the number of judges required
23 to operate the municipal court.

24 (2) A municipal court judge who is not a part-time assistant judge appointed under subsection (6) must
25 be elected at the general election, as provided in ~~13-1-104(2)(3)~~. The judge's term commences on the first
26 Monday in January following the election. The judge shall hold office for the term of 4 years and until a successor
27 is elected and qualified.

28 (3) Except as provided in subsection (2), all elections of municipal court judges are governed by the laws
29 applicable to the election of district court judges.

30 (4) If there is more than one municipal court judge, the judges shall adopt a procedure by which they

1 either select a chief municipal court judge at the beginning of each calendar year or by which the position of chief
 2 municipal court judge rotates among the judges in order of seniority at the beginning of each calendar year, with
 3 the most senior judge serving during the first year of the rotation.

4 (5) The chief municipal court judge shall provide for the efficient management of the court, in cooperation
 5 with the other judge or judges, if any, and shall:

6 (a) maintain a central docket of the court's cases;

7 (b) provide for the distribution of cases from the central docket among the judges, if there is more than
 8 one judge, in order to equalize the work of the judges;

9 (c) request the jurors needed for cases set for jury trial;

10 (d) if there is more than one judge, temporarily reassign or substitute judges among the departments as
 11 necessary to carry out the business of the court; and

12 (e) supervise and control the court's personnel and the administration of the court.

13 (6) A municipal court judge may, with the approval of the governing body of the city, appoint a part-time
 14 assistant judge, who must have the same qualifications as a judge pro tempore under 3-6-204, to serve during
 15 the municipal court judge's term of office. An order by a part-time assistant judge has the same force and effect
 16 as an order of a municipal court judge."

17

18 **Section 14.** Section 3-10-101, MCA, is amended to read:

19 **"3-10-101. Number and location of justices' courts -- authorization to combine with city court --**
 20 **justice's court of record.** (1) There must be at least one justice's court in each county of the state, which must
 21 be located at the county seat. The board of county commissioners shall designate the number of justices in each
 22 justice's court.

23 (2) The board of county commissioners of each county of the state may establish:

24 (a) one additional justice's court located anywhere in the county; and

25 (b) one additional justice's court located in each city having a population of over 5,000, as provided in
 26 subsection (3).

27 (3) A city having a population of over 5,000 may, by resolution, request the board of county
 28 commissioners to constitute a justice's court in the city. A justice's court must be established in the city if the
 29 board of county commissioners approves the request by resolution.

30 (4) A justice of the peace of a court established pursuant to subsection (3) may act as the city judge upon

1 passage of a city ordinance authorizing the action and upon approval of the ordinance by resolution of the board
 2 of county commissioners. If the ordinance and resolution are passed, the city and the county shall enter into an
 3 agreement for proportionate payment of the justice's salary, as established under 3-10-207 and 3-11-202, and
 4 for proportionate reimbursement for the use of facilities.

5 (5) A county may establish the justice's court as a court of record. If the justice's court is established as
 6 a court of record, it must be known as a "justice's court of record" and, in addition to the provisions of this chapter,
 7 is also subject to the provisions of 3-10-115 and 3-10-116. The court's proceedings must be recorded by
 8 electronic recording or stenographic transcription and all papers filed in a proceeding must be included in the
 9 record. A justice's court of record may be established by a resolution of the county commissioners or pursuant
 10 to 7-5-131 through 7-5-135 and 7-5-137."

11

12 **Section 15.** Section 3-11-101, MCA, is amended to read:

13 **"3-11-101. City court established -- city court of record.** (1) A city court is established in each city
 14 or town. A city judge shall establish regular sessions of the court. On judicial days, the court must be open for
 15 all business, civil and criminal. On nonjudicial days, as defined in 3-1-302, the court may transact criminal
 16 business only.

17 (2) A city may establish the city court as a court of record. If the city court is established as a court of
 18 record, it must be known as a "city court of record". The court's proceedings must be recorded by electronic
 19 recording or stenographic transcription, and all papers filed in a proceeding must be included in the record. A city
 20 court of record may be established by a resolution of the city commissioners or pursuant to 7-5-131 through
 21 7-5-135 and 7-5-137."

22

23 **Section 16.** Section 7-1-201, MCA, is amended to read:

24 **"7-1-201. Boards.** (1) A board of county commissioners may by resolution establish the administrative
 25 boards, districts, or commissions allowed by law or required by law to be established pursuant to 7-1-202,
 26 7-1-203, Title 7, chapter 11, part 10, and this section and listed in 7-1-202. The resolution creating an
 27 administrative board, district, or commission must specify:

28 (a) the number of administrative board, district board, or commission members;

29 (b) the terms of the members;

30 (c) whether members are entitled to mileage, per diem, expenses, and salary; and

1 (d) any special qualifications for membership in addition to those established by law.

2 (2) (a) An administrative board, a district board, or a commission may be assigned responsibility for a
3 department or service district.

4 (b) An administrative board, a district board, or a commission may:

5 (i) exercise administrative powers as granted by resolution, except that it may not pledge the credit of
6 the county or impose a tax unless specifically authorized by state law; and

7 (ii) administer programs, establish policy, and adopt administrative and procedural rules.

8 (c) The resolution creating an administrative board, a district board, or a commission must grant the
9 administrative board, district board, or commission all powers necessary and proper to the establishment,
10 operation, improvement, maintenance, and administration of the department or district.

11 (d) If authorized by resolution, an administrative board, a district board, or a commission may employ
12 personnel to assist in its functions.

13 (3) (a) ~~Administrative boards, districts, and commissions~~ An administrative board, a district board, or a
14 commission may be made elective.

15 (b) If an administrative board, a district board, or a commission is made elective ~~and if the number of~~
16 ~~candidates is equal to or less than the number of positions to be elected, the election administrator may cancel~~
17 ~~the election in accordance with 13-1-304, the election must be conducted as provided in [sections 1 through 5].~~
18 ~~A position for which there were no nominees must be filled by appointment by the county commissioners for the~~
19 ~~same term as if the position were filled by election. If there is only one nominee for a position, the nominee may~~
20 ~~be declared elected by acclamation.~~

21 (4) ~~Administrative boards, districts, and commissions~~ An administrative board, a district board, or a
22 commission may not sue or be sued independently of the local government unless authorized by state law.

23 (5) (a) ~~Members must~~ If administrative board, district board, or commission members are to be
24 appointed, the members must be appointed by the county commissioners. The county commissioners shall post
25 prospective membership vacancies at least 1 month prior to filling the vacancy.

26 (6)(b) The county commissioners shall maintain a register of appointments, including:

27 (a)(i) the name of the administrative board, district board, or commission;

28 (b)(ii) the date of appointment and confirmation, if any is required;

29 (c)(iii) the length of term;

30 (d)(iv) the name and term of the presiding officer and other officers of each administrative board, district

1 board, or commission; and

2 ~~(e)~~(v) the date, time, and place of regularly scheduled meetings.

3 ~~(7)(c)~~ Terms of ~~all members, except elected members,~~ for members of elected or appointed boards or
4 commissions may not exceed 4 years. Unless otherwise provided by resolution, members shall serve terms
5 beginning on July 1 and shall serve at the pleasure of the county commissioners.

6 ~~(6)~~(6) An administrative board, a district board, or a commission must consist of a minimum of 3
7 members and must have an odd number of members.

8 ~~(9)~~(7) The resolution creating an administrative board, a district board, or a commission may provide for
9 voting or nonvoting ex officio members.

10 ~~(10)~~(8) Two or more local governments may provide for a joint ~~boards, districts, or commissions~~
11 administrative board, district board, or commission to be established by interlocal ~~agreements~~ agreement.

12 ~~(11)~~(9) A majority of members constitutes a quorum for the purposes of conducting business and
13 exercising powers and responsibilities. Action may be taken by a majority vote of members present and voting
14 unless the resolution creating the board, district, or commission specifies otherwise.

15 ~~(12)~~(10) An administrative board, a district board, or a commission shall provide for the keeping of written
16 minutes, including the final vote on all actions and the vote of each member.

17 ~~(13)~~(11) An administrative board, a district board, or a commission shall provide by rule for the date, time,
18 and place of regularly scheduled meetings and file the information with the county commissioners.

19 ~~(14)~~(12) Unless otherwise provided by law, a person must be a resident of the county to be eligible for
20 appointment to an administrative board, a district board, or a commission. The county commissioners may
21 prescribe by resolution additional qualifications for membership.

22 ~~(15)~~(13) A person may be removed from an administrative board, a district board, or a commission for
23 cause by the county commissioners or as provided by resolution.

24 ~~(16)~~(14) A resolution creating an administrative board, a district board, or a commission must contain,
25 if applicable, budgeting and accounting requirements for which the administrative board, district board, or
26 commission is accountable to the county commissioners.

27 ~~(17)~~(15) If a municipality creates a special district in accordance with Title 7, chapter 11, part 10, the
28 governing body of the municipality shall comply with this section if the governing body chooses to have the special
29 district governed by a separate board."

30

1 **Section 17.** Section 7-1-2121, MCA, is amended to read:

2 **"7-1-2121. Publication and content of notice -- proof of publication.** (1) Unless otherwise specifically
3 provided by law and except as provided in 13-1-108, whenever a local government unit other than a municipality
4 is required to give notice by publication, ~~the following this section~~ applies:.

5 ~~(1)~~(2) Publication must be in a newspaper meeting the qualifications of subsections ~~(2)~~ (3) and ~~(3)~~ (4),
6 except that in a county where a newspaper does not meet these qualifications, publication must be made in a
7 qualified newspaper in an adjacent county. If there is no qualified newspaper in an adjacent county, publication
8 must be made by posting the notice in three public places in the county, designated by resolution of the governing
9 body.

10 ~~(2)~~(3) (a) The newspaper must:

11 (i) be of general circulation;

12 (ii) be published at least once a week;

13 (iii) be published in the county where the hearing or other action will take place; and

14 (iv) have, prior to July 1 of each year, submitted to the clerk and recorder a sworn statement that includes:

15 (A) circulation for the prior 12 months;

16 (B) a statement of net distribution;

17 (C) itemization of the circulation that is paid and that is free; and

18 (D) the method of distribution.

19 (b) A newspaper of general circulation does not include a newsletter or other document produced or
20 published by the local government unit.

21 ~~(3)~~(4) In the case of a contract award, the newspaper must have been published continuously in the
22 county for the 12 months preceding the awarding of the contract.

23 ~~(4)~~(5) If a person is required by law or ordinance to pay for publication, the payment must be received
24 before the publication may be made.

25 ~~(5)~~(6) The notice must be published twice, with at least 6 days separating each publication.

26 ~~(6)~~(7) The published notice must contain:

27 (a) the date, time, and place of the hearing or other action;

28 (b) a brief statement of the action to be taken;

29 (c) the address and telephone number of the person who may be contacted for further information on
30 the action to be taken; and

1 (d) any other information required by the specific section requiring notice by publication.

2 ~~(7)(8)~~ A published notice required by law may be supplemented by a radio or television broadcast of the
3 notice in the manner prescribed in 2-3-105 through 2-3-107.

4 ~~(8)(9)~~ Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher,
5 printer, or clerk of the newspaper or of the person posting the notice.

6 ~~(9)(10)~~ If the newspaper fails to publish a second notice, the local government unit must be considered
7 to have met the requirements of this section as long as the local government unit submitted the required
8 information prior to the submission deadline and the notice was posted in three public places in the county that
9 were designated by resolution and, if the county has an active website, was posted on the county's website at
10 least 6 days prior to the hearing or other action for which notice was required."
11

12 **Section 18.** Section 7-1-4130, MCA, is amended to read:

13 **"7-1-4130. Petition.** Whenever a petition is authorized, unless the section authorizing the petition
14 establishes different criteria, the petition is subject to 7-5-131 through 7-5-135 and 7-5-137."
15

16 **Section 19.** Section 7-2-2215, MCA, is amended to read:

17 **"7-2-2215. Election on question of creating new county -- proclamation and notice.** (1) Within 2
18 weeks after ~~its~~ the determination of the truth of the allegations of that the signatures on the petition are valid and
19 sufficient, the board of county commissioners shall order and give notice of an election to be held for the purpose
20 of determining whether the territory proposed to be taken from the county is to be established and organized into
21 a new or enlarged county, for the election of officers, and for the location of a county seat if the vote at the
22 election is in favor of the ~~establishment and organization of a new county formed from a portion of one existing~~
23 ~~county or from portions of two or more existing counties~~ question.

24 (2) ~~The question of determining whether the proposed territory is taken from the county and added to~~
25 ~~the proposed new county must be included on the ballot for the next regular or primary election scheduled not~~
26 ~~less than 60 days after the date of the order and notice~~ The election must be conducted in accordance with
27 [sections 6 through 10].

28 (3) All registered electors of the county are entitled to vote at the election. ~~Registration and transfers of~~
29 ~~registration must be made and must close in the manner and at a time provided by law for registration and~~
30 ~~transfers of registration for a general election in Montana.~~

1 (4) If the proposed new county is an existing county to be enlarged by territory taken from the county in
 2 which the petition was filed, the board of county commissioners of the proposed new county shall also hold an
 3 election in the manner described in subsections (1) through (3)."

4
 5 **Section 20.** Section 7-2-2604, MCA, is amended to read:

6 **"7-2-2604. Consideration of petition -- submission to voters -- withdrawal of signatures.** (1) ~~For~~
 7 ~~the purpose of testing the sufficiency of any petition which may be presented to the county commissioners as~~
 8 ~~provided in this section, the county commissioners shall compare such petition with the pollbooks in the county~~
 9 ~~clerk's office constituting the returns of the last general election held in their county for the purpose of ascertaining~~
 10 ~~whether such petition bears the names of at least 50% of the voters listed therein. The county election~~
 11 ~~administrator shall verify signatures on the petition within 30 days of when the signed petition is filed.~~

12 (2) If the county election administrator determines that the petition is signed by at least 50% of the
 13 ~~qualified electors of such county~~ county's electors who voted in the last general election, the board of county
 14 commissioners must ~~at the next general election~~ submit the question of the removal of the county seat to the
 15 electors of the county. The election on the question of removal of the county seat must be held in accordance
 16 with [sections 6 through 10].

17 (3) If ~~such the~~ the petition ~~then shows that~~ it has not been signed by at least 50% of the ~~voters of the county~~
 18 county's electors who voted in the last general election, ~~after deducting from the original petition the names of~~
 19 ~~all persons who may have signed such original petition and who may have filed or caused to be filed with the~~
 20 ~~county clerk of said county or the board, on or before the date fixed for the hearing, their statement in writing of~~
 21 ~~the withdrawal of their names from the original petition, it shall be deemed insufficient and the question of the~~
 22 ~~removal of the county seat shall not be submitted~~ to electors.

23 (4) A person who signed the petition may request that the person's signature not be counted by filing
 24 a written request with the county clerk before the signatures are validated and counted pursuant to this section."

25
 26 **Section 21.** Section 7-2-2705, MCA, is amended to read:

27 **"7-2-2705. Petition to amend proposed consolidation.** (1) At any time prior to 5 days before the date
 28 fixed for consideration and final action on the petition, 50% of the registered electors residing within a particular
 29 part or portion of the county may file with the county clerk of the county a petition in writing, signed by them,
 30 asking that the part or portion of the county within which the petitioners reside not be attached to the county

1 designated in the petition for abandonment but be attached to some other adjoining county. A person, after
 2 signing the petition, may ~~not be allowed or permitted to~~ withdraw the person's signature or name from the petition
 3 in the same manner as provided in 7-2-2604(4).

4 (2) The petition authorized by subsection (1) must definitely, particularly, and accurately describe the
 5 boundaries of the part or portion of the county that the petitioners desire to be attached to the other adjoining
 6 county and must specify and name the other adjoining county to which the part or portion is to be attached if the
 7 county is abandoned and abolished.

8 (3) Separate and independent petitions may be filed by registered electors residing within the boundaries
 9 of separate and distinct and different parts or portions of the county, asking that, if the county is abandoned, the
 10 territory embraced within the boundaries described in the petition be attached to and become parts of the same
 11 or different adjoining counties other than the county named and designated in the petition for abandonment."
 12

13 **Section 22.** Section 7-2-2709, MCA, is amended to read:

14 **"7-2-2709. Election on question of abandonment and consolidation.** (1) (a) Within 14 days after
 15 transmittal of the resolution provided for in 7-2-2707, the boards of county commissioners of the county in which
 16 the petition referred to in the resolution was filed and of each county designated in the resolution as a county to
 17 which any of the territory of the county, if abandoned and abolished, would be attached and made a part; shall,
 18 in a joint meeting and by joint resolution of the boards, call ~~a special an~~ election in all affected counties ~~to be held~~
 19 in conjunction with the next regular or primary election. The election must be conducted in accordance with
 20 [sections 6 through 10].

21 (b) ~~The joint resolution shall fix a day for holding the election in the counties. If a general election will be~~
 22 ~~held in the counties not less than 90 days or more than 120 days after the date of the resolution provided for in~~
 23 ~~7-2-2707, the joint resolution must direct that the question be submitted to the registered electors of the counties~~
 24 ~~at the general election.~~ The joint resolution must be filed in the office of the secretary of state, and copies of the
 25 resolution must be transmitted to the election administrator of each of the counties in which the election is to be
 26 held.

27 (2) At the election there must be submitted:

28 (a) to the registered electors of the county in which the petition was filed, the question of whether or not
 29 the county is to be abandoned and abolished and its territory attached to and made a part of the county
 30 designated and named for the purpose in the petition; and

1 (b) to the registered electors of each county named and designated in the resolution as a county to which
 2 a part of the territory of the county proposed to be abandoned and abolished is to be attached and made a part
 3 if the county is abandoned and abolished, the question of whether or not the part of the territory of the county,
 4 if abandoned and abolished, described in the resolution must be attached to and become a part of the county."
 5

6 **Section 23.** Section 7-2-2804, MCA, is amended to read:

7 **"7-2-2804. Order for election -- registered electors entitled to vote.** (1) Upon execution of an
 8 interlocal agreement under 7-2-2803(2), the boards of county commissioners in the adjoining counties for which
 9 boundary changes are proposed shall, after providing public notice pursuant to 7-1-2121 in the county seat of
 10 each adjoining county, hold a public hearing in the area proposed to be moved from one county to another in
 11 order to accept comment on the proposed cost of compliance with 7-2-2807 as stated in the interlocal agreement
 12 pursuant to 7-2-2803(2). After the public hearing, the boards of county commissioners shall order and give notice
 13 of an election to be held for the purpose of determining whether or not to change the boundaries of the adjoining
 14 counties. ~~The order may not be made less than 75 days before the election is to be held.~~

15 (2) ~~The question of determining whether or not to change the boundaries of the adjoining counties must~~
 16 ~~be included on the ballot for the next regular election scheduled not less than 75 days after the date of the order~~
 17 ~~and the notice.~~

18 ~~——(3) All registered electors of the adjoining counties are entitled to vote at the election.~~

19 ~~(4)(3) The notice must require that the ballot contain the legal description of the proposed boundary~~
 20 ~~change, together with any descriptive name or names for the property that may be in common use.~~

21 ~~(5)(4) The election must be conducted in conformance with the provisions of Title 13 unless otherwise~~
 22 ~~provided for in 7-2-2804 through 7-2-2806 [sections 6 through 10]."~~

23

24 **Section 24.** Section 7-2-4104, MCA, is amended to read:

25 **"7-2-4104. Election on question of organization.** (1) After filing the petition and census, if there is the
 26 requisite number of inhabitants for the formation of a municipal corporation as required in 7-2-4103, the county
 27 commissioners shall call an election of for all the registered electors residing in the territory described in the
 28 petition.

29 (2) The election must be held at a convenient place within the territory described in the petition, to be
 30 designated by the board. ~~If possible, the election must be held in conjunction with a regular or primary election~~

1 The election must be conducted in accordance with [sections 6 through 10].

2 (3) The ballots used at the election must contain the words "For incorporation" or "Against incorporation";
3 ~~and all elections must be conducted as provided in Title 13.~~"

4

5 **Section 25.** Section 7-2-4106, MCA, is amended to read:

6 **"7-2-4106. ~~First election~~ Election for officers -- special provisions for first election of officers.** (1)

7 When the incorporation of a city or town is completed, the board of county commissioners shall give notice ~~for~~
8 ~~30 days in a newspaper published within the limits of the city or town or, if none is published within the limits, by~~
9 ~~posting notices in six public places within the limits of the city or town of the time and place or places of holding~~
10 ~~the first election for offices of the city or town~~ as prescribed in 13-1-108 of an election of officers.

11 (2) For the first election of officers, a primary election may not be held. The election ~~may~~ must be held
12 in conjunction with a regular or primary election conducted in accordance with [sections 6 through 10]. For each
13 subsequent election of officers, the election must be conducted in accordance with Title 13 provisions applicable
14 to primary and general elections.

15 (2)(3) At the ~~an~~ election for officers, all ~~of~~ the electors qualified by the general election laws of the state
16 who have resided within the limits of the city or town for 6 months and within the limits of the ward for 30 days
17 preceding the election are qualified electors and may choose officers for the city or town, to hold office as
18 prescribed in 7-2-4107.

19 ~~(3) The board shall appoint election judges and canvass and declare the result of the election. The~~
20 ~~election must be conducted in the manner required by law for the election of county officers.~~

21 ~~(4) If the first election of officers is not held in conjunction with a regular or primary election, the~~ The
22 offices filled in the ~~first~~ election for officers may be occupied only until the next ~~regularly~~ general election
23 scheduled for those offices."

24

25 **Section 26.** Section 7-2-4314, MCA, is amended to read:

26 **"7-2-4314. Hearing on question of annexation -- ~~vote election on question of annexation --~~**

27 **resolution of annexation.** (1) (a) The city or town clerk shall, at the next regular meeting of the city or town
28 council after the expiration of the 20-day period provided for in 7-2-4313, forward all written communication
29 received by the clerk for the city or town council's consideration.

30 (b) Except as provided in subsection (1)(d), if the city or town council, after considering all written

1 communication, adopts a resolution approving the annexation, the implementation of the resolution must be
 2 approved by the vote of the registered voters residing in the area proposed for annexation. The resolution must
 3 state the date on which the proposed annexation is intended to take effect.

4 (c) ~~Within 45~~ Except as provided in subsection (1)(d), no sooner than 85 days ~~of~~ after adopting the
 5 resolution for annexation, the city or town council shall submit the question of approving the resolution to the
 6 registered voters residing in the area proposed for annexation. A notice of election must be mailed to all
 7 registered voters residing in the area proposed for annexation.

8 (d) If the area to be annexed contains ~~less~~ fewer than 300 recorded parcels, the city or town council, after
 9 considering all written communication, may adopt a resolution approving the annexation without an election and
 10 the boundaries of the city or town must be extended to include the platted tracts or parcels of land or unplatted
 11 land for which a certificate of survey has been filed. An area annexed pursuant to this subsection may include
 12 land used for railroad purposes. ~~A~~ However, a city or town council may not annex by resolution an area containing
 13 ~~less~~ fewer than 300 recorded parcels if the resolution is disapproved in writing by a majority of real property
 14 owners of the area proposed to be annexed. If the resolution is disapproved by a majority of the landowners, the
 15 city or town council may not on its own initiative propose further resolutions relating to the annexation of the area
 16 or any portion of the area, without petition, for a period of 1 year.

17 (2) ~~Except as provided in subsection (1)(d) If a resolution subject to approval at an election pursuant to~~
 18 subsections (1)(b) and (1)(c) is not approved by voters, further resolutions relating to the annexation of the area
 19 or any portion of the area may not be considered or acted ~~upon~~ on by the council on its own initiative, without
 20 petition, for a period of 5 years from the date of ~~disapproval by the voters as provided in subsection (1) the~~
 21 election."

22

23 **Section 27.** Section 7-2-4601, MCA, is amended to read:

24 **"7-2-4601. Annexation by petition -- when election required.** (1) The boundaries of any incorporated
 25 city or town may be altered and new areas annexed as provided in this part.

26 (2) The council or other legislative body of a municipal corporation, upon receiving a written petition for
 27 annexation containing a description of the area to be annexed and signed by not less than 33 1/3% of the
 28 registered electors of the area proposed to be annexed, shall ~~without delay,~~ except as provided in subsection (3),
 29 submit to the electors of the municipal corporation and to the registered electors residing in the area proposed
 30 by the petition to be annexed the question of whether the area should be made a part of the municipal

1 corporation.

2 (3) (a) The governing body of a municipality need not submit the question of annexation to the qualified
3 electors as provided in subsection (2) if it has received a written petition containing a description of the area
4 requested to be annexed and signed by:

5 (i) more than 50% of the resident electors owning real property in the area to be annexed; or

6 (ii) the owner or owners of real property representing 50% or more of the total area to be annexed.

7 (b) The governing body may approve or disapprove a petition submitted under the provisions of
8 subsection (3)(a) on its merits. When the governing body approves the petition, it shall pass a resolution providing
9 for the annexation."

10

11 **Section 28.** Section 7-2-4602, MCA, is amended to read:

12 **"7-2-4602. Election Conduct of election on question of annexation by petition.** ~~(1) The An election~~
13 ~~on the~~ question of annexation ~~may be submitted at the next general municipal election to be held in the municipal~~
14 ~~corporation or it may be submitted prior to the general election, either at a special election called for that purpose~~
15 ~~or at any other municipal election, except an election at which the submission of such question is prohibited by~~
16 ~~law.~~

17 ~~———(2) The election shall be conducted and the returns made in the same manner as other city or town~~
18 ~~elections. All election laws governing city and town elections shall govern, insofar as they are applicable~~ must
19 be conducted in accordance with [sections 6 through 10].

20 ~~(3) Whenever the question of annexation under this title is submitted at either a general city or town~~
21 ~~election or at a special election, separate ballots, shall be provided therefor."~~

22

23 **Section 29.** Section 7-2-4606, MCA, is amended to read:

24 **"7-2-4606. Resolution of if annexation approved by voters.** (1) (a) ~~If it is found that~~ a majority of votes
25 were cast in favor of the annexation, the city or town council or other legislative body shall, at a regular or special
26 meeting held within 30 days of the election, pass and adopt a resolution providing for the annexation.

27 (b) The resolution must ~~state~~ include a statement that a petition has been filed with the council or other
28 legislative body ~~with~~ containing the signatures of 33 1/3% of the resident electors owning real property in the area
29 proposed to be annexed; a description of the boundaries of the area to be annexed; a copy of the resolution
30 ordering ~~a general or special~~ the election; a copy of the notice of the election; the time and result of the canvass

1 of the votes received in favor of annexation and the number of votes cast against annexation; and a statement
 2 that the boundaries of the city or town ~~will~~ are to be extended to include the area described in the petition for
 3 annexation. The resolution must be incorporated in the minutes of the council or legislative body.

4 (2) A resolution adopted pursuant to 7-2-4601(3) must include a statement that a petition has been filed
 5 with the governing body containing the signatures of more than 50% of the resident electors owning real property
 6 or the owners of real property representing 50% or more of the total area to be annexed; a description of the
 7 boundaries of the area to be annexed; and a statement that the boundaries of the municipality are to be extended
 8 to include the area described in the petition for annexation. The resolution must be incorporated in the minutes
 9 of the governing body. Upon incorporation in the minutes, the resolution must be filed and becomes effective as
 10 provided in 7-2-4607."
 11

12 **Section 30.** Section 7-2-4733, MCA, is amended to read:

13 **"7-2-4733. Vote required on proposed capital improvements.** ~~Included within the~~ The plan required
 14 in 7-2-4732 must be include a methodology whereby the residents within the area to be annexed may vote upon
 15 on any proposed capital improvements. Should a negative vote be cast by over If less than 50% of the residents
 16 in the section or sections to be annexed ~~in such election~~ vote in favor of the annexation, the area may not be
 17 annexed. An election pursuant to this section must be conducted as provided in [sections 6 through 10]."
 18

19 **Section 31.** Section 7-2-4902, MCA, is amended to read:

20 **"7-2-4902. Disincorporation by election.** (1) Any city or town may be disincorporated in the manner
 21 provided in this section.

22 (2) If the registered electors of a city or town equal in number to at least 15% of the number of municipal
 23 electors registered at the last municipal general election petition the board of county commissioners of the county
 24 where the city or town is situated to disincorporate the city or town or if the city governing body by a two-thirds
 25 vote of all its members resolves to disincorporate, then the board shall order ~~a special~~ an election to be held
 26 within the city or town on the question of disincorporating the city or town. The election must be ~~held in~~
 27 conjunction with a regular or primary election conducted in accordance with [sections 6 through 10]."
 28

29 **Section 32.** Section 7-2-4904, MCA, is amended to read:

30 **"7-2-4904. ~~Details of election on disincorporation~~ Ballot form.** (1) ~~The election shall be conducted~~

1 in the same manner as a regular city or town election. The election returns shall be made and canvassed in the
 2 same manner as are general election returns.

3 ~~———(2)~~ The form of the ballot ~~shall~~ must be:

4 [] FOR the disincorporation of (insert name of city or town)

5 [] AGAINST the disincorporation of (insert name of city or town)."

6

7 **Section 33.** Section 7-3-103, MCA, is amended to read:

8 **"7-3-103. Amendment of self-government charter or adopted alternative form of government --**

9 **election.** (1) An amendment to a self-government charter or an adopted alternative form of government may only

10 be made by submitting the question of amendment to the electors of the local government as provided in 7-3-149.

11 ~~To be effective, a proposed amendment must receive an affirmative vote of a majority of the electors voting on~~

12 ~~the question.~~ An amendment approved by the electors becomes effective on the first day of the local government

13 fiscal year following the fiscal year of approval unless the question submitted to the electors provides otherwise.

14 (2) An amendment to a self-government charter or an adopted alternative form of government may be

15 proposed by initiative by petition of 15% of the electors registered at the last general election of the local

16 government or by ordinance enacted by the governing body as provided in 7-3-125. ~~The question on amendment~~

17 ~~of a charter or an adopted alternative form of government must be submitted to the electors at the next regular~~

18 ~~or primary election.~~

19 (3) The local government, by ordinance, may provide procedures for the submission and verification of

20 initiative petitions."

21

22 **Section 34.** Section 7-3-121, MCA, is amended to read:

23 **"7-3-121. Purpose.** The purpose of 7-3-121 through 7-3-123, 7-3-125, and 7-3-141 through 7-3-161 is

24 to provide procedures for alteration of existing forms of local government."

25

26 **Section 35.** Section 7-3-122, MCA, is amended to read:

27 **"7-3-122. Definitions.** As used in 7-3-121 through 7-3-125 and 7-3-141 through 7-3-161 this part, unless

28 the context indicates otherwise, the following definitions apply:

29 (1) "Authority" means:

30 (a) a municipal or regional airport authority as provided in Title 67, chapter 11;

- 1 (b) a conservancy district as provided in Title 85, chapter 9;
- 2 (c) a conservation district as provided in Title 76, chapter 15;
- 3 (d) a drainage district as provided in Title 85, chapter 8;
- 4 (e) an irrigation district as provided in Title 85, chapter 7;
- 5 (f) a hospital district as provided in Title 7, chapter 34, part 21;
- 6 (g) a water conservation and flood control district as provided in Title 76, chapter 5, part 11;
- 7 (h) a county water and sewer district as provided in Title 7, chapter 13, part 22; or
- 8 (i) an urban transportation district as provided in Title 7, chapter 14, part 2.
- 9 (2) "Finance administrator" means the individual responsible for the financial administration of the local
- 10 government and generally means the county or city treasurer or town clerk unless the alternative form or
- 11 governing body specifies a different individual.
- 12 (3) "Form of government" or "form" means one of the types of local government enumerated in 7-3-102
- 13 and the type of government described in 7-3-111.
- 14 (4) "Governing body" means the commission or the town meeting legislative body established in the
- 15 alternative form of a local government under Title 7, chapter 3, parts 1 through 7.
- 16 (5) "Local improvement district" means an improvement district in which property is assessed to pay for
- 17 specific capital improvements benefiting the assessed property.
- 18 (6) "Plan of government" has the meaning provided in 7-1-4121.
- 19 (7) "Records administrator" means the individual responsible for keeping the public records of the local
- 20 government and generally means the county, city, or town clerk unless the alternative form or governing body
- 21 specifies a different individual.
- 22 (8) "Subordinate service district" means a special district within a local government in which certain
- 23 services are provided and in which taxes may be levied to finance the services."
- 24

25 **Section 36.** Section 7-3-125, MCA, is amended to read:

26 **"7-3-125. Petition for alteration.** (1) A petition for the alteration of an existing form of local government

27 may be presented to the governing body of the local government. The petition must meet the requirements of

28 7-3-142 through 7-3-145.

29 (2) The petition must be signed by at least 15% of the electors of the local government registered at the

30 last general election, ~~and upon receipt of the petition the governing body shall call an election, as provided for~~

1 in ~~7-3-149 through 7-3-151, on the proposed alteration.~~ Whenever county-municipal consolidation is proposed,
 2 the petition must be signed by at least 15% of the electors residing within the municipality or municipalities
 3 proposed to be consolidated and at least 15% of the electors residing in the remainder of the county."
 4

5 **Section 37.** Section 7-3-149, MCA, is amended to read:

6 **"7-3-149. Election on alteration of form of government.** (1) ~~The~~ Upon the election administrator's
 7 verification that a petition filed pursuant to sections 7-3-121 through 7-3-123, 7-3-125, and 7-3-141 through
 8 7-3-148 meets all the necessary requirements, the governing body shall call ~~a special~~ an election on the question
 9 of an alteration of the form of government or a change in a plan of government proposed by the petition ~~to be held~~
 10 ~~at the next regular or primary election that is at least 75 days after the call and the date of filing with the records~~
 11 ~~administrator under 7-3-146. The records administrator shall prepare and print notices of the election. The~~
 12 election must be conducted in accordance with [sections 6 through 10].

13 (2) The cost of the election must be paid for by the local government.

14 (3) (a) The affirmative vote of a simple majority of those voting on the question is required for adoption.

15 (b) In any election involving the question of consolidation, each question must be submitted to the
 16 electors in the county and requires an affirmative vote of a simple majority of the votes cast in the county on the
 17 question for adoption. There is no requirement for separate majorities in local governments voting on
 18 consolidation.

19 (c) In any election involving the question of county merger, the questions must be submitted to the
 20 electors in the counties affected and require a majority of the votes cast on the questions in each affected county
 21 for adoption.

22 (d) If the electors disapprove the proposed new form of local government, amendments, or consolidation
 23 plan, the local government retains its existing form."
 24

25 **Section 38.** Section 7-3-154, MCA, is amended to read:

26 **"7-3-154. Judicial review.** Judicial review to determine the validity of the procedures whereby any
 27 charter or alternative plan of government is adopted may be initiated by petition in district court of 10 or more
 28 registered voters of the local government brought within 60 days after the election at which the charter or plan
 29 of government, revision, or amendment is approved. If no petition is filed within that period, compliance with all
 30 the procedures required by 7-3-121 through 7-3-123, 7-3-125, and 7-3-141 through 7-3-161 and the validity of

1 the manner in which the charter or plan of government was approved is conclusively presumed. It is presumed
 2 that proper procedure was followed and all procedural requirements were met. The adoption of a charter or plan
 3 of government may not be considered invalid because of any procedural error or omission unless it is shown that
 4 the error or omission materially and substantially affected its adoption."

5

6 **Section 39.** Section 7-3-155, MCA, is amended to read:

7 **"7-3-155. Three-year moratorium.** (1) Unless the constitution requires otherwise, ~~the electors of any~~
 8 ~~unit of local government that has voted upon~~ an election on the question of changing the form of local
 9 government, charter, or consolidation plan may not ~~vote on the question of changing the form of local government~~
 10 be conducted again for 3 years.

11 (2) For the purposes of this section, general election dates are considered to be 1 year apart and may
 12 be used in computing the 3-year moratorium. An election on the question of changing an alternative form of a unit
 13 of local government may not be challenged as failing to conform with the moratorium provisions of this section
 14 because 3 full calendar years may not have elapsed."

15

16 **Section 40.** Section 7-3-160, MCA, is amended to read:

17 **"7-3-160. Election of new officials -- subsequent elections of officials.** (1) Within 20 days after an
 18 election at which a new form of government or a change in a plan of government is approved by the electors, the
 19 governing body of the local government shall meet and order ~~a special primary and general~~ an election for the
 20 purpose of electing the officials required by the new form or plan of government. ~~The elections~~ first election
 21 officials must be ~~held in conjunction with any other election of that government~~ conducted in accordance with
 22 [sections 6 through 10]. A primary election may not be held. The officials elected shall hold office until the next
 23 election of officials.

24 (2) ~~The order must specify:~~

25 ~~—— (a) a date for the primary election to be held no later than the government's next regularly scheduled~~
 26 ~~primary election; and~~

27 ~~—— (b) a date for the general election to be held no later than the next regularly scheduled city or county~~
 28 ~~general election following the primary election date established under subsection (2)(a). Each subsequent~~
 29 election of officials must involve a primary election and a general election. The primary election must be held on
 30 the date established in 13-1-107. The general election must be held on the date established in 13-1-104."

1

2 **Section 41.** Section 7-3-173, MCA, is amended to read:

3 **"7-3-173. Establishment of study commissions.** (1) A study commission may be established by an
4 affirmative vote of the people. An election on the question of conducting a local government review and
5 establishing a study commission must be held if:

6 (a) ~~whenever~~ the governing body of the local government unit calls for an election by resolution;

7 (b) ~~whenever~~ a petition signed by at least 15% of the electors of the local government calling for an
8 election is submitted to the governing body; or

9 (c) ~~whenever~~ 10 years have elapsed since the electors ~~have~~ voted on the question of conducting a local
10 government review and establishing a study commission.

11 (2) The governing body shall call for an election, ~~to be held on the primary election date~~, on the question
12 of conducting a local government review and establishing a study commission, as required by Article XI, section
13 9(2), of the Montana constitution, within 1 year after the 10-year period referred to in subsection (1)(c)."
14

15 **Section 42.** Section 7-3-174, MCA, is amended to read:

16 **"7-3-174. Election dates and procedures.** (1) ~~Votes cast~~ An election on the question of establishing
17 a study commission ~~and for electing under 7-3-173~~ must be held in conjunction with a primary election held on
18 the date established in 13-1-107.

19 (2) An election of study commission members under 7-3-176 ~~shall~~ must be held in conjunction with a
20 general election held on the date established in 13-1-104.

21 (3) The elections must be counted, canvassed, and returned as provided in Title 13 for general elections.

22 (2)(4) ~~The election administrator shall report the results of all elections~~ an election conducted under
23 7-3-171 through 7-3-193 to the secretary of state within 15 days of the date the election results become official."
24

25 **Section 43.** Section 7-3-175, MCA, is amended to read:

26 **"7-3-175. ~~Election on question of establishing study commission~~ Ballot form and question.** (1)
27 The question of conducting a local government review and establishing a study commission must be submitted
28 to the electors in substantially the following form:

29 Vote for one:

30 FOR the review of the government of (insert name of local government) and the establishment

1 and funding, not to exceed (insert dollar or mill amount), of a local government study commission
 2 consisting of (insert number of members) members to examine the government of (insert name
 3 of local government) and submit recommendations on the government.

4 [] AGAINST the review of the government of (insert name of local government) and the
 5 establishment and funding, not to exceed (insert dollar or mill amount), of a local government
 6 study commission consisting of (insert number of members) members to examine the
 7 government of (insert name of local government) and submit recommendations on the
 8 government.

9 ~~(2) The question of conducting a local government review and establishing a study commission requires~~
 10 ~~an affirmative vote of a majority of those voting on the question for passage.~~

11 ~~(3) Except for elections to be conducted pursuant to 7-3-173(2), a special election on the question of~~
 12 ~~reviewing a local government and establishing a study commission must be held no sooner than 60 days and no~~
 13 ~~later than 90 days after the passage of a resolution or the certification of a petition calling for an election on the~~
 14 ~~question."~~

15
 16 **Section 44.** Section 7-3-176, MCA, is amended to read:

17 **"7-3-176. Election of commission members -- appointments.** (1) ~~If the question of reviewing the local~~
 18 ~~government and establishing a study commission is approved, an~~ An election to fill the positions on the local
 19 government study commission must be held in conjunction with the first regularly scheduled election of the local
 20 government conducted after 90 days following the election establishing the study commission in accordance with
 21 7-3-124. A primary election may not be held.

22 (2) The names of study commission candidates who have filed declarations of nomination not later than
 23 ~~75 days before the date of the election~~ the filing deadline established in [section 7] must be placed on the ballot.
 24 There is no filing fee. The election is nonpartisan, and candidates must be listed without party or other designation
 25 or slogan. The secretary of state shall prescribe the ballot form for study commissioners.

26 (3) Candidates for study commission positions must be electors of the local government for which the
 27 study commission has been established. The candidates may not be elected officials of the local government.

28 (4) The number of candidates, equal to the number of study commission positions to be elected,
 29 receiving the highest number of votes, which includes votes cast for candidates who have officially filed
 30 nominations and votes for write-in candidates, must be declared elected. If there is a tie vote among candidates,

1 the governing body shall decide by lot which candidate will fill the position.

2 (5) If the number of study commissioners elected is not equal to the number required to be selected, the
3 presiding officer of the governing body, with the confirmation of the governing body, shall appoint the additional
4 study commissioners within 20 days ~~of~~ after the election. An elected official of the local government may not be
5 appointed."

6

7 **Section 45.** Section 7-3-178, MCA, is amended to read:

8 **"7-3-178. Term of office -- vacancies -- compensation.** (1) The term of office of study commission
9 members begins on the day that their election to the study commission is declared or certified under 13-15-405
10 or on the day of their appointment and ends on the day of the vote on the alternative plan. If the alternative plan
11 is adopted, the term continues for 90 days after the day of the vote on the alternative plan. If the commission
12 recommends no alternative plan, the term ends 30 days after submission of the final report in accordance with
13 7-3-187.

14 ~~(2) Except as provided in subsection (1), the term of office of study commission members terminates on~~
15 ~~the date of the first statewide general election following the election required by 7-3-176.~~

16 ~~(3)~~(2) A vacancy on a study commission, including an ex officio member vacancy, must be determined
17 in the same manner as a vacancy in municipal office as provided in 7-4-4111. A vacancy on a study commission
18 must be filled by appointment by the governing body of the local government being studied by the commission.
19 The appointment must be made within 30 days of the date the vacancy occurs.

20 ~~(4)~~(3) Members of the study commission may not receive compensation other than for actual and
21 necessary expenses incurred in their official capacity."

22

23 **Section 46.** Section 7-3-186, MCA, is amended to read:

24 **"7-3-186. Study commission timetable.** (1) Each local government study commission shall, within 90
25 days of its organizational meeting, establish a timetable for its deliberations and actions. The timetable must be
26 published in a local newspaper of general circulation. The timetable may be revised, but each revision must be
27 republished.

28 (2) The timetable must provide, at a minimum, the following provisions, to be accomplished
29 chronologically in the order presented:

30 (a) conduct one or more public hearings for the purpose of gathering information regarding the current

1 form, functions, and problems of local government;

2 (b) formulate, reproduce, and distribute a tentative report, containing the same categories of information
3 required to be included in the final report;

4 (c) conduct one or more public hearings on the tentative report; and

5 (d) adopt the final report of the commission and set the date for ~~a special an~~ election on the question of
6 adopting a new plan of government pursuant to 7-3-192 or, if the study commission is not recommending any
7 changes, publish and distribute the final report as provided in 7-3-187 within 60 days after the final report is
8 adopted. ~~The special election must be held in conjunction with a regular or primary election."~~

9

10 **Section 47.** Section 7-3-187, MCA, is amended to read:

11 **"7-3-187. Final report.** (1) A study commission shall adopt a final report. If the study commission
12 recommends an alteration of a local government, the final report must contain the following materials and
13 documents, each signed by a majority of the study commission members:

14 (a) those materials and documents required of a petition proposing an alteration of a local government
15 in 7-3-142;

16 (b) a certificate establishing the date of the ~~special election, which must be held in conjunction with a~~
17 ~~regular or primary election, pursuant to 7-3-192~~ at which the alternative form of government or change in a plan
18 of government is presented to the electors and a certificate establishing the form of the ballot question or
19 questions; and

20 (c) a certificate establishing the dates of the first primary and general elections for officers of a new
21 government if the proposal is approved and establishing the effective date of the proposal if approved.

22 (2) The final report must contain any minority report signed by members of the commission who do not
23 support the majority proposal.

24 (3) If the study commission is not recommending any changes, its final report must indicate that changes
25 are not recommended.

26 (4) The study commission shall file two copies of the final report with the department of administration,
27 one of which the department shall forward to the state library. A copy of the final report must be certified by the
28 study commission to the municipal or county records administrator within 30 days after the adoption of the final
29 report.

30 (5) Sufficient copies of the final report must be prepared for public distribution. The final report must be

1 available to the electors not later than 30 days prior to the election on the issue of adopting the alternative form
 2 or plan of government. Copies of the final report may be distributed to electors or residents of the local
 3 government or governments affected.

4 (6) After submission of the final report, the commission shall deposit copies of its minutes and other
 5 records with the county clerk and recorder."
 6

7 **Section 48.** Section 7-3-192, MCA, is amended to read:

8 **"7-3-192. Election on recommendation.** (1) An alternative form or plan of government recommended
 9 by a study commission must be submitted to the voters in the same manner as provided in 7-3-149. ~~The election~~
 10 ~~must be held in conjunction with any regularly scheduled election.~~

11 (2) ~~General ballot~~ Ballot requirements and treatment of suboptions on an alternative form or plan of
 12 government recommended by a study commission must be the same as for recommendations by petition as
 13 provided in 7-3-150 and 7-3-151."
 14

15 **Section 49.** Section 7-3-1204, MCA, is amended to read:

16 **"7-3-1204. Petition for city-county consolidated government -- election required.** (1) The question
 17 of the abandonment and termination of the separate corporate existence and government of a county and of each
 18 city and town therein and the consolidation and merging of the existence and government of the county and each
 19 of the cities and towns therein into one municipal corporation and government under the provisions of this part
 20 and part 13 shall be submitted to the registered electors of the county if a petition is filed in the office of the
 21 election administrator of the county, signed by at least 20% of the electors of the county whose names appear
 22 on the official register of voters of the county on the date of the filing of the petition, requesting that such question
 23 be submitted to the registered electors of the county.

24 (2) The petition shall be substantially in the form and shall be signed, verified, and filed in the manner
 25 prescribed in 7-5-132 through 7-5-135 and 7-5-137 for initiative and referendum petitions and shall designate
 26 therein the name by which the consolidated government is to be known, which must be either that of the county
 27 or of some one of the cities or towns therein."
 28

29 **Section 50.** Section 7-3-1205, MCA, is amended to read:

30 **"7-3-1205. Certification of petition -- board action -- election.** (1) If the county election administrator

1 finds that the petition or amended petition is signed by the required number of registered electors, the election
2 administrator shall certify the finding to the board of county commissioners at their next regular meeting.

3 (2) The board shall, within 10 days after receiving the election administrator's certificate, order ~~a special~~
4 an election to be held on the question. ~~The order must specify that the election will be held in conjunction with~~
5 ~~the next regular or primary election. The board of county commissioners shall issue a proclamation setting forth~~
6 ~~the purpose for which the special election is held and the date of holding the election. The proclamation must be~~
7 ~~published in the manner prescribed by 13-1-108~~ The election must be conducted in accordance with [sections
8 6 through 10]."

9

10 **Section 51.** Section 7-3-1206, MCA, is amended to read:

11 **"7-3-1206. Form of ballot.** ~~At such election the ballots to be used shall be printed on plain white paper,~~
12 ~~shall conform as nearly as possible to the ballots used in general elections, and shall have printed thereon the~~
13 ~~following~~ The ballot for an election pursuant to 7-3-1205 shall present the following question:

14 Shall the corporate existence and government of the county of and of each and every city and town
15 therein be consolidated and merged into one municipal corporation and government under the provisions of
16 chapter 121, acts of the eighteenth legislative assembly of the state of Montana, to be known and designated as
17 "city and county of"?

18 YES.

19 NO."

20

21 **Section 52.** Section 7-3-1208, MCA, is amended to read:

22 **"7-3-1208. Election of commission upon favorable vote.** (1) If the majority of the votes cast at the
23 election are in favor of the consolidation and merging, the board of county commissioners of the county shall,
24 within 2 weeks after the election returns have been canvassed, order ~~a special~~ an election to be held in
25 ~~conjunction with the next regular or primary election~~ accordance with [sections 6 through 10] for the purpose of
26 electing the number of members of the commission to which the consolidated municipality is entitled. This order
27 must specify the time date when the election will be held. ~~The board of county commissioners, immediately upon~~
28 ~~making the order, shall issue a proclamation setting forth the purpose for which the special election is held and~~
29 ~~the date of holding the election. The proclamation must be published in the manner prescribed by 13-1-108.~~

30 (2) A primary election may not be held for the purpose of nominating candidates ~~for members of the~~

1 ~~commission to be voted for at the special election. The candidates must be nominated directly by a petition that~~
 2 ~~is in substantially the same form and signed by the same number of signers as required for primary nominating~~
 3 ~~petitions. The election must be conducted, the vote must be returned and canvassed, and the result must be~~
 4 ~~declared in the same manner as provided by law in respect to general elections~~ A candidate for commissioner
 5 shall file a declaration of candidacy with the election administrator within the timeframe specified in [section 7]."
 6

7 **Section 53.** Section 7-3-1209, MCA, is amended to read:

8 **"7-3-1209. Resolution declaring creation of consolidated government.** (1) At the first meeting of the
 9 commission whose members are first elected under the provisions of this part, the commission shall adopt a
 10 resolution reciting the filing of the petition provided for in 7-3-1204, the ordering and holding of ~~a special~~ an
 11 election as requested in the petition, the result of the election and the holding of ~~the special~~ an election for and
 12 the election of the members of the first commission, and the name and designation of the consolidated
 13 municipality. This resolution must be in duplicate and signed by all of the members of the commission and also
 14 entered at length on the journal of the commission. One copy of the resolution must be filed in the office of the
 15 clerk of the commission, and the other copy must be transmitted to and filed in the office of the secretary of state.

16 (2) Immediately upon the adoption of the resolution by the commission, the separate corporate existence
 17 of the county and of each city and town therein is considered to be consolidated and merged into one municipal
 18 corporation under the name selected, designated, and adopted as provided in this part, and the consolidated
 19 municipality is considered to have succeeded to and to possess and own all of the property and assets of every
 20 kind and description and shall, except as otherwise provided, become responsible for all of the obligations and
 21 liabilities of the county, cities, and towns consolidated and merged."
 22

23 **Section 54.** Section 7-3-1216, MCA, is amended to read:

24 **"7-3-1216. Term of office of commission members.** (1) Except as provided in subsection (2), the term
 25 of office of members of the commission ~~shall~~ must be 4 years and ~~shall~~ must commence on the first Monday ~~of~~
 26 in January following their election.

27 (2) The terms of office of the members first elected ~~at such special election~~ shall commence on the first
 28 day of the third month following their election, and the terms of office of a majority of such members first elected,
 29 to be determined by lot, shall expire when their successors are elected and qualified in the first year following their
 30 election, and the terms of the remaining members first elected shall expire when their successors are elected and

1 qualified in the third year following their election."
 2

3 **Section 55.** Section 7-3-1218, MCA, is amended to read:

4 **"7-3-1218. Meetings of commission.** (1) (a) Except as provided in subsection (1)(b), at 2 p.m. on the
 5 first Monday of in January following a ~~regular~~ general municipal election, the commission shall meet at the
 6 courthouse in the consolidated municipality and the newly elected members shall assume the duties of office.

7 (b) The first meeting of the commission after the ~~special~~ election at which the first members of the
 8 commission are elected ~~shall~~ must be held at 2 p.m. on the first day of the third month following the special
 9 election, and at this meeting the members of the commission shall determine by lot the members whose terms
 10 will expire on the first Monday of in January in the first year following ~~such special~~ their election and the members
 11 whose terms will expire on the first Monday of in January in the third year following ~~such~~ their election.

12 (2) Thereafter the commission shall meet ~~at such times as may be~~ prescribed by ordinance or resolution,
 13 but not less frequently than once in each month. Special meetings ~~shall~~ must be called by the clerk of the
 14 commission ~~upon~~ on written request of the president, the manager, or a majority of the members of the
 15 commission. A notice of a special meeting ~~shall~~ must state the subject to be considered at the meeting, and no
 16 other subject ~~shall~~ may be considered at the special meeting.

17 (3) All meetings of the commission and of committees of the commission ~~thereof~~ shall must be open to
 18 the public, and the rules of the commission ~~shall~~ must provide that citizens of the municipality ~~shall~~ must have
 19 a reasonable opportunity to be heard at any meeting in regard to any matter considered ~~thereat~~ at the meeting."
 20

21 **Section 56.** Section 7-3-1219, MCA, is amended to read:

22 **"7-3-1219. Organization and officers of commission.** (1) At the first meeting of the commission
 23 following the ~~special~~ election at which the members of the commission are first elected and after that time at ~~its~~
 24 the commission's meeting on the first Monday of in January following each general election at which members
 25 of the commission are elected, the commission shall choose one of its members as president and another as vice
 26 president.

27 (2) The president shall preside at meetings of the commission and shall exercise the powers and perform
 28 the duties conferred and imposed by part 13 or this part and the ordinances of the municipality. The president
 29 is the official head of the municipality for all ceremonial purposes, by the courts for serving civil processes, and
 30 by the governor for purposes of military law. In time of public danger or emergency, the president shall, if

1 authorized by a vote of the commission, take command of the police, maintain order, and enforce the law. If a
 2 vacancy occurs in the office of president or in case of the president's absence or disability, the vice president shall
 3 act as president for the unexpired term or during the continuance of the absence or disability.

4 (3) The director of finance is ex officio clerk of the commission and shall, either in person or by deputy,
 5 keep the records of the commission and perform other duties that may be required by part 13 or this part or by
 6 the commission."

7

8 **Section 57.** Section 7-3-1229, MCA, is amended to read:

9 **"7-3-1229. Submission of initiative measure to electors.** (1) If the commission fails to pass an
 10 ordinance proposed by initiative petition or passes it in a form different from that set forth in the petition, the
 11 committee of the petitioners may require that it be submitted to a vote of the electors either in its original form or
 12 with any change or amendment presented in writing, either at a public hearing before the committee to which the
 13 proposed ordinance was referred or during consideration by the commission. If the committee of petitioners
 14 requires the submission of a proposed ordinance to a vote of the electors, the committee shall certify that fact
 15 to the clerk and file in the clerk's office a certified copy of the ordinance, in the form in which it is to be submitted,
 16 within 10 days after final action on the ordinance by the commission.

17 (2) ~~Upon~~ On receipt of the certified copy of a proposed ordinance from the committee of the petitioners,
 18 the clerk shall certify the fact to the commission at its next regular meeting. The proposed ordinance must be
 19 submitted to a vote of the electors ~~at the next regular or primary election~~ an election conducted in accordance
 20 with [sections 6 through 10]. If a majority of those voting on a proposed ordinance vote in favor of the proposed
 21 ordinance, it is an ordinance of the municipality."

22

23 **Section 58.** Section 7-3-1231, MCA, is amended to read:

24 **"7-3-1231. Action on referendum petition.** (1) If a referendum petition or amended petition is found
 25 sufficient, the clerk shall certify that fact to the commission at its next regular meeting and the ordinance or part
 26 of the ordinance set forth in the petition may not go into effect, or further action under the ordinance is suspended
 27 if it has gone into effect, until approved by the electors.

28 (2) Upon receipt of the clerk's certificate, the commission shall reconsider the ordinance or part of the
 29 ordinance, and its final vote ~~upon~~ after reconsideration must be ~~upon~~ on the question "Shall the ordinance (or part
 30 of the ordinance) set forth in the referendum petition be repealed?" If ~~upon~~ after reconsideration the ordinance

1 or part of the ordinance is not repealed, it must be submitted to the electors at ~~the next regular or primary election~~
 2 an election conducted in accordance with [sections 6 through 10]. If when submitted to the electors any ordinance
 3 or part of an ordinance is not approved by a majority of those voting on the issue, it is repealed."

4

5 **Section 59.** Section 7-3-1254, MCA, is amended to read:

6 **"7-3-1254. Nonpartisan nature of government.** (1) A person holding an appointive office or position
 7 in the municipal government may not directly or indirectly solicit or receive or be in any manner concerned in
 8 soliciting or receiving any assessment, subscription, or contribution for any political party or purpose. A person
 9 may not orally or by letter solicit or be in any manner concerned in soliciting any assessment, subscription, or
 10 contribution for any political party or purpose from any person holding an appointive office or position in the
 11 municipal government. A person may not use or promise to use the person's influence or official authority to
 12 secure any appointment or prospective appointment to any position in the service of the municipality as a reward
 13 or return for personal or partisan political service. A person may not take part in preparing any political
 14 assessment, subscription, or contribution with the intent that it should be sent or presented to or collected from
 15 any person in the service of the municipality. A person may not knowingly send or present, directly or indirectly,
 16 in person or otherwise, any political assessment, subscription, or contribution to or request its payment by any
 17 person in the service of the municipality.

18 (2) A person in the service of the municipality may not discharge, suspend, lay off, reduce in grade, or
 19 in any manner change the official rank or compensation of any person in service or threaten to do so for
 20 withholding or neglecting to make any contribution of money or service or any valuable thing for any political
 21 service. A person holding an appointive office or place in the municipal government may not act as an officer in
 22 a political organization or serve as a member of a committee of any political organization or circulate or seek
 23 signatures for any petition provided for by ~~primary or~~ election laws.

24 (3) A person who, individually or in cooperation with one or more persons, willfully or corruptly violates
 25 any of the provisions of subsections (1) and (2) ~~shall~~ must be found guilty of a misdemeanor and ~~shall upon~~ on
 26 conviction must be punished by a fine of not less than \$50 or more than \$500, by imprisonment for a term not
 27 exceeding 3 months, or both, and if the person is an officer or employee of the municipality, the person shall
 28 immediately forfeit the office or employment."

29

30 **Section 60.** Section 7-3-1271, MCA, is amended to read:

1 **"7-3-1271. General provisions related to elections.** (1) For any election held on the question of the
 2 adoption of this part and part 13 and for the first election of members of the commission ~~thereunder~~ if adopted,
 3 the county election administrator and board of county commissioners shall exercise the powers and perform the
 4 duties respecting elections prescribed for county election administrators and boards of county commissioners
 5 by the ~~general~~ election laws of the state.

6 (2) After the adoption of this part and part 13 by the electors of the county and the election and
 7 qualification of a commission ~~thereunder~~, elections ~~shall~~ must be conducted as provided in Title 7 and Title 13."
 8

9 **Section 61.** Section 7-3-4208, MCA, is amended to read:

10 **"7-3-4208. Petition to organize under commission form -- election required.** (1) When a petition on
 11 the question of reorganization under this part is filed with the city council and is signed by ~~not less than~~ at least
 12 25% of the qualified electors of the city registered for the last preceding general city election, the city council shall
 13 order a ~~special~~ an election to be held ~~in conjunction with the next regular or primary election~~ in accordance with
 14 [sections 6 through 10]. At this election, the question of reorganization of the city under the provisions of this part
 15 must be submitted to the qualified electors of the city.

16 (2) The order of the city council must specify the time when the election will be held pursuant to [section
 17 9]."
 18

19 **Section 62.** Section 7-3-4210, MCA, is amended to read:

20 **"7-3-4210. Form of ballot.** At such an election under 7-3-4208 the ballots ~~to be used shall be printed~~
 21 ~~upon plain white paper and shall~~ must be headed "~~Special election~~ Election for the purpose of submitting to the
 22 qualified electors of the city of the question of reorganization of the city of under Chapter 57, Laws of 1911"
 23 and ~~shall~~ must be substantially in the following form:

24 [] FOR reorganization of the city of under chapter 57, Laws of 1911.

25 [] AGAINST reorganization of the city of under chapter 57, Laws of 1911."
 26

27 **Section 63.** Section 7-3-4212, MCA, is amended to read:

28 **"7-3-4212. Effect of vote on question.** (1) If ~~such~~ the proposition is adopted, the mayor shall transmit
 29 to the governor, to the secretary of state, and to the county clerk and recorder each a certificate stating that ~~such~~
 30 the proposition was adopted.

1 (2) If ~~such~~ the proposition ~~shall~~ was not ~~be adopted~~ approved at ~~such special~~ the election, ~~such the~~
 2 proposition ~~shall~~ may not again be submitted to the electors of ~~such the~~ city within a period of 2 years ~~thereafter~~
 3 after the date of the last submission."

4

5 **Section 64.** Section 7-3-4214, MCA, is amended to read:

6 **"7-3-4214. First term of office.** (1) The terms of office of the mayor and council members ~~elected at~~
 7 ~~a special election shall qualify and their terms of office must begin~~ begin on the first Monday after their election
 8 is certified, or if there is a recount, after the recount results are certified. The terms of office of the mayor and
 9 council members or city council members ~~in the city~~ who are in office at the beginning of the ~~term~~ terms of office
 10 of the council members first elected under the provisions of this part ~~end~~ terminate, and the terms of office of all
 11 of their appointed officers in force in the city, except as provided in this part, ~~end~~ terminate, ~~as soon as the council~~
 12 shall stated by resolution ~~declare~~ of the council.

13 (2) The terms of office of the mayor and all council members ~~elected at the special election~~ expire on
 14 the first Monday in January of the first even-numbered year following their election. At the first ~~regular~~ general
 15 city election held in the year prior to the year in which the terms of office of the mayor and council members
 16 ~~elected at the special election~~ expire, a mayor and two council members must be elected in cities having a
 17 population of less than 25,000. The mayor elected at the first general city election shall hold office for 4 years,
 18 one of the council members elected at the first city election shall hold office for 2 years, and the other of the
 19 council members elected at the first general city election shall hold office for 4 years, beginning with the first
 20 Monday in January of the year following their election. A mayor and four council members must be elected in
 21 cities having a population of 25,000 or more, and the mayor elected at the first general city election shall hold
 22 office for 4 years. Two of the council members elected at the first general city election shall hold office for 2 years,
 23 and the other two of the council members elected at the first general city election shall hold office for 4 years,
 24 beginning with the first Monday in January of the year following their election.

25 (3) The council members elected at the first general city election shall decide by lot, in a manner that they
 26 may select, which members shall hold the office of council member ~~the~~ for a term of which that expires 2 years
 27 after the election and which members shall hold the office for a term of 4 years."

28

29 **Section 65.** Section 7-3-4222, MCA, is amended to read:

30 **"7-3-4222. Adoption of ordinances -- petition to protest -- election.** (1) Each ordinance or resolution

1 appropriating money, ordering any street or sewer improvement, making or authorizing the making of any
 2 contract, or granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the
 3 city for any purpose must be complete in the form in which it is finally passed and remain on file with the city clerk
 4 for public inspection at least 1 week before the final passage or adoption of the ordinance or resolution.

5 (2) An ordinance passed by the council, except when otherwise required by the general laws of this state
 6 or the provisions of this part and except an ordinance for the immediate preservation of the public peace, health,
 7 or safety that contains a statement of its urgency and is passed by a two-thirds vote of the council, may not go
 8 into effect before 10 days from the time of its final passage. If during the 10-day period a petition protesting
 9 against the ordinance and signed by ~~electors of the city equal in number to~~ at least 25% of the ~~entire number of~~
 10 ~~persons~~ qualified electors of the city registered to vote at for the last preceding general ~~municipal city~~ election;
 11 ~~protesting against the passage of the ordinance~~, is presented to the council, the ordinance is suspended from
 12 going into operation and the council shall reconsider the ordinance. If the ordinance is not entirely repealed, the
 13 council shall submit the ordinance to the vote of the electors of the city, ~~either at a general election or at a special~~
 14 ~~municipal election held in conjunction with a regular or primary election~~ in an election conducted in accordance
 15 with [sections 6 through 10]. The ordinance may not go into effect or become operative unless a majority of the
 16 electors voting on the ordinance vote in favor of its adoption."
 17

18 **Section 66.** Section 7-3-4223, MCA, is amended to read:

19 **"7-3-4223. Granting of franchises -- election required.** A franchise or right to occupy or use the
 20 streets, highways, bridges, or public places in a city may not be granted, renewed, or extended except by
 21 ordinance. A franchise or grant for interurban or street railways, gasworks or waterworks, electric light or power
 22 plants, heating plants, telegraph or telephone systems, or other public service utilities or renewal or extension
 23 of the franchise or grant within the city must be authorized or approved by a majority of the electors voting on the
 24 issue at a ~~general election or a special election held in conjunction with a regular or primary election as provided~~
 25 ~~in 7-5-4321 and 7-5-4322~~ an election conducted in accordance with [sections 6 through 10]."
 26

27 **Section 67.** Section 7-3-4305, MCA, is amended to read:

28 **"7-3-4305. Petition to organize under commission-manager form -- election required.** (1) Upon the
 29 filing of a petition with the city or town council, signed by ~~not less than~~ at least 15% of the qualified electors of the
 30 municipality registered for the last general municipal election, proposing that the question of reorganization under

1 this part and part 44 be submitted to the qualified electors of the municipality, the city or town council shall order
 2 ~~a special an~~ election to be held in conjunction with a regular or primary election accordance with [sections 6
 3 through 10]. At the election, the question of reorganization of the municipality under the provisions of this part and
 4 part 44 must be submitted to the qualified electors of the municipality.

5 (2) The order of the city or town council must specify the time when the election will be held pursuant
 6 to [section 9]."

7

8 **Section 68.** Section 7-3-4307, MCA, is amended to read:

9 **"7-3-4307. Form of ballot.** At ~~such an~~ election under 7-3-4305, the ballots to be used ~~shall~~ must be
 10 ~~printed on plain white paper and shall be~~ headed "Election for the purpose of submitting to the
 11 qualified electors of the (city, town) of (name of city or town) under chapter 152 of the acts of the fifteenth
 12 legislative assembly" and ~~shall~~ must be substantially in the following form:

13 [] FOR reorganization of the (city, town) of (name of city or town) under chapter 152 of the acts of
 14 the fifteenth legislative assembly.

15 [] AGAINST reorganization of the (city, town) of (name of city or town) under chapter 152 of the
 16 acts of the fifteenth legislative assembly."

17

18 **Section 69.** Section 7-3-4309, MCA, is amended to read:

19 **"7-3-4309. Effect of vote on question of organization.** (1) If ~~such the~~ proposition is adopted, the mayor
 20 shall transmit to the governor, to the secretary of state, and to the county clerk and recorder each a certificate
 21 stating that ~~such the~~ proposition was adopted.

22 (2) If ~~such the~~ proposition ~~shall not be adopted at such special election~~ failed, ~~such the~~ proposition ~~shall~~
 23 may not again be submitted to the electors of ~~such municipality~~ within a period of 2 years ~~from~~ after the date of
 24 the last submission."

25

26 **Section 70.** Section 7-3-4310, MCA, is amended to read:

27 **"7-3-4310. ~~Special election~~ Election for municipal officers after reorganization.** (1) If the majority
 28 of the votes cast at the election are in favor of reorganization, the city or town council shall hold a meeting within
 29 1 week after the election and order ~~a special an~~ election to be held in conjunction with a regular or primary
 30 ~~election~~ election accordance with [sections 6 through 10] for the purpose of electing the number of commissioners to

1 which the municipality is entitled. This order must specify the time of holding the election, which must be in
 2 accordance with [section 9]. The mayor shall issue a proclamation setting forth the purpose for which the special
 3 election is held and the day of holding the election. The proclamation must be published for 10 successive days
 4 in each daily newspaper published in the municipality if there is a daily newspaper or for 2 successive weeks in
 5 each weekly newspaper published in the municipality. A For the first election of officers, a primary election may
 6 not be held. The term of office for officers initially elected under this subsection expires after subsequent officers
 7 are elected pursuant to subsection (2).

8 (2) Each subsequent election of officers must involve a primary election and a general election
 9 conducted in accordance with Title 13. The primary election must be held on the date specified in 13-1-107. The
 10 general election must be held on the date established in 13-1-104.

11 (3) In addition to the notice required under 13-1-108, a copy of the proclamation must also be posted
 12 at each voting place within in the municipality and in five of the most public places in the municipality.

13 ~~(2) The election must be conducted, the vote must be canvassed, and the result must be declared in the~~
 14 ~~same manner as provided by law for other municipal elections.~~

15 ~~—— (3) The provisions of 7-3-4341 are to be followed in the special election, except that the date of the~~
 16 ~~election must be in conjunction with a regular or primary election held before the special election."~~

17

18 **Section 71.** Section 7-3-4311, MCA, is amended to read:

19 **"7-3-4311. Procedure for multimunicipality organization -- petition -- election -- elector**
 20 **qualifications.** (1) Whenever the inhabitants of any community or group of communities in any county, whether
 21 separately incorporated in whole or in part or unincorporated, desire to be organized into or annexed to an
 22 incorporated city or town under the provisions of this part and part 44, the board of county commissioners of the
 23 county may or, ~~upon the presentation of~~ if presented a petition signed by ~~not less than~~ at least 25% of the
 24 qualified electors in the community or group of communities, shall issue a proclamation ordering ~~a special an~~
 25 election to be held in ~~conjunction with a regular or primary election~~ accordance with [sections 6 through 10].

26 (2) At this election, the question of the organization of the community or group of communities as a
 27 municipality under the provisions of this part and part 44 must be submitted to the qualified electors within the
 28 proposed municipal district. The proclamation must specify the time when and the places where the election will
 29 be held and must define the boundaries of the proposed municipal district, which must include all communities,
 30 cities, and any additional adjacent territory that, in the judgment of the board of county commissioners, provides

1 for future urban growth.

2 (3) If a majority of the ~~legal voters~~ qualified electors at the election vote in favor of the organization of
3 the municipal district or in favor of annexation to an incorporated city or town, then the board of county
4 commissioners shall declare the result of the election ~~and~~.

5 (4) ~~The commissioners shall also give notice for 30 days in a newspaper published within the proposed~~
6 ~~municipal district or, if a newspaper is not published in the proposed district, by posting notices in six public places~~
7 ~~within the limits of the district of the time and place or places of holding the~~ as required in 13-1-108 for the first
8 election for commissioners of the municipal district under this ~~law~~ section.

9 (5) ~~At the election, all electors~~ The election for commissioners must be conducted in accordance with
10 [sections 6 through 10]. Persons qualified by the general election laws of the state pursuant to 13-1-111 and who
11 have resided within the limits of the municipal district for 6 months are qualified electors. ~~The board of county~~
12 ~~commissioners shall appoint judges and clerks of election and canvass and declare the result of the election. The~~
13 ~~election must be held in conjunction with a regular or primary election and must be conducted in the manner~~
14 ~~prescribed by law for the election of county officers.~~

15 (6) The commissioners elected must qualify in the manner prescribed by law for county officers."
16

17 **Section 72.** Section 7-3-4316, MCA, is amended to read:

18 **"7-3-4316. Term of office for commissioners.** (1) The commissioners elected at the first election shall
19 qualify and their terms of office ~~shall~~ must begin on the first Monday after their election. The terms of office of the
20 mayor and city council members in a municipal commission-manager city or town who are in office at the
21 beginning of the ~~term~~ terms of office of the commissioners first elected under the provisions of part 44 and this
22 part terminate, and the terms of office of all of their appointed officers and of all of the employees of the city or
23 town terminate, ~~as soon as the commissioners shall~~ stated by resolution ~~declare~~ of the commission.

24 (2) All commissioners shall serve for a term of 4 years and until their successors are elected and have
25 qualified, except that at the first election the two candidates having the highest number of votes shall hold office
26 for a period of 4 years less the time elapsed since December 31 of the preceding odd-numbered year. The terms
27 of office of all other candidates expire on December 31 in any odd-numbered year following the ~~special~~ election
28 provided for in this part at which the first commissioners are elected."
29

30 **Section 73.** Section 7-3-4319, MCA, is amended to read:

1 **"7-3-4319. Designation of mayor.** (1) The mayor is ~~that~~ the member of the commission who, at the
 2 ~~regular~~ general municipal election at which the commissioners were elected, received the highest number of
 3 votes. In case two candidates receive the same number of votes, one of them must be chosen mayor by the
 4 remaining members of the commission.

5 (2) If a vacancy in the office of the mayor is caused by the expiration of the term of office, the holdover
 6 commissioner ~~having~~ who received the highest number of votes is the mayor. If there is a vacancy in the office
 7 of the mayor for any other cause, the remaining members of the commission shall choose the mayor's successor
 8 for the unexpired term from their own number by lot.

9 (3) If the commissioner who is acting as mayor is recalled, the remaining members of the commission
 10 shall select one of their number to serve as mayor for the unexpired term. If all of the commissioners are recalled,
 11 the person receiving the highest number of votes at the election held to determine their successors is the mayor."
 12

13 **Section 74.** Section 7-3-4322, MCA, is amended to read:

14 **"7-3-4322. Meetings of commission.** (1) At 10 a.m. on the first Monday after January 1 following a
 15 ~~regular~~ general municipal election, the commission shall meet at the usual place for holding the meetings of the
 16 legislative body of the municipality, at which time the newly elected commissioners shall assume the duties of
 17 their office. Thereafter, the commissioners shall meet at times that may be prescribed by ordinance or resolution,
 18 except that in municipalities having less than 5,000 inhabitants, they shall meet regularly at least once and not
 19 more than four times per month₁, and in municipalities having more than 5,000 inhabitants, they shall meet not
 20 less than once every 2 weeks.

21 (2) Absence from five consecutive regular meetings vacates the seat of a member unless the absence
 22 is authorized by the commission.

23 (3) The commissioner acting as mayor, any two members of the commission, or the city manager may
 24 call special meetings of the commission with written notice of at least 12 hours to each member of the
 25 commission, served personally on each member or left at the member's usual place of residence."
 26

27 **Section 75.** Section 7-3-4462, MCA, is amended to read:

28 **"7-3-4462. Office of city judge.** (1) In each municipality having a commission-manager form of
 29 government, a city judge ~~shall~~ must be elected every 4 years in a nonpartisan election held in conjunction with
 30 the ~~regularly scheduled~~ general municipal election. The city judge shall hold office for a term of 4 years.

1 (2) The qualifications to hold the office of city judge ~~shall~~ must be set by ordinance by the commission.
 2 The ordinance ~~shall~~ must be consistent with any rules adopted by the Montana supreme court on city judge
 3 qualifications.

4 (3) If a vacancy occurs in the office of city judge, the commission shall appoint a qualified individual to
 5 serve for the remainder of the term."
 6

7 **Section 76.** Section 7-5-131, MCA, is amended to read:

8 **"7-5-131. Right of initiative and referendum.** (1) The powers of initiative and referendum are reserved
 9 to the electors of each local government. Resolutions and ordinances within the legislative jurisdiction and power
 10 of the governing body of the local government, except those set out in subsection (2), may be proposed or
 11 amended and prior resolutions and ordinances may be repealed in the manner provided in 7-5-132 through
 12 7-5-135 and 7-5-137.

13 (2) The powers of initiative do not extend to the following:
 14 (a) the annual budget;
 15 (b) bond proceedings, except for ordinances authorizing bonds;
 16 (c) the establishment and collection of charges pledged for the payment of principal and interest on
 17 bonds;
 18 (d) the levy of special assessments pledged for the payment of principal and interest on bonds; or
 19 (e) the prioritization of the enforcement of any state law by a unit of local government."
 20

21 **Section 77.** Section 7-5-132, MCA, is amended to read:

22 **"7-5-132. Procedure to exercise right of for initiative or referendum election.** (1) The electors of a
 23 local government may initiate and, by petition, request an election on whether to enact, repeal, or amend
 24 ordinances and require submission of existing ordinances to a vote of the people by petition an ordinance. The
 25 form of the petition must be approved by the county election administrator. A petition signed by at least 15% of
 26 the local government's qualified electors is sufficient to require an election.

27 (2) (a) If an approved petition containing sufficient signatures is filed prior to the ordinance's effective
 28 date or within 60 days after the passage of the ordinance, whichever is later, a petition requesting ~~a referendum~~
 29 ~~on an election on whether to amend or repeal~~ the ordinance delays the ordinance's effective date until the
 30 ordinance is ratified by the electors.

1 ~~(b) A~~ If an approved petition requesting a referendum on an emergency ordinance containing sufficient
 2 signatures is filed within 60 days of ~~after~~ the effective date of the ~~an emergency~~ ordinance, ~~suspends the~~
 3 emergency ordinance is suspended until it is ratified by the electors.

4 ~~(2)(3)~~ The governing body may refer ~~an existing or proposed ordinances~~ ordinance to a vote of the
 5 people by resolution.

6 ~~(3)(4)~~ A petition or resolution for ~~initiative or referendum~~ an election must:

7 (a) embrace only a single comprehensive subject;

8 (b) set out fully the ordinance sought ~~by petitioners or, in the case of an amendment, set out fully,~~ the
 9 ordinance ~~sought to be amended and the proposed amendment,~~ ~~or, in the case of referendum, set out the~~
 10 ordinance ~~sought to be repealed;~~

11 (c) be in the form prescribed in Title 13, chapter 27, except as specifically provided in this part; and

12 ~~(d) contain the signatures of 15% of the registered electors of the local government; and~~

13 ~~(e)(d)~~ contain transition provisions if the measure changes terms of office or forms of government.

14 (5) An election held pursuant to this section must be conducted in accordance with [sections 6 through
 15 10], except that if the petition asks for a special election, specifies an election date that complies with [section 9],
 16 and is signed by at least 25% of the qualified electors, a special election must be held on the date specified in
 17 the petition.

18 (6) If a majority of those voting on the question approve the proposal, it becomes effective when the
 19 election results are officially declared, unless otherwise stated in the proposal."

20

21 **Section 78.** Section 7-5-4321, MCA, is amended to read:

22 **"7-5-4321. Grant of exclusive franchise -- election required.** (1) The council may not grant an
 23 exclusive franchise or special privilege to any person except in the manner specified in subsection (2). The
 24 powers of the council are only those expressly prescribed by law and those necessarily incident to the law.

25 (2) An exclusive franchise for any purpose, except contracts for solid waste management systems as
 26 defined in 75-10-103, which may not exceed 10 years, may not be granted by any city or town or by the mayor
 27 or city council to any person, association, or corporation without first submitting the application for an exclusive
 28 franchise to the electors of the city at ~~a regular or primary~~ an election.

29 (3) The election must be conducted in accordance with 7-5-4322 and [sections 6 through 10].

30 (4) If the majority of the votes cast at the election are "For granting franchise", the mayor and city council

1 shall grant the franchise by the passage and approval of a proper ordinance."

2

3 **Section 79.** Section 7-5-4322, MCA, is amended to read:

4 **"7-5-4322. Election on question of granting franchise notice -- ballot form.** (1) Notice of the election
5 must be ~~published~~ as provided in accordance with 13-1-108. The notice must state the time and place of holding
6 the election, the character of any franchise applied for, and the valuable consideration, if there is any, to be
7 derived by the city.

8 (2) At the election, the ballots must contain the words "For granting franchise" and "Against granting
9 franchise"; ~~and in voting, the elector shall make a cross (X) opposite the answer that the elector intends to vote
10 for. The election must be conducted and canvassed and the return made in the same manner as other city or
11 town elections.~~

12 ~~———— (3) If the majority of the votes cast at the election are "For granting franchise", the mayor and city council
13 shall grant the franchise by the passage and approval of a proper ordinance."~~

14

15 **Section 80.** Section 7-6-1501, MCA, is amended to read:

16 **"7-6-1501. Resort tax -- definitions Definitions.** As used in ~~7-6-1501 through 7-6-1509~~ this part, the
17 following definitions apply:

18 (1) "Board of directors" means the board of directors of the resort area district.

19 (2) "Luxuries" means any gift item, luxury item, or other item normally sold to the public or to transient
20 visitors or tourists. The term does not include food purchased unprepared or unserved, medicine, medical
21 supplies and services, appliances, hardware supplies and tools, or any necessities of life.

22 ~~(2)(3)~~ "Medical supplies" means items that are sold to be used for curative, prosthetic, or medical
23 maintenance purposes, whether or not prescribed by a physician.

24 ~~(3)(4)~~ "Medicine" means substances sold for curative or remedial properties, including both physician
25 prescribed and over-the-counter medications.

26 (5) "Qualified elector" means a person who is qualified to vote under 13-1-111 and is a resident of a
27 resort community, resort area, or proposed or established resort area district.

28 ~~(4)(6)~~ "Resort area" means an area that:

29 (a) is an unincorporated area and is a defined contiguous geographic area;

30 (b) has a population of less than 2,500 according to the most recent federal census;

1 (c) derives the major portion of its economic well-being from businesses catering to the recreational and
 2 personal needs of persons traveling to or through the area for purposes not related to their income production;
 3 and

4 (d) has been designated by the department of commerce as a resort area prior to its establishment by
 5 the county commissioners as provided in 7-6-1508.

6 (7) "Resort area district" means a district created under 7-6-1531 through 7-6-1550 that has been
 7 established as a resort area under 7-6-1508.

8 ~~(5)~~(8) "Resort community" means a community that:

9 (a) is an incorporated municipality;

10 (b) has a population of less than 5,500 according to the most recent federal census;

11 (c) derives the primary portion of its economic well-being related to current employment from businesses
 12 catering to the recreational and personal needs of persons traveling to or through the municipality for purposes
 13 not related to their income production; and

14 (d) has been designated by the department of commerce as a resort community."
 15

16 **Section 81.** Section 7-6-1502, MCA, is amended to read:

17 **"7-6-1502. Resort community taxing authority -- specific delegation.** As required by 7-1-112,
 18 7-6-1501 through 7-6-1507 specifically delegate to the qualified electors of each respective resort community the
 19 power to authorize their municipality to impose a resort tax within the corporate boundary of the municipality as
 20 provided in 7-6-1501 through 7-6-1507."
 21

22 **Section 82.** Section 7-6-1504, MCA, is amended to read:

23 **"7-6-1504. Resort tax -- election required -- procedure -- notice.** (1) A resort community or area may
 24 not impose or, except as provided in 7-6-1505, amend or repeal a resort tax unless the resort tax question has
 25 been ~~submitted to the electorate of the resort community or area~~ and approved by a majority of the qualified
 26 electors voting on the question.

27 (2) The resort tax question may be presented to the qualified electors of:

28 (a) a resort community by a petition of the electors as provided by ~~7-4-4130~~ 7-5-131, 7-5-132, and
 29 7-5-134 through, 7-5-135, and 7-5-137 or by a resolution of the governing body of the resort community; or

30 (b) a resort area by a resolution of the board of county commissioners, following receipt of a petition of

1 electors as provided in 7-6-1508.

2 (3) If a resort area is in more than one county, the resort tax question must be presented to and approved
3 by the qualified electors in the resort area of each county.

4 (4) The petition or resolution referring the taxing question must state:

5 (a) the rate of the resort tax;

6 (b) the duration of the resort tax;

7 (c) the date when the tax becomes effective, which date may not be earlier than 35 days after the
8 election; and

9 (d) the purposes that may be funded by the resort tax revenue.

10 (5) ~~Upon~~ On receipt of an adequate petition, the governing body ~~may~~:

11 ~~—— (a) call a special election on the resort tax question; or~~

12 ~~—— (b) have the resort tax question placed on the ballot at the next regularly scheduled election shall hold~~
13 ~~an election in accordance with [sections 1 through 5].~~

14 (6) ~~(a) Before the resort tax question is submitted to the electorate of a resort community or area, the~~
15 ~~governing body of the resort community or the board of county commissioners in the county in which the resort~~
16 ~~area is located shall publish notice of the goods and services subject to the resort tax, in a newspaper that meets~~
17 ~~the qualifications of subsection (6)(b). The notice must be published twice, with at least 6 days separating~~
18 ~~publications. The first publication must be no more than 30 days prior to the election and the last no less than 3~~
19 ~~days prior to the election. Notice of the election must be accomplished as provided in 13-1-108 and include the~~
20 ~~information listed in subsection (4) of this section.~~

21 ~~(b) The newspaper must be:~~

22 ~~—— (i) of general, paid circulation with a second-class mailing permit;~~

23 ~~—— (ii) published at least once a week; and~~

24 ~~—— (iii) published in the county where the election will take place.~~

25 (7) The question of the imposition of a resort tax may not be placed before the qualified electors more
26 than once in any fiscal year."

27

28 **Section 83.** Section 7-6-1505, MCA, is amended to read:

29 **"7-6-1505. Resort tax administration.** (1) In this section, "governing body" means:

30 (a) the governing body of a resort community;

- 1 (b) if the resort tax has been approved by the qualified electors of a resort area, the board of county
2 commissioners; or
- 3 (c) if the qualified electors of the resort area establish a resort area district, the district board of directors.
- 4 (2) Not less than 30 days prior to the date that the resort tax becomes effective, the governing body shall
5 enact an administrative ordinance governing the collection and reporting of the resort taxes. This administrative
6 ordinance may be amended at any time as may be necessary to effectively administer the resort tax.
- 7 (3) The administrative ordinance must specify:
- 8 (a) the times that taxes collected by businesses are to be remitted to the governing body;
- 9 (b) the office, officer, or employee of the governing body responsible for receiving and accounting for
10 the resort tax receipts;
- 11 (c) the office, officer, or employee of the governing body responsible for enforcing the collection of resort
12 taxes and the methods and procedures to be used in enforcing the collection of resort taxes due; and
- 13 (d) the penalties for failure to report taxes due, failure to remit taxes due, and violations of the
14 administrative ordinance. The penalties may include:
- 15 (i) criminal penalties not to exceed a fine of \$1,000 or 6 months' imprisonment, or both;
- 16 (ii) civil penalties if the governing body prevails in a suit for the collection of resort taxes, not to exceed
17 50% of the resort taxes found due plus the costs and attorney fees incurred by the governing body in the action;
- 18 (iii) revocation of a county or municipal business license held by the offender; and
- 19 (iv) any other penalties that may be applicable for violation of an ordinance.
- 20 (4) The administrative ordinance may include:
- 21 (a) further clarification and specificity in the categories of goods and services that are subject to the
22 resort tax consistent with 7-6-1503;
- 23 (b) authorization for business administration and prepayment discounts. The discount authorization may
24 allow each vendor and commercial establishment to:
- 25 (i) withhold up to 5% of the resort taxes collected to defray their costs for the administration of the tax
26 collection; or
- 27 (ii) receive a refund of up to 5% of the resort tax payment received from them by the governing body 10
28 days prior to the collection due date established by the administrative ordinance.
- 29 (c) other administrative details necessary for the efficient and effective administration of the tax."
30

1 **Section 84.** Section 7-6-1506, MCA, is amended to read:

2 **"7-6-1506. Use of resort community tax revenue -- bond issue -- pledge.** (1) Unless otherwise
3 restricted by the voter-approved tax authorization provided for in 7-6-1504, a resort community or a resort area
4 district ~~as defined in 7-6-1531~~ may appropriate and expend revenue derived from a resort tax for any activity,
5 undertaking, or administrative service that the municipality or resort area district is authorized by law to perform,
6 including costs resulting from the imposition of the tax.

7 (2) A resort community may issue bonds to provide, install, or construct any of the public facilities,
8 improvements, or undertakings authorized under 7-7-4101, 7-7-4404, and 7-12-4102.

9 (3) Bonds issued under this section must be authorized by a resolution of the governing body, stating
10 the terms, conditions, and covenants of the municipality or resort area district as the governing body considers
11 appropriate. The bonds may be sold at a discount at a public or private sale.

12 (4) A resort community may pledge for repayment of bonds issued under this section the revenue derived
13 from a resort tax, special assessments levied for and revenue collected from the facilities, improvements, or
14 undertakings for which the bonds are issued, and any other source of revenue authorized by the legislature to
15 be imposed or collected by the resort community. The bonds do not constitute debt for purposes of any statutory
16 debt limitation, provided that in the resolution authorizing the issuance of the bonds, the municipality determines
17 that the resort tax revenue, special assessments levied for and revenue from the facilities, improvements, or
18 undertakings, or other sources of revenue, if any, pledged to the payment of the bonds will be sufficient in each
19 year to pay the principal and interest on the bonds when due.

20 (5) Bonds may not be issued pledging proceeds of the resort tax for repayment unless the municipality
21 in the resolution authorizing issuance of the bonds determines that in any fiscal year the annual revenue expected
22 to be derived from the resort tax, less the amount required to reduce property taxes pursuant to 7-6-1507, equals
23 at least 125% of the average amount of the principal and interest payable from the resort tax revenue on the
24 bonds and any other outstanding bonds payable from the resort tax except any bonds to be refunded upon the
25 issuance of the proposed bonds."

26

27 **Section 85.** Section 7-6-1508, MCA, is amended to read:

28 **"7-6-1508. Establishment of a resort area -- taxing authority -- approval by qualified electorate.**

29 (1) The establishment of a resort area for the purpose of imposing a resort tax may be initiated by a written
30 petition to the board of county commissioners of the county in which the area is located. The petition must contain

1 a description of the proposed resort area and must be signed by at least 15% of the qualified electors ~~residing~~
2 ~~in~~ of the proposed resort area.

3 (2) The petition must include a proposal to impose a resort tax within the proposed resort area, including
4 the rate, duration, effective date, and purpose of the tax as provided in 7-6-1504.

5 (3) Upon receiving a petition to establish a resort area, the board of county commissioners shall present
6 the question to the qualified electors ~~residing in~~ of the proposed resort area as provided in 7-6-1504."
7

8 **Section 86.** Section 7-6-1509, MCA, is amended to read:

9 **"7-6-1509. Use of resort area tax.** (1) (a) Except as provided in subsection (1)(b) or unless otherwise
10 provided by the resolution approved by the qualified electors under 7-6-1504, the board of county commissioners
11 shall appropriate and spend revenue derived from a resort area tax for the purpose stated in the resolution.

12 (b) If the qualified electors of a resort area have established a resort area district, the district board of
13 directors shall appropriate and spend revenue derived from a resort area tax for the purpose stated in the
14 resolution.

15 (2) If the qualified electors of a resort area have not established a resort area district, the resort area shall
16 reimburse the board of county commissioners for costs associated with the collection, administration, and
17 litigation of the resort area tax."
18

19 **Section 87.** Section 7-6-1532, MCA, is amended to read:

20 **"7-6-1532. Resort area district authorized.** ~~Electors residing within the boundaries~~ The qualified
21 electors of a resort area may create a resort area district by proceeding under the provisions of ~~7-6-1531 through~~
22 7-6-1533 through 7-6-1536, 7-6-1539 through 7-6-1544, 7-6-1546 through 7-6-1548, and 7-6-1550."
23

24 **Section 88.** Section 7-6-1533, MCA, is amended to read:

25 **"7-6-1533. Petition to create resort area district.** (1) ~~Electors residing within~~ The qualified electors of
26 a resort area may present, at a regular meeting, a petition requesting the establishment of a resort area district
27 to the board of county commissioners of the county in which the proposed resort area district is located. The
28 petition must be signed by at least 10% of the ~~registered voters within~~ qualified electors of the resort area.

29 (2) When the area to be included within the proposed resort area district lies in more than one county,
30 the qualified electors ~~within a resort area~~ shall present a petition to the board of county commissioners in each

1 county. Each petition must contain the signatures of at least 10% of the ~~registered voters of the resort area that~~
 2 ~~lies within~~ qualified electors of that county.

3 (3) The petition must include a description or map of the existing resort area boundaries. The petition
 4 may not describe proposed resort area district boundaries that are different from the existing resort area
 5 boundaries designated pursuant to 7-6-1508."

6

7 **Section 89.** Section 7-6-1535, MCA, is amended to read:

8 **"7-6-1535. Resort area district -- hearing on petition.** (1) At the hearing for which notification has
 9 occurred under ~~7-6-1533~~ 7-6-1534, the board of county commissioners shall accept comments supporting and
 10 opposing the petition. The board of county commissioners may adjourn the hearing from time to time, but the
 11 hearing must be completed within 4 weeks of its commencement.

12 (2) Upon concluding the hearing on the petition, the board of county commissioners shall determine
 13 whether the petition complies with the requirements of ~~7-6-1531 through~~ 7-6-1533 through 7-6-1536, 7-6-1539
 14 through 7-6-1544, 7-6-1546 through 7-6-1548, and 7-6-1550 and enter its determination into the minutes of a
 15 regularly scheduled meeting."

16

17 **Section 90.** Section 7-6-1536, MCA, is amended to read:

18 **"7-6-1536. Resort area district -- election required -- notice.** (1) Upon a determination that the petition
 19 complies with the provisions of ~~7-6-1531 through~~ 7-6-1533 through 7-6-1536, 7-6-1539 through 7-6-1544,
 20 7-6-1546 through 7-6-1548, and 7-6-1550, the board of county commissioners of each county in which the resort
 21 area lies shall ~~give notice of an election to be held in the proposed resort area district for the purpose of~~
 22 ~~determining whether a resort area district should be created. The election must be held in conjunction with a~~
 23 ~~regular or primary election~~ conduct an election in accordance with [sections 1 through 5].

24 (2) Notice of the election must be made as provided in 13-1-108 and must:

25 (a) describe the purpose of the proposed resort area district; and

26 (b) state the name of the proposed resort area district, which must include the words "resort area
 27 district".

28

29 **Section 91.** Section 7-6-1541, MCA, is amended to read:

30 **"7-6-1541. General powers of resort area district.** (1) A resort area district ~~created under 7-6-1531~~

1 through ~~7-6-1550~~ may:

- 2 (a) have perpetual succession;
- 3 (b) sue and be sued in any court of competent jurisdiction;
- 4 (c) acquire by any legal means real and personal property necessary to the full exercise of its powers;
- 5 (d) make contracts, employ labor, and do all acts necessary for the full exercise of its powers; and
- 6 (e) issue and repay bonds as provided in 7-6-1542.

7 (2) (a) ~~The~~ Subject to subsection (2)(b), the board of directors for a resort area district that does not have
8 perpetual succession may submit the question of extension of the term of the resort area district directly to the
9 ~~voters~~ qualified electors in an election conducted in accordance with [sections 1 through 5]. If the electorate
10 extends the term of the resort area district, the provisions of this part continue to apply.

11 (b) The board of directors may not submit a question to the ~~voters~~ qualified electors to extend the term
12 of a resort area district until the expiration of at least ~~half~~ one-half of the existing term of the resort tax, as provided
13 for in 7-6-1504. If a vote to extend the term fails, successive votes to extend the term may be taken no more than
14 once each year.

15 (3) The board of directors shall exercise the powers described in ~~7-6-1531 through 7-6-1533~~ through
16 7-6-1536, 7-6-1539 through 7-6-1544, 7-6-1546 through 7-6-1548, and 7-6-1550."

17

18 **Section 92.** Section 7-6-1542, MCA, is amended to read:

19 **"7-6-1542. Resort area district board powers related to ~~administration and expenditure of resort~~**
20 **~~tax revenue -- authorization to issue bonds -- election -- restrictions.~~** (1) The board of directors of a resort
21 area district ~~created under 7-6-1531 through 7-6-1550~~ may:

22 (a) appropriate and expend revenue from a resort tax for any activity, undertaking, or administrative
23 service authorized in the resolution creating a resort area and adopting a resort tax;

24 (b) adopt administrative ordinances necessary to aid in the collection or reporting of resort taxes and in
25 the expenditure of resort tax revenue; and

26 (c) except as provided in subsection (2), if approved by four of the five board members, issue bonds to
27 provide, install, or construct any of the public facilities, improvements, or capital projects authorized as provided
28 in subsection (1)(a) and pledge for repayment of the bonds the revenue derived from the resort tax.

29 (2) A resort area district may not issue bonds to construct any single-purpose public facility,
30 improvement, or capital project in an amount exceeding \$500,000 without the approval of a majority of the

1 qualified electors ~~residing within the boundaries of the resort area district voting at a special election at a time to~~
 2 ~~be determined by the board. For the purpose of this subsection, the board may authorize a special election by~~
 3 ~~majority vote voting at an election conducted in accordance with [sections 1 through 5].~~

4 (3) The provisions of 7-6-1506(3) apply to the issuance of bonds by a resort area district, and the board
 5 of directors shall conclude that the projected useful life of the public facilities, improvements, or capital projects
 6 will be greater than the term of the bonds that were issued to construct the public facilities, improvements, or
 7 capital projects.

8 (4) Resort tax revenue that is pledged by a resort area district to the repayment of bonds must be
 9 sufficient to pay the principal and interest on the bonds in each year when the principal and interest is due. Bonds
 10 do not constitute debt for the purpose of any statutory debt limitation. A resort area district may not issue bonds
 11 pledging proceeds of the resort tax for repayment unless the board of directors in the resolution authorizing
 12 issuance of the bonds determines that the annual principal and interest payment on the bonds issued will not
 13 cumulatively exceed 25% of the average of resort tax revenue received by the district during the preceding 5
 14 years. Bonds may not be issued for a term longer than the remaining duration of the resort area district."
 15

16 **Section 93.** Section 7-6-1543, MCA, is amended to read:

17 **"7-6-1543. Resort area district ~~to be governed by board -- composition -- qualifications -- term of~~**
 18 **office.** (1) The board of directors is the governing body of the resort area district and is composed of five
 19 members, to be elected as provided in 7-6-1544.

20 (2) To qualify for the board of directors, a person must be a resident of the resort area district.

21 (3) Directors shall serve for a term of 4 years from the date of their election, except, of the directors
 22 elected at the first ~~regular~~ election, three directors shall serve for a term of 2 years and two shall serve for a term
 23 of 4 years.

24 (4) At the first meeting of the board, the directors shall determine by lot which of them shall serve the
 25 terms of less than 4 years. Each succeeding term is 4 years."
 26

27 **Section 94.** Section 7-6-1544, MCA, is amended to read:

28 **"7-6-1544. Resort area district board -- election --~~term.~~** (1) The first election of the board of directors
 29 and each succeeding election must be held ~~at the next regular, primary, or school election immediately~~
 30 ~~succeeding the creation of the resort area district~~ in accordance with [sections 1 through 5]. Each succeeding

1 election must be held every 2 years to coincide with the election for local government officials as provided in
2 ~~13-1-104(2)~~.

3 (2) A petition of nomination, signed by at least five electors from within the resort area district, declaration
4 of candidacy for the board of directors may be filed with the election administrator in any of the county containing
5 a portion of conducting the election for the resort area district. A nominating petition declaration of candidacy must
6 be filed ~~between 135 days and 75 days before the election~~ within the time period specified in [section 2].

7 (3) (a) If the number of candidates filing a petition is insufficient to complete board membership, the
8 existing board shall appoint as many members as are needed to complete the five-member board.

9 (b) An appointee to the board of directors must be elected by a majority of those voting at ~~the~~ an election
10 conducted ~~under 13-1-104 immediately following the appointment~~ on the date established pursuant to [section
11 4(1)(b)] during the next year following the appointment. If an appointee does not receive a majority of votes cast
12 in the election, the appointee's term expires, and the board of directors shall initiate the process described in this
13 subsection (3).

14 (c) ~~The term of a resort area district board member appointed and subsequently elected under the~~
15 ~~provisions of this subsection (3) is 4 years."~~

16

17 **Section 95.** Section 7-6-1546, MCA, is amended to read:

18 **"7-6-1546. Resort area district board -- vacancy.** (1) If a vacancy on the board of directors occurs by
19 death, resignation, or removal from the resort area district, the remaining directors shall appoint a director to fill
20 the vacancy. The term of the appointment coincides with the term that became vacant.

21 (2) An appointee to the board of directors must be elected by a majority of those voting at ~~the~~ an election
22 conducted ~~under 13-1-104 immediately~~ in accordance with [sections 1 through 5] as soon as possible following
23 the appointment. If an appointee does not receive a majority of the votes cast in the election, the appointee's term
24 expires and the board shall initiate the process to fill the vacancy as provided in subsection (1)."

25

26 **Section 96.** Section 7-6-1547, MCA, is amended to read:

27 **"7-6-1547. Resort area district board -- meetings.** (1) The board of directors shall meet at a regularly
28 scheduled time and place. The board of directors shall provide public notice of any change in the time and place
29 of the board meetings.

30 (2) All board of directors meetings are open to the public unless, under the terms of Article II, section 9,

1 of the Montana constitution or 2-3-203, the presiding officer determines that the demands of individual privacy
2 clearly exceed the merits of public disclosure.

3 (3) A majority of the board of directors constitutes a quorum for the transaction of business.

4 (4) The board of directors may act only by ordinance or resolution."
5

6 **Section 97.** Section 7-6-1548, MCA, is amended to read:

7 **"7-6-1548. Referendum to dissolve resort area district.** (1) ~~Upon~~ On receipt of a petition to dissolve
8 the resort area district, signed by more than 50% of the qualified electors of the resort area district, the board of
9 directors shall set a date for a public hearing on dissolution of the resort area district. The hearing date ~~may not~~
10 ~~must~~ be ~~fewer than~~ at least 45 days ~~or~~ and no more than 60 days after the date on which the board schedules
11 the date of the hearing. A notice of the public hearing on dissolution must be published as provided in 7-1-2121.
12 The published notice must include notice to creditors of the resort area district to present claims owed by the
13 resort area district to the board of directors prior to the date set for the dissolution hearing.

14 (2) After the hearing, the board of directors shall submit the question of the resort area district's
15 dissolution to a vote of the qualified electors voting in an election conducted in accordance with [sections 1
16 through 5]."
17

18 **Section 98.** Section 7-6-1551, MCA, is amended to read:

19 **"7-6-1551. Annexation of property into resort area district -- election.** (1) Property may be annexed
20 into a resort area district as provided in this section.

21 (2) The resort area district board of directors may recommend that property contiguous to an existing
22 resort area district be annexed into the resort area district.

23 (3) If the board of directors recommends annexation, the board shall submit its recommendation to the
24 board of county commissioners, along with a description or map of the existing district and a description or map
25 of the area proposed to be annexed.

26 (4) (a) ~~Upon~~ On receipt of the resort area district board's recommendation, the board of county
27 commissioners shall submit the description or map of the existing district and the description or map of the area
28 proposed to be annexed into the resort area district to the department of commerce, along with a review fee of
29 \$250 and any other information required by the department as necessary to determine whether the existing
30 district with the proposed annexation qualifies as a resort area under 7-6-1501.

1 (b) The department of commerce shall determine whether the existing district with the proposed
 2 annexation qualifies as a resort area under 7-6-1501 and shall notify the board of county commissioners of its
 3 determination. If the existing district with the proposed annexation does not qualify as a resort area, the board
 4 of county commissioners may take no further action on the proposed annexation for a period of at least 1 year.
 5 If the existing district with the proposed annexation does qualify as a resort area, the board of county
 6 commissioners shall give notice of an election to be held in the area proposed to be annexed.

7 (5) The board of county commissioners shall give notice as required in 13-1-108 of the election to be
 8 held in the area proposed to be annexed. The election must be held ~~in conjunction with a regular or primary~~
 9 ~~election and must be conducted as provided in 7-6-1537~~ in accordance with [sections 1 through 5].

10 ~~(6) A person is not entitled to vote at an election on the proposed annexation unless the person~~
 11 ~~possesses all of the qualifications required of electors under the general election laws of this state and is a~~
 12 ~~resident of the area proposed to be annexed.~~

13 ~~(7)(6)~~ If a majority of the votes cast by qualified electors on the question of annexation of the property
 14 into the resort area district are in favor of the annexation, the board of county commissioners shall enter into its
 15 minutes an order, by resolution, annexing the property into the district and shall cause to be created a map of the
 16 district that includes the annexed area. Immediately following the adoption of the resolution, the board of county
 17 commissioners shall file with the secretary of state and the county clerk and recorder a copy of the resolution and
 18 the map.

19 ~~(8)(7)~~ The secretary of state shall issue a certificate of incorporation as provided in 7-6-1540.

20 ~~(9)(8)~~ The resort area district board of directors that governed the district before annexation shall
 21 continue to operate, and the members shall continue to serve the members' terms. Upon occurrence of a vacancy
 22 or the expiration of a member's term, residents of the area that has been annexed are eligible for election or
 23 appointment to the board of directors under the provisions of 7-6-1543, ~~through 7-6-1544,~~ and 7-6-1546.

24 ~~(10)(9)~~ If the area proposed to be annexed includes property in more than one county, the ~~boards~~ board
 25 of county commissioners of each county shall comply with the provisions of this section."

26

27 **Section 99.** Section 7-7-2223, MCA, is amended to read:

28 **"7-7-2223. Election required for issuance of certain bonds.** (1) County bonds for any purpose other
 29 than those enumerated in 7-7-2221 and 7-7-2311 may not be issued unless authorized by registered electors of
 30 the county voting at a special an election ~~that is conducted by mail ballot, as provided in Title 13, chapter 19, at~~

1 ~~a special election held in conjunction with a regular or primary election, or at a general election at which the~~
 2 ~~question of issuing the bonds is submitted to the registered electors of the county and approved as provided in~~
 3 ~~7-7-2237 conducted in accordance with [sections 6 through 10].~~

4 (2) A bond election may not be called unless the board of county commissioners:

5 (a) initiates and unanimously adopts a resolution in accordance with the provisions of 7-7-2227(2); or

6 (b) receives a petition, delivered and certified by the election administrator, asking that the election be
 7 held and the question be submitted. The petition must be signed by at least 20% of the registered electors of the
 8 county."

9

10 **Section 100.** Section 7-7-2227, MCA, is amended to read:

11 **"7-7-2227. Examination of petition -- resolution calling for election.** (1) Upon delivery of the certified
 12 petition, the board shall carefully examine the petition and make any other investigation that it may consider
 13 necessary. If it is found that the petition is in proper form, bears the requisite number of signers of qualified
 14 petitioners, and is in all other respects sufficient, the board shall pass and adopt a resolution that contains the
 15 provisions of subsection (2) plus the essential facts in regard to the petition and its filing and presentation.

16 (2) The resolution must:

17 (a) recite the purpose or purposes for which the bonds are proposed to be issued;

18 (b) fix the exact amount of bonds proposed to be issued for each purpose, which amount may be less
 19 than but must not exceed the amount set forth in the petition;

20 (c) determine the number of years through which the bonds are to be paid, not exceeding the limitations
 21 fixed in 7-7-2206; and

22 (d) make provision for having the question submitted to the registered electors of the county ~~at the next~~
 23 ~~general election or at a special election that is conducted by mail ballot, as provided in Title 13, chapter 19, or~~
 24 ~~that is held in conjunction with a regular or primary election and that the board may call for that purpose~~ as
 25 required in 7-7-2223.

26 ~~(3) Whenever a board of county commissioners initiates a resolution in accordance with the provisions~~
 27 ~~of 7-7-2223, the resolution must contain the provisions of subsection (2)."~~

28

29 **Section 101.** Section 7-7-2229, MCA, is amended to read:

30 **"7-7-2229. Notice of election.** (1) ~~Whether the election is held at the general election, at an election~~

1 ~~that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election that is held in~~
2 ~~conjunction with a regular or primary election, separate notice of the election must be given~~ Notice of a bond
3 election must be in accordance with 13-1-108.

4 (2) (a) The notice must state:

5 (i) the date when the election will be held;

6 (ii) the amount of bonds proposed to be issued;

7 (iii) the purpose of the issue;

8 (iv) the term of years through which the bonds are to be paid; and

9 (v) other information regarding the holding of the election and the bonds proposed to be issued that the
10 board may consider proper.

11 (b) If bonds are to be issued for two or more purposes, each purpose and the amount for each purpose
12 must be separately stated.

13 ~~(3) The notice must be published as provided in 13-1-108."~~

14

15 **Section 102.** Section 7-7-2237, MCA, is amended to read:

16 **"7-7-2237. Percentage of electors required to authorize bond issue.** Whenever the question of
17 issuing county bonds for any purpose is submitted to the registered electors of a county ~~at a general election, at~~
18 ~~an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election that is held~~
19 ~~in conjunction with a regular or primary election,~~ the determination of the approval or rejection of the bond
20 proposition is made in the following manner:

21 (1) determine the total number of electors who were qualified to vote in the bond election;

22 (2) determine the total number of qualified electors who voted in the bond election from the tally sheet
23 or sheets for the election;

24 (3) calculate the percentage of qualified electors voting ~~at~~ in the bond election by dividing the number
25 determined in subsection (2) by the number determined in subsection (1); and

26 (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is considered
27 approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise it is considered
28 rejected; or

29 (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the bond
30 proposition is considered approved and adopted if 60% or more of the votes cast were in favor of the proposition,

1 otherwise it is considered rejected; or

2 (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is considered
3 rejected."

4

5 **Section 103.** Section 7-7-2404, MCA, is amended to read:

6 **"7-7-2404. Notice of election.** Notice of the election, ~~clearly stating~~ must clearly state the amount to be
7 raised and the object of the loan; and must be given in all respects in the manner prescribed by law in regard to
8 the submission of questions to the electors of a locality under the general election law in accordance with
9 13-1-108."

10

11 **Section 104.** Section 7-7-2405, MCA, is amended to read:

12 **"7-7-2405. Form of ballots.** ~~There must be written or printed on the ballots the~~ The words "For the loan"
13 and "Against the loan"; ~~and in voting, the elector shall vote for the proposition that the elector prefers by making~~
14 ~~an X opposite the proposition~~ must appear on the election ballot."

15

16 **Section 105.** Section 7-7-2406, MCA, is amended to read:

17 **"7-7-2406. Conduct of election and canvass of results.** The election must be held ~~and conducted and~~
18 ~~the returns must be made in all respects in the manner prescribed by law in regard to the submission of questions~~
19 ~~to the electors of a locality under the general election law~~ in accordance with [sections 6 through 10]."

20

21 **Section 106.** Section 7-7-4226, MCA, is amended to read:

22 **"7-7-4226. Resolution to submit question of issuing bonds to voters.** (1) When the governing body
23 of any municipality considers it necessary to issue bonds pledging the general credit of the municipality pursuant
24 to a statute of this state, the governing body shall pass and adopt a resolution.

25 (2) The resolution must:

26 (a) recite the purpose or purposes for which it is proposed to issue the bonds;

27 (b) fix the amount of bonds to be issued for each purpose;

28 (c) determine the number of years through which the bonds are to be paid, not exceeding the limits fixed
29 in 7-7-4205; and

30 (d) unless the bonds are revenue bonds not pledging the general credit of the municipality, make

1 provisions that are necessary for submitting the question to the registered electors of the city or town at the next
 2 general city or town election, at an election that is conducted by mail ballot, as provided in Title 13, chapter 19,
 3 or at a special election that is held in conjunction with a regular or primary election and that the governing body
 4 may call for the purpose an election conducted in accordance with [sections 6 through 10].

5 (3) Whenever the bond issuance is proposed by petition, the governing body shall, before submitting the
 6 measure to the electors, pass a resolution containing the information required in this section and setting forth the
 7 essential facts in regard to the filing and presentation of the petition."

8

9 **Section 107.** Section 7-7-4227, MCA, is amended to read:

10 "**7-7-4227. Notice of election.** (1) ~~Whether the election is held at the general city or town election, at~~
 11 ~~an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election that is held~~
 12 ~~in conjunction with a regular or primary election, separate notice of the election must be given~~ Notice of the
 13 election must be provided in accordance with 13-1-108.

14 (2) (a) The notice must state:

15 (i) the date when the election will be held;

16 (ii) the amount of bonds proposed to be issued;

17 (iii) the purpose of the bonds;

18 (iv) the term of years through which the bonds will be paid; and

19 (v) other information regarding the election and the proposed bonds that the board may consider proper.

20 (b) If the bonds that are proposed to be issued are for two or more purposes, each purpose and the
 21 amount for each purpose must be separately stated.

22 ~~(3) The notice must be published as provided in 13-1-108 and may be posted in each voting precinct~~
 23 ~~in the city or town at least 10 days prior to the date for holding the election."~~

24

25 **Section 108.** Section 7-7-4235, MCA, is amended to read:

26 "**7-7-4235. Percentage of electors required to authorize issuing of bonds.** Whenever the question
 27 of issuing bonds for any purpose is submitted to the registered electors of a city or town ~~at a general election, at~~
 28 ~~an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election that is held~~
 29 ~~in conjunction with a regular or primary election,~~ the determination of the approval or rejection of the bond
 30 proposition is made by a majority of the votes cast on the issue."

1

2 **Section 109.** Section 7-7-4426, MCA, is amended to read:

3 **"7-7-4426. Authorization for undertaking and issuance of bonds.** (1) The acquisition, purchase,
4 construction, reconstruction, improvement, betterment, or extension of any undertaking may be authorized under
5 this part.

6 (2) Bonds may be authorized to be issued under this part by resolution or resolutions of the governing
7 body of the municipality:

8 (a) without an election; or

9 (b) when authorized by a majority of the qualified electors voting upon the question at ~~a special election~~
10 ~~that is conducted by mail ballot, as provided in Title 13, chapter 19, or that is held in conjunction with a regular~~
11 ~~or primary election, if the governing body in its sole discretion chooses to submit the question to the electorate~~
12 an election conducted in accordance with [sections 6 through 10]."

13

14 **Section 110.** Section 7-8-4201, MCA, is amended to read:

15 **"7-8-4201. Disposal or lease of municipal property -- election.** (1) Subject to the provisions of
16 subsection (2), the city or town council may sell, dispose of, donate, or lease any property belonging to the city
17 or town.

18 (2) (a) Except for property described in subsection (3), the lease, donation, or transfer must be made
19 by an ordinance or resolution passed by a two-thirds vote of all ~~the~~ members of the council.

20 (b) Except for property acquired by tax deed or property described in subsection (3), if the property is
21 held in trust for a specific purpose, the sale or lease must be approved by a majority vote of the electors of the
22 municipality voting at an election called for that purpose. The election must be held ~~in conjunction with a regular~~
23 ~~or primary election~~ in accordance with [sections 6 through 10].

24 (3) If a city or town owns property containing a historically significant building or monument, the city or
25 town may sell or give the property to nonprofit organizations or groups that agree to restore or preserve the
26 property. The contract for the transfer of the property must contain a provision that:

27 (a) requires the property to be preserved in its present or restored state upon any subsequent transfer;
28 and

29 (b) provides for the reversion of the property to the city or town for noncompliance with conditions
30 attached to the transfer.

1 (4) This section may not be construed to abrogate the power of the board of park commissioners to lease
2 all lands owned by the city that were acquired for parks within the limitations prescribed by 7-16-4223.

3 (5) A city or town may donate land or sell the land at a reduced price to a corporation for the purpose
4 of constructing:

5 (a) a multifamily housing development operated by the corporation for low-income housing;

6 (b) single-family houses. Upon completion of a house, the corporation shall sell the property to a
7 low-income person who meets the eligibility requirements of the corporation. Once the sale is completed, the
8 property becomes subject to taxation.

9 (c) improvements to real property or modifying, altering, or repairing improvements to real property that
10 will enable the corporation, subject to the restrictions of Article X, section 6, of the Montana constitution, to pursue
11 purposes specified in the articles of incorporation of the corporation, including the sale, lease, rental, or other use
12 of the donated land and improvements.

13 (6) Land that is transferred pursuant to subsection (5) must be used to permanently provide low-income
14 housing. The transfer of the property may contain a reversionary clause to reflect this condition."
15

16 **Section 111.** Section 7-10-101, MCA, is amended to read:

17 **"7-10-101. Regional resource authorities -- purpose -- definition of qualified elector.** (1) Electors
18 ~~residing within the boundaries of a proposed regional resource authority~~ Qualified electors may create or expand
19 an authority by proceeding under the provisions of this chapter.

20 (2) Regional resource authorities may be created to provide for collaboration and coordination in the
21 conservation of water resources or in the management of water resources for agricultural and recreational uses.

22 (3) For the purposes of this chapter, a "qualified elector" is a person who is qualified to vote under
23 13-1-111 and resides within the boundaries of a proposed or established regional resource authority."
24

25 **Section 112.** Section 7-10-102, MCA, is amended to read:

26 **"7-10-102. Authorization Petition to create or expand regional resource authorities.** (1) A petition
27 requesting the establishment or expansion of a regional resource authority must be signed by at least 10% of the
28 ~~registered qualified~~ electors ~~within the boundaries~~ of the territory proposed to be organized into the authority or
29 expansion and must be presented to the board of county commissioners of the county in which the proposed
30 authority or expansion is located.

1 (2) When the area to be included within the proposed authority or expansion lies in more than one
 2 county, the qualified electors ~~within~~ of the proposed area shall present a petition to the board of county
 3 commissioners in each county. Each petition must contain the signatures of at least 10% of the ~~registered~~
 4 qualified electors ~~within the boundaries~~ of the proposed authority or expansion that lies within that county.

5 (3) The petition must include:

6 (a) a legal description or map of the proposed authority or expansion boundaries. Boundaries must
 7 coincide with the boundaries of political subdivisions of the state to the greatest extent possible and may exclude
 8 incorporated cities or towns.

9 (b) the proposed name of the authority;

10 (c) a statement that there is a need in the interest of the public health, safety, and welfare for an authority
 11 to function or expand in the territory described in the petition;

12 (d) a request that ~~a referendum~~ an election be held in the territories included within the proposed
 13 boundaries on the question of creating or expanding the authority; and

14 (e) the structure of the governing body for the authority as provided in 7-10-110.

15 (4) Land, water, projects, as defined in 7-10-201, or other resources within the exterior boundaries of
 16 an Indian reservation may not be included within the boundaries of a regional resource authority without the
 17 consent of the governing body of the tribe of the Indian reservation."
 18

19 **Section 113.** Section 7-10-104, MCA, is amended to read:

20 **"7-10-104. Regional resource authority or expansion -- election required -- notice.** (1) Upon a
 21 determination that the petition complies with the provisions of 7-10-102, the board of county commissioners of
 22 each county in which the proposed regional resource authority or expansion lies shall give notice of an election
 23 to be held within the boundaries of the proposed authority or expansion for the purpose of determining whether
 24 a regional resource authority should be created or expanded. The election must be held ~~in conjunction with a~~
 25 ~~regular or primary election~~ in accordance with [sections 1 through 5].

26 (2) Notice of the election must be made as provided in 13-1-108 and must:

27 (a) describe the purpose of the proposed authority or expansion; and

28 (b) state the name of the proposed authority.

29 ~~(3) The election on the question of creating or expanding a regional resource authority must be~~
 30 ~~conducted as provided by Title 13 with respect to general and school elections.~~

1 ~~—— (4) If the proposed authority or expansion lies in more than one county, the board of county~~
 2 ~~commissioners whose county contains the largest percentage of the territory of the proposed authority or~~
 3 ~~expansion shall administer the election and canvass the returns."~~

4

5 **Section 114.** Section 7-10-110, MCA, is amended to read:

6 **"7-10-110. Governing body of regional resource authority -- initial appointment -- subsequent**
 7 **election.** (1) The initial members of the local governing body must be appointed by the county commissioners
 8 in the county ~~where the election is administered~~ pursuant to 7-10-104~~(4)~~, based on the recommendations of the
 9 petitioners.

10 (2) The commissioners shall appoint members of the governing body to staggered 2-year and 4-year
 11 terms.

12 (3) The appointments under subsection (1) must be made within 30 days after the adoption of the
 13 resolution for creation provided for in 7-10-105.

14 (4) Prior to the expiration of the initial appointments, the governing body shall divide itself into districts
 15 from which subsequent board members are elected to succeeding terms.

16 (5) The election of board members must be conducted in accordance with [sections 1 through 5]."

17

18 **Section 115.** Section 7-11-1011, MCA, is amended to read:

19 **"7-11-1011. Referendum -- conduct of election on creating special district.** (1) The governing body
 20 may order a referendum on the creation of the proposed special district ~~to be submitted to the registered voters~~
 21 ~~who reside within the proposed special district and the individuals qualified to vote pursuant to subsections (5)~~
 22 ~~and (6).~~

23 (2) The resolution ordering the referendum must state:

24 (a) the type and maximum rate of the initial proposed assessments or fees that would be imposed,
 25 consistent with the requirements of 7-11-1007(2)(e) and 7-11-1024;

26 (b) the type of activities proposed to be financed, including a general description of the program or
 27 improvements;

28 (c) a description of the areas included in the proposed special district; and

29 (d) whether the proposed special district would be administered by the governing body or an appointed
 30 or elected board.

1 (3) ~~The referendum must be held in conjunction with a regular or primary election or must be conducted~~
 2 ~~by mail ballot election as provided in Title 13, chapter 19~~ election must be conducted in accordance with [sections
 3 1 through 5].

4 (4) The proposition to be submitted to the electorate must read: "Shall the proposition to organize (name
 5 of proposed special district) be adopted?"

6 (5) ~~Except as provided in subsection (6), an~~ An individual is entitled to vote on the proposition if the
 7 individual:

8 (a) ~~meets all qualifications required of electors under the general election laws~~ is a registered elector
 9 of the state; and

10 (b) is a resident of or owner of taxable real property in the area subject to the proposed special district.

11 (6) ~~An individual who is the owner of real property described in subsection (5)(b) need not possess the~~
 12 ~~qualifications required of an elector in subsection (5)(a) if the individual is qualified to vote in any county of the~~
 13 ~~state and files proof of registration with the election administrator at least 20 days prior to the referendum in which~~
 14 ~~the individual intends to vote.~~

15 (7) ~~The referendum must be conducted, the vote canvassed, and the result declared in the same manner~~
 16 ~~as provided by Title 13 in respect to general elections, so far as it is applicable, except as provided in subsection~~
 17 ~~(3).~~

18 (8)(6) If the referendum proposition is approved, the election administrator of each county shall:

19 (a) immediately file with the secretary of state a certificate stating that the proposition was adopted;

20 (b) record the certificate in the office of the clerk and recorder of the county or counties in which the
 21 special district is situated; and

22 (c) notify any municipalities lying within the boundaries of the special district."

23

24 **Section 116.** Section 7-11-1012, MCA, is amended to read:

25 **"7-11-1012. Certificate of establishment.** (1) ~~Upon~~ On receipt of the certificate referred to in
 26 7-11-1011(8)(6), the secretary of state shall, within 10 days, issue a certificate reciting that the specified district
 27 has been established according to the laws of the state of Montana. A copy of the certificate must be transmitted
 28 to and filed with the clerk and recorder of the county or counties in which the district is situated.

29 (2) When the certificate is issued by the secretary of state, the district named in the certificate is
 30 established with all the rights, privileges, and powers set forth in 7-11-1021."

1

2 **Section 117.** Section 7-12-4243, MCA, is amended to read:

3 **"7-12-4243. Procedure to create and maintain supplemental revolving fund -- election required**
 4 **-- qualified electors defined.** (1) (a) A supplemental revolving fund may be created by ordinance, subject to the
 5 approval of a majority of the qualified electors voting ~~upon the question at a general election or a special election~~
 6 ~~held in conjunction with a regular or primary election~~ at an election held in accordance with [sections 1 through
 7 5].

8 (b) As used in 7-12-4241 through 7-12-4258, "qualified electors" means registered electors of the
 9 municipality.

10 (2) The supplemental revolving fund must be created and maintained solely from the net revenue of
 11 parking meters. The ordinance may pledge to the revolving fund all or any part of the net revenue of parking
 12 meters owned, leased, rented, or acquired by the city or town. The ordinance must contain any provisions
 13 concerning the purchase, control, operation, repair, and maintenance of parking meters, including rates to be
 14 charged, and the application of the net revenue from the meters and the management and use of the
 15 supplemental revolving fund that the council considers necessary."
 16

17 **Section 118.** Section 7-13-2201, MCA, is amended to read:

18 **"7-13-2201. Definitions.** ~~(1) The word "board" and the words "boards of directors" apply to~~ Unless the
 19 context clearly requires otherwise, as used in this part and part 23, the following definitions apply:

20 (1) "Board" or "board of directors" means the board of directors of the district elected or appointed as
 21 provided in 7-13-2231.

22 (2) ~~The term "county"~~ "County" means one or more counties and includes a city ~~and~~ within the county
 23 or counties.

24 (3) ~~The word "district", unless otherwise expressed or used, applies to~~ "District" means a district formed
 25 under the provisions of this part and part 23. A district is a unit of local government separate and distinct from a
 26 municipality, but a district may be treated as a municipality when applying for a grant, a loan, or other financial
 27 assistance from the state.

28 (4) ~~The term "municipality", as used in this part and part 23, includes~~ "Municipality" means a municipality
 29 or a consolidated city and county, city, or town and includes all corporations organized for municipal purposes
 30 within the districts a district.

1 (5) "Qualified elector" means a person who meets the criteria under 7-13-2212."

2

3 **Section 119.** Section 7-13-2204, MCA, is amended to read:

4 **"7-13-2204. Petition to create water and/or sewer district.** (1) A petition, which may consist of any
5 number of separate instruments, must be presented at a regular meeting of the board of county commissioners
6 of the county in which the proposed district is located, signed by ~~either~~ at least 10% of the ~~registered voters~~
7 qualified electors of the territory included in the proposed district ~~or by the owners of all of the real property in the~~
8 ~~district.~~

9 (2) When the territory to be included in the proposed district lies in more than one county, a petition must
10 be presented to the board of county commissioners of each county in which the territory lies. Each of the petitions
11 must be signed by at least 10% of the ~~registered voters of the territory within the county to be included within~~
12 qualified electors of the proposed district ~~or by the owners of all of the real property included in the proposed~~
13 ~~district.~~

14 (3) A petition to create a water and/or sewer district must set forth and describe the proposed boundaries
15 of the district and require that the district be incorporated under the provisions of part 23 and this part."

16

17 **Section 120.** Section 7-13-2208, MCA, is amended to read:

18 **"7-13-2208. Decision on petition -- election required -- exception.** (1) On the final hearing provided
19 for in 7-13-2206, the board of county commissioners shall make any changes in the proposed boundaries within
20 the county that are considered advisable and shall define and establish the boundaries. The board of county
21 commissioners may not modify the boundaries in a manner that would exclude from the proposed district any
22 territory that would benefit from the formation of the district. Land that will not, in the judgment of the board of
23 county commissioners, benefit from the district may not be included within the proposed district.

24 (2) Upon the final determination of the boundaries of the district, the board of county commissioners of
25 each county in which the district lies shall ~~give notice of an election to be held in the proposed district~~ hold an
26 election for the purpose of determining whether the district is to be incorporated, ~~except as provided in subsection~~
27 ~~(3).~~ The election must be ~~held in conjunction with a regular or primary election or must be conducted by mail~~
28 ~~ballot election as provided in Title 13, chapter 19~~ conducted in accordance with [sections 1 through 5].

29 (3) An election is not required if the petition for the creation of the district is signed by the owners of all
30 of the real property in the proposed district. If an election is not held, upon the final determination of the

1 boundaries of the district, the board of county commissioners of each county in which the district lies shall, by an
 2 order entered on its minutes, declare the territory enclosed within the proposed boundaries as an organized
 3 county water and/or sewer district. The county clerk and recorder shall forward a certified copy of the order to the
 4 secretary of state."

5

6 **Section 121.** Section 7-13-2210, MCA, is amended to read:

7 **"7-13-2210. Notice of election.** ~~(1) The notice~~ Notice of an election required by 7-13-2208 on whether
 8 a district should be incorporated must be provided in accordance with 13-1-108 and shall describe ~~must include~~
 9 a description of the boundaries established and shall state the proposed name of the proposed incorporation
 10 ~~(which district. The name shall~~ must contain the words "... County water and/or sewer district").

11 ~~(2) This notice shall be published as provided in 13-1-108."~~

12

13 **Section 122.** Section 7-13-2211, MCA, is amended to read:

14 **"7-13-2211. Conduct of election on Ballot question of for creating district.** ~~(1) The election on the~~
 15 ~~question of creating the district shall be conducted, the vote canvassed, and the result declared in the same~~
 16 ~~manner as provided by Title 13 in respect to general elections, so far as it is applicable, except as otherwise~~
 17 ~~provided in this part and part 23.~~

18 ~~(2) At the election on whether a district should be incorporated,~~ the proposition to be submitted ~~shall~~ must
 19 be: "Shall the proposition to organize County water and/or sewer district under parts 22 and 23 of chapter 13
 20 of Title 7 be adopted?"

21

22 **Section 123.** Section 7-13-2214, MCA, is amended to read:

23 **"7-13-2214. Order creating district upon sufficient favorable vote.** (1) If at least 40% of all registered
 24 voters residing within the proposed district have voted and if a majority of the votes cast at such election in each
 25 municipal corporation or part thereof and in the unincorporated territory of each county included in such proposed
 26 district shall be in favor of organizing such county district, said qualified electors vote in favor of creating a district,
 27 the board of county commissioners of each such county shall, by an order entered on its minutes, declare the
 28 territory enclosed within the proposed boundaries duly organized as a county water and/or sewer district under
 29 the name ~~theretofore~~ designated.

30 (2) The election administrator of each such county in which the district lies shall immediately ~~cause to~~

1 ~~be filed~~ file with the secretary of state and ~~shall cause to be recorded~~ in the office of the clerk and recorder of the
 2 county ~~or each county in which such district is situated~~ a certificate stating that ~~such a~~ the proposition was
 3 adopted."

4

5 **Section 124.** Section 7-13-2217, MCA, is amended to read:

6 **"7-13-2217. General powers of water and/or sewer district.** (1) Any district incorporated as provided
 7 in this part and part 23 shall have power to:

8 (a) have perpetual succession;

9 (b) sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in
 10 all courts and tribunals of competent jurisdiction;

11 (c) adopt a seal and alter it at pleasure;

12 (d) take by grant, purchase, gift, devise, or lease and to hold, use, enjoy, and to lease or dispose of real
 13 and personal property of every kind, within or without the district, necessary to the full exercise of its powers; and

14 (e) make contracts, employ labor, and do all acts necessary for the full exercise of the foregoing powers.

15 (2) The powers enumerated in this part and part 23 shall, except as otherwise provided in this part and
 16 part 23, be exercised by the board of directors ~~provided for in 7-13-2231 and elected and appointed as described~~
 17 in this part and part 23."

18

19 **Section 125.** Section 7-13-2222, MCA, is amended to read:

20 **"7-13-2222. ~~Applicability of general election laws~~ Conduct of elections.** ~~Except as otherwise~~
 21 ~~provided in this part and part 23, the provisions of the law relating to the qualifications of electors, the manner of~~
 22 ~~voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the~~
 23 ~~management of general elections, so far as they may be applicable, The provisions of [sections 1 through 5] shall~~
 24 govern all district elections provided for under this part and part 23."

25

26 **Section 126.** Section 7-13-2225, MCA, is amended to read:

27 **"7-13-2225. Combination of elections.** (1) The board of county commissioners in its discretion may
 28 combine in one election the election on the formation of the district, the election of directors, the election on
 29 incurring bonded indebtedness, and, if applicable, the vote on the proposed monthly salary for members of the
 30 board of directors so that the qualified electors of the district may vote on all of these matters on the same date

1 and at the same time.

2 (2) If the elections are combined, the ~~board of county commissioners shall so declare by resolution~~
3 ~~containing the provisions required by 7-13-2321. If the elections are combined, the notice of the election must~~
4 contain the names of the candidates, the details concerning the bonded indebtedness as provided in 7-13-2321,
5 and, if applicable, the proposed monthly salary for members of the board of directors as provided in 7-13-2273.

6 (3) Candidates for the office of director ~~shall~~ must be nominated in the manner required by 7-13-2241
7 and 7-13-2246."
8

9 **Section 127.** Section 7-13-2231, MCA, is amended to read:

10 "**7-13-2231. ~~District to be governed by~~ Election or appointment of board of directors.** (1) ~~At an~~
11 ~~election to be held within a district under the provisions of part 23 and this part and the laws governing general~~
12 ~~elections not inconsistent with part 23 and this part, the~~ The district shall elect a board of directors, except as
13 provided in subsection (2). ~~The election must be conducted by mail ballot, as provided in Title 13, chapter 19, or~~
14 ~~must be held in conjunction with the next regular or primary election.~~

15 (2) If no qualified electors reside in the district at a time when directors of the district are to be elected,
16 the directors ~~to be elected~~ must be appointed in a certificate of appointment ~~presented to the board of directors~~
17 ~~of the district.~~ The certificate of appointment must be signed by the owners of all of the real property in the
18 ~~district; and containing~~ must contain the signed acceptance of the appointment by all of the directors.

19 ~~(2)~~(3) The board of directors is the governing body of the district.

20 (4) When an appointed director's term expires, the position must be filled by election, except as provided
21 in subsection (2)."
22

23 **Section 128.** Section 7-13-2234, MCA, is amended to read:

24 "**7-13-2234. Term of office.** (1) ~~All directors~~ A director, elected or appointed, shall hold office until the
25 election and qualification or the appointment and qualification of ~~their successors~~ the director's successor.

26 (2) Except as ~~otherwise~~ provided in subsection (3), the term of office of ~~directors elected under the~~
27 ~~provisions of this part and part 23 shall~~ a director must be 4 years ~~from and after the date of their election.~~

28 (3) ~~Directors elected at the first regular election under this part and part 23 after July 1, 1979, shall serve~~
29 ~~as follows:~~

30 (a) In districts requiring the election of five ~~elected~~ directors, three of the initial directors shall serve for

1 a term of 2 years and two of the initial directors shall serve for a term of 4 years.

2 (b) In districts requiring the election of three ~~electd~~ directors, one ~~director~~ initial director shall serve for
3 a term of 2 years and two initial directors shall serve for a term of 4 years.

4 (c) At ~~their~~ the first meeting following an initial election or appointment of directors, the directors shall
5 determine by lot ~~which of them~~ who shall serve the a 2-year term or terms less than 4 years. Every term thereafter
6 ~~shall be for a period of 4 years~~.

7 (4) ~~The term of office of directors appointed by the mayor or mayors or by the board of county~~
8 ~~commissioners shall be 6 years from and after the date of appointment~~. Directors to be first appointed under the
9 provisions of this part and part 23 ~~shall~~ must be appointed within 90 days after the formation of the district.

10 (5) ~~The first regular election for a district shall be held in November of the next odd-numbered year~~
11 ~~following the formation of the district.~~"

12

13 **Section 129.** Section 7-13-2241, MCA, is amended to read:

14 "**7-13-2241. Filing of ~~petition of nomination~~ declaration of candidacy.** (1) A ~~petition of nomination,~~
15 ~~signed by at least five electors of the district for any one candidate,~~ declaration of candidacy must be filed
16 with the election administrator ~~not earlier than 135 days or later than 75 days before the election~~ within the time
17 period specified in [section 2]. The election administrator shall endorse on the ~~petition~~ declaration the date ~~upon~~
18 on which ~~the petition~~ it was presented.

19 (2) If the district lies in more than one county, the ~~petition for nomination~~ declaration of candidacy must
20 be presented to the election administrator ~~whose county contains the largest percentage of the territory of the~~
21 ~~district~~ conducting the election pursuant to [section 5] and the election administrator shall ~~fulfill all duties assigned~~
22 ~~to election administrators in elections~~ conduct the elections provided for under part 23 and this part.

23 (3) ~~If the petition conforms to this section, the election administrator shall place the name of the petitioner~~
24 ~~on the ballot as a candidate for director of the district~~ The county clerk shall retain in the clerk's office for a period
25 of 2 years all declarations of candidacy filed under this section."

26

27 **Section 130.** Section 7-13-2258, MCA, is amended to read:

28 "**7-13-2258. Effect of failure to qualify for office.** If a person elected fails to qualify, the office must be
29 filled as if there were a vacancy in the office as provided in 7-13-2262~~(2)~~(1)."

30

1 **Section 131.** Section 7-13-2261, MCA, is amended to read:

2 **"7-13-2261. Recall of officers.** Every incumbent of an elective office, whether elected by popular vote
3 for a full term, elected by the board of directors to fill a vacancy, or appointed by a mayor or the board of
4 commissioners for a full term, is subject to recall by the qualified electors of any district organized under the
5 provisions of this part and part 23 in accordance with Title 2, chapter 16, part 6."
6

7 **Section 132.** Section 7-13-2262, MCA, is amended to read:

8 **"7-13-2262. Insufficient candidates -- vacancies Vacancies on board of directors -- appointment**
9 **of entire board.** ~~(1) If the number of candidates is equal to or less than the number of positions to be elected,~~
10 ~~the election administrator may cancel the election in accordance with 13-1-304. If an election is not held, the~~
11 ~~board of directors shall declare elected by acclamation the candidate who filed a nominating petition for the~~
12 ~~position. If no candidate filed a nominating petition for the position, the board of directors shall make an~~
13 ~~appointment to fill the position and the term is the same as if the director were elected.~~

14 ~~(2)~~(1) (a) Except as provided in subsections ~~(3)~~ (2) and ~~(4)~~ (3), any vacancy in the board of directors,
15 whether the vacant office is elective or appointive, must be filled by majority vote of the remaining directors.

16 (b) A vacancy must be determined in accordance with 7-13-2263.

17 ~~(3)~~(2) If there are no directors remaining on the board and no nominees for any director position to be
18 elected, the county commissioners may appoint the number of directors specified in 7-13-2232(1). If the district
19 lies in more than one county, the county commissioners of each county with territory included in the district shall
20 jointly appoint the directors. The county commissioners shall stagger the terms of the directors appointed.

21 ~~(4)~~(3) If the boundaries of the district include any municipality or municipalities and a new board must
22 be appointed as provided in subsection ~~(3)~~ (2), the board shall include one additional director to be appointed by
23 the mayor of the municipality for which the additional director is allowed.

24 ~~(5)~~(4) Following the appointment of a board in accordance with subsection ~~(3)~~ (2), the directors must be
25 elected as provided in this part."
26

27 **Section 133.** Section 7-13-2271, MCA, is amended to read:

28 **"7-13-2271. Organization of board of directors.** (1) ~~The~~ A new board of directors shall hold its first
29 meeting on the sixth Monday after the ~~first general election for the election of directors as herein provided.~~ It shall
30 choose one of its members president and shall ~~thereupon~~ provide for the time and place of holding its meetings

1 and the manner in which its special meetings may be called.

2 (2) The board shall establish rules for its proceedings."

3

4 **Section 134.** Section 7-13-2272, MCA, is amended to read:

5 **"7-13-2272. Duties of board president.** (1) The president shall sign all contracts on behalf of the district
6 and perform other duties as may be imposed by the board of directors.

7 (2) The president may propose a monthly salary in excess of the amounts provided in 7-13-2273(2) for
8 the members of the board of directors. The proposed monthly salary must be approved by the ~~voters~~ qualified
9 electors in the district pursuant to 7-13-2273."

10

11 **Section 135.** Section 7-13-2273, MCA, is amended to read:

12 **"7-13-2273. Compensation of members of board -- approval by voters of district -- public notice.**

13 (1) Each of the members of the board of directors may receive a monthly salary.

14 (2) Except as provided in subsection (3), a salary may not exceed the following amounts:

15 (a) \$60 in districts with a population of no more than 500 persons;

16 (b) \$80 in districts with a population that exceeds 500 but is no more than 5,000 persons; and

17 (c) \$100 in districts with a population of more than 5,000 persons.

18 (3) A salary may exceed the amounts provided under subsection (2) if the salary is in an amount
19 proposed by the president of the board and approved by one of the following methods:

20 (a) an affirmative vote of the majority of the votes cast by the qualified ~~voters~~ electors of the district in
21 ~~an election held either by mail ballot, as provided in Title 13, chapter 19, or in conjunction with a regular or primary~~
22 ~~election; or~~

23 (b) an affirmative vote of the majority of the qualified ~~voters~~ electors of the district who are present and
24 voting at an annual organizational meeting of the district.

25 (4) A newly elected member of the board of directors must receive the monthly salary, if any, established
26 for the board member position at the time that the member was elected.

27 ~~(5) A vote on the question of the proposed salary for members of the board of directors may be held in~~
28 ~~combination with the elections provided in 7-13-2225 if the vote is conducted by mail ballot or held in conjunction~~
29 ~~with a regular or primary election.~~

30 ~~————(6) (a) Notice of the vote on the proposed monthly salary for the members of the board of directors must~~

1 ~~be provided to the members of the district~~ If an election is held pursuant to subsection (3)(a), notice must be as
 2 provided in 13-1-108 and state must include the following:

- 3 (i)(a) the date on which the ~~vote~~ election will be held;
 4 (ii)(b) the manner in which the ~~vote~~ election will be held;
 5 (iii)(c) the amount of the proposed monthly salary for the members of the board of directors; and
 6 (iv)(d) any other information regarding the ~~vote~~ election that may be necessary.

7 ~~(b) The notice must be published as provided in 13-1-108.~~

8 ~~—— (7) For purposes of this section, "qualified voters of the district" means the voters qualified to vote on the~~
 9 ~~question of the creation of the district as provided in 7-13-2212."~~

10

11 **Section 136.** Section 7-13-2276, MCA, is amended to read:

12 **"7-13-2276. Right of initiative and referendum.** (1) Ordinances may be passed by the qualified
 13 electors of any district organized under the provisions of this part and part 23 in accordance with the methods
 14 provided by the general laws of the state for direct legislation applicable to cities and towns.

15 (2) Ordinances may be ~~disapproved and thereby vetoed~~ repealed by the qualified electors of any ~~such~~
 16 district by proceeding in accordance with the methods provided by the general laws of the state for protesting
 17 against legislation by cities and towns."

18

19 **Section 137.** Section 7-13-2321, MCA, is amended to read:

20 **"7-13-2321. Procedure to incur bonded indebtedness.** (1) Whenever the board of directors considers
 21 it necessary for the district to incur a bonded indebtedness, other than for indebtedness to refund bonded
 22 indebtedness as provided for in 7-13-2332 or revenue or special indebtedness incurred pursuant to 7-13-2333,
 23 it shall by resolution state the purpose for the proposed debt, the land within the district to be benefited, the
 24 amount of debt to be incurred, the maximum term for the proposed bonds before maturity, and the proposition
 25 to be submitted to the qualified electors.

26 (2) If no qualified electors reside in the district at the time of adoption of the resolution or if the proposition
 27 is approved by all of the real property owners in the district to be benefited in a certificate of approval to be
 28 presented to the board of directors, the board of directors may incur the bonded indebtedness without an election.
 29 The board of directors may by resolution, at times that it considers proper, provide for the form and execution of
 30 the bonds and for their issuance."

1
2 **Section 138.** Section 7-13-2323, MCA, is amended to read:
3 **"7-13-2323. Election on question of incurring bonded indebtedness.** (1) The board of directors shall
4 fix a date ~~upon~~ on which an election is held in accordance with [section 4] for the purpose of authorizing the
5 bonded indebtedness to be incurred. ~~Except as provided in subsection (2), the election must be conducted by~~
6 ~~mail ballot, as provided in Title 13, chapter 19, or must be held in conjunction with a regular or primary election.~~

7 (2) The board may order ~~up to~~ as many as two ~~special~~ elections each year if:
8 (a) there are no bids within the amount of approved bonds;
9 (b) there is an emergency;
10 (c) a directive for a project is received from a government agency; or
11 (d) it is necessary to take advantage of the construction season."

12
13 **Section 139.** Section 7-13-2324, MCA, is amended to read:
14 **"7-13-2324. Notice of election on incurring bonded indebtedness.** (1) The board of directors shall
15 give notice in accordance with 13-1-108 of the holding of the election.

16 (2) The notice must:
17 (a) state the date of the election;
18 (b) state the hours the polls will be open;
19 (c) describe the boundaries of voting precincts, which may include only the lands to be benefited as
20 stated in the resolution;
21 (d) describe the purpose of the issue, the amount of bonds proposed to be issued, and the term of years
22 for repayment of the bonds;
23 (e) reference the resolution authorizing the election and state that it is available for public inspection; and
24 (f) state any other information that the board considers proper.
25 ~~(2) The notice must be published as provided in 13-1-108."~~

26
27 **Section 140.** Section 7-13-2328, MCA, is amended to read:
28 **"7-13-2328. Sufficient vote required to issue bonds.** (1) (a) When the board of directors canvasses
29 the vote of a bond election, the board shall determine the approval or rejection of the bond proposition as
30 provided in subsections (1)(b) through (1)(d) after calculating the percentage of qualified electors voting in the

1 bond election in the following manner:

2 (i) determine the total number of electors of the district who were qualified to vote at the bond election;

3 (ii) determine the total number of qualified electors who voted at the bond election; and

4 (iii) calculate the percentage of qualified electors voting at the bond election by dividing the amount
5 determined in subsection (1)(a)(ii) by the amount determined in subsection (1)(a)(i).

6 (b) When the calculated percentage in subsection (1)(a)(iii) is 40% or more, the bond proposition is
7 approved and adopted if a majority of the votes ~~are~~ were cast in favor of the proposition; otherwise it must be
8 rejected.

9 (c) When the calculated percentage in subsection (1)(a)(iii) is more than 30% but less than 40%, the
10 bond proposition is approved and adopted if 60% or more of the votes ~~have been~~ were cast in favor of the
11 proposition; otherwise it must be rejected.

12 (d) When the calculated percentage in subsection (1)(a)(iii) is 30% or less, the bond proposition must
13 be rejected.

14 ~~(2) For purposes of this section, the total number of electors of the district who are qualified to vote at
15 the bond election equals the sum of:~~

16 ~~—— (a) the individuals who possess all the qualifications required of electors under the general election laws
17 of the state and who are residents of the district; and~~

18 ~~—— (b) the individuals who have satisfied the requirements of 7-13-2212(2) with respect to the particular
19 bond election.~~

20 ~~(3)(2)~~ If the canvass of the vote establishes the approval and adoption of the bond proposition, then the
21 board of directors may by resolution provide for the form and execution of the bonds and for the issuance of the
22 bonds."

23

24 **Section 141.** Section 7-13-2333, MCA, is amended to read:

25 **"7-13-2333. Issuance of revenue or special assessment bonds without election.** (1) The board of
26 directors of the district may authorize the issuance of bonds payable from all or a portion of the revenue of the
27 district or from special assessments levied against benefited property in the district to finance the acquisition,
28 construction, improvement, or extension of any facilities of the district benefiting all or any portion of the district
29 for other authorized corporate purposes of the district, to refund bonds issued for those purposes, to fund a debt
30 service refund for the security of the bonds, to pay interest on the bonds during the estimated period of

1 construction or improvement of facilities, and to pay costs of the bond issuance. Revenue or special assessment
2 bonds issued under this section may be authorized by a resolution adopted by the board of directors of the district
3 without need for authorization ~~by the electors~~ through an election. Bonded indebtedness incurred pursuant to this
4 section may not be secured by the levy of the deficiency tax provided in 7-13-2302 if not submitted to and
5 approved by the qualified electors of the district.

6 (2) Revenue or special assessment bonds authorized in subsection (1) may be sold as provided in
7 7-13-2329. The board of directors may, by resolution, pledge to the payment of the revenue bonds or special
8 assessment bonds all or a portion of the rates, fees, tolls, rents, or other charges afforded by or special
9 assessments levied in respect of facilities of the district, whether financed with bonds or other available funds of
10 the district. The pledge may be made on a parity with or with a superior or subordinate lien to the pledge of the
11 revenue to other bonded indebtedness of the district, subject to any covenants made with owners of outstanding
12 bonds of the district. The board of directors may also make covenants for the benefit of the owners of the bonds
13 as provided in 7-13-2301, but the revenue or special assessment bonds may not be secured by the bond tax
14 levied pursuant to 7-13-2302 or any other taxing powers of the district. The bonds do not constitute and may not
15 be included as an indebtedness or liability of the district for purposes of any statutory debt limitation but are
16 subject to the limitations of this section.

17 (3) Bonds may be issued under this section only if:

18 (a) the bonds are issued in the principal amounts and on terms that stipulate that the amount of principal
19 and interest due in any fiscal year on the bonds and any other revenue or special assessment bonds of the district
20 and issued under this section do not exceed the amount of the revenue or special assessment pledged to the
21 payment of the bonds and received in that fiscal year as estimated by the board of directors of the district in the
22 resolution authorizing the issuance of the bonds; and

23 (b) the final maturity of the bonds is not later than 40 years after the date of issuance of the bonds or the
24 useful life of the project financed from the proceeds of the bonds, as determined by the board of directors."
25

26 **Section 142.** Section 7-13-2341, MCA, is amended to read:

27 **"7-13-2341. Addition of land to district -- election required.** (1) Except as provided in subsection (5),
28 any portion of any county or any municipality, or both, may be added to any district organized under the provisions
29 of part 22 and this part at any time upon petition presented in the manner provided in part 22 and this part for the
30 organization of the district.

1 (2) The petition may be granted by ordinance of the board of directors of the district. The ordinance must
 2 be submitted for adoption or rejection ~~to the vote of the electors in the district and in the proposed addition at a~~
 3 ~~general election, at a special election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at~~
 4 ~~a special election that is held in conjunction with a regular or primary election~~ by the qualified electors.

5 (3) If the ordinance is approved, the president and secretary of the board of directors shall certify that
 6 fact to the secretary of state and to the county clerk and recorder of the county in which the district is located.
 7 ~~Upon the~~ On receipt of the certification, the secretary of state shall within 10 days issue a certificate that states
 8 the passage of the ordinance and the addition of the territory to the district. A copy of the certificate must be
 9 transmitted to and filed with the county clerk and recorder of the county in which the district is situated.

10 (4) After the filing of the certificate, the territory is added to and is a part of the district with all the rights,
 11 privileges, and powers set forth in this part and necessarily incident to this part.

12 (5) If the board of directors determines that a district has a water facility or a sewer facility with a capacity
 13 greater than required to meet the needs of the current district, it may by ordinance, ~~upon~~ on petition of contiguous
 14 property owners and with the written consent of all property owners to whom the service is to be extended,
 15 expand the district to include land, to the extent of excess capacity, without complying with subsections (1) and
 16 (2). However, if the board determines that an election should be held or if 40% or more of the ~~members of the~~
 17 ~~district~~ qualified electors petition for an election, compliance with subsections (1) and (2) is required."
 18

19 **Section 143.** Section 7-13-2342, MCA, is amended to read:

20 **"7-13-2342. Consolidation of county water and/or sewer districts -- election required.** (1) Two or
 21 more districts organized under the provisions of part 22 and this part may consolidate at any time upon petitions
 22 submitted to the board of directors of each district. The petitions must be in the form required for petitions for the
 23 organization of districts. Each petition must be signed by not less than 10% of the ~~registered voters~~ qualified
 24 electors of the territory included within the district.

25 (2) The petitions may be granted by ordinance of the board of directors of each district. The ordinances
 26 must be submitted for adoption or rejection ~~to the vote of~~ by the qualified electors ~~in the district at general or~~
 27 ~~special elections held, as provided in part 22 and this part, within 70 days after the adoption of the ordinances.~~

28 (3) If the ordinances are approved, the president and secretary of the boards of directors of each district
 29 shall certify that fact to the secretary of state and to the county clerk of the county or counties in which the districts
 30 are located. ~~Upon the~~ On receipt of the certificate, the secretary of state shall within 10 days issue a certificate;

1 reciting the passage of the ordinances and the consolidation of the districts. A copy of the certificate must be
 2 transmitted to and filed with the county clerk of each county in which the consolidated district is situated.

3 (4) After the date of the certificate, the districts are considered to be consolidated and consist of one
 4 district with all the rights, privileges, and powers set forth in part 22 and this part and necessarily incident to those
 5 rights, privileges, and powers.

6 (5) The number and manner of selection and election of directors of the consolidated district must be
 7 the same as the number and manner of selection and election of directors of newly organized districts."

8

9 **Section 144.** Section 7-13-2352, MCA, is amended to read:

10 **"7-13-2352. Dissolution of district by special election.** (1) The board of directors may, after notice
 11 is given as provided in 7-1-2121, hold a hearing for dissolution of the district if:

12 (a) the district has no facilities;

13 (b) the district provides no services;

14 (c) the board is not a party to any existing contracts and is not engaged in any contract proposals for
 15 facilities or services; and

16 (d) the district has not had outstanding debts for at least 3 years.

17 (2) At the dissolution hearing, the board of directors shall hear testimony of all persons interested in
 18 whether the district should be dissolved.

19 (3) If the board of directors determines that the dissolution of the district is in the best interests of the
 20 public, the board may resolve to recommend that the district be dissolved. The recommendation must include
 21 a specific plan for distribution of any remaining assets after dissolution and must be provided to the board of
 22 county commissioners in each county in which the district is located.

23 (4) Upon receipt of a recommendation for dissolution, the board of county commissioners in each county
 24 in which the district lies shall order ~~a referendum~~ an election on the proposed dissolution. ~~The referendum must~~
 25 ~~be held in conjunction with a regular or primary election or must be conducted by mail ballot election as provided~~
 26 ~~in Title 13, chapter 19.~~

27 (5) If the majority of votes cast at the election by qualified electors of the district are in favor of dissolving
 28 the district, each board of county commissioners shall by order declare the district dissolved.

29 (6) Upon dissolution of the district by each board of county commissioners, the clerk of each county in
 30 which the district was located shall immediately send written notice to the secretary of state and shall record a

1 certificate stating that the district is dissolved.

2 (7) Any assets of the district after dissolution must be distributed according to the plan adopted by the
3 board of directors under subsection (3)."

4

5 **Section 145.** Section 7-13-4204, MCA, is amended to read:

6 **"7-13-4204. Rental charges for use of sewer system -- election required.** (1) Upon being petitioned
7 by 5% of the ~~qualified registered~~ electors who are residents of the city or town, the city or town council shall
8 ~~submit to a vote to the qualified electors, at the annual municipal election or at a special election held in~~
9 ~~conjunction with a regular or special election, conduct an election in accordance with [sections 1 through 5] on~~
10 the question of whether or not the city or town council may establish and collect rentals for the use of the sewer
11 system, may fix the scale of the rentals, and may prescribe the manner and time at which the rentals must be
12 paid:

13 (a) to provide the sewer fund;

14 (b) to provide for the retirement of the bonds and the payment of the interest on the bonds; or

15 (c) for any purpose mentioned in this section.

16 (2) If a majority of votes ~~is~~ are cast are in favor of the proposition, then the city or town council may establish
17 and collect rentals for the use of the sewer system, may fix the scale of rentals, may prescribe the manner and
18 time at which the rentals should be paid, and may change the scale of rentals from time to time as considered
19 advisable.

20 (3) The revenue provided in this section ~~are~~ is in addition to and not exclusive of other revenue that may
21 be legally collected for sewer payment."

22

23 **Section 146.** Section 7-13-4511, MCA, is amended to read:

24 **"7-13-4511. Sufficient protest to require referendum.** If the owners of more than 20% of the
25 fee-assessed units in the proposed district protest the creation of the proposed district and the fees proposed to
26 be charged, the commissioners are barred from further proceedings on the matter unless the commissioners
27 submit a referendum to create the district to the question to the registered ~~voters~~ electors who reside within the
28 proposed district and the ~~registered~~ voters approve the creation of the district and establish the fees by approving
29 the referendum."

30

1 **Section 147.** Section 7-13-4512, MCA, is amended to read:

2 **"7-13-4512. Referendum.** (1) The commissioners may adopt a resolution causing a referendum to be
3 submitted to the registered ~~voters~~ electors who reside within a proposed local water quality district to authorize
4 the creation of the district and establish fees. The election must be conducted in accordance with [sections 1
5 through 5].

6 (2) The referendum must state:

7 (a) the type and maximum rate of the initial proposed fees that would be imposed, consistent with the
8 requirements of 7-13-4523;

9 (b) the maximum dollar amount for a family residential unit;

10 (c) the type of activities proposed to be financed, including a general description of the local water quality
11 program; and

12 (d) a general description of the areas included in the proposed district."
13

14 **Section 148.** Section 7-13-4535, MCA, is amended to read:

15 **"7-13-4535. Referendum to abolish local water quality district or joint local water quality district**

16 **-- termination procedures.** (1) A person owning a fee-assessed unit located within a local water quality district
17 or a joint local water quality district may petition the commissioners of a local water quality district or the board
18 of directors of a joint water quality district to submit a referendum to the registered ~~voters~~ electors residing in the
19 district to terminate or abolish the district. The petition must be in writing and contain the signatures and
20 addresses of 20% or more of the owners of fee-assessed units in the district. The petition requesting a
21 referendum for termination or abolishment of a district must be delivered to the county clerk, who shall endorse
22 on it the date on which the petition was received and validate the signatures within 60 days of receipt of the
23 petition. If the petition contains valid signatures of at least 20% of the owners of fee-assessed units located within
24 the district, the county clerk shall notify the commissioners of a local water quality district or the board of directors
25 of a joint water quality district.

26 (2) ~~Upon~~ On receipt of a valid petition described in subsection (1), the commissioners of a local water
27 quality district or the board of directors of a joint water quality district shall submit the referendum to the registered
28 ~~voters~~ electors residing in the district ~~in accordance with the provisions of 7-5-136~~ in an election conducted in
29 accordance with [sections 1 through 5]."
30

1 **Section 149.** Section 7-14-210, MCA, is amended to read:

2 **"7-14-210. Election on question of creating urban transportation district or addition to a district.**

3 (1) The commissioners, ~~upon~~ on completion of the public hearing required by 7-14-207, shall proceed by
4 resolution to refer the creation of the district or an addition to a district to the persons qualified to vote on the
5 proposition.

6 (2) ~~The commissioners may designate in their resolution whether a special election is to be held in~~
7 ~~conjunction with a regular or primary election, whether the matter is to be determined at the next general election,~~
8 ~~or whether the matter is to be determined by a mail ballot election held pursuant to the provisions of Title 13,~~
9 ~~chapter 19. If a special election is ordered, the order must specify the date for the election and the voting places~~
10 ~~and the commissioners shall appoint and designate election judges and clerks. The election must be held in~~
11 ~~accordance with [sections 1 through 5]."~~

12

13 **Section 150.** Section 7-14-211, MCA, is amended to read:

14 **"7-14-211. Conduct of election on question of creating district Ballot form.** ~~(1) The election shall~~
15 ~~be held in all respects, as nearly as practicable, in conformity with the general election laws:~~

16 ~~———(2) At the election provided for under 7-14-210, the ballots shall contain the words:~~

17 Transportation district -- YES

18 Transportation district -- NO"

19

20 **Section 151.** Section 7-14-212, MCA, is amended to read:

21 **"7-14-212. District to be governed by transportation board -- election of board.** (1) The district must
22 be governed by a transportation board. The commissioners and the governing bodies of each city or town
23 included or partially included in the district shall determine if the board is to be elected or appointed. If the board
24 is to be elected, the initial and subsequent elections of board members must be held in accordance with [sections
25 1 through 5].

26 (2) The commissioners and the governing body by resolution shall:

27 (a) determine the number of board members;

28 (b) set the term of office;

29 (c) determine the makeup of the board with respect to the number of appointed members that will
30 represent each county, city, or town;

1 (d) ~~establish a procedure for selecting the initial members of an elected board. The initial members shall~~
 2 ~~serve until the first county general election after their appointment.~~

3 (e) determine the number of candidates for an elected board whose names must be placed on the ballot
 4 ~~in the county general election, based on the results of the primary election; and~~

5 (f)(e) establish a procedure for filling vacancies on the board, including a provision for public notice.

6 (3) The commissioners and the governing body may, at any time, adopt a resolution changing the
 7 method by which the members of the board are selected. The resolution must contain a provision that the term
 8 of office of the current members of the board may not be shortened.

9 (4) If the board is elected and if the number of candidates is equal to or less than the number of positions
 10 to be elected, the election administrator may cancel the election in accordance with 13-1-304. If an election is
 11 not held, the board shall declare elected by acclamation each candidate who filed a nominating petition for a
 12 position.

13 (5) If there are no nominees for an elective office of a member of the board, the vacancy must be filled
 14 as provided in subsection ~~(2)(f)~~ (2)(e).

15 (6) A member of the board taking office pursuant to subsection (4) or (5) serves a term of office as if
 16 elected to that office."

17

18 **Section 152.** Section 7-14-214, MCA, is amended to read:

19 **"7-14-214. Election of members of transportation board.** Any registered elector in the district may
 20 file a ~~petition~~ declaration of candidacy with the election administrator of the county where the district is located.
 21 A filing fee may not be required. ~~All candidates shall file a nonpartisan petition for candidacy containing the~~
 22 ~~signatures of not less than 25 registered electors of the district. Except for the number of petition signers required,~~
 23 ~~the petition~~ The declaration shall must be filed as provided in 13-14-113."

24

25 **Section 153.** Section 7-14-1106, MCA, is amended to read:

26 **"7-14-1106. Election of local port authority commissioners.** (1) Any registered elector in the county
 27 or municipality in which the local port authority is located may file a ~~petition~~ declaration of candidacy with the
 28 election administrator. ~~The petition must contain the signatures of not less than 25 registered electors of the~~
 29 ~~county or municipality. The petition~~ declaration must be filed at least 75 days before the election day within the
 30 time period for candidate filing specified in [section 2].

1 (2) The election must be conducted at the time provided in 13-1-104(3) and in the manner provided by
 2 ~~13-1-401~~ conducted in accordance with [sections 1 through 5].

3 (3) If no ~~nomination petitions~~ declarations are filed for one or more commissioner offices, the appropriate
 4 local governing body shall appoint one or more commissioners as necessary to fill those offices."
 5

6 **Section 154.** Section 7-14-1134, MCA, is amended to read:

7 **"7-14-1134. Method of funding deficiency -- election required.** (1) Subject to the conditions stated
 8 in this section, the governing body of a county or of a municipality having a population in excess of 10,000 may
 9 by resolution covenant that if at any time all revenue, including taxes, appropriated and collected for bonds issued
 10 pursuant to this part is insufficient to pay principal or interest then due, it will levy a general tax ~~upon~~ on all of the
 11 taxable property in the county or municipality for the payment of the deficiency. The governing body may further
 12 covenant that at any time a deficiency is likely to occur within 1 year for the payment of principal and interest due
 13 on the bonds, it will levy a general tax ~~upon~~ on all the taxable property in the county or municipality for the
 14 payment of the deficiency. The taxes are not subject to any limitation of rate or amount applicable to other county
 15 or municipal taxes but are limited to a rate estimated to be sufficient to produce the amount of the deficiency. If
 16 more than one local government is included in an authority issuing bonds pursuant to this part, the local
 17 governments may apportion the obligation to levy taxes for the payment of, or in anticipation of, a deficiency in
 18 the revenue appropriated for the bonds in a manner that the local governments may determine.

19 (2) The resolution must state the principal amount and purpose of the bonds and the substance of the
 20 covenant respecting deficiencies.

21 (3) ~~(a)~~ A resolution is not effective until the question of its approval has been submitted to the qualified
 22 electors of the local government at an election called for that purpose by the governing body of the local
 23 government and held as provided in 15-10-425 and the question is approved by a majority of the electors voting.

24 ~~(b) The notice and conduct of the election is governed, to the extent applicable, as provided for municipal~~
 25 ~~general obligation bonds in Title 7, chapter 7, part 42, for an election called by cities and towns, and as provided~~
 26 ~~for county general obligation bonds in Title 7, chapter 7, part 22, for an election called by counties.~~

27 (4) If a majority of the electors voting on the issue vote against approval of the resolution, the local
 28 government may not make the covenant or levy a tax for the payment of deficiencies pursuant to this section. The
 29 local government or authority may issue bonds under this part payable solely from the sources referred to in
 30 7-14-1133(1)."

1

2 **Section 155.** Section 7-14-1633, MCA, is amended to read:

3 **"7-14-1633. Election required to impose mill levy.** (1) Before the levy provided for in 7-14-1632 may
4 be made, the question must be submitted to a vote of the people at an election held pursuant to 15-10-425.

5 (2) Notice of the election, clearly stating the amount and the purpose of the levy, must be given, and the
6 election ~~must be held and conducted and the returns must be made in the manner prescribed by law for the~~
7 ~~submission of questions to the electors under the general election laws~~ must be conducted in accordance with
8 [sections 1 through 5]."

9

10 **Section 156.** Section 7-14-2507, MCA, is amended to read:

11 **"7-14-2507. Qualifications to vote on mill levy question of ~~additional mill levy.~~** (1) An individual is
12 entitled to vote at an election under this chapter conducted pursuant to 15-10-425 ~~to exceed the levy authority~~
13 ~~provided for in 7-14-2501(1)~~ if the individual possesses all of the qualifications required of electors under ~~the~~
14 ~~general election laws of the state~~ 13-1-111 and is:

15 (a)(1) a resident of the area that is or may be subject to the proposed a tax under this chapter; or

16 (b)(2) the owner of taxable property located in the area that is or may be subject to the proposed a tax
17 under this chapter.

18 ~~———(2) An individual who is the owner of the property described in subsection (1)(b) need not possess the~~
19 ~~qualifications required of an elector in subsection (1)(a) if the elector is qualified to vote in any county of the state~~
20 ~~and files proof of registration with the election administrator at least 20 days prior to the election in which the~~
21 ~~individual intends to vote."~~

22

23 **Section 157.** Section 7-14-4512, MCA, is amended to read:

24 **"7-14-4512. Referendum on parking meters prior to enacting ordinance.** An ordinance providing
25 for the purchasing, renting, leasing, or otherwise acquiring or installing, maintaining, operating, or using parking
26 meters, devices, or instruments may not be enacted unless the question of whether or not the ordinance may be
27 enacted has been submitted to the qualified electors of the city or town at a ~~general an~~ an election ~~or a special~~
28 ~~election that is held in conjunction with a regular or primary election and that is called for that purpose~~ conducted
29 in accordance with [sections 6 through 10]. An ordinance may not be enacted unless ~~authorized by~~ a majority
30 of the votes cast are in favor of enacting the ordinance."

1

2 **Section 158.** Section 7-14-4642, MCA, is amended to read:

3 **"7-14-4642. Election required to issue revenue bonds.** (1) The power to issue revenue bonds as
4 provided in this part is not operative in any city until the legislative body, ~~either at a general election or a special~~
5 ~~election held in conjunction with a regular or primary election;~~ submits to the qualified electors the question as
6 to whether the legislative body, the commission, or both; are authorized to adopt the revenue bond method of
7 financing projects provided for in this part.

8 (2) ~~The question must be placed before the electors and notice must be given in the same manner as~~
9 ~~provided by law for referring ordinances of the city to the electors~~ The election on the question must be conducted
10 in accordance with [sections 6 through 10].

11 (3) The qualifications of electors are the same as those required for voting at municipal elections in the
12 city for elective officers. The provisions relating to the qualifications of electors and manner of submission of the
13 question to the electors for the purposes of this part are controlling, notwithstanding any provision of law to the
14 contrary."

15

16 **Section 159.** Section 7-16-2102, MCA, is amended to read:

17 **"7-16-2102. Authorization for tax levy for parks and certain cultural, social, and recreational**
18 **facilities.** (1) Subject to 15-10-420, the board of county commissioners may annually levy on the taxable property
19 of the county, in the same manner and at the same time as other county taxes are levied, a tax for the purpose
20 of maintaining, operating, and equipping parks, cultural facilities, and any county-owned civic center, youth center,
21 recreation center, recreational complex, or any combination of purposes, parks, and facilities.

22 (2) (a) The board of county commissioners shall submit the question of imposing or the continued
23 imposition of the property tax mill levy provided in subsection (1) to the electors of the county ~~at the next general~~
24 ~~election~~ if a petition requesting an election, signed by at least 15% of the resident taxpayers of the county, is filed
25 with the county clerk. The petition must be filed with the county clerk at least 90 days prior to the date of the
26 ~~general~~ election.

27 (b) The question must be submitted as provided in 15-10-425.

28 (c) The board of county commissioners shall levy the tax if the question for the imposition of the tax is
29 approved by a majority of the electors voting on the question.

30 (3) All laws applicable to the collection of county taxes apply to the collection of the tax provided for in

1 this section."

2

3 **Section 160.** Section 7-16-2109, MCA, is amended to read:

4 **"7-16-2109. Single assessment for county fair activities, county parks, and certain cultural, social,**
5 **and recreational facilities -- restriction.** (1) Subject to 15-10-420 and except as provided in subsection (2) of
6 this section, the county commissioners of a county ~~who have~~ that has levied taxes pursuant to 7-16-2102 may
7 combine that levy with any fees assessed in accordance with 7-11-1024 into a single assessment for the purpose
8 of maintaining, operating, and equipping county fair activities, county parks, cultural facilities, and any
9 county-owned civic center, youth center, recreation center, recreational complex, or any combination of purposes,
10 activities, and facilities. The money collected may be distributed among the activities and facilities as determined
11 by the county commissioners.

12 (2) (a) The board of county commissioners shall submit the question of imposing or continuing the
13 imposition of the single assessment provided for in subsection (1) to the electors of the county ~~at the next general~~
14 ~~election~~ if a petition requesting a vote on the single assessment, signed by at least 15% of the resident taxpayers
15 of the county, is filed with the county clerk and recorder at least 90 days prior to the date of the ~~general~~ election.

16 (b) The question must be submitted as provided in 15-10-425.

17 (c) The board of county commissioners shall collect the assessment if the imposition or continued
18 imposition of the single assessment is approved by a majority of the electors voting on the question."

19

20 **Section 161.** Section 7-33-2106, MCA, is amended to read:

21 **"7-33-2106. Details relating to board of trustees of fire district -- election -- qualified electors.**

22 (1) (a) The five trustees initially appointed by the county commissioners hold staggered terms of office until their
23 successors are elected or appointed and qualified as provided in this section.

24 (b) The initial trustees' terms of office must be drawn by lot and include:

25 (i) 3 years for one trustee;

26 (ii) 2 years for two trustees; and

27 (iii) 1 year for two trustees.

28 (c) Upon expiration of the terms provided in subsection (1)(b), each subsequent trustee shall serve a
29 3-year term of office.

30 (d) A term of office begins on the date of the trustee's election or appointment.

1 (2) Trustees must be elected as provided in ~~13-1-104(3), 13-1-401, and subsection (3) of this section~~
 2 or appointed as provided in subsection (4) of this section. The term of office is 3 years beginning at the first district
 3 meeting following their election or appointment and continuing until their successors are elected or appointed and
 4 ~~qualified~~ Trustee elections must be conducted in accordance with [sections 1 through 5].

5 (3) Appointments ~~An appointment to fill vacancies a vacancy~~ occurring during the term of office of a
 6 trustee must be made by the county governing body and ~~appointees the appointee~~ shall hold office until the next
 7 ~~regular trustee~~ election.

8 (4) An elector, as defined in ~~Title 13 13-1-101~~, who resides in the district or any holder of title to lands
 9 within the district who presents a proof of payment of taxes on the lands at the polling place is eligible to vote in
 10 the election.

11 ~~(3)(5)~~ Candidates for the office of trustee of the fire district to be filled by election may be nominated by
 12 petition filed with the election administrator or deputy election administrator at least 75 days before the election
 13 day and signed by at least five electors of the district Any person eligible to vote in the election may file a
 14 declaration of candidacy for the office of trustee. The declaration must be filed with the election administrator in
 15 the county conducting the election pursuant to [section 5] within the time period specified in [section 2].

16 ~~(4)(6)~~ If the number of candidates is equal to or less than the number of positions to be elected, the
 17 election administrator may cancel the election in accordance with 13-1-304. If an election is not held, the county
 18 governing body shall declare elected by acclamation each candidate who filed a nominating petition for a position.
 19 If a nomination is not made there is not a candidate for one or more trustee offices, the county governing body
 20 shall appoint one or more trustees as necessary to fill those offices. A trustee taking office pursuant to this
 21 subsection serves the trustee term of office as if that trustee had been elected.

22 ~~(5)(7)~~ The trustees shall organize by choosing presiding officers and appointing one member to act as
 23 secretary."

24
 25 **Section 162.** Section 7-34-2110, MCA, is amended to read:

26 **"7-34-2110. Resolution calling for election on creation of district -- conduct of election.** (1) The
 27 board of county commissioners in its resolution may make changes in the boundaries of the proposed district that
 28 it considers advisable, without including any additional lands not described in the petition, and it shall call an
 29 election ~~upon~~ on the question of the creation of the district.

30 ~~(2) The board shall designate in its resolution whether a special election is to be held or whether the~~

1 matter is to be determined at the next general election. If a special election is ordered, the board shall specify in
 2 its order the date for the election. The special election must be held in conjunction with a regular or primary
 3 election.

4 (2) The election must be conducted in accordance with [sections 1 through 5]."

5
 6 **Section 163.** Section 7-34-2112, MCA, is amended to read:
 7 **"7-34-2112. Conduct of election on question of creating district Ballot form.** (1) ~~The election shall~~
 8 ~~be held in all respects, as nearly as practicable, in conformity with the general election laws.~~

9 ~~———(2) At the election on the creation of a district, the ballots ballot must contain the words "Hospital district~~
 10 ~~-- Yes" and "Hospital district -- No"."~~

11
 12 **Section 164.** Section 7-34-2117, MCA, is amended to read:

13 **"7-34-2117. Procedure for conduct of election for trustees -- appointment of trustees.** (1) All
 14 elections of trustees following the election of the first board of trustees must be conducted at the time provided
 15 in 13-1-104(3) and in the manner provided by 13-1-401 in accordance with [sections 1 through 5].

16 ~~(2) Candidates for the office of trustee must be nominated by petition filed with the election administrator~~
 17 ~~or deputy election administrator at least 75 days before the election day and signed by at least five electors of~~
 18 ~~the district.~~

19 ~~(3) If there is no nomination petition filed, it is not necessary to hold an election but the board of county~~
 20 ~~commissioners shall appoint a trustee to fill the term. If there is only one nominee for a ballot position, it is not~~
 21 ~~necessary to hold an election for that position and the board of county commissioners shall declare elected by~~
 22 ~~acclamation the candidate who filed a nominating petition for the position.~~

23 (2) The first board of trustees must be elected at the election under 7-34-2110 on whether to create the
 24 district, subject to voter approval of the district.

25 (3) If there are no candidates for a trustee position, the board of county commissioners shall appoint the
 26 trustee.

27 (4) A member of the board taking office pursuant to subsection (3) serves a term of office as if elected
 28 to that office."

29
 30 **Section 165.** Section 13-1-101, MCA, is amended to read:

1 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
2 definitions apply:

3 (1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure
4 to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

5 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

6 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that
7 is ordinarily not given away free but is purchased.

8 (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state
9 that is completed and signed by an elector, is submitted to the election administrator, and contains voter
10 registration information subject to verification as provided by law.

11 (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an
12 optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

13 (6) "Candidate" means:

14 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or
15 appointment as a candidate for public office as required by law;

16 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained
17 contributions, made expenditures, or given consent to an individual, organization, political party, or committee
18 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination
19 or election to any office at any time, whether or not the office for which the individual will seek nomination or
20 election is known when the:

21 (i) solicitation is made;

22 (ii) contribution is received and retained; or

23 (iii) expenditure is made; or

24 (c) an officeholder who is the subject of a recall election.

25 (7) (a) "Contribution" means:

26 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value
27 to influence an election;

28 (ii) a transfer of funds between political committees; or

29 (iii) the payment by a person other than a candidate or political committee of compensation for the
30 personal services of another person that are rendered to a candidate or political committee.

1 (b) "Contribution" does not mean:

2 (i) services provided without compensation by individuals volunteering a portion or all of their time on
3 behalf of a candidate or political committee or meals and lodging provided by individuals in their private
4 residences for a candidate or other individual;

5 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
6 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

7 (iii) the cost of any communication by any membership organization or corporation to its members or
8 stockholders or employees; or

9 (iv) filing fees paid by the candidate.

10 (8) "Election" means a general, ~~regular~~, special, or primary election held pursuant to the requirements
11 of state law, regardless of the time or purpose.

12 (9) "Election administrator" means the county clerk and recorder or the individual designated by a county
13 governing body to be responsible for all election administration duties, except that with regard to school elections
14 not administered by the county, the term means the school district clerk.

15 (10) "Elector" means an individual qualified to vote under state law.

16 (11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
17 of money or anything of value made for the purpose of influencing the results of an election.

18 (b) "Expenditure" does not mean:

19 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);

20 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
21 personal necessities for the candidate and the candidate's family;

22 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
23 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

24 (iv) the cost of any communication by any membership organization or corporation to its members or
25 stockholders or employees.

26 (12) "Federal election" means a ~~general or primary~~ an election in even-numbered years in which an
27 elector may vote for individuals for the office of president of the United States or for the United States congress.

28 (13) "General election" or "~~regular election~~" means ~~an election held for the election of public officers~~
29 ~~throughout the state at times specified by law, including elections for officers of political subdivisions when the~~
30 ~~time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues~~

1 ~~required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the~~
 2 ~~legislature to the electors at a general election, "general election" means an election held at the time provided~~
 3 ~~in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted~~
 4 ~~as a constitutional initiative at a regular election, regular election means an election held at the time provided in~~
 5 ~~13-1-104(1) means an election that is held for offices that first appear on a primary election ballot, unless the~~
 6 ~~primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.~~

7 (14) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name
 8 was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

9 (15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

10 (16) "Individual" means a human being.

11 (17) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval
 12 or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall
 13 questions, school levy questions, bond issue questions, or a ballot question.

14 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the
 15 proper official that the legal procedure necessary for its qualification and placement ~~upon~~ on the ballot has been
 16 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the
 17 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

18 (18) "Legally registered elector" means an individual whose application for voter registration was
 19 accepted, processed, and verified as provided by law.

20 (19) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing
 21 ballots to all active electors.

22 (20) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,
 23 club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

24 (21) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307
 25 for a mail ballot election conducted under Title 13, chapter 19.

26 (22) "Political committee" means a combination of two or more individuals or a person other than an
 27 individual who makes a contribution or expenditure:

28 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a
 29 petition for nomination; ~~or~~

30 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

1 (c) as an earmarked contribution.

2 (23) "Political subdivision" means a county, consolidated municipal-county government, municipality,
3 special purpose district, or any other unit of government, except school districts, having authority to hold an
4 election ~~for officers or on a ballot issue~~.

5 (24) "Polling place election" means an election primarily conducted at polling places rather than by mail
6 under the provisions of Title 13, chapter 19.

7 (25) "Primary" or "primary election" means an election held ~~throughout the state to nominate candidates~~
8 ~~for public office at times specified by law, including nominations of candidates for offices of political subdivisions~~
9 ~~when the time for nominations is set on the same date for all similar subdivisions in the state~~ on a date specified
10 in 13-1-107 to nominate candidates for offices filled at a general election.

11 (26) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been
12 verified as provided by law.

13 (27) "Provisionally registered elector" means an individual whose application for voter registration was
14 accepted but whose identity or eligibility has not yet been verified as provided by law.

15 (28) "Public office" means a state, county, municipal, school, or other district office that is filled by the
16 people at an election.

17 (29) "Random-sample audit" means an audit involving a manual count of ballots from designated races
18 and ballot issues in precincts selected through a random process as provided in 13-17-503.

19 (30) "Registrar" means the county election administrator and any regularly appointed deputy or assistant
20 election administrator.

21 (31) "Regular school election" means the school trustee election provided for in 20-20-105(1).

22 ~~(32)~~ "School election" has the meaning provided in 20-20-104 20-1-101.

23 ~~(32)~~ (33) "School election filing officer" means the filing officer with whom the declarations for nomination
24 for school district office were filed or with whom the school ballot issue was filed.

25 ~~(33)~~ (34) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount
26 duties in school elections.

27 ~~(34)~~ (35) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that
28 is designed to:

29 (a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot
30 is being submitted by someone who is in fact a qualified elector and who has not already voted; and

1 (b) allow it to be used in the United States mail.

2 ~~(35)(36)~~ "Special election" means an election held on a day other than the day specified for a statutory
 3 scheduled primary or election, general election, or regular school election held at any time for any purpose
 4 provided by law. It may be held in conjunction with a statutorily scheduled election.

5 (37) "Special purpose district" means an area with special boundaries created as authorized by law for
 6 a specialized and limited purpose.

7 ~~(36)(38)~~ "Statewide voter registration list" means the voter registration list established and maintained
 8 pursuant to 13-2-107 and 13-2-108.

9 ~~(37)(39)~~ "Transfer form" means a form prescribed by the secretary of state that may be filled out by an
 10 elector to transfer the elector's registration when the elector's residence address has changed within the county.

11 ~~(38)(40)~~ "Valid vote" means a vote that has been counted as valid or determined to be valid as provided
 12 in 13-15-206.

13 ~~(39)(41)~~ "Voted ballot" means a ballot that is:

- 14 (a) deposited in the ballot box at a polling place;
 15 (b) received at the election administrator's office; or
 16 (c) returned to a place of deposit.

17 ~~(40)(42)~~ "Voting system" or "system" means any machine, device, technology, or equipment used to
 18 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."
 19

20 **Section 166.** Section 13-1-104, MCA, is amended to read:

21 **"13-1-104. Times for holding general elections.** ~~(1) (a) Except as provided in subsection (1)(b), a~~
 22 ~~general election must be held throughout the state in every even-numbered year on the first Tuesday after the~~
 23 ~~first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8, of the~~
 24 ~~Montana constitution to be submitted by the legislature to the electors at a general election and to elect federal~~
 25 ~~officers, state or multicounty district officers, members of the legislature, judges of the district court, and county~~
 26 ~~officers when the terms of the offices will expire before the next scheduled election for the offices or when one~~
 27 ~~of the offices must be filled for an unexpired term as provided by law:~~

28 ~~—— (b) A special election may be held on an earlier date provided in a law authorizing a special statewide~~
 29 ~~election on an initiative or referendum pursuant to Article III, section 6, of the Montana constitution:~~

30 ~~—— (2) A general election must be held throughout the state in every odd-numbered year on the first Tuesday~~

1 after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one
 2 county and not required to hold annual elections, and any other officers specified by law for election in
 3 odd-numbered years when the term for the offices will expire before the next scheduled election for the offices
 4 or when one of the offices must be filled for an unexpired term as provided by law.

5 ~~_____ (3) The general election for any political subdivision, other than a municipality, required to hold elections~~
 6 ~~annually must be held on school election day, the first Tuesday after the first Monday of May of each year, and~~
 7 ~~is subject to the election procedures provided for in 13-1-401.~~

8 ~~_____ (4) The general election for a municipality required to hold elections annually may be held either on~~
 9 ~~school election day, as provided in subsection (3), or on the first Tuesday after the first Monday in November,~~
 10 ~~at the discretion of the governing body. (1) A general election must be held throughout the state on the first~~
 11 ~~Tuesday after the first Monday in November.~~

12 (2) In every even-numbered year, the following elections must be held on general election day:

13 (a) an election on any ballot issue submitted to electors pursuant to Article III, section 6, unless the
 14 legislature orders a special election, or Article XIV, section 8, of the Montana constitution;

15 (b) an election of federal officers, members of the legislature, state officers, multicounty district officers
 16 elected at a statewide election, district court judges, and county officers; and

17 (c) any other election required by law to be held on general election day in an even-numbered year.

18 (3) In every odd-numbered year, the following elections must be held on the same day as the general
 19 election:

20 (a) an election of officers for municipalities required by law to hold the election; and

21 (b) any other election required by law to be held on general election day in an odd-numbered year."

22

23 **Section 167.** Section 13-1-106, MCA, is amended to read:

24 **"13-1-106. Time of opening and closing of polls for all elections -- exceptions.** (1) Except as
 25 provided in subsections (2) and (3), polling places must be open from 7 a.m. to 8 p.m.

26 (2) A polling place having fewer than 400 registered electors must be open from at least noon to 8 p.m.
 27 or until all registered electors in any precinct have voted, at which time that precinct in the polling place must be
 28 closed immediately.

29 (3) If an election ~~held under 13-1-104(3) and is held on the same day as a school election are and is~~
 30 conducted in the same polling place, the polling place must be opened and closed at the times set for the school

1 election, as provided in 20-20-106."

2

3 **Section 168.** Section 13-1-107, MCA, is amended to read:

4 **"13-1-107. Times for holding primary elections -- cost of municipal election.** (1) On the first Tuesday
5 after the first Monday in June preceding ~~the a~~ general election ~~provided for in 13-1-104(1)~~ held in an
6 even-numbered year, a primary election ~~shall~~ must be held throughout the state.

7 (2) On the Tuesday following the second Monday in September preceding ~~the a~~ general election
8 ~~provided for in 13-1-104(2)~~ held in an odd-numbered year, a primary election, if required, ~~shall~~ must be held
9 throughout the state.

10 (3) ~~If the general election for a municipality required to hold annual elections is held in November, as~~
11 ~~provided in 13-1-104(4), a primary election, if required, shall be held on the Tuesday following the second Monday~~
12 ~~in September. In an even-numbered year, the~~ The cost of this a municipal election must be paid by the
13 municipality."

14

15 **Section 169.** Section 13-1-108, MCA, is amended to read:

16 **"13-1-108. Notice of special political subdivision and school district elections.** (1) ~~Notice of any~~
17 ~~special election must be broadcast or published at least three times in the 4 weeks immediately preceding the~~
18 ~~election~~ Except as otherwise provided in this section, an election administrator conducting a political subdivision
19 or school district election shall give notice of the election at least three times no earlier than 40 days and no later
20 than 10 days before the election. The notice must be published in a newspaper of general circulation in the
21 jurisdiction where the election will be held or ~~may be broadcast~~ by broadcasting the notice on radio or television
22 as provided in 2-3-105 through 2-3-107. The notice must be given using the method the election administrator
23 believes is best suited to reach the largest number of potential electors. The provisions of this ~~section~~ subsection
24 (1) are fulfilled upon the third publication or broadcast of the notice.

25 (2) If the newspaper of general circulation within a political subdivision or school district is a weekly
26 newspaper, the notice may be published only two times and the notice requirements are fulfilled upon the second
27 publication of the notice.

28 (3) With respect to school elections, notice must also be provided as specified in 20-20-204.

29 (4) With respect to an election on the creation or dissolution of a special purpose district or the alteration
30 of a special purpose district's boundaries, the notice must include a specific description of the proposed

1 boundaries or the proposed change to the boundaries."

2

3 **Section 170.** Section 13-1-301, MCA, is amended to read:

4 **"13-1-301. Election administrator.** (1) The county clerk and recorder of each county is the election
5 administrator unless the governing body of the county designates another official or appoints an election
6 administrator.

7 (2) The election administrator is responsible for the administration of all procedures relating to
8 registration of electors and conduct of elections, shall keep all county records relating to elector registration and
9 elections, and is the primary point of contact for the county with respect to the statewide voter registration list and
10 implementation of other provisions of applicable federal law governing elections.

11 (3) The election administrator may appoint a deputy election administrator for each political subdivision
12 required to hold annual elections under the provisions of 13-1-104(3). ~~Each election administrator or deputy~~
13 ~~election administrator is responsible for the conduct of the annual elections of the political subdivision, as~~
14 ~~provided by 13-1-401."~~

15

16 **Section 171.** Section 13-1-401, MCA, is amended to read:

17 ~~"13-1-401. Manner of conducting general elections for political subdivisions required to hold~~
18 ~~annual elections~~ **School district and political subdivision election cooperation.** (1) Any political subdivision
19 required to hold annual elections under 13-1-104(3) may holding a polling place election on the same day as a
20 regular school election shall cooperate with a school districts district having similar district boundaries to hold the
21 election at the same ~~location~~ polling place. The election administrator ~~or deputy election administrator~~ appointed
22 under the provisions of 13-1-301 shall cooperate with the school district election administrator to share costs, as
23 provided in 13-1-302.

24 (2) ~~A political subdivision subject to 13-1-104(3) may, with the consent of the election administrator or~~
25 ~~deputy election administrator, conduct its annual election at an annual meeting of the political subdivision or at~~
26 ~~another convenient location within the political subdivision.~~

27 (3) ~~A political subdivision election subject to 13-1-104(3) may be conducted by mail ballot as provided~~
28 ~~in Title 13, chapter 19.~~

29 (4) ~~The election administrator or deputy election administrator conducting an election under the~~
30 ~~provisions of subsection (1), (2), or (3) shall give notice of the election not less than 20 days or more than 40 days~~

1 before the day of the election by display advertisement at least two times in a newspaper of general circulation
 2 within the political subdivision. The election administrator or deputy election administrator may notify the public
 3 of the election by additional posting of notices or radio and television announcements."

4

5 **Section 172.** Section 13-2-304, MCA, is amended to read:

6 **"13-2-304. Late registration -- late changes --nonapplicability for school elections.** (1) Except as
 7 provided in ~~subsections~~ subsection (2) and ~~(3)~~, the following provisions apply:

8 (a) An elector may register or change the elector's voter registration information after the close of regular
 9 registration in 13-2-301 and vote in the election if the election administrator in the county where the elector
 10 resides receives and verifies the elector's voter registration information prior to the close of the polls on election
 11 day.

12 (b) Late registration is closed from noon to 5 p.m. on the day before the election.

13 (c) Except as provided in 13-2-514(2)(a) and subsection (1)(d), an elector who registers or changes the
 14 elector's voter information pursuant to this section may vote in the election only if the elector obtains the ballot
 15 from and returns it to the location designated by the county election administrator.

16 (d) With respect to an elector who registers late pursuant to this section for a school election conducted
 17 by a school clerk, the elector may vote in the election only if the elector obtains from the county election
 18 administrator a document, in a form prescribed by the secretary of state, verifying the elector's late registration.
 19 The elector shall provide the verification document to the school clerk, who shall issue the ballot to the elector
 20 and enter the verification document as part of the official register.

21 (2) If an elector has already been issued a ballot for the election, the elector may change the elector's
 22 voter registration information only if the original voted ballot has not been received at the county election office,
 23 or received by the school district if the district is administering the election, and if the original ballot that was
 24 issued is marked by the issuing county as void in the statewide voter registration system, or by the school district
 25 if the district is administering the election, prior to the change.

26 ~~(3) The provisions of subsection (1) do not apply with respect to an elector's registration to vote in a~~
 27 ~~school election held pursuant to Title 20 [unless the county election administrator is conducting the school~~
 28 ~~election and an election other than a school election on the same day].~~ (Bracketed language void on occurrence
 29 of contingency--sec. 64, Ch. 336, L. 2013.)"

30

1 **Section 173.** Section 13-3-202, MCA, is amended to read:

2 **"13-3-202. Definitions.** As used in this part, unless the context indicates otherwise, the following
3 definitions apply:

4 (1) "Accessible" means accessible to individuals with disabilities and elderly individuals for purposes of
5 voting as determined in accordance with standards established by the secretary of state under 13-3-205.

6 (2) "Disability" means a temporary or permanent physical impairment such as:

7 (a) impaired vision;

8 (b) impaired hearing; or

9 (c) impaired mobility. Individuals having impaired mobility include those who require use of a wheelchair
10 and those who are ambulatory but are physically impaired because of age, disability, or disease.

11 (3) "Elderly" means 65 years of age or older.

12 (4) "Election" means a general, special, or primary election held in an even-numbered year, ~~as provided~~
13 ~~for in 13-1-104(1) and 13-1-107(1).~~

14 (5) "Inaccessible" means not accessible under standards adopted pursuant to 13-3-205.

15 (6) "Rural polling place" means a location that is expected to serve less than 200 registered electors."
16

17 **Section 174.** Section 13-10-201, MCA, is amended to read:

18 **"13-10-201. Declaration for nomination -- term limitations.** (1) Each candidate in the primary election,
19 except nonpartisan candidates filing under the provisions of Title 13, chapter 14, shall file a declaration for
20 nomination with the secretary of state or election administrator. Except for a candidate who files under 13-38-201,
21 a candidate may not file for more than one public office. Each candidate for governor shall file a joint declaration
22 for nomination with a candidate for lieutenant governor.

23 (2) A declaration for nomination must be filed in the office of:

24 (a) the secretary of state for placement of a name on the ballot for the presidential preference primary,
25 a congressional office, a state or district office to be voted for in more than one county, a member of the
26 legislature, or a judge of the district court; or

27 (b) the election administrator for a county, municipal, precinct, or district office (other than a member of
28 the legislature or a judge of the district court) to be voted for in only one county.

29 (3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an
30 indigent candidate, send with it the documents required by 13-10-203. Unless filed electronically with the

1 secretary of state, the declaration for nomination must be acknowledged by an officer empowered to acknowledge
2 signatures or by the officer of the office at which the filing is made.

3 (4) The declaration for nomination must include an oath of the candidate that includes wording
4 substantially as follows: "I hereby affirm that I possess, or will possess within constitutional and statutory
5 deadlines, the qualifications prescribed by the Montana constitution and the laws of the United States and the
6 state of Montana." The candidate affirmation included in this oath is presumed to be valid unless proven otherwise
7 in a court of law.

8 (5) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by
9 the elector's party. For a partisan election, an elector may not file a declaration for more than one party's
10 nomination.

11 (6) (a) The declaration for nomination must be in the form and contain the information prescribed by the
12 secretary of state.

13 (b) A person seeking nomination to the legislature shall provide the secretary of state with a street
14 address, legal description, or road designation to indicate the person's place of residence. If a candidate for the
15 legislature changes residence, the candidate shall, within 15 days after the change, notify the secretary of state
16 on a form prescribed by the secretary of state.

17 (c) The secretary of state and election administrator shall furnish declaration for nomination forms to
18 individuals requesting them.

19 (7) ~~(a)~~ Except as provided in 13-10-211 and ~~subsection (7)(b) of this section~~, a candidate's declaration
20 for nomination must be filed no sooner than ~~435~~ 145 days before the election in which the office first appears on
21 the ballot and no later than 5 p.m., ~~75~~ 85 days before the date of the primary election.

22 ~~(b) For an election held pursuant to 13-1-104(1)(a) or 13-1-107(1) or for a political subdivision that holds~~
23 ~~an election on the date of either of those elections, a candidate's declaration for nomination must be filed no~~
24 ~~sooner than 145 days before the election in which the office first appears on the ballot and no later than 5 p.m.,~~
25 ~~85 days before the date of the primary election.~~

26 (8) A properly completed and signed declaration for nomination form may be sent by facsimile
27 transmission, electronically mailed, delivered in person, or mailed to the election administrator or to the secretary
28 of state.

29 (9) For the purposes of implementing Article IV, section 8, of the Montana constitution, the secretary of
30 state shall apply the following conditions:

1 (a) A term of office for an official serving in the office or a candidate seeking the office is considered to
 2 begin on January 1 of the term for which the official is elected or for which the candidate seeks election and to
 3 end on December 31 of the term for which the official is elected or for which the candidate seeks election.

4 (b) A year is considered to start on January 1 and to end on the following December 31.

5 (c) "Current term", as used in Article IV, section 8, of the Montana constitution, has the meaning provided
 6 in 2-16-214."

7

8 **Section 175.** Section 13-10-208, MCA, is amended to read:

9 **"13-10-208. ~~Certificate of primary~~ Certification of candidate names and ballot issues for ballot --**

10 **preparing ballot.** (1) ~~Not more than 85 days and not less than 75 days before the date of the primary election~~
 11 ~~Ten days after the close of candidate filing under 13-10-201(7) for a primary election,~~ the secretary of state shall
 12 certify to the election administrators the names and designations of candidates who have filed with the secretary
 13 of state, except as provided in subject to 13-37-126, and any ballot issues as shown in the official records of the
 14 secretary of state's office in the manner provided in 13-10-209 and Title 13, chapter 12, part 2.

15 (2) ~~(a) Except as provided in subsection (2)(b), not more than 67 days and not less than 62 days before~~
 16 ~~the date of the primary election, the~~ On receiving the secretary of state's certification pursuant to subsection (1),
 17 the county election administrator shall certify the names and designations of all candidates whose names are
 18 entitled to appear on the ballot, except as provided in subject to 13-37-126, and any ballot issues as shown in
 19 the official record of the county election administrator's office and ~~must~~ shall have the official ballots prepared in
 20 the manner provided in 13-10-209 and Title 13, chapter 12, part 2.

21 ~~(b) For a primary election conducted pursuant to 13-1-107(1), the election administrator shall, not more~~
 22 ~~than 75 days and not less than 70 days before the date of the primary election, certify the names and~~
 23 ~~designations of candidates, except as provided in 13-37-126, and any ballot issues as shown in the official record~~
 24 ~~of the election administrator's office and must have the official ballots prepared in the manner provided in~~
 25 ~~13-10-209 and Title 13, chapter 12, part 2.~~

26 (3) If a candidate for the legislature is no longer eligible under Article V, section 4, of the Montana
 27 constitution to seek the office for which the candidate has filed because the candidate has changed residence,
 28 the secretary of state shall notify the candidate that the candidate is required to withdraw as provided in
 29 13-10-325."

30

1 **Section 176.** Section 13-10-209, MCA, is amended to read:

2 **"13-10-209. Arrangement and preparing of primary ballots.** (1) (a) Ballots for a primary election must
3 be arranged and prepared in the same manner and number as provided in chapter 12 for general election ballots,
4 except that there must be separate ballots for each political party entitled to participate. The name of the political
5 party must appear at the top of the separate ballot for that party and need not appear with each candidate's name.

6 (b) Nonpartisan offices and ballot issues may be prepared on separate ballots or may appear on the
7 same ballot as partisan offices if:

8 (i) each section is clearly identified as separate; and

9 (ii) the nonpartisan offices and ballot issues appear on each party's ballot.

10 (2) Except as provided in subsection (3), an election administrator does not need to prepare a primary
11 ballot for a political party if:

12 (a) the party does not have candidates for more than half of the offices to appear on the ballot; and

13 (b) no more than one candidate files for nomination by that party for any of the offices to appear on the
14 ballot.

15 (3) Subsection (2) does not apply to elections for precinct committee offices. If more than one candidate
16 files for a precinct committee office from a party that will not have a primary ballot prepared, that party shall select
17 the candidate to fill the office.

18 (4) If, pursuant to subsection (2), in a primary election held ~~under 13-1-107(1)~~ in an even-numbered year
19 a primary ballot for a political party is not prepared, the secretary of state shall certify that a primary election is
20 unnecessary for that party and shall instruct the election administrator to certify the names of the candidates for
21 that party for the general election ballot only.

22 (5) The separate ballots for each party must have the same appearance. Each set of party ballots must
23 bear the same number. If prepared as a separate ballot, the nonpartisan ballot may have a different appearance
24 than the party ballots but must be numbered in the same order as the party ballots.

25 (6) If a ballot issue is to be voted on at a primary election, it may be placed on the nonpartisan ballot or
26 a separate ballot. A separate ballot may have a different appearance than the other ballots in the election but
27 must be numbered in the same order.

28 (7) Each elector must receive a set of ballots that includes the party, nonpartisan, and ballot issue
29 choices."
30

1 **Section 177.** Section 13-10-211, MCA, is amended to read:

2 "**13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection ~~(8)~~
3 ~~(7)~~, a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent.
4 Except for a candidate who files under 13-38-201, a candidate may not file for more than one public office. The
5 declaration of intent must be filed with the secretary of state or election administrator, depending on where a
6 declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district
7 clerk for a school district office. When a county election administrator is conducting the election for a school
8 district, the school district clerk or school district office that receives the declaration of intent shall notify the county
9 election administrator of the filing. Except as provided in ~~subsections~~ subsection (2) and ~~(3)~~ and 20-3-305(3)(b),
10 the declaration must be filed no later than 5 p.m. on the 10th day before the date established under 13-13-205
11 on which a ballot must be available for absentee voting for the election and must contain:

12 (a) the candidate's name, including:

13 (i) the candidate's first and last names;

14 (ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the
15 candidate's last name;

16 (iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and

17 (iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;

18 (b) the candidate's mailing address;

19 (c) a statement declaring the candidate's intention to be a write-in candidate;

20 (d) the title of the office sought;

21 (e) the date of the election;

22 (f) the date of the declaration; and

23 (g) the candidate's signature.

24 (2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than
25 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office
26 that the write-in candidate is seeking dies or is charged with a felony offense and if the election has not been
27 canceled as provided by law.

28 ~~(3) A person seeking to become a write-in candidate in a mail ballot election or for a trustee position in~~
29 ~~a school board election shall file a declaration of intent no later than 5 p.m. on the 26th day before the election.~~

30 ~~(4)~~(3) The secretary of state shall notify each election administrator of the names of write-in candidates

1 who have filed a declaration of intent with the secretary of state. Each election administrator ~~and school district~~
 2 ~~clerk~~ shall notify the election judges in the county or district of the names of write-in candidates who have filed
 3 a declaration of intent.

4 ~~(5)(4)~~ A properly completed and signed declaration of intent may be provided to the election
 5 administrator or secretary of state:

6 (a) by facsimile transmission;

7 (b) in person;

8 (c) by mail; or

9 (d) by electronic mail.

10 ~~(6)(5)~~ A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the
 11 secretary of state or the election administrator.

12 ~~(7)(6)~~ A write-in candidate who files a declaration of intent for a general election may not file with a
 13 partisan, nonpartisan, or independent designation.

14 ~~(8)(7)~~ Except as provided in 13-38-201(5), the requirements in subsection (1) do not apply if:

15 (a) an election is held;

16 (b) a person's name is written in on the ballot;

17 (c) the person is qualified for and seeks election to the office for which the person's name was written
 18 in; and

19 (d) no other candidate has filed a declaration or petition for nomination or a declaration of intent."
 20

21 **Section 178.** Section 13-10-325, MCA, is amended to read:

22 **"13-10-325. Withdrawal from nomination.** (1) (a) A candidate for nomination or a candidate for election
 23 to an office may withdraw from the election by sending a statement of withdrawal to the officer with whom the
 24 candidate's declaration, petition, or acceptance of nomination was filed. The statement must contain all
 25 information necessary to identify the candidate and the office sought. Unless filed electronically with the secretary
 26 of state, the statement of withdrawal from nomination must be acknowledged by an officer empowered to
 27 acknowledge signatures or by the officer of the office at which the filing is made.

28 ~~(b) Except as provided in subsection (1)(c), a candidate may not withdraw later than 85 days before a~~
 29 ~~general election or 75 days before a primary election.~~

30 ~~(c)(b) A candidate may not withdraw later than 85 days before a general election conducted pursuant~~

1 ~~to 13-1-104(1)(a) or a primary election conducted pursuant to 13-1-107(1) after the candidate filing deadline~~
 2 ~~established in 13-10-201(7).~~

3 (2) Filing fees paid by the candidate may not be refunded."
 4

5 **Section 179.** Section 13-10-326, MCA, is amended to read:

6 **"13-10-326. Vacancy prior to primary election.** (1) ~~Except as provided in subsection (2):~~

7 ~~—— (a) if~~ if a candidate for nomination for a partisan office dies or withdraws ~~75 days or more before the~~
 8 ~~primary election before the candidate filing deadline established in 13-10-201(7), the affected political party may~~
 9 ~~appoint someone to replace the candidate by the procedure provided in 13-10-327; or,~~

10 ~~(b)(2) Except as provided in subsection (3),~~ if a candidate for nomination for a partisan office dies ~~less~~
 11 ~~than 75 days before the primary election~~ after the candidate filing deadline established in 13-10-201(7), or is
 12 disqualified pursuant to 13-37-126 from having the candidate's name appear on the primary election ballot, the
 13 affected political party shall appoint a candidate after the primary election as provided in 13-10-327 if a candidate
 14 for that office for that party was not nominated at the primary election.

15 ~~(2) For an election conducted pursuant to 13-1-104(1)(a) or 13-1-107(1):~~

16 ~~—— (a) if a candidate for nomination for a partisan office dies or withdraws 85 days or more before the~~
 17 ~~primary election, the affected political party may appoint someone to replace the candidate by the procedure~~
 18 ~~provided in 13-10-327; or~~

19 ~~—— (b) if a candidate for nomination for a partisan office dies less than 85 days before the primary election,~~
 20 ~~the affected political party shall appoint a candidate after the primary election as provided in 13-10-327 if a~~
 21 ~~candidate for that office for that party was not nominated at the primary election.~~

22 (3) ~~This section does not allow a~~ A political party to may not appoint a candidate for an office if no
 23 candidate for nomination by that party filed for the office before the primary election or if the deadline for certifying
 24 candidate names for the ballot pursuant to 13-10-208 has passed."

25

26 **Section 180.** Section 13-10-327, MCA, is amended to read:

27 **"13-10-327. Vacancy after primary and prior to general election.** (1) Except as provided in 13-10-328
 28 for a vacancy in the candidacy of either governor or lieutenant governor caused by the death of a candidate, if
 29 a party candidate dies or withdraws after the primary and before the general election, or if a candidate is
 30 disqualified pursuant to 13-37-126 from having the candidate's name appear on a general election ballot, the

1 affected political party shall appoint someone to replace the candidate in one of the following ways:

2 (a) For offices to be filled by the state at large, the state central committee shall make the appointment
3 as provided by the rules of the party.

4 (b) For offices to be filled in districts including more than one county, a committee appointed by the
5 county central committees of all counties in the district shall make the appointment. Procedures for the
6 appointment of the committee and making the appointment must be provided in party rules.

7 (c) For offices to be filled in counties, municipalities, or districts wholly within a county, the appointment
8 must be made under rules adopted by the county central committee.

9 (2) Except as provided in this section, appointments to fill vacancies must be made no later than 76 days
10 before the election. A candidate may not officially withdraw 85 days or less before a general election. However,
11 if a candidate for partisan office dies less than 85 days before the general election, the affected political party
12 shall appoint a candidate within 5 days after being notified of the vacancy. One of the procedures provided in
13 13-12-204 must be used to place the name of the appointee on the ballot if necessary.

14 (3) The appointing committee shall send a certificate to the officer with whom a declaration for
15 nomination for the office would be filed, with the information required on a declaration for nomination and the
16 name of the candidate for whom the appointee is to be substituted. The appointee shall send a signed and
17 acknowledged acceptance of the appointment and the filing fee for the office.

18 (4) The officer receiving the certificate of appointment, accompanied by a statement of acceptance and
19 the filing fee, shall certify the name of the appointee for the ballot."

20

21 **Section 181.** Section 13-10-405, MCA, is amended to read:

22 "**13-10-405. Submission and verification of petition.** Petitions of nomination for the presidential
23 preference primary election and the affidavits of circulation required by 13-27-302 must be presented to the
24 election administrator of the county in which the signatures are gathered at least 1 week before the primary
25 election filing deadline prescribed in 13-10-201(7)(b). A filing fee is not required. The election administrator shall
26 verify the signatures in the manner prescribed in 13-27-303 through 13-27-308 and must forward the petitions
27 to the secretary of state by the filing deadline prescribed in 13-10-201(7)(b)."

28

29 **Section 182.** Section 13-12-201, MCA, is amended to read:

30 "**13-12-201. ~~Secretary of state to certify~~ Certification of candidate names and ballot issues for**

1 **general election ballot.** (1) Seventy-five days ~~or more~~ before a ~~federal~~ general election, the secretary of state
 2 shall certify to the election administrators the name and party or other designation of each candidate who filed
 3 with the secretary of state and whose name is entitled to appear on the ballot, subject to 13-37-126, and the ballot
 4 issues as shown in the official records of the secretary of state's office, ~~which must include the notification~~
 5 ~~specified in 13-37-126.~~

6 (2) ~~The~~ On certification from the secretary of state's office pursuant to subsection (1), the election
 7 administrator shall certify the name and party or other designation of each candidate whose name is entitled to
 8 appear on the ballot, subject to 13-37-126, and the ballot issues as shown in the official records of the election
 9 administrator's office, ~~which must include the notification specified in 13-37-126;~~ and shall have the official ballots
 10 prepared.

11 (3) If a candidate for the legislature is no longer eligible under Article V, section 4, of the Montana
 12 constitution to seek the office for which the candidate has filed because the candidate has changed residence,
 13 the secretary of state shall notify the candidate that the candidate is required to withdraw as provided in
 14 13-10-325."

15
 16 **Section 183.** Section 13-13-205, MCA, is amended to read:

17 "**13-13-205. When ballots to be available for absentee voting.** (1) Except as provided in subsection
 18 (2), the election administrator shall ensure that ballots for an election not conducted by mail are available for
 19 absentee voting at least:

20 (a) ~~30~~ 25 days prior to an election ~~for those elections held in compliance with 13-1-107(1)~~ day for an
 21 election not covered under subsection (1)(b); and

22 (b) 20 days prior to an election day for a special purpose district or school district election ~~for those~~
 23 ~~elections held in compliance with 13-1-104(2) and (3) and 13-1-107(2); and.~~

24 (c) ~~30~~ days prior to an election held in conjunction with a federal general election in compliance with
 25 ~~13-1-104(1).~~

26 (2) A federal election ballot requested by an absent uniformed services or overseas elector pursuant to
 27 Title 13, chapter 21, must be sent to the elector as soon as the ballot is printed ~~or at least~~ but not later than 45
 28 days in advance of ~~an~~ the election ~~held in conjunction with a federal primary election, federal general election,~~
 29 ~~or federal special election."~~

30

1 **Section 184.** Section 13-14-112, MCA, is amended to read:

2 **"13-14-112. Declarations for nomination -- fee -- filing.** (1) Nonpartisan candidates shall file
3 declarations for nomination as required by the primary election laws in a form prescribed by the secretary of state
4 except as provided in 13-14-113. A candidate may not file for more than one public office.

5 (2) Declarations may not indicate political affiliation. The candidate may not state in the declaration any
6 principles or measures that the candidate advocates or any slogans.

7 (3) Each individual filing a declaration shall pay the fee prescribed by law for the office that the individual
8 seeks.

9 (4) Declarations must be filed:

10 (a) in the office of the secretary of state or the appropriate election administrator as provided in
11 13-10-201; and

12 (b) within the applicable filing period provided in 13-10-201(7)(a) or (7)(b) for the office that the individual
13 seeks."

14

15 **Section 185.** Section 13-14-113, MCA, is amended to read:

16 **"13-14-113. Filing for offices without salary or fees.** (1) Candidates for nonpartisan offices for which
17 a salary or fees are not paid shall file with the appropriate official a petition for nomination or a declaration for
18 nomination containing the information and the oath of the candidate required for a declaration of nomination in
19 a form prescribed by the secretary of state.

20 (2) Petitions for nomination or declarations for nomination must be filed within the applicable filing period
21 provided in 13-10-201(7)(a) or (7)(b).

22 (3) A candidate may not file for more than one public office."

23

24 **Section 186.** Section 13-14-115, MCA, is amended to read:

25 **"13-14-115. Preparation and distribution of nonpartisan primary ballots -- determination on**
26 **conducting primary.** (1) The election administrators shall arrange, prepare, and distribute primary ballots for
27 nonpartisan offices, designated "nonpartisan primary ballots". The ballots must be arranged and prepared as
28 provided in 13-10-209 and be without political designation.

29 (2) (a) The election administrator of a political subdivision may determine that a local nonpartisan portion
30 of a primary election need not be held if:

1 (i) the number of candidates for an office exceeds three times the number to be elected to that office in
2 no more than one-half of the offices on the ballot; and

3 (ii) the number of candidates in excess of three times the number to be elected is not more than one for
4 any office on the ballot.

5 (b) If the election administrator determines that a municipal primary election ~~held pursuant to 13-1-107(2)~~
6 must be held pursuant to subsection (2)(a) of this section for a local nonpartisan office, the election administrator
7 shall conduct the election only for the local nonpartisan offices that have candidates filed in excess of two times
8 the number to be elected to that office.

9 (c) If the election administrator determines that a primary election need not be held pursuant to
10 subsection (2)(a) or (2)(b) for a local nonpartisan office, the administrator shall give notice to the governing body
11 that a primary election will not be held for that office.

12 (3) The governing body may require that a primary election be held for a local nonpartisan office if it
13 passes a resolution not more than 10 days after the close of filing by candidates for election stating that a primary
14 election must be held for that office."
15

16 **Section 187.** Section 13-15-206, MCA, is amended to read:

17 **"13-15-206. Counting votes -- uniformity -- rulemaking -- definitions.** (1) When conducting vote
18 counts as provided by law, a counting board, absentee ballot counting board, or recount board shall count and
19 determine the validity of each vote in a uniform manner as provided in this section.

20 (2) A manual count or recount of votes must be conducted as follows:

21 (a) One election judge on the board shall read the ballot while the two other judges on the board shall
22 each record on an official tally sheet the number of valid votes cast for each individual or ballot issue. Write-in
23 votes must be counted in accordance with subsection (5) and rules adopted pursuant to subsection (7). If a vote
24 has not been cast according to instructions, the vote must be considered questionable and the entire ballot must
25 be set aside and votes on the ballot must be handled as provided in subsection (4).

26 (b) (i) After the vote count is complete, the tally sheets of the two judges recording the votes must be
27 compared.

28 (ii) If the two tallies match, the judges shall record in the official results records:

29 (A) the names of all individuals who received votes;

30 (B) the offices for which individuals received votes;

- 1 (C) the total votes received by each individual as shown by the tally sheets; and
2 (D) the total votes received for or against each ballot issue, if any.
- 3 (iii) If the tallies do not match, the count must be conducted again as provided in this subsection (2) until
4 the two tallies match.
- 5 (3) (a) When a voting system is counting votes:
6 (i) if a vote is recognized and counted by the system, it is a valid vote;
7 (ii) if a vote is not recognized and counted by the system, it is not a valid vote; and
8 (iii) write-in votes must be counted in accordance with rules adopted pursuant to subsection (7).
- 9 (b) If the voting system cannot process the ballot because of the ballot's condition or if the voting system
10 registers an unmarked ballot or an overvote, which must be considered a questionable vote, the entire ballot must
11 be set aside and the votes on the ballot must be counted as provided in subsection (4).
- 12 (c) If an election administrator or counting board has reason to believe that a voting system is not
13 functioning correctly, the election administrator shall follow the procedures prescribed in 13-15-209.
- 14 (d) After all valid votes have been counted and totaled, the judges shall record in the official results
15 records the information specified in subsection (2)(b)(ii).
- 16 (4) (a) (i) Before being counted, each questionable vote on a ballot set aside under subsection (2)(a) or
17 (3)(b) must be reviewed by the counting board. The counting board shall evaluate each questionable vote
18 according to rules adopted by the secretary of state.
- 19 (ii) If a majority of the counting board members agree that under the rules the voter's intent can be clearly
20 determined, the vote is valid and must be counted according to the voter's intent.
- 21 (iii) If a majority of the counting board members do not agree that the voter's intent can be clearly
22 determined under the rules, the vote is not valid and may not be counted.
- 23 (b) If a ballot was set aside under subsection (3)(b) because it could not be processed by the voting
24 system due to the ballot's condition, the counting board shall transfer all valid votes to a new ballot that can be
25 processed by the voting system.
- 26 (5) A write-in vote may be counted only if:
27 (a) (i) the write-in vote identifies an individual by a designation filed pursuant to 13-10-211(1)(a); or
28 (ii) pursuant to 13-10-211~~(8)~~(7), a declaration of nomination was not filed and the write-in vote identifies
29 an individual who is qualified for the office; and
30 (b) the oval, box, or other designated voting area on the ballot is marked.

1 (6) A vote is not valid and may not be counted if the elector's choice cannot be determined as provided
2 in this section.

3 (7) The secretary of state shall adopt rules defining a valid vote and a valid write-in vote for each type
4 of ballot and for each type of voting system used in the state. The rules must provide a sufficient guarantee that
5 all votes are treated equally among jurisdictions using similar ballot types and voting systems.

6 (8) Local election administrators shall adopt policies to govern local processes that are consistent with
7 the provisions of this title and that provide for:

8 (a) the security of the counting process against fraud;

9 (b) the place and time and public notice of each count or recount;

10 (c) public observance of each count or recount, including observance by representatives authorized
11 under 13-16-411;

12 (d) the recording of objections to determinations on the validity of an individual vote or to the entire
13 counting process; and

14 (e) the keeping of a public record of count or recount proceedings.

15 (9) For purposes of this section, "overvote" means an elector's vote that has been interpreted by the
16 voting system as an elector casting more votes than allowable for a particular office or ballot issue."

17

18 **Section 188.** Section 13-19-205, MCA, is amended to read:

19 **"13-19-205. Written plan for conduct of election -- amendments -- approval procedures.** (1) The
20 election administrator shall prepare a written plan for the conduct of ~~the~~ each election to be conducted by mail
21 and shall submit it ~~the plan~~ to the secretary of state in a manner that ensures that it is received at least 60 days
22 prior to the date set for the election. There must be a separate plan for each type of election held even if held on
23 the same day.

24 (2) The written plan must include:

25 (a) a timetable for the election; and

26 (b) sample written instructions that will be sent to the electors. The instructions must include but are not
27 limited to:

28 (i) information on the estimated amount of postage required to return the ballot;

29 (ii) (A) the location of the places of deposit and the days and times when ballots may be returned to the
30 places of deposit, if the information is available; or

1 (B) if the information on location and hours of places of deposit is not available, a section that will allow
2 the information to be added before the instructions are mailed to electors; and

3 (iii) any applicable instructions specified under 13-13-214(5).

4 (3) The plan may be amended by the election administrator at any time prior to the 35th day before
5 election day by notifying the secretary of state in writing of any changes.

6 (4) Within 5 days of receiving the plan and as soon as possible after receiving any amendments, the
7 secretary of state shall approve, disapprove, or recommend changes to the plan or amendments.

8 (5) When the written plan ~~has~~ and any amendments have been approved, the election administrator shall
9 proceed to conduct the election according to the approved plan unless the election is canceled for any reason
10 provided by law."

11

12 **Section 189.** Section 13-19-207, MCA, is amended to read:

13 **"13-19-207. When materials to be mailed.** (1) Except as provided in 13-13-205(2) and subsection (2),
14 for any election conducted by mail, ballots must be mailed no sooner than the ~~25th~~ 20th day and no later than
15 the 15th day before election day.

16 (2) (a) All ballots mailed to electors on the active list and the provisionally registered list must be mailed
17 the same day.

18 (b) At any time before noon on the day before election day, a ballot may be mailed or, ~~upon~~ on request,
19 provided in person at the election administrator's office to:

20 (i) an elector on the inactive list after the elector reactivates the elector's registration as provided in
21 13-2-222; or

22 (ii) an individual who registers under the late registration option provided for in 13-2-304.

23 (c) An elector on the inactive list shall vote at the election administrator's office on election day if the
24 elector reactivates the elector's registration after noon on the day before election day.

25 (d) An elector who registers pursuant to 13-2-304 on election day or on the day before election day must
26 receive the ballot and vote it at the election administrator's office."

27

28 **Section 190.** Section 13-35-107, MCA, is amended to read:

29 **"13-35-107. Voiding election.** (1) (a) If a court finds that the violation of any provision of this title by any
30 person probably affected the outcome of any election, the result of that election may be held void and a special

1 election held:

2 ~~—— (i) except as provided in subsection (1)(a)(ii), within 75 days of the finding; or~~

3 ~~—— (ii) if the election was held pursuant to 13-1-104(1)(a) or 13-1-107(1), within at least 85 days of after the~~
4 finding.

5 (b) If the violation occurred during a primary election, the court may direct the selection of a new
6 candidate according to the provisions of state law relating to the filling of vacancies on the general election ballot.
7 Except as provided in subsection (2), an action to void an election must be commenced within 1 year ~~of~~ after the
8 date of the election in question.

9 (2) An action to void a bond election must be commenced within 60 days ~~of~~ after the date of the election
10 in question."
11

12 **Section 191.** Section 13-37-126, MCA, is amended to read:
13

14 **"13-37-126. Names not to appear on ballot.** (1) The name of a candidate may not appear on the official
15 ballot for an election if the candidate or a treasurer for a candidate fails to file any statement or report as required
16 by 2-2-106 or this chapter.

17 (2) A vacancy on an official ballot under this section may be filled in the manner provided by law, but not
18 by ~~the name of~~ the same candidate.

19 (3) (a) In carrying out the mandate of this section, the commissioner shall, by a written statement, notify
20 the secretary of state ~~or~~ and the election administrator ~~that conducting an election when~~ a candidate or a
21 candidate's treasurer has not complied with 2-2-106 or the provisions of this chapter, ~~as described in subsection~~
22 (4); and that ~~a~~ the candidate's name may not appear on the official ballot.

23 (b) The commissioner shall provide the notification:

24 ~~(i) within 8 calendar days after the earliest certification deadline provided in 13-10-208(1) for primary~~
25 ~~elections held pursuant to 13-1-107(1); or~~

26 ~~(ii)(i) by the earliest date specified under 13-10-208(2) for the county election administrator to certify the~~
27 ~~ballot for primary elections held pursuant to 13-1-107(2) or (3) 2 calendar days before the certification deadline~~
28 ~~provided in [section 3] for special purpose district elections, [section 8] for local government elections, 13-10-208~~
29 ~~for statewide primary elections, and 20-20-401 for school district elections; and~~

30 ~~(iii)(ii) by no later than 7 days before the ballot certification deadline provided in 13-12-201 for general~~
elections."

1

2 **Section 192.** Section 13-37-206, MCA, is amended to read:

3 **"13-37-206. Exception for certain school districts and certain special districts.** (1) The provisions
4 of this part, except 13-37-216 and 13-37-217, do not apply to a candidate for the office of trustee of a school
5 district, the candidate's political campaign, or a political committee organized to support or oppose a school
6 district issue or a candidate when the school district is:

7 (a) a first-class district located in a county having a population of less than 15,000;

8 (b) a second- or third-class district; or

9 (c) a county high school district having a student enrollment of less than 2,000.

10 (2) The provisions of this part, except 13-37-216 and 13-37-217, do not apply to a candidate, the
11 candidate's political campaign, or a political committee organized to support or oppose an issue or a candidate
12 if the candidate is running for or the committee's issue involves a unit of local government authorized by law to
13 perform a single function or a limited number of functions, including but not limited to a conservation district, a
14 weed management district, a fire district, a community college district, a hospital district, an irrigation district, a
15 sewer district, a transportation district, a water district, ~~or any other special purpose district, or other any~~ entity
16 formed by interlocal agreement."

17

18 **Section 193.** Section 15-10-425, MCA, is amended to read:

19 **"15-10-425. Mill levy election.** (1) A county, consolidated government, incorporated city, incorporated
20 town, school district, or other taxing entity may impose a new mill levy, increase a mill levy that is required to be
21 submitted to the electors, or exceed the mill levy limit provided for in 15-10-420 by conducting an election as
22 provided in this section.

23 (2) An election ~~conducted~~ pursuant to this section ~~may be held in conjunction with a regular or primary~~
24 ~~election or may be a special election~~ must be held in accordance with [sections 1 through 5], [sections 6 through
25 10], or Title 20 for school elections, whichever is appropriate to the taxing entity. The governing body shall pass
26 a resolution, shall amend its self-governing charter, or must receive a petition indicating an intent to impose a new
27 levy, increase a mill levy, or exceed the current statutory mill levy provided for in 15-10-420 on the approval of
28 a majority of the qualified electors voting in the election. The resolution, charter amendment, or petition must
29 include:

30 (a) the specific purpose for which the additional money will be used;

- 1 (b) either:
- 2 (i) the specific amount of money to be raised and the approximate number of mills to be imposed; or
- 3 (ii) the specific number of mills to be imposed and the approximate amount of money to be raised; and
- 4 (c) whether the levy is permanent or the durational limit on the levy.
- 5 (3) Notice of the election must be prepared by the governing body and given as provided by law in
- 6 13-1-108. The form of the ballot must reflect the content of the resolution or charter amendment and must include
- 7 a statement of the impact of the election on a home valued at \$100,000 and a home valued at \$200,000 in the
- 8 district in terms of actual dollars in additional property taxes that would be imposed on residences with those
- 9 values if the mill levy were to pass. The ballot may also include a statement of the impact of the election on
- 10 homes of any other value in the district, if appropriate.
- 11 (4) If the majority voting on the question are in favor of the additional levy, the governing body is
- 12 authorized to impose the levy in either the amount or the number of mills specified in the resolution or charter
- 13 amendment.
- 14 (5) A governing body, as defined in 7-6-4002, may reduce an approved levy in any fiscal year without
- 15 losing the authority to impose in a subsequent fiscal year up to the maximum amount or number of mills approved
- 16 in the election. However, nothing in this subsection authorizes a governing body to impose more than the
- 17 approved levy in any fiscal year or to extend the duration of the approved levy."

18

19 **Section 194.** Section 15-65-101, MCA, is amended to read:

20 **"15-65-101. Definitions.** For purposes of this part, the following definitions apply:

21 (1) "Accommodation charge" means the fee charged by the owner or operator of a facility for use of the

22 facility for lodging, including bath house facilities, but excluding charges for meals, transportation, entertainment,

23 or any other similar charges.

24 (2) (a) "Campground" means a place, publicly or privately owned, used for public camping where

25 persons may camp, secure tents, or park individual recreational vehicles for camping and sleeping purposes.

26 (b) The term does not include that portion of a trailer court, trailer park, or mobile home park intended

27 for occupancy by trailers or mobile homes for resident dwelling purposes for periods of 30 consecutive days or

28 more.

29 (3) "Council" means the tourism advisory council established in 2-15-1816.

30 (4) (a) "Facility" means a building containing individual sleeping rooms or suites, providing overnight

1 lodging facilities for periods of less than 30 days to the general public for compensation. The term includes a
2 facility represented to the public as a hotel, motel, campground, resort, dormitory, condominium inn, dude ranch,
3 guest ranch, hostel, public lodginghouse, or bed and breakfast facility.

4 (b) The term does not include any health care facility, as defined in 50-5-101, or any facility owned by
5 a corporation organized under Title 35, chapter 2 or 3, that is used primarily by persons under the age of 18 years
6 for camping purposes, any hotel, motel, hostel, public lodginghouse, or bed and breakfast facility whose average
7 daily accommodation charge for single occupancy does not exceed 60% of the amount authorized under
8 2-18-501 for the actual cost of lodging for travel within the state of Montana, or any other facility that is rented
9 solely on a monthly basis or for a period of 30 days or more.

10 (5) "Nonprofit convention and visitors bureau" means a nonprofit corporation organized under Montana
11 law and recognized by a majority of the governing body in the city, consolidated city-county, resort area, or resort
12 area district in which the bureau is located.

13 (6) "Regional nonprofit tourism corporation" means a nonprofit corporation organized under Montana
14 law and recognized by the council as the entity for promoting tourism within one of several regions established
15 by executive order of the governor.

16 (7) "Resort area" means an area established pursuant to 7-6-1508.

17 (8) "Resort area district" has the meaning provided in ~~7-6-1534~~ 7-6-1501."

18

19 **Section 195.** Section 16-1-205, MCA, is amended to read:

20 "**16-1-205. Local option.** The electors of a county may, by approving an initiative as provided under
21 7-5-131 through 7-5-135 and 7-5-137, prohibit the sale and consumption of liquor or of all alcoholic beverages
22 within the county. If ~~such the~~ initiative is presented to the board of county commissioners, the board may not
23 approve it but shall submit the proposal to the people ~~under Title 7, chapter 5, part 1~~ as provided in 7-5-136."

24

25 **Section 196.** Section 16-4-420, MCA, is amended to read:

26 "**16-4-420. Restaurant beer and wine license.** (1) The department shall issue a restaurant beer and
27 wine license to an applicant whenever the department determines that the applicant, in addition to satisfying the
28 requirements of this section, meets the following qualifications and conditions:

29 (a) the applicant complies with the licensing criteria provided in 16-4-401 for an on-premises
30 consumption license;

1 (b) the applicant operates a restaurant at the location where the restaurant beer and wine license will
2 be used or satisfies the department that:

3 (i) the applicant intends to open a restaurant that will meet the requirements of subsection (6) and
4 intends to operate the restaurant so that at least 65% of the restaurant's gross income during its first year of
5 operation is expected to be the result of the sale of food;

6 (ii) the restaurant beer and wine license will be used in conjunction with that restaurant, that the
7 restaurant will serve beer and wine only to a patron who orders food, and that beer and wine purchases will be
8 stated on the food bill; and

9 (iii) the restaurant will serve beer and wine from a service bar, as service bar is defined by the department
10 by rule;

11 (c) the applicant understands and acknowledges in writing on the application that this license prohibits
12 the applicant from being licensed to conduct any gaming or gambling activity or operate any gambling machines
13 and that if any gaming or gambling activity or machine exists at the location where the restaurant beer and wine
14 license will be used, the activity must be discontinued or the machines must be removed before the restaurant
15 beer and wine license takes effect; and

16 (d) the applicant states the planned seating capacity of the restaurant, if it is to be built, or the current
17 seating capacity if the restaurant is operating.

18 (2) (a) A restaurant that has an existing retail license for the sale of beer, wine, or any other alcoholic
19 beverage may not be considered for a restaurant beer and wine license at the same location.

20 (b) (i) An on-premises retail licensee who sells the licensee's existing retail license may not apply for a
21 license under this section for a period of 1 year from the date that license is transferred to a new purchaser.

22 (ii) A person, including an individual, with an ownership interest in an existing on-premises retail license
23 that is being transferred to a new purchaser may not attain an ownership interest in a license applied for under
24 this section for a period of 1 year from the date that the existing on-premises retail license is transferred to a new
25 purchaser.

26 (3) A completed application for a license under this section and the appropriate application fee, as
27 provided in subsection (11), must be submitted to the department. The department shall investigate the items
28 relating to the application as described in subsections (3)(a) through (3)(d). Based on the results of the
29 investigation and the exercise of its sound discretion, the department shall determine whether:

30 (a) the applicant is qualified to receive a license;

- 1 (b) the applicant's premises are suitable for the carrying on of the business;
2 (c) the requirements of this code and the rules promulgated by the department are complied with; and
3 (d) the seating capacity stated on the application is correct.

4 (4) An application for a beer and wine license submitted under this section is subject to the provisions
5 of 16-4-203, 16-4-207, and 16-4-405.

6 (5) If a premises proposed for licensing under this section is a new or remodeled structure, then the
7 department may issue a conditional license prior to completion of the premises based on reasonable evidence,
8 including a statement from the applicant's architect or contractor confirming that the seating capacity stated on
9 the application is correct, that the premises will be suitable for the carrying on of business as a bona fide
10 restaurant, as defined in subsection (6).

11 (6) (a) For purposes of this section, "restaurant" means a public eating place:

12 (i) where individually priced meals are prepared and served for on-premises consumption;

13 (ii) where at least 65% of the restaurant's annual gross income from the operation must be from the sale
14 of food and not from the sale of alcoholic beverages. Each year after a license is issued, the applicant shall file
15 with the department a statement, in a form approved by the department, attesting that at least 65% of the gross
16 income of the restaurant during the prior year resulted from the sale of food.

17 (iii) that has a dining room, a kitchen, and the number and kinds of employees necessary for the
18 preparation, cooking, and serving of meals in order to satisfy the department that the space is intended for use
19 as a full-service restaurant; and

20 (iv) that serves an evening dinner meal at least 4 days a week for at least 2 hours a day between the
21 hours of 5 p.m. and 11 p.m. The provisions of subsection (6)(b) and this subsection (6)(a)(iv) do not apply to a
22 restaurant for which a restaurant beer and wine license is in effect as of April 9, 2009, or to subsequent renewals
23 of that license.

24 (b) The term does not mean a fast-food restaurant that, excluding any carry-out business, serves a
25 majority of its food and drink in throw-away containers not reused in the same restaurant.

26 (7) (a) A restaurant beer and wine license may be transferred, ~~upon~~ on approval by the department, from
27 the original applicant to a new owner of the restaurant only after 1 year of use by the original owner.

28 (b) A license issued under this section may be jointly owned, and the license may pass to the surviving
29 joint tenant upon the death of the other tenant. However, the license may not be transferred to any other person
30 or entity by operation of the laws of inheritance or succession or any other laws allowing the transfer of property

1 upon the death of the owner in this state or in another state.

2 (c) An estate may, upon the sale of a restaurant that is property of the estate and with the approval of
3 the department, transfer a restaurant beer and wine license to a new owner.

4 (8) (a) The department shall issue a restaurant beer and wine license to a qualified applicant:

5 (i) except as provided in subsection (8)(c), for a restaurant located in a quota area with a population of
6 5,000 persons or fewer, as the quota area population is determined in 16-4-105, if the number of restaurant beer
7 and wine licenses issued in that quota area is equal to or less than 80% of the number of beer licenses that may
8 be issued in that quota area pursuant to 16-4-105;

9 (ii) for a restaurant located in a quota area with a population of 5,001 to 20,000 persons, as the quota
10 area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota
11 area is equal to or less than 160% of the number of beer licenses that may be issued in that quota area pursuant
12 to 16-4-105;

13 (iii) for a restaurant located in a quota area with a population of 20,001 to 60,000 persons, as the quota
14 area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota
15 area is equal to or less than 100% of the number of beer licenses that may be issued in that quota area pursuant
16 to 16-4-105;

17 (iv) for a restaurant located in a quota area with a population of 60,001 persons or more, as the quota
18 area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota
19 area is equal to or less than 80% of the number of beer licenses that may be issued in that quota area pursuant
20 to 16-4-105; and

21 (v) for a restaurant located in a quota area that is also a resort community, as ~~the resort community is~~
22 ~~designated by the department of commerce under defined in 7-6-1501(5)~~, if the number of restaurant beer and
23 wine licenses issued in the quota area that is also a resort community is equal to or less than 200% of the number
24 of beer licenses that may be issued in that quota area pursuant to 16-4-105.

25 (b) In determining the number of restaurant beer and wine licenses that may be issued under this
26 subsection (8) based on the percentage amounts described in subsections (8)(a)(i) through (8)(a)(v), the
27 department shall round to the nearer whole number.

28 (c) If the department has issued the number of restaurant beer and wine licenses authorized for a quota
29 area under subsection (8)(a)(i), there must be a one-time adjustment of four additional licenses for that quota
30 area.

1 (d) If there are more applicants than licenses available in a quota area, then the license must be awarded
2 by lottery as provided in subsection (9).

3 (9) (a) When a restaurant beer and wine license becomes available by the initial issuance of licenses
4 under this section or as the result of an increase in the population in the quota area, the nonrenewal of a
5 restaurant beer and wine license, or the lapse or revocation of a license by the department, then the department
6 shall advertise the availability of the license in the quota area for which it is available. If there are more applicants
7 than number of licenses available, the license must be awarded to an applicant by a lottery.

8 (b) A preference must be given to an applicant who does not yet have in any quota area a restaurant
9 beer and wine license or a retail beer license and who operates a restaurant that is in the quota area described
10 in subsection (8) in which the license has become available and that meets the qualifications of subsection (6)
11 for at least 12 months prior to the filing of an application. An applicant with a preference must be awarded a
12 license before any applicant without a preference.

13 (c) The department shall numerically rank all applicants in the lottery. Only the successful applicants will
14 be required to submit a completed application and a one-time required fee. An applicant's ranking may not be
15 sold or transferred to another person or entity. The preference and an applicant's ranking apply only to the
16 intended license advertised by the department or to the number of licenses determined under subsection (8)
17 when there are more applicants than licenses available. The applicant's qualifications for any other restaurant
18 beer and wine license awarded by lottery must be determined at the time of the lottery.

19 (d) If a successful lottery applicant does not use a license within 1 year of notification by the department
20 of license eligibility, the applicant shall forfeit the license. The department shall refund any fees paid except the
21 application fee and offer the license to the next eligible ranked applicant in the lottery.

22 (10) Under a restaurant beer and wine license, beer and wine may not be sold for off-premises
23 consumption.

24 (11) An application for a restaurant beer and wine license must be accompanied by a fee equal to 20%
25 of the initial licensing fee. If the department does not make a decision either granting or denying the license within
26 4 months of receipt of a complete application, the department shall pay interest on the application fee at the rate
27 of 1% a month until a license is issued or the application is denied. Interest may not accrue during any period that
28 the processing of an application is delayed by reason of a protest filed pursuant to 16-4-203 or 16-4-207. If the
29 department denies an application, the application fee, plus any interest, less a processing fee established by rule,
30 must be refunded to the applicant. Upon the issuance of a license, the licensee shall pay the balance of the initial

1 licensing fee. The amount of the initial licensing fee is determined according to the following schedule:

2 (a) \$5,000 for restaurants with a stated seating capacity of 60 persons or less;

3 (b) \$10,000 for restaurants with a stated seating capacity of 61 to 100 persons; or

4 (c) \$20,000 for restaurants with a stated seating capacity of 101 persons or more.

5 (12) The annual fee for a restaurant beer and wine license is \$400.

6 (13) If a restaurant licensed under this part increases the stated seating capacity of the licensed
7 restaurant or if the department determines that a licensee has increased the stated seating capacity of the
8 licensed restaurant, then the licensee shall pay to the department the difference between the fees paid at the time
9 of filing the original application and issuance of a license and the applicable fees for the additional seating.

10 (14) The number of beer and wine licenses issued to restaurants with a stated seating capacity of 101
11 persons or more may not exceed 25% of the total licenses issued.

12 (15) Possession of a restaurant beer and wine license is not a qualification for licensure of any gaming
13 or gambling activity. A gaming or gambling activity may not occur on the premises of a restaurant with a
14 restaurant beer and wine license."

15

16 **Section 197.** Section 20-1-101, MCA, is amended to read:

17 **"20-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
18 definitions apply:

19 (1) "Accreditation standards" means the body of administrative rules governing standards such as:

20 (a) school leadership;

21 (b) educational opportunity;

22 (c) academic requirements;

23 (d) program area standards;

24 (e) content and performance standards;

25 (f) school facilities and records;

26 (g) student assessment; and

27 (h) general provisions.

28 (2) "Aggregate hours" means the hours of pupil instruction for which a school course or program is
29 offered or for which a pupil is enrolled.

30 (3) "Agricultural experiment station" means the agricultural experiment station established at Montana

1 state university-Bozeman.

2 (4) "At-risk student" means any student who is affected by environmental conditions that negatively
3 impact the student's educational performance or threaten a student's likelihood of promotion or graduation.

4 (5) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time
5 pupils physically attending or receiving educational services at an offsite instructional setting from the public
6 schools of a district.

7 (6) "Board of public education" means the board created by Article X, section 9, subsection (3), of the
8 Montana constitution and 2-15-1507.

9 (7) "Board of regents" means the board of regents of higher education created by Article X, section 9,
10 subsection (2), of the Montana constitution and 2-15-1505.

11 (8) "Commissioner" means the commissioner of higher education created by Article X, section 9,
12 subsection (2), of the Montana constitution and 2-15-1506.

13 (9) "County superintendent" means the county government official who is the school officer of the county.

14 (10) "District superintendent" means a person who holds a valid class 3 Montana teacher certificate with
15 a superintendent's endorsement that has been issued by the superintendent of public instruction under the
16 provisions of this title and the policies adopted by the board of public education and who has been employed by
17 a district as a district superintendent.

18 (11) (a) "Educational program" means a set of educational offerings designed to meet the program area
19 standards contained in the accreditation standards.

20 (b) The term does not include an educational program or programs used in 20-4-121 and 20-25-803.

21 (12) "K-12 career and vocational/technical education" means organized educational activities that have
22 been approved by the office of public instruction and that:

23 (a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and skills
24 that the pupil needs to prepare for further education and for careers in the current or emerging employment
25 sectors; and

26 (b) include competency-based applied learning that contributes to the academic knowledge, higher-order
27 reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and
28 occupation-specific skills of the pupil.

29 (13) (a) "Minimum aggregate hours" means the minimum hours of pupil instruction that must be
30 conducted during the school fiscal year in accordance with 20-1-301 and includes passing time between classes.

1 (b) The term does not include lunch time and periods of unstructured recess.

2 (14) "Offsite instructional setting" means an instructional setting at a location, separate from a main
3 school site, where a school district provides for the delivery of instruction to a student who is enrolled in the
4 district.

5 (15) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an applicable
6 principal's endorsement that has been issued by the superintendent of public instruction under the provisions of
7 this title and the policies adopted by the board of public education and who has been employed by a district as
8 a principal. For the purposes of this title, any reference to a teacher must be construed as including a principal.

9 (16) "Pupil" means a child who is 6 years of age or older on or before September 10 of the year in which
10 the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3) but
11 who has not yet reached 19 years of age and who is enrolled in a school established and maintained under the
12 laws of the state at public expense. For purposes of calculating the average number belonging pursuant to
13 20-9-311, the definition of pupil includes a person who has not yet reached 19 years of age by September 10 of
14 the year and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state
15 at public expense.

16 (17) "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public schools
17 while under the supervision of a teacher.

18 (18) "Qualified and effective teacher or administrator" means an educator who is licensed and endorsed
19 in the areas in which the educator teaches, specializes, or serves in an administrative capacity as established
20 by the board of public education.

21 (19) "Regents" means the board of regents of higher education.

22 (20) "Regular school election" or "trustee election" means the election for school board members held
23 on the day established in 20-20-105(1).

24 (21) "School election" means a regular school election or any election conducted by a district or
25 community college district for authorizing taxation, authorizing the issuance of bonds by an elementary, high
26 school, or K-12 district, or accepting or rejecting any proposition that may be presented to the electorate for
27 decision in accordance with the provisions of this title.

28 (22) "School food services" means a service of providing food for the pupils of a district on a nonprofit
29 basis and includes any food service financially assisted through funds or commodities provided by the United
30 States government.

1 ~~(23)~~ (23) "Special school election" means an election held on a day other than the day of the regular school
2 election, primary election, or general election.

3 ~~(24)~~(24) "State board of education" means the board composed of the board of public education and the
4 board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

5 ~~(22)~~(25) "State university" means Montana state university-Bozeman.

6 ~~(23)~~(26) "Student with limited English proficiency" means any student:

7 (a) (i) who was not born in the United States or whose native language is a language other than English;

8 (ii) who is an American Indian and who comes from an environment in which a language other than
9 English has had a significant impact on the individual's level of English proficiency; or

10 (iii) who is migratory, whose native language is a language other than English, and who comes from an
11 environment in which a language other than English is dominant; and

12 (b) whose difficulties in speaking, reading, writing, or understanding the English language may be
13 sufficient to deny the student:

14 (i) the ability to meet the state's proficiency assessments;

15 (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

16 (iii) the opportunity to participate fully in society.

17 ~~(24)~~(27) "Superintendent of public instruction" means that state government official designated as a
18 member of the executive branch by the Montana constitution.

19 ~~(25)~~(28) "System" means the Montana university system.

20 ~~(26)~~(29) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher
21 certificate that has been issued by the superintendent of public instruction under the provisions of this title and
22 the policies adopted by the board of public education and who is employed by a district as a member of its
23 instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an
24 emergency authorization of employment has been issued under the provisions of 20-4-111.

25 ~~(27)~~(30) "Textbook" means a book or manual used as a principal source of study material for a given
26 class or group of students.

27 ~~(28)~~(31) "Textbook dealer" means a party, company, corporation, or other organization selling, offering
28 to sell, or offering for adoption textbooks to districts in the state.

29 ~~(29)~~(32) "Trustees" means the governing board of a district.

30 ~~(30)~~(33) "University" means the university of Montana-Missoula.

1 ~~(31)~~(34) "Vocational-technical education" means vocational-technical education of vocational-technical
 2 students that is conducted by a unit of the Montana university system, a community college, or a tribally controlled
 3 community college, as designated by the board of regents."
 4

5 **Section 198.** Section 20-3-202, MCA, is amended to read:

6 **"20-3-202. Term, oath, and vacancy.** (1) The county superintendent shall hold office for a term of 4
 7 years. The county superintendent shall ~~assume office on the first Monday of January following election and shall~~;

8 (a) take the oath of office on or before the last business day of December following the superintendent's
 9 election;

10 (b) assume office at 12:01 a.m. on January 1 following the superintendent's election; and

11 (c) hold the office until a successor has been elected and qualified.

12 (2) Any person elected as the county superintendent shall ~~take the oath or affirmation of office and shall~~
 13 give an official bond, as required by law.

14 (3) If the office of county superintendent becomes vacant, the board of county commissioners shall
 15 appoint a replacement to fill the vacancy. The replacement shall serve until the next ~~regular~~ general election,
 16 when a person must be elected to serve the remainder of the initial term, if there is any remaining term."
 17

18 **Section 199.** Section 20-3-301, MCA, is amended to read:

19 **"20-3-301. Election and term of office.** (1) Every trustee position prescribed by this title ~~shall be~~ is
 20 subject to election, ~~and the~~. Except as provided in 20-3-313, a school trustee election must be held annually on
 21 the regular school election day established in 20-20-105(1).

22 (2) The term of office for each position shall must be 3 years unless it is otherwise specifically prescribed
 23 by this title.

24 ~~(2)~~(3) The board of trustees shall must be composed of the number of trustee positions prescribed for
 25 a district by 20-3-341 and 20-3-351. When exercising the power and performing the duties of trustees, the
 26 members shall act collectively and only at a regular or a properly called special meeting.

27 ~~(3)~~(4) The number of trustee positions in a district ~~shall~~ must vary in accordance with 20-3-341 and
 28 20-3-351 according to the type of district."
 29

30 **Section 200.** Section 20-3-305, MCA, is amended to read:

1 **"20-3-305. Candidate qualification, nomination filing deadline, and withdrawal.** (1) Except as
 2 provided in 20-3-338, any person who is qualified to vote in a district under the provisions of 20-20-301 is eligible
 3 for the office of trustee.

4 ~~(2) Except as provided in 20-3-338, any five electors qualified under the provisions of 20-20-301 of any~~
 5 ~~district, except a first-class elementary district, may nominate as many trustee candidates as there are trustee~~
 6 ~~positions subject to election at the ensuing election. The~~

7 (2) (a) Except as provided in subsection (2)(b), ~~name of each person nominated for candidacy a~~
 8 ~~declaration of intent to be a candidate~~ must be submitted to the clerk of the district ~~not less than~~ at least 40 days
 9 before the regular school election day at which the person is to be a candidate. If there are different terms to be
 10 filled, the term for the position for which each the candidate is nominated is filing must also be indicated.

11 (b) A person seeking to become a write-in candidate for a trustee position shall file a declaration of intent
 12 no later than 5 p.m. on the day before the ballot certification deadline in 20-20-401.

13 (3) (a) A candidate intending to withdraw from the election shall send a statement of withdrawal to the
 14 clerk of the district. The statement must contain all information necessary to identify the candidate and the office
 15 for which the candidate ~~was nominated~~ filed. The statement of withdrawal must be acknowledged by the clerk
 16 of the district.

17 (b) A candidate may not withdraw ~~less than 38 days before a school election~~ after 5 p.m. the day before
 18 the ballot certification deadline in 20-20-401.

19 ~~(c) Filing fees paid by the candidate may not be refunded."~~

20

21 **Section 201.** Section 20-3-306, MCA, is amended to read:

22 **"20-3-306. Conduct of election.** (1) The trustees of each district shall call a trustee election on the
 23 regular school election day of each school fiscal year under the provisions of 20-20-201, except as provided in
 24 20-3-313 ~~and 20-3-344~~. The trustees shall call and conduct the trustee election in the manner prescribed in this
 25 title for school elections and Title 13. Any elector qualified to vote under the provisions of 20-20-301 may vote
 26 at a trustee election.

27 (2) The trustee election ballots must be substantially in the following form:

28

OFFICIAL BALLOT

29

SCHOOL TRUSTEE ELECTION

30

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the name of the

1 candidate for whom you wish to vote.

2 Vote for (indicate number to be elected) for a 3-year term:

3 [] (List the names of the candidates for a 3-year term with a vacant square in front of each name.)

4 Vote for (indicate number to be elected) for a 2-year term:

5 [] (List the names of the candidates for a 2-year term with a vacant square in front of each name.)

6 Vote for (indicate number to be elected) for a 1-year term:

7 [] (List the names of the candidates for a 1-year term with a vacant square in front of each name.)"

8

9 **Section 202.** Section 20-3-307, MCA, is amended to read:

10 **"20-3-307. Qualification and oath.** (1) A person who receives a certificate of election as a trustee under
11 the provisions of 20-3-313 or 20-20-416 may not assume the trustee position until the person has qualified. The
12 person shall qualify by taking an oath of office administered by the county superintendent, the superintendent's
13 designee, or any official provided for in 1-6-101 or 2-16-116. The oath must be filed with the county
14 superintendent not more than 15 days after the receipt of the certificate of election. After a person has qualified
15 for a trustee position, the person holds the position until a successor has been elected or appointed and has been
16 qualified.

17 (2) If the elected person does not qualify in accordance with this requirement, a person must be
18 appointed in the manner provided by 20-3-309 and shall serve until the next regular school election."

19

20 **Section 203.** Section 20-3-313, MCA, is amended to read:

21 **"20-3-313. Election by acclamation -- notice.** (1) If the number of candidates filing for vacant positions
22 or filing a declaration of intent to be a write-in candidate under ~~43-40-214~~ 20-3-305(2)(b) is equal to or less than
23 the number of positions to be elected, the trustees may give notice that a trustee election will not be held. Notice
24 must be given no later than ~~25~~ 30 days before the election.

25 (2) If a trustee election is not held, the trustees shall declare elected by acclamation the candidate who
26 filed for the position or who filed a declaration of intent to be a write-in candidate and shall issue a certificate of
27 election to the candidate.

28 (3) An election for a trustee in a single-member district as provided in 20-3-338 or in a trustee nominating
29 district as provided in 20-3-353 is considered a separate trustee election for the purposes of declaring election
30 by acclamation as provided in this section."

1

2 **Section 204.** Section 20-3-321, MCA, is amended to read:

3 **"20-3-321. Organization and officers.** (1) The trustees of each district shall annually organize as a
4 governing board of the district after the regular school election day and after the issuance of the election
5 certificates to the newly elected trustees, but not later than 15 days after the election. In order to organize, the
6 trustees of the district must be given notice of the time and place where the organization meeting will be held, and
7 at the meeting they shall choose one of their number as the presiding officer. In addition, except for the trustees
8 of a high school district operating a county high school, the trustees shall employ and appoint a competent
9 person, who is not a member of the trustees, as the clerk of the district. The trustees of a high school district
10 operating a county high school shall appoint a secretary, who must be a member of the board.

11 (2) The presiding officer of the trustees of any district shall serve until the next organization meeting and
12 shall preside at all the meetings of the trustees in accordance with the customary rules of order. The presiding
13 officer shall perform the duties prescribed by this title and any other duties that normally pertain to a presiding
14 officer.

15 (3) The presiding officer of a board of trustees of an elementary district may be any trustee of the board,
16 including an additional trustee as provided for in 20-3-352(2). If an additional trustee is chosen to serve as the
17 presiding officer of the board of trustees of an elementary district described in 20-3-351(1)(a), the additional
18 trustee may not vote on issues pertaining only to the elementary district."

19

20 **Section 205.** Section 20-3-337, MCA, is amended to read:

21 **"20-3-337. Plan for creating single-member trustee districts -- petition election.** (1) Except as
22 provided in subsection (8), the board of trustees of a school district may establish a procedure for studying the
23 appropriateness of creating single-member trustee districts within the school district.

24 (2) If the board considers a single-member district plan, the plan must establish single-member districts
25 that:

26 (a) are as compact in area and as equal in population as possible; and

27 (b) provide equitable voting rights for the minorities residing within the school district by ensuring that
28 the access of minorities to the political process is not diluted in contravention of the Voting Rights Act
29 Amendments of 1982, Public Law 97-205.

30 (3) If the board determines that it is in the best interest of the electors of the school district, it shall:

- 1 (a) propose creation of a single-member trustee district plan;
- 2 (b) schedule and hold a public hearing on the proposed plan; and
- 3 (c) publish in a newspaper of general circulation in the district a notice of the public hearing, including
- 4 a map of the proposed single-member trustee district plan, and the reasons why the board believes that the plan
- 5 satisfies the criteria set forth in subsection (2).
- 6 (4) After the public hearing is held, the board shall forward a copy of the proposed single-member trustee
- 7 district plan to the secretary of state and the superintendent of public instruction for review and comment. The
- 8 copy of the proposed plan must be accompanied by:
- 9 (a) a map indicating the circulation of the newspaper in which the notice required in subsection (3) was
- 10 published;
- 11 (b) the published notice of the public hearing;
- 12 (c) a map of the proposed single-member trustee district plan; and
- 13 (d) a summary of any public comments to the board regarding the proposed plan.
- 14 (5) After receiving comments from the secretary of state and the superintendent of public instruction, the
- 15 board of trustees may amend, revise, approve, or disapprove the proposed plan. If the plan is adopted by the
- 16 board, it shall:
- 17 (a) inform the county superintendent of schools of its adoption;
- 18 (b) publish notice of the adoption in a newspaper of general circulation within the district, including
- 19 identification of the boundaries of each new single-member trustee district and the implementation date of the
- 20 plan; and
- 21 (c) file with the county clerk and recorder a certificate designating the boundary lines and limits of each
- 22 single-member trustee district.
- 23 (6) All successors to the board of trustees must be elected in accordance with the adopted
- 24 single-member trustee district plan.
- 25 (7) A change in the boundaries of a trustee district may not be made within 3 months preceding a regular
- 26 school election ~~day as provided in 20-3-304.~~
- 27 (8) If the board receives a petition signed by 10% or more of the qualified electors of the school district,
- 28 the board shall submit the request to create a single-member trustee district to the electors who are qualified
- 29 under 20-20-301 to vote ~~upon~~ on the request. The petition submitted to the board must:
- 30 (a) conform to the requirements of subsections (2)(a) and (2)(b);

1 (b) be forwarded to the secretary of state and the superintendent of public instruction for review and
2 comment;

3 (c) include a map of the proposed single-member trustee district, identifying the boundaries of each new
4 single-member trustee district and the implementation date of the district;

5 (d) be forwarded to the county clerk and recorder, designating the boundary lines and limits of each
6 single-member trustee district; and

7 (e) include a plan for election and terms of trustees of the single-member district, who must be residents
8 of the proposed district, and provide for the terms of successors to the board of trustees in a single-member
9 trustee district approved by the electors.

10 (9) If the petition meets the requirements of subsection (8), the board shall call an election on the
11 question of whether to create a single-member trustee district. The election must be held at the next school
12 election scheduled pursuant to 20-20-105 and must be conducted in the manner prescribed by this title for school
13 elections. The published notice must include a map and a description of the boundaries of the proposed district.

14 (10) If a majority of the votes cast at the election approve the creation of a single-member trustee district,
15 the election administrator shall, within 10 days of receipt of the official canvass of the result, certify that the district
16 is formed.

17 (11) When a trustee position becomes vacant in a single-member district, the position must be filled in
18 accordance with the provisions of 20-3-309, except that the position must be filled by a person who resides within
19 the single-member district."

20

21 **Section 206.** Section 20-3-338, MCA, is amended to read:

22 **"20-3-338. Trustees elected by single-member district.** (1) At each ~~annual election provided for in~~
23 ~~20-3-304 regular school election~~, each trustee candidate in a single-member trustee district must be a qualified
24 elector of the trustee district and have resided in the trustee district to be represented for at least 1 year prior to
25 becoming a candidate for the trustee position.

26 ~~(2) Nomination of trustee candidates under the provisions of 20-3-305 and 20-3-344 must be by electors~~
27 ~~of the trustee district.~~

28 ~~(3)~~(2) The election of each trustee must be submitted to the electors in the trustee district who are
29 qualified to vote under the provisions of 20-20-301."

30

1 **Section 207.** Section 20-3-341, MCA, is amended to read:

2 **"20-3-341. Number of trustee positions in elementary districts -- transition.** The number of trustee
3 positions in each elementary district shall vary according to the district's classification, as established by 20-6-201:

4 (1) There must be seven trustee positions in a first-class elementary district.

5 (2) There must be five trustee positions in a second-class elementary district; however, ~~upon~~ on a
6 majority vote of the board of trustees, the number may be increased to seven trustee positions at the next trustee
7 election, ~~provided that~~ if notice of the action of the board of trustees is published by the clerk of the district in a
8 newspaper of general circulation in the county prior to January 1 of the year of the trustee election. The board
9 of trustees may reduce the number of trustee positions from seven to five upon receiving a petition for that
10 purpose from at least 10 qualified electors of the district.

11 (3) There must be three trustee positions in a third-class elementary district; however, ~~upon~~ on a majority
12 vote of the board of trustees, the number may be increased to five trustee positions at the next trustee election;
13 ~~provided that~~ if notice of the action of the board of trustees is published by the clerk of the district in a newspaper
14 of general circulation in the county prior to January 1 of the year of the trustee election. The board of trustees may
15 reduce the number of trustee positions from five to three upon receiving a petition for that purpose from at least
16 10 qualified electors of the district.

17 (4) (a) If the number of trustee positions in a second-class elementary district is decreased from seven
18 to five in accordance with the provisions of subsection (2), one position is eliminated at the time of the first
19 subsequent regular school election and one position is eliminated at the next regular school election.

20 (b) If the number of trustee positions in a third-class elementary district is decreased from five to three
21 in accordance with the provisions of subsection (3), one position is eliminated at the time of the first subsequent
22 school election when two trustee positions would have been filled and one position is eliminated at the next
23 school election when two trustee positions would have been filled."

24

25 **Section 208.** Section 20-9-426, MCA, is amended to read:

26 **"20-9-426. Preparation and form of ballots for bond election.** (1) The school district shall cause
27 ballots to be prepared for all bond elections, ~~and whenever bonds for more than one purpose are to be voted~~
28 ~~upon at the same election, separate ballots must be prepared for each purpose.~~

29 ~~(2) For bond elections that are not held in conjunction with a school election, the ballots for absentee~~
30 ~~voting must be printed and made available at least 30 days before the bond election.~~

1 more of the votes were cast in favor of the proposition, otherwise it is rejected; or

2 (iii) 30% or less, the school bond proposition is rejected.

3 (c) If the school district bond election is held ~~at a general election,~~ at in conjunction with an election that
4 is conducted by mail ballot, as provided in Title 13, chapter 19, or ~~at a special election that is held~~ in conjunction
5 with a ~~regular~~ general or primary election, the determination of the approval or rejection of the bond proposition
6 is made by a majority of the votes cast on the issue.

7 (2) If the canvass of the vote establishes the approval and adoption of the school bond proposition, the
8 trustees shall issue a certificate proclaiming the passage of the proposition and the authorization to issue bonds
9 of the school district for the purposes specified on the ballot for the school district bond election."
10

11 **Section 210.** Section 20-9-471, MCA, is amended to read:

12 **"20-9-471. Issuance of obligations -- authorization -- conditions.** (1) The trustees of a school district
13 may, without a vote of the electors of the district, issue and sell to the board of investments obligations for the
14 purpose of financing all or a portion of:

15 (a) the costs of vehicles and equipment;

16 (b) the costs associated with renovating, rehabilitating, and remodeling facilities, including but not limited
17 to roof repairs, heating, plumbing, electrical systems, and conservation measures as defined in 90-4-1102;

18 (c) any other expenditure that the district is otherwise authorized to make, subject to subsection (4),
19 including the payment of settlements of legal claims and judgments; and

20 (d) the costs associated with the issuance and sale of the obligations.

21 (2) The term of the obligation, including an obligation for a qualified energy project, may not exceed 15
22 fiscal years. For the purposes of this subsection, a "qualified energy project" means a project designed to reduce
23 energy use in a school facility and from which the resulting energy cost savings are projected to meet or exceed
24 the debt service obligation for financing the project, as determined by the department of environmental quality.

25 (3) At the time of issuing the obligation, there must exist an amount in the budget for the current fiscal
26 year available and sufficient to make the debt service payment on the obligation coming due in the current year.
27 The budget for each following year in which any portion of the principal of and interest on the obligation is due
28 must provide for payment of that principal and interest.

29 (4) Except as provided in 20-9-502 and 20-9-503, the proceeds of the obligation may not be used to
30 acquire real property or construct a facility unless:

1 (a) the acquisition or construction project does not constitute more than 20% of the square footage of
2 the existing real property improvements made to a facility containing classrooms;

3 (b) the 20% square footage limitation may not be exceeded within any 5-year period; and

4 (c) the electors of the district approve a proposition authorizing the trustees to apply for funds through
5 the board of investments for the construction project. The proposition must be approved at ~~a special or regular~~
6 an election held in accordance with all of the requirements of 20-9-428, except that the proposition is considered
7 to have passed if a majority of the qualified electors voting approve the proposition.

8 (5) The school district may not submit for a vote of the electors of the district a proposition to impose a
9 levy to pay the principal or any interest on an obligation that is payable from the conservation-related cost savings
10 under energy performance contracts as defined in 90-4-1102.

11 (6) The obligation must state clearly on its face that the obligation is not secured by a pledge of the
12 school district's taxing power but is payable from amounts in its general fund or other legally available funds.

13 (7) An obligation issued is payable from any legally available fund of the district and constitutes a general
14 obligation of the district.

15 (8) The obligation may bear interest at a fixed or variable rate and may be sold to the board of
16 investments at par, at a discount, or with a premium and ~~upon~~ on any other terms and conditions that the trustees
17 determine to be in the best interests of the district.

18 (9) The principal amount of the obligation, when added to the outstanding bonded indebtedness of the
19 district, may not exceed the debt limitation established in 20-9-406."

20

21 **Section 211.** Section 20-15-203, MCA, is amended to read:

22 **"20-15-203. Call of community college district organization election -- proposition statement.** (1)

23 A petition for the organization of a community college district must be presented to the ~~regents~~ the county election
24 administrator responsible for conducting elections pursuant to 20-15-208. The ~~regents~~ county election
25 administrator shall notify the regents of the petition and examine the petition to determine if the petition satisfies
26 the petitioning and community college district organizational requirements.

27 (2) If the ~~regents determine~~ county election administrator determines that the petition satisfies the
28 requirements, the ~~regents shall order the elementary districts encompassed by the proposed community college~~
29 ~~district to~~ county election administrator shall notify the regents and conduct an election on the community college
30 district organization proposition. The election must be held on the next regular school election day, ~~except that~~

1 ~~an election required by a petition received by the regents that, pursuant to [section 4(4)], is not less than 60~~ 85
 2 ~~days before the regular school election day must be held at the regular school election in the following school~~
 3 ~~fiscal year after the order.~~

4 (3) At the election the proposition must be in substantially the following form:

5 PROPOSITION

6 Shall there be organized within the area comprising the School Districts of (elementary districts must
 7 be listed by county), State of Montana, a community college district for the offering of 13th- and 14th-year
 8 courses, to be known as the Community College District of, Montana, under the provisions of the laws
 9 authorizing community college districts in Montana, as requested in the petition filed with the ~~Board of Regents~~
 10 ~~at Helena, Montana;~~ county election administrator on the day of, 20...?

11 FOR organization.

12 AGAINST organization."

13

14 **Section 212.** Section 20-15-204, MCA, is amended to read:

15 **"20-15-204. Election of trustees -- districts from which elected -- terms of office.** (1) ~~The regents~~
 16 Pursuant to 20-15-208, the board of regents shall call and the county election administrator shall provide for
 17 conduct the election of trustees of the proposed community college district at the same time as the election to
 18 be held for the approval of its the community college district's organization.

19 (2) Seven trustees ~~shall must~~ be elected at large, except that ~~should if there be is in such the~~ proposed
 20 community college district one or more high school districts or part of a high school district within the community
 21 college district with more than 43% and not more than 50% of the total population of the proposed district, as
 22 determined by the last census, then each such district or part of district shall elect three trustees and the
 23 remaining trustees ~~shall must~~ be elected at large from the remainder of the proposed community college district.
 24 Should any ~~such~~ high school district or ~~such~~ part of a high school district within the community college district
 25 have more than 50% of the population of the proposed district, then four trustees ~~shall must~~ be elected from ~~such~~
 26 that high school district or ~~such~~ part of a high school district and ~~three the remaining~~ trustees must be elected at
 27 large from the remainder of the proposed community college district.

28 (2)(3) If the trustees are elected at large throughout the entire proposed community college district, the
 29 three receiving the greatest number of votes ~~shall must~~ be elected for a term of 3 years, the two receiving the next
 30 greatest number of votes, for a term of 2 years, and the two receiving the next greatest number of votes, for a

1 term of 1 year. If the trustees are elected in any manner other than at large throughout the entire proposed
 2 community college district, then the trustees elected shall determine by lot the three who shall serve for 3 years,
 3 the two who shall serve for 2 years, and the two who shall serve for 1 year. Thereafter, all trustees elected shall
 4 serve for terms of 3 years each."

5

6 **Section 213.** Section 20-15-207, MCA, is amended to read:

7 **"20-15-207. Notice of organization election.** Notice of the community college district organization
 8 election and the accompanying election of a board of trustees for the proposed community college district ~~shall~~
 9 must be given by the regents, by publication in at least one newspaper of general circulation in each county or
 10 any portion of a county included in the proposed community college district, once a week for 3 consecutive
 11 weeks, the last insertion to be no more than 1 week prior to the date of the election county election administrator
 12 in accordance with 13-1-108."

13

14 **Section 214.** Section 20-15-208, MCA, is amended to read:

15 **"20-15-208. Conduct of election community college district elections -- cost.** (1) ~~The~~ An election
 16 for the organization of the community college district and the concurrent election of trustees for ~~such~~ the proposed
 17 community college district ~~shall~~ must be conducted, in accordance with the school election laws, by the trustees
 18 ~~of the elementary districts ordered to call such election~~ supervised by the board of regents acting as the
 19 governing body for the election and conducted by the county election administrator.

20 (2) For any community college district election held subsequent to the initial election under subsection
 21 (1), the community college district's board of trustees is the governing body for the election and the county
 22 election administrator shall conduct the election.

23 (3) If a proposed or existing community college district is within the boundaries of more than one county,
 24 the county election administrator of the county with the highest number of qualified electors in the proposed or
 25 existing community college district shall conduct the election.

26 (4) A community college district election must be conducted in accordance with [sections 1 through 5].

27 (5) The cost of conducting such an initial community college district election under subsection (1) shall
 28 must be borne paid by the districts university system."

29

30 **Section 215.** Section 20-15-209, MCA, is amended to read:

1 **"20-15-209. Determination of approval or disapproval of proposition -- subsequent procedures**
 2 **if approved.** (1) To carry, the proposal to organize the community college district must receive a majority of the
 3 total number of votes cast, ~~and the coordinator of community college districts, from the results certified and~~
 4 ~~attested.~~ The county election administrator shall determine whether the proposal has received the majority of
 5 the votes cast for each county within the proposed district and shall certify the results to the regents. Approval
 6 for the organization of a new community college district must be granted at the discretion of the legislature acting
 7 ~~upon~~ on the recommendation of the regents. If the certificate of the ~~coordinator of community college districts~~
 8 ~~election~~ shows that the proposition to organize the community college district has received a majority of the votes
 9 cast in each county within the proposed district, the regents may make an order declaring the community college
 10 district organized and cause a copy of the order to be recorded in the office of the county clerk and recorder in
 11 each county in which a portion of the new district is located. If the proposition carries, the ~~regents~~ county election
 12 administrator shall determine which candidates have been elected trustees. If the proposition to organize the
 13 community college district fails to receive a majority of the votes cast, a tabulation may not be made to determine
 14 the candidates elected trustees.

15 (2) Within 30 days of the date of the organization order, the regents shall set a date and call an
 16 organization meeting for the board of trustees of the community college district and shall notify the elected
 17 trustees of their membership and of the organization meeting. The notification must designate a temporary
 18 presiding officer and secretary for the purposes of organization."
 19

20 **Section 216.** Section 20-15-219, MCA, is amended to read:

21 **"20-15-219. Qualifications for office of trustee -- ~~nominating petitions~~ declaration of candidacy.**

22 (1) Any person who is qualified to vote in a community college district under the provisions of 20-20-301 is eligible
 23 for the office of community college trustee.

24 (2) ~~Any five electors of a community college district qualified under the provisions of 20-20-301 may~~
 25 ~~nominate as many trustee candidates as there are trustee positions subject to election at the ensuing election.~~
 26 ~~A nominating petition containing the signatures of the five electors and the name of each person nominated for~~
 27 A declaration of candidacy must be submitted to the election clerk designated by the board of trustees ~~no less~~
 28 ~~than 40 days before the regular school election day at which the person is to be a candidate~~ county election
 29 administrator within the time period specified in 20-3-305(2). If there are different terms to be filled, the term for
 30 which ~~each~~ the candidate is ~~nominated~~ filing must also be indicated on the declaration."

1
 2 **Section 217.** Section 20-15-221, MCA, is amended to read:
 3 **"20-15-221. Election of trustees after organization of community college district.** (1) After
 4 organization, the registered electors of the community college district qualified to vote under the provisions of
 5 20-20-301 shall annually vote for trustees on the regular school election day provided for in ~~20-3-304~~
 6 20-20-105(1). The election must be conducted in accordance with the election provisions of this title whenever
 7 the provisions are made applicable to community college districts. ~~Elections Pursuant to 20-15-208, the elections~~
 8 must be conducted by the ~~component elementary school districts within the community college district upon~~
 9 county election administrator on the order of the board of trustees of the community college district. The order
 10 must be transmitted to the appropriate trustees ~~not less than 40~~ at least 85 days prior to the regular school
 11 election day.

12 (2) Notice of the community college district trustee election must be given ~~by the board of trustees of the~~
 13 ~~community college district by publication in one or more newspapers of general circulation within each county,~~
 14 ~~not less than once a week for 2 consecutive weeks, with the last insertion to be no more than 1 week prior to the~~
 15 ~~date of the election. This notice is in addition to the election notice to be given by the trustees of the component~~
 16 ~~elementary districts under the school election laws~~ as provided in 13-1-108.

17 (3) If trustees are elected other than at large throughout the entire district, then only those qualified ~~voters~~
 18 electors within the area from which the trustee or trustees are to be elected may cast their ballots for the trustee
 19 or trustees from that area. ~~In addition to the nominating petition required by 20-15-219(2), all candidates~~

20 (4) Candidates for the office of trustee shall file their declarations of candidacy with the ~~secretary of the~~
 21 ~~board of trustees of the community college district not less than 40 days prior to the date of election~~ county
 22 election administrator within the time period specified in 20-3-305(2). ~~If an electronic voting system is not used~~
 23 ~~in the component elementary school district or districts that conduct the election, the board of trustees of the~~
 24 ~~community college district shall cause ballots to be printed and distributed for the polling places in the component~~
 25 ~~districts at the expense of the community college district, but in all other respects the elections must be conducted~~
 26 ~~in accordance with the school election laws.~~

27 (5) All costs incident to election of the community college trustees must be borne by the community
 28 college district, including one-half of the compensation of the judges for the school elections. However, if the
 29 election of the community college district trustees is the only election conducted, the community college district
 30 shall compensate the district for the total cost of the election."

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Section 218. Section 20-15-222, MCA, is amended to read:

"20-15-222. Results of election -- qualifying oath -- term of office. (1) When the board of trustees of the community college district has received all of the certified results of the election from the ~~component elementary districts~~ county election administrator, the then-qualified members of the board of trustees of the community college district shall tabulate the results received, shall declare and certify the candidate or candidates receiving the greatest number of votes to be elected to the position or positions to be filled, and shall declare and certify the results of the votes cast on any proposition presented at the election.

(2) (a) A person who receives a certificate of election as a community college trustee may not assume the trustee position until the person has qualified by taking an oath of office prescribed by the constitution of Montana at the next regularly scheduled meeting of the board of trustees after receipt of the certificate of election.

(b) If the elected person does not qualify in accordance with this requirement, another person must be appointed in a manner provided by 20-15-223 and shall serve until the next regular school election.

(3) After a person has qualified for a trustee position, the person shall hold the position for the term of the position and until a successor has been elected or appointed and has been qualified."

Section 219. Section 20-15-224, MCA, is amended to read:

"20-15-224. Board of trustees -- organization, meetings, quorum, mileage, and seal. (1) (a) The trustees of each community college district shall annually organize as a governing board of the community college district at the next regularly scheduled meeting after the regular school election day and after the issuance of the election certificate to the newly elected trustees.

(b) In order to organize, the trustees of the community college district must be given notice by the coordinator of the time and place where the organization meeting will be held, and at the meeting they shall choose one of their members as presiding officer and as secretary. In addition, the trustees may employ or appoint a competent person who is not a member of the trustees as the clerk of the community college district.

(c) The presiding officer and secretary of the trustees of the community college district shall serve until the next organization meeting. The presiding officer shall preside at all meetings of the trustees in accordance with the customary rules of order. The presiding officer shall perform the duties prescribed by this title and any other duties that normally pertain to the office.

(2) The board of trustees of the community college shall hold monthly meetings within the community

1 college district on the day of the month the trustees may set. The presiding officer and secretary of the board or
2 a majority of the board may also call special meetings of the board of trustees at any time and place within the
3 community college district if in its judgment necessity requires the meeting. The secretary of the board shall give
4 each member a 48-hour written notice of all special meetings.

5 (3) A majority of the board of trustees constitutes a quorum for the transaction of business, except that
6 a contract may not be let, teacher employed or dismissed, or bill approved unless a majority of the total board
7 membership votes in favor of the action.

8 (4) A member of the board of trustees must receive mileage, as provided for in 2-18-503, for the distance
9 necessarily traveled in going to and returning from the place of the meeting and the member's place of residence
10 each day that the trip is actually made.

11 (5) The board shall keep a common seal with which to attest its official acts."
12

13 **Section 220.** Section 20-15-225, MCA, is amended to read:

14 **"20-15-225. Powers and duties of trustees.** (1) The trustees of a community college district shall,
15 subject to supervision by the board of regents:

16 (a) have general control and supervision of the community college;

17 (b) adopt rules, not inconsistent with the constitution and the laws of the state, for the government and
18 administration of the community college;

19 (c) grant certificates and degrees to the graduates of the community college;

20 (d) keep a record of their proceedings;

21 (e) when not otherwise provided by law, have control of all books, records, buildings, grounds, and other
22 property of the community college;

23 (f) receive from the state board of land commissioners; other boards, agencies, or persons; or the
24 government of the United States all funds, income, and other property the community college may be entitled to
25 receive or accept and use and appropriate the property for the specific purpose of the entitlement, grant, or
26 donation;

27 (g) have general control of all receipts and disbursements of the community college;

28 (h) appoint and dismiss a president and faculty for the community college; appoint and dismiss any other
29 necessary officers, agents, and employees; fix their compensation; and set the terms and conditions of their
30 employment;

1 (i) administer the tuition provision and otherwise govern the students of the community college district
2 in accordance with the provisions of this chapter;

3 (j) call ~~and conduct~~ the elections of the district in accordance with the school election chapter of this title;

4 (k) participate in the teachers' retirement system of the state of Montana in accordance with the
5 provisions of the teachers' retirement system chapter of this title;

6 (l) establish employee benefits, other than retirement benefits, and fix their limits in accordance with
7 2-18-701 through 2-18-704; and

8 (m) participate in district boundary change actions in accordance with the provisions of the district
9 organization chapter of this title.

10 (2) The trustees of a community college district shall hold in trust all real and personal property of the
11 district for the benefit of the college and students.

12 (3) The trustees of a community college district may enter into agreements with the western interstate
13 commission for higher education, or similar intrastate, interstate, or international agreements, for the benefit of
14 the district and students."

15

16 **Section 221.** Section 20-15-231, MCA, is amended to read:

17 **"20-15-231. Annexation of territory of districts to community college district.** (1) Whenever 10%
18 of the registered electors of an elementary district or districts of a county that is contiguous to the existing
19 community college district petition the board of trustees of a community college district for annexation of the
20 territory encompassed in such elementary school districts, the board of trustees of the community college district
21 may order an annexation election in the area defined by the petition. ~~Such~~ The election shall ~~must~~ be held on the
22 next ~~general school~~ school election day that, pursuant to [section 4], is at least 85 days after the order for the election.

23 (2) (a) Prior to the election on the question of annexation, the trustees shall adopt a plan that includes:

24 (i) a schedule that provides for the orderly transition from the existing trustee representation to the
25 representation required by 20-15-204, with such transition period not to exceed 3 years from the date of the
26 election on the question of annexation;

27 (ii) provisions relating to the assumption or nonassumption of existing community college district bonded
28 indebtedness by the annexed area and provisions relating to the responsibilities of the annexed area for any
29 bonded indebtedness if it withdraws from the district; and

30 (iii) a procedure by means of which the electors of the annexed area may withdraw the annexed area

1 from the community college district and the conditions of such withdrawal.

2 (b) The plan required by this subsection (2) may not be changed by the trustees without the approval
3 of a majority of the electors of the annexed area voting on the question. The bonding provisions of the plan set
4 forth pursuant to subsection (2)(a)(ii) may not be changed.

5 (3) The election ~~shall~~ must be conducted in the proposed area for annexation in accordance with the
6 requirements of the community college organization election under 20-15-203, except that the board of trustees
7 of the community college shall ~~perform the requirements of the board of regents~~ act as the governing body for
8 the election and ~~there shall the election may not be~~ include an election of the board of trustees of the community
9 college.

10 (4) The proposition on the ballot ~~shall~~ must be as follows:

11 Shall school districts be annexed to and become a part of the Community College District of,
12 Montana?

13 FOR annexation.

14 AGAINST annexation.

15 (5) To carry, the proposals to annex must receive a majority of the total votes cast ~~thereon~~ at the
16 election. ~~Upon~~ On receipt of the certified results of the election from the ~~elementary districts encompassed in the~~
17 ~~proposed area to be annexed~~ county election administrator, the board of trustees of the community college district
18 shall canvass the vote and declare the results of the election. If the annexation proposition carries, a certified
19 copy of the canvassing resolution ~~shall~~ must be filed in the office of the county clerk and recorder of the county
20 encompassing the area to be annexed and, ~~upon~~ on such filing, the area to be annexed shall then become a part
21 of the community college district."

22

23 **Section 222.** Section 20-15-241, MCA, is amended to read:

24 **"20-15-241. Community college service regions -- creation.** (1) The governing body of an elementary
25 school district, high school district, county, or municipality not within a community college district may designate
26 itself a community college service region, as provided in this section.

27 (2) A service region may be designated only if, within 12 months preceding any designation, the following
28 conditions are met:

29 (a) the service plan required by subsection (3) is available;

30 (b) the board of trustees of the community college district that will offer services within the region has

1 approved the designation;

2 (c) the electors within the region have approved the designation by a majority of votes cast on the
3 question in an election held on a ~~general~~ regular school election day in accordance with 20-15-208; and

4 (d) the board of regents has approved the designation.

5 (3) (a) At least 90 days prior to the granting of any of the approvals listed in subsections (2)(b) through
6 (2)(d), a written plan must be made available that:

7 (i) details the services the community college district will offer within the region;

8 (ii) details who will be eligible to use the services and the charges that will be made to users;

9 (iii) indicates the facilities that will be used to house the services;

10 (iv) lists the direct and indirect costs of the services and the apportionment of those costs between the
11 community college district and the governing body designating the service region;

12 (v) estimates the number of persons expected to use the services within the region; and

13 (vi) estimates the mill levy necessary to fund the service region and estimates the impact of the election
14 on a home valued at \$100,000 and a home valued at \$200,000 in the district in terms of actual dollars in
15 additional property taxes that would be imposed on residences with those values. The plan may also include a
16 statement of the impact of the election on homes of any other value in the district, if appropriate.

17 (b) The plan may be revised jointly by the region governing body, board of regents, and the board of
18 trustees of the community college district as a revision may be necessary.

19 (4) A designation is effective for 5 years and after 5 years is effective unless rescinded by a majority of
20 electors casting votes on the question in an election held on any general election day following expiration of the
21 5-year period. The question on rescission must be put on the ballot when requested at least 90 days prior to the
22 election by the governing body designating the service region, by the community college board, or by a petition
23 signed by 20% of the registered electors within the service region. The rescission is effective at the end of the
24 first full academic year following the election rescinding the district designation."
25

26 **Section 223.** Section 20-20-105, MCA, is amended to read:

27 **"20-20-105. Regular school election day and special school elections -- limitation -- exception.**

28 (1) Except as provided in subsection ~~(4)~~ (5), the first Tuesday after the first Monday ~~of~~ in May of each year is the
29 regular school election day.

30 (2) Except as provided in subsections ~~(3)~~ (4) and ~~(4)~~ (5), a proposition requesting additional funding

1 under 20-9-353 may be submitted to the electors only once each calendar year on the regular school election
2 day.

3 ~~(2)~~(3) Subject to the provisions of subsection ~~(1)~~ (2), ~~special~~ other school elections may be conducted
4 at times determined by the trustees.

5 ~~(3)~~(4) In the event of an unforeseen emergency occurring on the date scheduled for the funding election
6 pursuant to subsection ~~(1)~~ (2), the district will be allowed to reschedule the election for a different day of the
7 calendar year. As used in this section, "unforeseen emergency" has the meaning provided in 20-3-322(5).

8 ~~(4)~~(5) In years when the legislature meets in regular session or in a special session that affects school
9 funding, the trustees may order ~~the~~ an election on a date other than the regular school election day in order for
10 the electors to consider a proposition requesting additional funding under 20-9-353."
11

12 **Section 224.** Section 20-20-106, MCA, is amended to read:

13 **"20-20-106. Poll hours.** (1) The polls for any school election in any district shall open not later than
14 noon. The trustees may order the polls to open earlier, but no earlier than 7 a.m.

15 (2) If the school election is held on the same day as an election held by a political subdivision ~~under~~
16 ~~13-1-104~~(3) and at the same polling place pursuant to 13-1-401, the polls ~~shall~~ must be opened and closed at
17 the times required for the school election.

18 (3) If the school election is held on the same day as a general or primary election, the polls ~~shall~~ must
19 be opened and closed at the times required for the general or primary election under 13-1-106.

20 (4) Once opened, the polls ~~shall~~ must be kept open continuously until 8 p.m., except that whenever all
21 the registered electors at any poll have voted, the poll ~~shall~~ must be closed immediately."
22

23 **Section 225.** Section 20-20-201, MCA, is amended to read:

24 **"20-20-201. Calling of school election.** (1) At least ~~40~~ 70 days before any school election, the trustees
25 of a district, or other entity or official authorized by law to call a school election, shall call the school election by
26 resolution, stating the date and purpose of ~~the~~ each election and whether, pursuant to 13-19-202, any election
27 is requested to be by mail, ~~and shall conduct it in accordance with the procedures required by law when:~~

28 ~~—— (a) an election must be held on the regular school election day;~~

29 ~~—— (b) in their discretion, the trustees order an election for a purpose authorized by law;~~

30 ~~—— (c) the county superintendent orders an election in accordance with the law authorizing an order;~~

- 1 ~~—— (d) the board of public education orders an election in accordance with the law authorizing an order;~~
 2 ~~—— (e) the county commissioners order an election in accordance with the law authorizing an order;~~
 3 ~~—— (f) the board of trustees of a community college district orders an election in accordance with the law~~
 4 ~~authorizing an order, in which case the community college district shall bear its share of the cost of the election;~~
 5 or
 6 ~~—— (g) a school election is required by law under any other circumstances.~~

7 (2) To enable the county election administrator to manage voter registration and prepare the lists of
 8 registered electors:

9 (a) The the resolution calling any for a school election must be transmitted to the county election
 10 administrator no later than 35 3 days before the election in order to enable the administrator to close the
 11 registration and prepare the lists of registered electors as required by school election laws after the resolution
 12 is passed; and

13 (b) if the election is to be conducted by mail, the school clerk must also transmit to the county election
 14 administrator a copy of the written plan required under 13-19-205 as soon as the plan has been approved by the
 15 secretary of state."

16

17 **Section 226.** Section 20-20-204, MCA, is amended to read:

18 **"20-20-204. Election notice.** (1) ~~(a)~~ When the trustees of a district call a school election, they shall give
 19 notice of the election ~~not less than 20 days or more than 30 days before the day of the election by:~~

20 (i) ~~publication of the notice in a newspaper of general circulation if there is one in the district; and~~
 21 ~~—— (ii)(a) posting notices in three public places in the district, provided that in incorporated cities and towns,~~
 22 ~~at least one notice must be posted at a public place in each ward or precinct:~~

23 ~~—— (b) Whenever, in the judgment of the trustees, the best interest of the district will be served by the~~
 24 ~~supplemental publication of the school election notice in a radio or television broadcast, the trustees may cause~~
 25 ~~that notification to be made; and~~

26 (b) providing notice as specified in 13-1-108.

27 (2) The notice of a school election, unless otherwise required by law, must specify:

- 28 (a) the date and polling places of the election;
 29 (b) the hours that the polling places will be open;
 30 (c) each proposition to be considered by the electorate;

1 (d) if there are trustees to be elected, the number of positions subject to election and the length of term
2 of each position; and

3 (e) where and how absentee ballots may be obtained.

4 (3) If more than one proposition is to be considered at the same school election, each proposition must
5 be set apart and separately identified in the same notice or published in separate notices."

6

7 **Section 227.** Section 20-20-311, MCA, is amended to read:

8 **"20-20-311. Closure of Voter registration.** ~~Registration~~ Voter registration for school elections shall
9 close for ~~30 days before any school election, but it shall not be necessary to publish any notice of such closing~~
10 of registration be as provided in Title 13, chapter 2."

11

12 **Section 228.** Section 20-20-312, MCA, is amended to read:

13 **"20-20-312. Listing of registered electors -- late registration.** (1) After closing regular registration,
14 the county election administrator shall prepare a list of registered electors for each polling place established by
15 the trustees. The list for each polling place ~~shall~~ must be prepared in the format of a precinct register book.

16 (2) An elector may register as provided in 13-2-304 to vote in a school election after the close of regular
17 registration."

18

19 **Section 229.** Section 20-20-401, MCA, is amended to read:

20 **"20-20-401. Trustees' election duties -- ballot certification.** (1) The trustees are the general
21 supervisors of school elections unless the trustees request and the county election administrator agrees to
22 conduct a school election under 20-20-417.

23 (2) Not less than ~~25~~ 30 days before an election, the clerk of the district shall ~~prepare~~ certify the ballot by
24 preparing a certified list of the names of all candidates entitled to be on the ballot subject to 13-37-126 and
25 certifying the official wording for each ballot issue. The clerk shall arrange for printing the ballots. Ballots for
26 absentee voting must be printed and available at least 20 days before the election, ~~except as provided in~~
27 ~~20-9-426(2) for a bond election not held in conjunction with a school election.~~ Names of candidates on school
28 election ballots need not be rotated.

29 (3) Before the opening of the polls, the trustees shall cause each polling place to be supplied with the
30 ballots and supplies necessary to conduct the election."

1

2 **Section 230.** Section 20-20-417, MCA, is amended to read:

3 **"20-20-417. Request for county election administrator to conduct election.** (1) By June 1 of each
4 year, the trustees of a district may request the county election administrator to conduct certain school elections
5 during the ensuing school fiscal year. The request must be made by a resolution of the board of trustees.

6 (2) Whenever the county election administrator agrees to conduct a school election, the administrator
7 shall:

8 (a) perform the duties imposed on the trustees and the clerk of the district for school elections in
9 20-20-203, 20-20-313, and 20-20-401; and

10 ~~(b) conduct the election in accordance with the provisions of Title 13, chapters 13 and 15; and~~

11 ~~(c)~~(b) deliver to the trustees, for the purpose of canvassing the vote, the certified tally sheets and other
12 items as provided in 13-15-301.

13 (3) Whenever the trustees request and the county election administrator agrees to conduct a school
14 election, the school district shall pay the costs of the election as provided in 13-1-302."

15

16 **Section 231.** Section 22-1-304, MCA, is amended to read:

17 **"22-1-304. Tax levy -- special library fund -- bonds.** (1) Subject to 15-10-420, the governing body of
18 a city or county that has established a public library may levy in the same manner and at the same time as other
19 taxes are levied a tax in the amount necessary to maintain adequate public library service.

20 (2) (a) The governing body of a city or county may by resolution submit the question of imposing a tax
21 levy to a vote of the qualified electors at an election as provided in 15-10-425. The resolution must be adopted
22 at least ~~75~~ 85 days prior to the election at which the question will be voted on, and, pursuant to the deadline in
23 [section 4], the election may not be held less than 85 days after the resolution is adopted.

24 (b) Upon a petition being filed with the governing body and signed by not less than 5% of the resident
25 taxpayers of any city or county requesting an election for the purpose of imposing a mill levy, the governing body
26 shall submit to a vote of the qualified electors at ~~the next an election or at a special election,~~ conducted as
27 provided in 15-10-425; the question of imposing the mill levy. The petition must be delivered to the governing
28 body at least ~~90~~ 85 days prior to the election at which the question will be voted on.

29 (3) The proceeds of the tax constitute a separate fund called the public library fund and may not be used
30 for any purpose except those of the public library.

1 (4) Money may not be paid out of the public library fund by the treasurer of the city or county except by
2 order or warrant of the board of library trustees.

3 (5) Bonds may be issued by the governing body in the manner prescribed by law for the following
4 purposes:

5 (a) building, altering, repairing, furnishing, or equipping a public library or purchasing land for the library;

6 (b) buying a bookmobile or bookmobiles; and

7 (c) funding a judgment against the library."
8

9 **Section 232.** Section 22-1-703, MCA, is amended to read:

10 **"22-1-703. Election on creation of district.** (1) The election on the question of whether to create a
11 public library district must be conducted ~~as provided in Title 13~~ in accordance with [sections 1 through 5].

12 (2) Only qualified electors residing within the proposed public library district may vote on the question
13 of whether to create the district.

14 (3) The question of creating a public library district must be submitted to the electors in substantially the
15 following form:

16 [] FOR the creation of a public library district that may levy not more than ... mills of property tax
17 for the operation of the district.

18 [] AGAINST the creation of a public library district."
19

20 **Section 233.** Section 22-1-706, MCA, is amended to read:

21 **"22-1-706. Election of board of trustees -- compensation -- removal -- single-member trustee**
22 **districts.** (1) After appointment of the initial members of the board of trustees, all members must be elected by
23 the electors of the public library district.

24 (2) The election of members to the board of trustees must be held in ~~conjunction with the annual school~~
25 ~~elections held pursuant to 20-3-304~~ accordance with [sections 1 through 5].

26 (3) (a) A candidate for the office of trustee of the public library district must be a resident of the district
27 and must be ~~nominated by petition, signed by at least five electors of the district and filed~~ file a declaration of
28 candidacy with the office of the election administrator ~~not earlier than 135 days or later than 75 days prior to the~~
29 ~~election day~~ within the time period specified in [section 2].

30 (b) If the district lies in more than one county, the ~~petition for nomination~~ declaration of candidacy must

1 be presented to the election administrator ~~whose county contains the largest percentage of territory in the district~~
 2 who will be conducting the election pursuant to [section 5].

3 (4) If the number of candidates is equal to or less than the number of positions to be elected, the election
 4 administrator may cancel the election in accordance with 13-1-304. If an election is not held, the county governing
 5 body shall declare elected by acclamation each candidate who filed a ~~nomination petition~~ declaration of candidacy
 6 for a position. If a nomination petition is not filed for an office, the county governing body of the county ~~containing~~
 7 ~~the largest percentage of the territory in the public library district~~ conducting the election shall appoint a member
 8 to fill the term. A person appointed pursuant to this subsection has the same term and obligations as a person
 9 elected to fill the office.

10 (5) The term of office of an elected board member begins on the date that the board member is elected
 11 ~~and qualified~~. The term of office of an elected member is 4 years, except that a simple majority of the members
 12 of the first elected board shall serve a term of 2 years, with the minority of the board serving terms of 4 years. The
 13 members serving 2-year terms must be selected by lot.

14 (6) A vacancy in the office of a member must be filled by appointment by the remaining members of the
 15 board. The term of the appointed member expires upon the election ~~and qualification of an elected~~ of a successor
 16 or upon the election of a member to fill the unexpired term of the vacant office. The election must be held ~~at the~~
 17 ~~next scheduled school election held pursuant to 20-3-304~~ in accordance with [sections 1 through 5].

18 (7) Members of the board of trustees serve without compensation.

19 (8) A trustee may be removed from office by a court of competent jurisdiction pursuant to state law
 20 governing the removal of elected officials. If charges are brought against a trustee and if good cause is shown,
 21 the governing body of the county ~~containing the largest percentage of territory in the public library district~~ that
 22 conducted the election pursuant to [section 5] may suspend the trustee until the charges can be heard in a court
 23 of competent jurisdiction.

24 (9) (a) If the trustees determine that it is in the best interest of the electors of the public library district,
 25 they shall:

26 (i) propose the creation of a single-member trustee district plan with districts that are as compact in area
 27 and as equal in population as possible;

28 (ii) schedule and hold a public hearing on the plan; and

29 (iii) publish a notice of the public hearing as provided in 7-1-2121.

30 (b) After the public hearing is held, the trustees may amend, revise, approve, or disapprove the proposed

1 plan. If the plan is adopted, the trustees shall publish notice of its adoption as provided in 7-1-2121.

2 (c) All successors to the board of trustees must be elected in accordance with the adopted
3 single-member trustee district plan, and the election of each member must be submitted to the electors of the
4 trustee district in which the candidate resides."

5

6 **Section 234.** Section 22-1-708, MCA, is amended to read:

7 **"22-1-708. Public library district budget -- property tax levy.** (1) The board of trustees shall annually
8 prepare a budget for the ensuing fiscal year and present the budget to the governing body of each county with
9 territory in the public library district at the regular budget meetings as prescribed in Title 7, chapter 6, part 40, and
10 certify the amount of money necessary for the operation of the district for the ensuing fiscal year.

11 (2) Subject to 15-10-420, the county governing body shall, annually at the time of levying county taxes,
12 fix and levy a tax on all taxable property within the public library district sufficient to raise the amount certified by
13 the board of trustees and approved by the electors. The tax levied may not in any year exceed the maximum
14 amount approved by the electorate ~~in~~ pursuant to 22-1-703 or 22-1-709."

15

16 **Section 235.** Section 22-1-709, MCA, is amended to read:

17 **"22-1-709. Election to change maximum property tax mill levy.** (1) The maximum property tax mill
18 levy authorized for the operation of a public library district may be changed by an election on the question of
19 changing the maximum mill levy.

20 (2) A vote on the question of raising or lowering the maximum property tax mill levy in the public library
21 district may be initiated by:

22 (a) a petition signed by not less than 15% of the electorate of the district; or

23 (b) a resolution of the board of trustees.

24 (3) The petition must set forth the proposed new maximum mill levy for the operation of the district.

25 (4) ~~Upon~~ On receipt of a petition for a change in the maximum mill levy, certified by the county clerk as
26 sufficient under this section, or ~~upon~~ on receipt of a resolution for a change adopted by the board of trustees, the
27 county governing body shall submit to the electorate of the public library district, at an election held in accordance
28 with [sections 1 through 5] the next regular or primary election, a ballot question on changing the maximum mill
29 levy. ~~The election must be held as provided in Title 13.~~ The question must be submitted to the electors of the
30 district in substantially the following form:

1 [] FOR changing the authorized maximum property tax mill levy for the operation of the public
2 library district from to

3 [] AGAINST changing the authorized maximum property tax mill levy for the operation of the public
4 library district."

5

6 **Section 236.** Section 22-1-710, MCA, is amended to read:

7 **"22-1-710. Dissolution of public library district.** (1) A public library district may be dissolved after an
8 election on the question of dissolving the district. The process of dissolving the district may be initiated by a
9 petition of 15% of the electorate of the district or by a resolution of intent to dissolve the district adopted by either
10 the board of trustees or the governing body of the county in which territory of the district is located.

11 (2) ~~Upon~~ On receipt of a petition that has been certified by the county clerk as sufficient under this
12 section or upon adoption of a resolution of intent, the county governing body shall hold a public hearing on the
13 question of dissolving the public library district. Notice of the hearing must be published as provided in 7-1-2121.

14 (3) At the public hearing, the county governing body shall hear testimony of interested persons regarding
15 the dissolution of the public library district. After the public hearing, the county governing body may either submit
16 the question of dissolving the district to the electorate of the district or it may call for a public hearing on the
17 question of altering the boundaries of the district. If the county governing body calls for a public hearing on the
18 question of altering the boundaries of the district by the withdrawal of territory, it shall publish notice of the hearing
19 as provided in 7-1-2121. The notice must state the boundaries of the area proposed to be withdrawn from the
20 district. After hearing testimony at the hearing, the county governing body may submit the question of either
21 dissolving the district or altering the district by the withdrawal of specified territory from the district to the electorate
22 of the district.

23 (4) The question must be submitted by a resolution calling for an election on either dissolving the public
24 library district or altering the boundaries of the district by the withdrawal of land from the district. The county
25 governing body shall schedule and conduct the election in ~~conjunction with any other regularly scheduled~~
26 election. ~~The election on the question must be conducted as provided in Title 13 accordance with [sections 1~~
27 through 5].

28 (5) The question of withdrawal of territory under this section must be voted ~~upon~~ on separately by the
29 electorate of the territory to be withdrawn and the electorate of the balance of the territory of the public library
30 district. The question fails unless a simple majority of those voting on the question in each of the two territories

1 authorize altering the district boundary. If the question passes, the boundary alteration is effective the following
 2 January 1. If the question fails, the county governing body shall by resolution call for an election on the question
 3 of dissolving the district."

4

5 **Section 237.** Section 76-5-1106, MCA, is amended to read:

6 **"76-5-1106. Requirements to change project boundaries -- election.** The boundaries of a project
 7 once established shall not be extended without ~~the vote of approval by~~ a majority of the electors residing in the
 8 area proposed to be annexed. ~~Such electors are to be determined, and such~~ The election is to must be held in
 9 accordance with the provisions of ~~76-5-1117~~ [sections 1 through 5]."

10

11 **Section 238.** Section 76-15-303, MCA, is amended to read:

12 **"76-15-303. ~~General election~~ Election of supervisors -- election by acclamation -- appointment.**

13 (1) An election for supervisors must be conducted in accordance with [sections 1 through 5].

14 (2) All qualified electors within the district are eligible to vote in the election.

15 (2)(3) ~~Except as provided in subsection (5), the~~ The candidate or, if more than one supervisor position
 16 is to be filled by the ~~general~~ election, the candidates who receive the largest number, respectively, of the votes
 17 cast in the election are the elected supervisors for the district.

18 (3)(4) ~~In the general election, the~~ The names of the ~~individuals nominated~~ candidates must be arranged
 19 on ballots as prescribed in 13-12-205.

20 (4) ~~The election administrator in each county shall prepare suitable nonpartisan ballots or place the~~
 21 ~~names of candidates on the regular general election ballot in the same manner as other nonpartisan candidates~~
 22 ~~for the election of supervisors. The ballots must be delivered to the election judges in those precincts that contain~~
 23 ~~registered electors prior to each general election and each primary election, if necessary. The election judges~~
 24 ~~and other election officials in the precincts shall submit the ballots to qualified electors, conduct the election, and~~
 25 ~~tabulate the results of the election in the manner provided in Title 13.~~

26 (5) (a) ~~Except as provided in subsection (5)(b), if the number of candidates nominated is equal to or less~~
 27 ~~than the number of positions to be elected, the election administrator shall give notice that an election will not be~~
 28 ~~held.~~

29 ~~(b) The governing body may require that an election be held if, not more than 10 days after the close of~~
 30 ~~filing by candidates, the governing body passes a resolution to hold an election and notifies the election~~

1 administrator.

2 ~~———(c) If an election is not held, the governing body shall declare elected by acclamation the candidate who~~
 3 ~~filed a nominating petition for the position. If no candidate has filed a nominating petition for the position, the~~
 4 ~~governing body shall make an appointment to fill the position. Supervisors taking office pursuant to this~~
 5 ~~subsection serve a term as if elected to the position."~~

6

7 **Section 239.** Section 76-15-305, MCA, is amended to read:

8 **"76-15-305. Transition to seven supervisors.** (1) At the time of reorganization under 76-15-301(2),
 9 the department shall appoint:

10 ~~———(a) one supervisor for a term to coincide with the terms of those elected supervisors whose terms will~~
 11 ~~expire after the next general election; and~~

12 ~~———(b) one supervisor for a term to coincide with the terms of those elected supervisors whose terms will~~
 13 ~~expire after the general election following the next general election~~ two supervisors to transition from five
 14 supervisors to seven supervisors.

15 (2) The supervisor positions held by the appointed supervisors become open for election at the time the
 16 terms expire. A district having seven supervisors shall alternately elect four and three supervisors at succeeding
 17 general elections terms of the appointed supervisors and the election of supervisors to replace them must be as
 18 provided in 76-15-312.

19 (3) ~~Nominations for the election of supervisors in a district having seven supervisors must be made as~~
 20 ~~provided in 76-15-302:~~

21 (4) ~~The term of each elected supervisor is 4 years:~~

22 (5) ~~The election administrator in each county having a seven-supervisor district shall conduct the election~~
 23 ~~for that district in a manner similar to elections conducted for a district having five supervisors."~~

24

25 **Section 240.** Section 76-15-311, MCA, is amended to read:

26 **"76-15-311. Governing body of district.** (1) If there are no incorporated municipalities that are
 27 completely within the boundaries of the district, the governing body of the district must consist of five elected
 28 supervisors unless the district has been reorganized pursuant to 76-15-301(2) and 76-15-305.

29 (2) If there are incorporated municipalities that are completely within the boundaries of the district, the
 30 governing body of the district must consist of seven supervisors as follows:

1 (a) The board of supervisors, in addition to five elected supervisors, must consist of two appointed
 2 supervisors, making a total of seven supervisors in those districts. The legislative bodies of the incorporated
 3 municipalities within the district shall appoint the two additional supervisors after consultation with the elected
 4 supervisors. ~~The term of office of the appointed supervisors is 3 years.~~

5 (b) Where there are two or more incorporated municipalities that are completely within the boundaries
 6 of a district, the two appointed supervisors shall represent all the municipalities and urban interests in the district.
 7 A municipality may not have more than one appointed supervisor residing in the municipality. The legislative
 8 bodies of the incorporated municipalities within the district shall agree on the persons appointed to serve as the
 9 appointed supervisors.

10 (3) If there are no incorporated municipalities that are completely within the boundaries of the district but
 11 a portion of one or more incorporated municipalities is within the boundaries of a district, the elected supervisors
 12 may pass a resolution to transition to a board of seven members consisting of five elected supervisors and two
 13 supervisors appointed by the legislative bodies of the partially included municipalities as provided in subsection
 14 (2).

15 (4) A supervisor appointed under subsection (2) or (3) may live outside the municipality the supervisor
 16 represents, but the supervisor must reside within the boundaries of the district.

17 (5) An elected supervisor must reside within the boundaries of the district.

18 (6) The board of supervisors may appoint associate supervisors it considers necessary to advise the
 19 board of supervisors on the operation of the conservation district as provided in part 4 of this chapter."

20

21 **Section 241.** Section 76-15-312, MCA, is amended to read:

22 **"76-15-312. Term of office and vacancies.** (1) (a) The term of office of each supervisor is 4 years,
 23 except ~~that the~~ as provided in(1)(b).

24 (b) The supervisors who are first appointed by the department pursuant to 76-15-305 must be designated
 25 to serve for terms of 2 years from the date of their appointment, after which the offices must be filled by election.
 26 A supervisor appointed pursuant to 76-15-311 shall serve a term of 3 years, after which the office must be filled
 27 by election.

28 (c) An elected supervisor holds office until a successor has been elected and has qualified.

29 (2) A vacancy is created when any of the following events occurs before the expiration of the term of the
 30 incumbent:

- 1 (a) death;
- 2 (b) a determination pursuant to Title 53, chapter 21, part 1, that the incumbent is mentally ill;
- 3 (c) resignation;
- 4 (d) removal from office;
- 5 (e) unexcused absence from three consecutive regular meetings of the board of supervisors;
- 6 (f) ceasing to reside in the district;
- 7 (g) conviction of a felony or a violation of official duties; or
- 8 (h) the decision of a court declaring void the incumbent's election or appointment.

9 (3) For the purpose of subsection (2)(e), a majority vote of the board of supervisors may excuse a
10 supervisor from attending a meeting.

11 (4) A vacancy occurring in the office of an elected supervisor must be filled by appointment by the
12 remaining supervisors until the next regular election, when a successor must be elected to serve the unexpired
13 term. The election must be conducted in accordance with [sections 1 through 5] in the year following the
14 appointment."

15
16 **Section 242.** Section 76-15-506, MCA, is amended to read:

17 **"76-15-506. Bonds authorized -- election.** (1) Whenever a board of supervisors deems it necessary,
18 it may issue bonds payable from revenues, assessments, or both, or the district may use other financing as
19 provided for by this part and part 6 for the cost of works.

20 (2) The board of supervisors may call ~~a special election to vote upon the proposition of issuing the bonds~~
21 ~~or may submit the proposition as a special question at a regular or general~~ an election to be held in accordance
22 with [sections 1 through 5].

23 (3) If from the returns of the election it appears that the majority of votes cast at ~~such the~~ election was
24 in favor of and assented to the incurring of the indebtedness, then the board of supervisors may by resolution
25 provide for the issuance of ~~such the~~ bonds.

26 (3)(4) ~~The authorization of such undertaking, the form, and content shall~~ issuance of bonds must be
27 carried out in accordance with 7-7-4426, 7-7-4427, and 7-7-4432 through 7-7-4435. Validity The validity of such
28 the bonds, use of the bond revenue, and the refunding of the bonds shall must be done in accordance with the
29 provisions of 7-7-4425, 7-7-4430, 7-7-4501(2) and (3), and 7-7-4502 through 7-7-4505.

30 (4)(5) Any bonds issued under this part and part 6 have the same force, value, and use as bonds issued

1 by a municipality and are exempt from taxation as property within the state of Montana."

2

3 **Section 243.** Section 76-15-605, MCA, is amended to read:

4 **"76-15-605. Board decision.** (1) The report of 76-15-603 ~~shall~~ must be presented and read at the
5 hearing on the petition.

6 (2) At the public hearing on the petition, the board of supervisors shall proceed to hear and pass upon
7 all protests made and its decision ~~shall~~ must be final and conclusive except when owners of more than 50% of
8 the land in the proposed project area protest the project. If owners of more than 50% of the land protest the
9 project, no further action may be taken for a period of 6 months from the date of the hearing, after which a new
10 petition may be filed.

11 (3) If the board or boards of supervisors find that it is not feasible, desirable, or practical to establish the
12 proposed project area, they shall make an order denying the petition and shall state therein their reasons for so
13 doing.

14 (4) If, however, the board finds that the project is desirable, proper, and necessary, it shall grant the
15 petition, establish the boundaries of the proposed project area, and notify the county election administrator that
16 an election is to be held in the proposed area for the purpose of determining whether or not the project area ~~shall~~
17 must be created. The election must be conducted in accordance with [sections 1 through 5]."

18

19 **Section 244.** Section 85-7-1702, MCA, is amended to read:

20 **"85-7-1702. Election or appointment of commissioners -- term of office.** (1) The ~~regular~~ election for
21 commissioners in each district must be held annually in accordance with ~~13-1-104 and 13-1-401~~ [sections 1
22 through 5].

23 (2) ~~Candidates~~ A person eligible to vote in the district may file a declaration of candidacy for the office
24 of commissioner ~~may be nominated by petition filed with the election administrator or deputy election~~
25 ~~administrator at least 75 days before the election and signed by at least five electors of the district within the time~~
26 period specified in [section 2]. If no nominations are made, the following procedures must be followed:

27 ~~—— (a) For elections held in accordance with 13-1-401(1), the electors of the district shall write on the ballots~~
28 ~~the name of the person or persons for whom they desire to vote.~~

29 ~~—— (b) For elections held in accordance with 13-1-401(2), the electors of the district may either accept~~
30 ~~nominations from the floor or write on the ballots the name of the person or persons for whom they desire to vote.~~

1 ~~(3)~~ If the number of candidates is equal to or less than the number of positions to be elected, the election
 2 administrator may cancel the election in accordance with 13-1-304. If an election is not held, the county governing
 3 body shall declare elected by acclamation the candidate who filed a nominating petition for the position. If no
 4 candidate filed a nominating petition for the position, the board of commissioners shall make an appointment to
 5 fill the position and the term is the same as if the commissioner were elected.

6 ~~(4)~~(3) Within 40 days following their election, the commissioners shall meet and organize as a board by
 7 electing a president from their number and a secretary, who may or may not be a commissioner, and who shall
 8 each hold office at the pleasure of the board. The term of office of each commissioner begins on the date of the
 9 organizational meeting after the regular election and continues for 3 years and until the election and qualification
 10 of a successor.

11 ~~(5)~~(4) Commissioners are elected by the electors of the entire district."
 12

13 **Section 245.** Section 85-7-1712, MCA, is amended to read:

14 "**85-7-1712. Special elections Call for an election.** The board of commissioners may at any time call
 15 a special an election and submit to the qualified electors of the district any question which under the provisions
 16 of this chapter is required or which, in the judgment of the board, is proper to be submitted to popular vote. ~~Such~~
 17 ~~election shall be called, noticed, and conducted and the result thereof determined and declared in the manner~~
 18 ~~provided in Title 13~~ The election must be called by resolution and conducted in accordance with [sections 1
 19 through 5]."
 20

21 **Section 246.** Section 85-7-1837, MCA, is amended to read:

22 "**85-7-1837. Limitation on irrigable acreage -- special election or petition.** (1) The board of
 23 commissioners of an irrigation district shall, when authorized as provided in subsection (2), limit the amount of
 24 acreage within any farm operation in the district that may be serviced by the district.

25 (2) In determining whether to impose an acreage limitation on a particular farm operation:

26 (a) the board of commissioners may submit the question to the qualified electors of the district by ~~special~~
 27 election as provided in 85-7-1712; or

28 (b) the limitation may be imposed based on a petition signed by not less than 60% of landowners
 29 representing not less than 60% of the irrigated land within the boundaries of the irrigation district.

30 (3) If a limitation is imposed by special election or petition, the minimum acreage limit that may be

1 imposed is 960 acres of land owned or leased by any individual or legal entity.

2 (4) An irrigation district that has imposed an acreage limitation may require certification of acreage and
3 designation of excess acreage by the electors. Except as provided in subsection (5), the district may withhold
4 water on all acres designated as excess acres.

5 (5) An individual or legal entity that owns or leases irrigated acreage in excess of the limitation at the time
6 the process of imposing a limitation begins may continue operations without penalty and without having water
7 withheld as long as the ownership or lease remains with that individual or legal entity.

8 (6) The board of commissioners may adopt regulations necessary to administer the provisions of this
9 section."

10

11 **Section 247.** Section 85-7-1974, MCA, is amended to read:

12 **"85-7-1974. Majority vote or petition necessary to contract with the state.** (1) No contract may be
13 made between an irrigation district and the state of Montana under 85-7-1971 through 85-7-1975 except ~~upon~~
14 on:

15 (a) approval by a majority vote of those voting on the question at an election conducted ~~as prescribed~~
16 in accordance with [sections 1 through 5] and 85-7-1710; or

17 (b) receipt of a petition signed by at least 60% in number and acreage of the holders of title or evidence
18 of title to lands within the district. ~~Such~~ The petition must be addressed to the board of commissioners and must
19 set forth the aggregate amount of money to be borrowed from various sources, including the coal severance tax
20 bonding program provided for in Title 17, chapter 5, part 7, and the purpose for which the money will be used.
21 The petition must include an affidavit certifying the signatures to the petition and must be filed with the secretary
22 of the board of commissioners.

23 (2) In an election held for approval of a district contract under this section, the voting majority must own
24 at least 50% of the acreage included in the district."

25

26 **Section 248.** Section 85-7-2013, MCA, is amended to read:

27 **"85-7-2013. Majority vote and petition requirements.** (1) Bonds provided for in 85-7-2012 through
28 85-7-2015 may not be authorized or issued by or on behalf of any irrigation district organized under this chapter
29 or by an irrigation district on behalf of a subdistrict located in the district and a contract may not be made with the
30 United States as provided in 85-7-1906 except ~~upon~~ on:

1 (a) approval by a majority vote of those voting on the question at an election conducted ~~as~~ in accordance
 2 with [sections 1 through 5] with votes cast and counted as prescribed in 85-7-1710;

3 (b) receipt of a petition signed by at least 60%, in number and acreage, of the holders of title or evidence
 4 of title to lands included within the district or, if the bonds are issued on behalf of or if the contract relates to a
 5 subdistrict, at least 60% in number and acreage of the holders of title or evidence of title to lands within the
 6 subdistrict; or

7 (c) receipt of a petition signed by at least 75%, in number and acreage, of the holders of title or evidence
 8 of title to the lands who are residents of the county or counties in which lands of the district are situated or, if the
 9 bonds are issued on behalf of or if the contract relates to a subdistrict, at least 75% in number and acreage of
 10 the holders of title or evidence of title to the lands who are residents of the county or counties in which lands of
 11 the subdistrict are situated.

12 (2) The petition must be addressed to the board of commissioners, set forth the aggregate amount of
 13 bonds to be issued and the purpose or purposes of the bonds, have attached to it an affidavit verifying the
 14 signatures to the petition, and be filed with the secretary of the board. When bonds are issued for the sole
 15 purpose of redeeming or paying the existing and outstanding bonds or warrants, or both, including delinquent and
 16 accrued interest, of the district, the bonds may be authorized and issued in the manner provided for by 85-7-2019.

17 (3) In an election held for approval to allow a district or subdistrict to issue bonds or enter into a contract
 18 under this section, the voting majority must own at least 50% of the acreage included in the district or subdistrict."
 19

20 **Section 249.** Section 85-8-302, MCA, is amended to read:

21 **"85-8-302. Election of commissioners -- regular term of office.** (1) Except as provided in ~~subsection~~
 22 ~~(2) [section 2(4)],~~ the ~~regular~~ election of commissioners must be held annually and conducted in accordance with
 23 ~~13-1-104 and 13-1-401~~ [sections 1 through 5]. The term of office of commissioners shall commence on the first
 24 ~~Tuesday in May following their~~ day of their election.

25 (2) (a) At the first ~~regular~~ primary or general election following the organization of a district and in districts
 26 organized and in existence on March 1, 1921, and that, on petition, have been divided into divisions, ~~at the first~~
 27 ~~regular election following the date of the order making the division,~~ three commissioners must be elected, with
 28 one commissioner being elected from each division.

29 (b) A commissioner must be an actual landowner in the division in which the commissioner is elected.

30 (c) One of the commissioners, to be determined by lot, shall hold office ~~until the first Tuesday in May in~~

1 ~~the year following election for 1 year~~; another of the commissioners, to be determined by lot, shall hold office until
 2 ~~the first Tuesday in May in the second year following election for 2 years~~; and the third commissioner shall hold
 3 office until ~~the first Tuesday in May in the third year following election~~ for 3 years.

4 (3) After the election of the initial commissioners, one commissioner must be elected each year.
 5 Commissioners elected after the initial election shall hold office for a term of 3 years ~~and until a successor is~~
 6 ~~elected and qualified~~. The person elected as a commissioner in each year to succeed the commissioner whose
 7 term is then expiring must be elected as a commissioner from the same division as the commissioner whose term
 8 expires.

9 (2) ~~If the number of candidates is equal to or less than the number of positions to be elected, the election~~
 10 ~~administrator may cancel the election in accordance with 13-1-304. If an election is not held as provided in this~~
 11 ~~subsection, the county governing body shall declare elected by acclamation the candidate who filed a nominating~~
 12 ~~petition for the position. If no candidate filed a nominating petition for the position, the board of commissioners~~
 13 ~~shall make an appointment to fill the position, and the term is the same as if the commissioner were elected.~~

14 (3)(4) Each commissioner must be a resident of a county where a portion of the district lands is situated."
 15

16 **Section 250.** Section 85-8-306, MCA, is amended to read:

17 "**85-8-306. Nominations Commissioner candidate filing.** Candidates A person eligible to vote in the
 18 district may file a declaration of candidacy for the office of commissioner to be filled by election may be nominated
 19 by petition filed with the election administrator or deputy election administrator at least 75 days before the election
 20 and signed by at least five electors of the district within the time period specified in [section 2]. If no nominations
 21 are made, the electors of the district shall If a write-in candidate has filed pursuant to [section 2], the elector may
 22 write on the ballots the name or names of the persons for whom they desire to vote. This section does not prevent
 23 an elector from voting for any qualified person, although the name does not appear on the official ballot."
 24

25 **Section 251.** Section 85-8-624, MCA, is amended to read:

26 "**85-8-624. Assessments on improvements -- taxpayers' approval, limitations, and election**
 27 **procedures.** (1) A vote of the persons on the assessment rolls in any existing district is required to make Chapter
 28 409, Laws of 1973, applicable to a district.

29 (2) Chapter 409, Laws of 1973, does not confer ~~upon~~ on districts created for drainage purposes only the
 30 authority to levy assessments on benefits to improvements.

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

2 (a) Notice of the election must be as provided in ~~13-1-401(4)~~ 13-1-108.

3 (b) ~~The manner of conducting the election must be as provided in 13-1-401 and as nearly as practicable~~
 4 ~~in accordance with the provisions of the general election laws of the state in Title 13~~ election must be conducted
 5 in accordance with [sections 1 through 5], except that voter registration may not be required.

6 (c) The qualifications of electors must be as provided in 85-8-305, except that, in addition to persons
 7 holding title or evidence of title to lands within the district, any person, as provided in 85-8-305, who does not own
 8 land within the district but has been assessed or will have the person's improvements assessed under Chapter
 9 409, Laws of 1973, or who will be assessed for benefits received is entitled to one vote. Commissioners shall
 10 prepare a list of persons entitled to vote, and the election administrator ~~or deputy election administrator~~ shall give
 11 them notice as provided in ~~13-1-401(4)~~ 13-1-108.

12 (d) The commissioners of any district in existence prior to March 21, 1973, who wish to hold an election
 13 to determine if the district is governed by Chapter 409, Laws of 1973, shall at any regular or special meeting
 14 adopt a resolution calling for an election to determine whether or not the voters of the district wish to be governed
 15 by Chapter 409, Laws of 1973. The resolution must contain a short summary of the changes made by Chapter
 16 409, Laws of 1973, and the summary must be included in the notice provided for by ~~13-1-401(4)~~ 13-1-108. In
 17 addition, the commission shall provide copies of Chapter 409, Laws of 1973, to any person interested in obtaining
 18 a copy, and the notice to the persons in the district calling the election must describe where and how copies may
 19 be obtained. The commissioners may authorize a reasonable charge for providing copies, not to exceed 20 cents
 20 a page.

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

23 (f) A simple majority of those who cast valid ballots determines the outcome of the election."
 24

25 **Section 252.** Section 85-9-103, MCA, is amended to read:

26 **"85-9-103. Definitions.** As used in this chapter, unless the context clearly indicates otherwise, the
 27 following definitions apply:

28 (1) "Applicant" means a person residing within the boundaries of the proposed district and making a
 29 request for a study of the feasibility of forming a conservancy district.

30 (2) "Board of supervisors" means the board of supervisors of the soil and water conservation district in

1 which the largest portion of the taxable valuation of real property of the proposed district is located.

2 (3) "Cost of works" means the cost of construction, acquisition, improvement, extension, and
3 development of works, including financing charges, interest, and professional services.

4 (4) "Court" means the district court of the judicial district in which the largest portion of the taxable
5 valuation of real property of the proposed district is located and within the county in which the largest portion of
6 the taxable valuation of real property of the proposed district is located within the judicial district.

7 (5) "Department" means the department of natural resources and conservation provided for in Title 2,
8 chapter 15, part 33.

9 (6) "Directors" means the board of directors of a conservancy district.

10 (7) "District" means a conservancy district.

11 (8) "Elector" means a person qualified to vote under 85-9-421.

12 ~~(9) "Notice" means publication at least once each week for 3 consecutive weeks in a newspaper
13 published in each county or, if a newspaper is not published in a county, in a newspaper of general circulation
14 in the county or counties in which a district is or will be located. The last published notice must appear not less
15 than 5 days prior to any hearing or election held under this chapter.~~

16 ~~(+9)(9)~~ "Owners" means the person or persons who appear as owners of record of the legal title to real
17 property according to the county records, whether the title is held beneficially or in a fiduciary capacity, except
18 that a person holding a title for purposes of security is not an owner and the owner for security may not affect the
19 previous title for purposes of this chapter.

20 ~~(+1)(10)~~ "Person" means a natural person, firm, partnership, cooperative, association, public or private
21 corporation, including the state of Montana or the United States, foundation, state agency or institution, county,
22 municipality, district or other political subdivision of the state, federal agency or bureau, or any other legal entity.

23 ~~(+2)(11)~~ "Taxable valuation" is the value as defined in 15-8-111 and does not mean assessed valuation.

24 ~~(+3)(12)~~ "Works" means all property, rights, easements, franchises, and other facilities, including but not
25 limited to land, reservoirs, dams, canals, dikes, ditches, pumping units, mains, pipelines, waterworks systems,
26 recreational facilities, facilities for fish and wildlife, and facilities to control and correct pollution."
27

28 **Section 253.** Section 85-9-203, MCA, is amended to read:

29 **"85-9-203. Hearing by department.** (1) ~~Upon~~ On receipt of the preliminary survey report, the applicants
30 or any one of them may request the department to hold a hearing. The department shall provide notice as

1 ~~required in 7-1-2121 and then~~ hold the hearing ~~sooner~~ no later than than 61 days after receipt of the request.

2 ~~Notice of the hearing shall be given in accordance with 85-9-103(9).~~

3 (2) If the department itself initiated the preliminary survey, it may hold a hearing without being requested
4 to do so."

5

6 **Section 254.** Section 85-9-206, MCA, is amended to read:

7 **"85-9-206. Court hearing on petition -- election -- limits on court jurisdiction.** (1) ~~Upon~~ On receipt
8 of a petition for organizing a district, the court shall give notice and hold a hearing on the petition. If the court finds
9 that the petition should be granted, it shall:

10 (a) make and file findings of fact specifying those lands that will be directly or indirectly benefited by the
11 proposed district and exclude those lands that will not be benefited;

12 (b) make an order fixing the time and place of an organizing election;

13 (c) order the election administrator to conduct the election in accordance with ~~the provisions of Title 13~~
14 [sections 1 through 5]; and

15 (d) order and decree the district organized if the requisite number of eligible electors ~~vote~~ votes in favor
16 of organization.

17 (2) In order for the district to be organized, 51% or more of the eligible electors must vote in the election,
18 and a majority of those voting must vote in favor of organization. ~~The election must be conducted by mail ballot,~~
19 ~~as provided in Title 13, chapter 19, or must be held in conjunction with a regular or primary election.~~

20 (3) This chapter does not confer ~~upon~~ on the court jurisdiction to hear, adjudicate, and settle questions
21 concerning the priority of appropriation of water between districts and other persons. Jurisdiction to hear and
22 determine priority of appropriation and questions of right growing out of or in any way connected with a priority
23 of appropriation is expressly excluded from this chapter and must be determined as otherwise provided by the
24 laws of Montana."

25

26 **Section 255.** Section 85-9-302, MCA, is amended to read:

27 **"85-9-302. Dissolution election.** (1) After receipt of petition or resolution for dissolution, the court shall
28 order an election ~~in the way provided by 85-9-422~~ to be conducted in accordance with [sections 1 through 5].

29 (2) For dissolution to be approved, a majority of the electors voting must favor dissolution."
30

1 **Section 256.** Section 85-9-408, MCA, is amended to read:

2 **"85-9-408. Contracts and agreements by directors.** On behalf of the district, the directors may:

3 (1) contract for service, for water furnished, or for the sale of water with any person;

4 (2) cooperate with; accept grants, loans, and other assistance from; act as agent for; and enter into
5 agreements with any and all state or federal agencies and exercise all necessary or convenient powers in
6 connection therewith;

7 (3) enter into any obligation or contract with an agency of the federal government for the construction,
8 operation, and maintenance of works or for the assumption as principal or guarantor of indebtedness to the
9 United States on account of district lands under the provisions of the federal reclamation act and rules established
10 under that act or contract with an agency of the federal government for a water supply under any federal act
11 providing for or permitting such a contract. However, the action must be approved by a majority of the electors
12 voting at an election ~~held as provided in 85-9-422~~ conducted in accordance with [sections 1 through 5]. If a
13 contract is made with an agency of the federal government, the directors may deposit bonds of the district with
14 the United States at 90% of their par value to secure the amount to be paid by the district to the United States
15 under any contract. The interest on the bonds of the district to be applied as specified by the contract. If bonds
16 of the district are deposited with the United States, it is the duty of the directors to make an assessment sufficient
17 to meet all payments accruing under the terms of any contract with the United States.

18 (4) accept appointment of the district as fiscal agent for the United States or authorization of the district
19 to make collections of moneys for or on behalf of the United States in connection with any federal reclamation
20 projects, and the district is authorized to act and to assume the duties and liabilities incident to this action.
21 However, the action must be approved by a majority of the electors voting at an election ~~held as provided in~~
22 ~~85-9-422~~ conducted in accordance with [sections 1 through 5]. The directors may do all things required by federal
23 statutes and rules and require prompt payment of all charges as a prerequisite to water service.

24 (5) make contracts incidental to the performance of the district's functions and employ and fix the
25 compensation of employees, agents, or consultants as are deemed necessary, including but not limited to a
26 manager, attorneys, accountants, engineers, construction and financial experts; or

27 (6) cooperate with soil and water conservation districts to obtain agreements to carry out soil
28 conservation measures and proper farm plans from owners of lands situated in the drainage area above each
29 retention reservoir to be installed with federal assistance."
30

1 **Section 257.** Section 85-9-501, MCA, is amended to read:

2 **"85-9-501. Merger of districts.** (1) In case two or more districts have been organized in a territory ~~which~~
3 ~~that~~, in the opinion of the directors of each of the districts, should constitute but one district, the directors of the
4 districts may petition the court for an order merging the districts into a single district. The petition ~~shall~~ must be
5 filed in the office of the clerk of the district court in and for that county which has the largest portion of taxable
6 valuation of property within the districts sought to be included, as shown by the tax rolls of the respective counties.
7 The petition shall set forth facts showing that the purposes of this chapter would be served by the merging of the
8 districts and that the merger would promote the economical execution of the purposes for which the districts were
9 organized. A copy of the petition ~~shall~~ must be filed with the department.

10 (2) Upon the filing of the petition, the court shall by order fix a time and place of hearing, and the clerk
11 shall give notice ~~as specified in 85-9-103(9), as well as by mail to~~ as provided in 7-1-2121 and also notify by mail
12 the directors of the districts ~~which that~~ would be merged. The notice ~~shall~~ must contain the purpose, time, and
13 the place of the hearing.

14 (3) Upon the hearing, ~~should if~~ the court ~~find~~ finds that the averments of the petition are true and that the
15 districts or any of them could feasibly and profitably be merged, it shall order that the merger must take place and
16 the districts ~~shall~~ must be merged into one district and proceed as such. The court shall designate the corporate
17 name of the district, and further proceedings ~~shall~~ must be taken as provided for in this chapter. The court shall
18 by order appoint the directors of the district, who shall thereafter have powers and be subject to rules as are
19 provided for directors in districts created in the first instance.

20 (4) Instead of organizing a new district from the constituent districts, the court may, in its discretion, direct
21 that one or more of the districts described in the petition be included in another of the districts, which other shall
22 continue under its original corporate name and organization, or the court may direct that the district or districts
23 so absorbed ~~shall~~ must be represented on the directors of the original districts, designating what members of the
24 directors of the original district shall ~~be retired~~ retire from the new board and what members representing the
25 included district or districts shall take their places.

26 (5) If the court receives a petition opposing the merger, signed by a majority of the electors of any of the
27 concerned districts, the court shall not grant the order and shall dismiss the petition.

28 (6) Upon merger or inclusion, existing obligations shall remain exclusively with those who bore them prior
29 to the merger or inclusion, except with the written consent, given prior to the merger or inclusion, of those who
30 did not bear the obligations."

1

2 **Section 258.** Section 85-9-602, MCA, is amended to read:

3 **"85-9-602. Notice of public budget hearing.** (1) The directors shall, prior to the first Monday in May
4 of each year, give notice ~~as provided in 85-9-103(9)~~ in accordance with 7-1-2121 of the intention to hold a public
5 budget hearing. The notice shall include the date, time, place, and general agenda.

6 (2) At the hearing, the directors shall:

7 (a) review the present budget;

8 (b) present the budget for the next year;

9 (c) hear and consider protests from any elector;

10 (d) adopt the budget for the next year; and

11 (e) set the assessment for the next year."

12

13 **Section 259.** Section 85-9-623, MCA, is amended to read:

14 **"85-9-623. Issuance of bonds -- resolution and election.** When the directors find it necessary to issue
15 bonds, the directors shall:

16 (1) pass a resolution that includes:

17 (a) the purpose or purposes for which the bonds will be issued;

18 (b) the maximum amount and term of the bonds;

19 (c) the maximum interest rate that the bonds will bear; and

20 (d) whether the bonds will be repaid from revenue, assessments, or both;

21 (2) give notice, ~~as provided in 85-9-103(9)~~, in accordance with 7-1-2121 that must include the resolution
22 adopted by the directors and the location of polling places unless the election is conducted by mail ballot, as
23 provided in Title 13, chapter 19; and

24 (3) hold an election ~~as provided by 85-9-422~~ conducted in accordance with [sections 1 through 5]."

25

26 **NEW SECTION. Section 260. Repealer.** The following sections of the Montana Code Annotated are
27 repealed:

28 7-2-2219. Conduct of election.

29 7-2-2605. Notice and conduct of election.

30 7-2-2603. Withdrawal of name from petition.

1	7-2-2710.	Procedure to hold election.
2	7-2-4105.	Notice of election on question of organization.
3	7-2-4603.	Notice of election.
4	7-2-4903.	Notice of election on question of disincorporation.
5	7-3-124.	Election procedure.
6	7-3-4209.	Proclamation and notice of election.
7	7-3-4210.	Form of ballot.
8	7-3-4306.	Proclamation and notice of election.
9	7-3-4308.	Conduct of election.
10	7-3-4341.	General provisions relating to elections.
11	7-5-136.	Submission of question to electors.
12	7-6-1531.	Resort area district -- definitions.
13	7-6-1537.	Conduct of election on question of creating resort area district.
14	7-6-1538.	Qualifications to vote on question of creating resort area district.
15	7-6-1545.	Resort area district board election -- canvass of vote.
16	7-6-1549.	Conduct of election on question of dissolving resort area district -- qualification of
17		electors.
18	7-7-2228.	Time of holding election on question of issuing bonds.
19	7-7-4427.	Special election on question of issuing bonds.
20	7-13-2235.	Election and appointment procedure.
21	7-13-2236.	General district election.
22	7-13-2243.	Assistance for election administrator.
23	7-13-2246.	Withdrawal of candidacy.
24	7-13-2247.	Retention of petitions.
25	7-13-2254.	Provision for vote by corporate property owner.
26	7-13-2255.	Provision for vote by nonresident property owner.
27	7-13-2256.	Canvass of vote.
28	7-34-2116.	Election of first board of trustees.
29	20-3-304.	Annual election.
30	20-3-344.	Nomination of candidates by petition in first-class elementary district.

- 1 20-15-205. Call for nominations of trustee candidates and notice.
2 20-15-206. Nomination of candidates and provision of sample ballot.
3 20-20-101. Definition.
4 20-20-202. Time limitation for conduct of election.
5 76-15-302. Nominations for supervisor.
6 76-15-304. Election of supervisors.
7 85-9-422. Election procedures.

8

9

10 **NEW SECTION. Section 261. Codification instruction -- instructions to code commissioner.** (1)
11 [Sections 1 through 5] are intended to be codified as an integral part of Title 13, chapter 1, and the provisions of
12 Title 13, chapter 1, apply to [sections 1 through 5].

13 (2) [Sections 6 through 10] are intended to be codified as an integral part of Title 13, chapter 1, part 4,
14 and the provisions of Title 13, chapter 1, part 4, apply to [sections 6 through 10].

15 (3) The code commissioner is instructed to renumber 7-14-2507 and codify it in Title 7, chapter 14, part
16 1.

17

18 **NEW SECTION. Section 262. Effective date.** [This act] is effective the day after the date of the 2015
19 statewide general election.

20

- END -