

SJR 14 Study of Election Laws  
Decision Points for January 17, 2014, Meeting

Part 3 - Title 7, Local Government

For the SJR 14 Subcommittee on Elections  
Prepared by Sheri Scurr, Legislative Research Analyst

*NOTE: This document is intended to used in conjunction with the preliminary bill draft LCEle3.*

Chapter 1. General Provisions

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7-1-201. Board. This section covers all special purpose districts defined as "special districts" in 7-11-1002, which are:

1. cemetery
2. museum
3. park
4. fair
5. solid waste
6. \*local improvement
7. mosquito control
8. \*multijurisdictional
9. road
10. rodent control
11. television
12. and any districts created for any public or governmental purpose not specifically prohibited by law...or any other entity formed to perform a single or limited number of functions by interlocal agreement.

(Note: \* means district not included in 7-1-202. Creation of new boards. This section allows county commissioners to create these districts and boards.)

"Special districts" does not include the following districts:

1. business improvement
2. cattle protective
3. conservancy
4. conservation
5. drainage
6. grazing
7. hospital
8. irrigation
9. library

10. lighting
11. livestock protective committees
12. parking
13. planning and zoning
14. resort area
15. rural fire
16. rural improvement
17. special improvement
18. street maintenance
19. tax increment financing
20. urban transportation
21. water and sewer
22. water conservation and flood control projects
23. weed management

1. Does 7-1-202 need to be amended? There is a discrepancy between the list constituting a "special district" and the list of districts in this section.
2. How should the election of board members (sometimes called trustees, commissioners, directors) be handled? All as provided in NEW SECTION 1 (referring to Part 1 bill draft, LCele1?
3. Should NEW SECTION 1 (or some other section) also include language about:
  - a. election of initial board members at same election concerning creation of district, if creation is done by election? Or, within certain timeframe after creation of district, if district is not created by election?
  - b. term of office?
  - c. when an election may be cancelled?
  - d. nomination for candidacy by petition? within time period in 13-10-201?
  - e. appointment by acclamation if only on nominee for the position?
  - f. appointment of members if no one nominated?

## Chapter 5. General Operation and Conduct of Business

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7-5-132. Procedure to exercise right of initiative or referendum.

7-5-136. Submission of question to electors.

1. Does the subcommittee wish to allow local governments or electors by petition to call a special election (an election on a day OTHER than a primary or general election) for changes to ordinances to be submitted to the electorate?
2. Is the proposed clean-up acceptable?

## Chapter 6 - Resort area districts.

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1. Clean up definitions.
2. Uses the defined term "qualified elector".
3. References [section 1] of Part 1 bill draft LCele1 with respect to how the election would be conducted and strikes redundant language.
4. References 13-1-108 for notice provisions as appropriate.
5. Repeals unnecessary statute because it is redundant with NEW SECTION 1.

## Chapter 7. Debt Management

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Part 22 - County General Obligation Bonds

Part 44 - Municipal Revenue Bonds

1. Consolidates election provisions by referencing that the election is to be conducted as provided in NEW SECTION 1.
2. Consolidates election notice provisions by referencing 13-1-108
3. Updates a section concerning the form of a ballot, Section 24 - amending 7-7-2405

## Chapter 8. Acquisition, Transfer, and Management of Property and Buildings

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7-8-4201.

1. Clean up to state that the election must be held as provided in NEW SECTION 1.

## Chapter 10. Regional Resource Authorities

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1. Defines "qualified elector" see Section 32, amending 7-10-101 and inserts "qualified" in sections where clarification by using defined term is needed.
2. References NEW SECTION 1 with respect to when elections are to be conducted and how.
3. Changes current provisions to require an election to be held in each county in which the district is located. See amendments to sections 34 and 35 amending 7-10-104 and 110.

## Chapter 11. General Provisions Related to Services

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### Part 10. Special Districts.

1. Amends appropriate sections with respect to how an election is to be conducted so that the sections will reference NEW SECTION 1 rather than duplicate language.
2. Need to address who is qualified to vote. How and when should an elector who does not reside in the district but who owns real property within the district have to provide proof of registration? See amendments to 7-11-1011.
3. Should Part 10 also consolidate provisions on election of boards or funding elections?

## Chapter 12. Improvement Districts

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### Part 42. Special Improvement Districts Continued

1. Clean up in one section, 7-12-4243, to reference that to create or maintain a supplemental revolving fund, the election is to be held as provided in NEW SECTION 1.

## Chapter 13. Utility Services

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### Part 22. County Water and/or Sewer Districts.

1. Section 38. Amending 7-13-2201. Definitions. Is cleanup plus consolidates definition of "qualified elector". Allows for repeal of 7-13-2212 on qualifications to vote.
2. Section 42. Amending 7-13-2231. District to be governed by board of directors. Extensive cleanup and clarification about signatures required on a certificate of appointment.
3. Section 43. Amending 7-13-2234. Extensive amendments to cleanup language concerning term of office.
4. Repealers for several sections no longer needed because of cleanup to reference how election should be conducted...NEW SECTION 1.
5. Section 46. Amending 7-13-2241. Filing of petition of nomination. Provides conformity with 13-10-201 filing deadlines. May change deadlines if 13-10-201 is amended to make odd- and even-year elections the same.
6. How should 7-13-2271 be amended to not change when the board of directors hold's its first meeting?

### Part 23. County Water and/or Sewer Districts Continued.

### Part 42. Public Sewer Systems.

### Part 45. Local Water Quality Districts.

## Chapter 14. Transportation

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### Part 2. Urban Transportation Districts.

7-14-210.

1. Strikes language related to when election must be held and how, references NEW SECTION 1. References to notice provisions in 13-1-108, too.

7-14-212. District to be governed by transportation board.

1. Should the initial election of board members be as prescribed in NEW SECTION 1?

### Part 11. Port Authority

7-14-1106. Election of local port authority commissioners.

1. Is it OK to conform petition for candidacy with 13-10-201?

7-14-2507. Qualifications to vote.

1. This section would be renumbered and codified in Part 1. Is that OK?
2. Also has language related to providing proof of registration.
- 3.. Also raises issue of consistency in voter qualification provisions...in some states, the person may be registered to vote in any state, not just Montana, as long as the person owns real property within the district.

15-10-425. Mill levy election.

1. Amendment would replace "held in conjunction with...." and insert reference to NEW SECTION 1. This would affect all mill levy elections, not just those in Chapter 14, Title 7.

## Chapter 22. Weed and Pest Control

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### Part 21. County Weed Control.

7-22-2142. Sources of money for noxious weed fund.

1. Who is qualified to vote in the election? See subsection (5). "voters within the special management zone". Are non-resident landowners able to vote?

## Chapter 33. Fire Protection

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### Part 21. Rural Fire Districts.

7-33-2106. Details relating to board of trustees of fire district.

1. Trustees may be elected at an annual meeting. Should this be authorized for all districts in language provided in NEW SECTION 1? See 13-1-104(3) as currently written.
2. Involves providing proof of payment of taxes on lands within the district. See newly numbered subsection (4). Is this a standard we should use in other similar statutes concerning proof of land ownership in the district?

## Chapter 34. Medical Services and Boarding Homes for the Aged

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### Part 21. Hospital Districts.

1. 7-34-2110. Resolution calling for election. General clean up to refer to NEW SECTION 1.
2. 7-34-2112. Conduct of election on question of creating district. General clean up. Don't need subsection (2) because of amendments to 7-34-2110.
3. 7-34-2114. Procedure upon favorable vote. Should the time period for certification of election results be standardized for all special purpose district elections?
4. 7-34-2116. Election of first board of trustees. Should the election of the first board of trustees or board of directors for all special purpose districts be held at the same time as the election on the creation of the district?

## Chapter 35. Cemetery Services

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1. 7-35-2144. Vesting of funds in trustee. Seems like outdated language. Is cleanup OK? Cemetery districts are a "special district" and section 7-1-201 covers how administrative board is created.