

## 1 SENATE BILL NO. 472

2 INTRODUCED BY L. GROSFIELD, HARGROVE, MANGAN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING STATUTES GOVERNING BALLOT  
5 MEASURES; REVISING THE TIME FOR FILING BALLOT MEASURE PETITIONS WITH THE SECRETARY OF  
6 STATE; SPECIFYING THE FORM AND CONTENT OF BALLOT MEASURE PETITIONS; REQUIRING THE  
7 SIGNATURES OF 50 QUALIFIED ELECTORS IN ORDER TO SUBMIT A BALLOT MEASURE PETITION TO  
8 THE SECRETARY OF STATE FOR REVIEW; REQUIRING DISCLOSURE OF THE PAID OR VOLUNTEER  
9 STATUS OF SIGNATURE GATHERERS ON PETITIONS; REQUIRING A FISCAL IMPACT ANALYSIS OF A  
10 BALLOT MEASURE TO BE PREPARED BY THE LEGISLATIVE FISCAL ANALYST AND NOT BY THE  
11 ATTORNEY GENERAL; REQUIRING THE LEGISLATIVE FISCAL ANALYST TO PREPARE A FISCAL  
12 STATEMENT BASED UPON THE FISCAL ANALYSIS; ~~REQUIRING THE ATTORNEY GENERAL TO REVIEW~~  
13 ~~BALLOT MEASURE PETITIONS FOR LEGAL DEFECTS RELATING TO THE BALLOT MEASURE PROCESS~~  
14 ~~AND REQUIRING THE SECRETARY OF STATE TO REJECT PETITIONS FOUND BY THE ATTORNEY~~  
15 ~~GENERAL TO HAVE THOSE LEGAL DEFECTS; REQUIRING THE ATTORNEY GENERAL TO ALSO REVIEW~~  
16 ~~THE CORRESPONDENCE BETWEEN THE LEGISLATIVE SERVICES DIVISION AND BALLOT MEASURE~~  
17 ~~PETITIONS FOR PETITIONERS REQUIRING THE LEGISLATIVE SERVICES DIVISION TO REVIEW PETITIONS~~  
18 ~~TO DETERMINE WHETHER PETITIONS MAY CONTAIN~~ CONSTITUTIONAL AND OTHER LEGAL DEFECTS  
19 AS TO THEIR PURPOSE AND TO CERTIFY A STATEMENT TO THE SECRETARY OF STATE TO BE  
20 PRINTED ON THE BALLOT FOR THOSE PETITIONS HAVING CONSTITUTIONAL OR OTHER SUBSTANTIVE  
21 LEGAL DEFECTS ~~AS TO THEIR PURPOSE; REQUIRING THE SECRETARY OF STATE TO ACCEPT PUBLIC~~  
22 ~~COMMENTS AND HOLD PUBLIC HEARINGS ON BALLOT MEASURE STATEMENTS OF PURPOSE,~~  
23 ~~STATEMENTS OF IMPLICATION, LEGAL SUFFICIENCY, AND FISCAL EFFECT; REQUIRING COMMENTS~~  
24 ~~AND TESTIMONY TO BE GIVEN BY THE SECRETARY OF STATE TO THE ATTORNEY GENERAL AND THE~~  
25 ~~LEGISLATIVE FISCAL ANALYST UNADDRESSED BY THE PERSON SUBMITTING THE PETITION;~~  
26 INCREASING THE PERMISSIBLE LENGTH OF STATEMENTS OF PURPOSE; REVISING PROVISIONS  
27 GOVERNING LEGAL CHALLENGES TO BALLOT MEASURES; REVISING PROVISIONS GOVERNING THE  
28 CONTENT OF THE VOTER INFORMATION PAMPHLET; ~~CHANGING THE MANNER IN WHICH CERTAIN~~  
29 ~~BALLOT ISSUE VOTES ARE COUNTED~~; PROVIDING PENALTIES; AMENDING SECTIONS 13-27-104,  
30 13-27-201, 13-27-202, 13-27-204, 13-27-205, 13-27-207, 13-27-301, 13-27-302, 13-27-303,

1 13-27-311, 13-27-312, 13-27-315, 13-27-316, 13-27-401, 13-27-403, AND 13-27-407, ~~AND~~  
 2 ~~13-27-503~~; MCA; AND PROVIDING EFFECTIVE DATES."

3

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

5

6 **Section 1.** Section 13-27-104, MCA, is amended to read:

7 **"13-27-104. Time for filing.** Unless a specific time for filing is provided in the constitution, all  
 8 petitions filed with the secretary of state, certified as provided by law, must be received before 5 p.m. of  
 9 the third Friday of the ~~fourth-sixth~~ FOURTH month prior to the election at which they are to be voted upon  
 10 by the people. THIS REQUIREMENT DOES NOT APPLY TO THE TEXT OF THE PROPOSED MEASURE THAT IS SUBMITTED TO  
 11 THE SECRETARY OF STATE PURSUANT TO 13-27-202(1)."

12

13 **Section 2.** Section 13-27-201, MCA, is amended to read:

14 **"13-27-201. Form of petition generally -- secretary of state to adopt rules on uniformity.** (1) A  
 15 petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the  
 16 form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the  
 17 sufficiency of signatures on the petition do not render a petition void.

18 (2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may  
 19 be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines  
 20 must be printed the exact title of the statute or constitutional amendment proposed or the measure to be  
 21 referred or a statement that the petition is for the purpose of calling a constitutional convention. The title  
 22 required by this subsection is the attorney general's statement of purpose as provided in 13-27-312(5).  
 23 An abbreviation of the title, a preamble containing clauses further explaining the purpose of the measure,  
 24 or other language explaining the ballot issue may not be included as part of the title on a petition sheet.  
 25 However, if the attorney general certifies a statement that the petition contains legal deficiencies to the  
 26 secretary of state pursuant to 13-27-312, the certified statement must appear on the petition in the  
 27 manner provided by 13-27-204. If signature lines are printed on both the front and back of a petition  
 28 sheet, the information required ~~above~~ in this subsection must appear on both the front and back of the  
 29 sheet. The complete text of the measure proposed or referred must be attached to or contained within  
 30 each signature sheet if sheets are circulated separately. The petition or signature sheets may not contain

1 photographs or material other than the material required in this chapter. The text of the measure must be  
 2 in the bill form provided in the most recent issue of the bill drafting manual furnished by the legislative  
 3 services division. If sheets are circulated in sections, the complete text of the measure must be attached  
 4 to each section.

5 (3) The secretary of state shall adopt rules governing the appearance and content of petition  
 6 pages. The rules must be designed to make petition pages uniform in appearance both within a single  
 7 petition and among different petitions. The rules must prohibit photographs and other material of an  
 8 advertising nature from appearing in a petition. THE RULES MUST PROVIDE FOR A SPACE ON THE PETITION IN WHICH  
 9 THE PERSON CIRCULATING THE PETITION INDICATES WHETHER OR NOT THE PERSON IS BEING PAID TO GATHER SIGNATURES  
 10 ON THE PETITION. FAILURE TO PROPERLY INDICATE THE PERSON'S STATUS AS A PAID OR VOLUNTEER SIGNATURE GATHERER  
 11 IS PUNISHABLE AS PROVIDED IN 13-27-106."

12

13 **Section 3.** Section 13-27-202, MCA, is amended to read:

14 **"13-27-202. ~~Recommendations~~ Submission of petition TEXT OF PROPOSED BALLOT MEASURE to**  
 15 **secretary of state -- signatures required -- review by legislative services division -- SUBMISSION OF PETITION**  
 16 **TO SECRETARY OF STATE -- referral to attorney general and legislative fiscal analyst -- approval of form**  
 17 **required -- ~~determination of legal sufficiency~~.** (1) Before submission of a sample sheet to the secretary of  
 18 state pursuant to subsection (3), the following requirements must be fulfilled:

19 (a) The text of the proposed measure, along with the ORIGINAL signatures AND PRINTED NAMES AND  
 20 ADDRESSES CORRESPONDING TO THE SIGNATURES of at least 50 different registered voters, must be submitted  
 21 to the ~~legislative services division for review~~ secretary of state. THE PAGE ON WHICH THE SIGNATURES APPEAR  
 22 MUST BE ATTACHED TO A NOTARIZED AFFIDAVIT SIGNED BY THE PERSON COLLECTING THE SIGNATURES. THE AFFIDAVIT  
 23 MUST INCLUDE THE FOLLOWING STATEMENT ABOVE THE SIGNATURE OF THE PERSON COLLECTING THE SIGNATURES, TO  
 24 WHICH THAT PERSON MUST SWEAR: "I, (INSERT THE NAME OF PERSON WHO COLLECTED THE SIGNATURES), SWEAR THAT  
 25 I COLLECTED OR ASSISTED IN COLLECTING THE SIGNATURES ON THE PAGE(S) TO WHICH THIS AFFIDAVIT IS ATTACHED AND  
 26 THAT I BELIEVE THE SIGNATURES ON THE PAGE(S) ARE GENUINE, ARE THE SIGNATURES OF THE PERSONS WHOSE NAMES  
 27 THEY PURPORT TO BE, AND ARE THE SIGNATURES OF MONTANA ELECTORS WHO ARE REGISTERED AT THE ADDRESSES  
 28 FOLLOWING THEIR SIGNATURES. I ALSO SWEAR THAT THE SIGNERS KNEW THAT THE PURPOSE OF SIGNING THE PAGE(S)  
 29 WAS TO SUBMIT A BALLOT MEASURE PETITION ON THE SUBJECT OF (INSERT THE PURPOSE OF THE PROPOSED BALLOT  
 30 MEASURE) TO THE MONTANA SECRETARY OF STATE, THE LEGISLATIVE SERVICES DIVISION, AND THE ATTORNEY GENERAL

1 FOR REVIEW AND APPROVAL." The signatures may be randomly checked by the secretary of state. The  
 2 secretary of state shall submit a petition complying with this subsection (1)(a) THE TEXT OF THE PROPOSED  
 3 MEASURE to the legislative services division for review. If the secretary of state determines that fewer than  
 4 50 of the signatures submitted with a THE TEXT OF THE proposed measure were valid at the time they were  
 5 made, the proposed measure is considered withdrawn. The validity of signatures submitted pursuant to  
 6 this subsection (1)(a) may not be invalidated by the secretary of state or challenged as to their validity by  
 7 another person after the secretary of state has sent notice of the approval or rejection of the petition in  
 8 accordance with subsection (4)(b).

9 (b) The legislative services division staff shall review the text for clarity, consistency,  
 10 CONSTITUTIONALITY, CONFLICTS WITH OTHER STATUTES, and any other factors that the staff considers when  
 11 drafting proposed legislation.

12 (c) Within 14 days after submission of the text, the legislative services division staff shall make  
 13 to the person submitting the text written COMMENTS CONCERNING THE CONSTITUTIONALITY OF THE PROPOSED  
 14 BALLOT MEASURE AND ANY CONFLICTS WITH OTHER STATUTES AND WRITTEN recommendations for changes in the  
 15 text or a statement that ~~no~~ changes are not recommended.

16 (d) The person submitting the text shall consider the recommendations and respond in writing to  
 17 the legislative services division, accepting, rejecting, or modifying each of the recommended changes. If  
 18 ~~no~~ changes are not recommended, ~~no~~ a response is not required.

19 (E) IF A RECOMMENDATION CONCERNING THE LEGALITY OF THE SUBSTANCE OR PURPOSE OF THE TEXT OF THE  
 20 PROPOSED MEASURE IS MADE BY THE LEGISLATIVE SERVICES DIVISION AND THE RECOMMENDATION IS REJECTED OR NOT  
 21 RESPONDED TO BY THE PERSON SUBMITTING THE PETITION WITHIN 14 DAYS AFTER THE INITIAL RESPONSE TO THAT PERSON  
 22 BY THE LEGISLATIVE SERVICES DIVISION, THE LEGISLATIVE SERVICES DIVISION SHALL CERTIFY A STATEMENT TO THE  
 23 SECRETARY OF STATE CONCERNING THAT REJECTION OR LACK OF RESPONSE. THE STATEMENT BY THE LEGISLATIVE  
 24 SERVICES DIVISION MUST BE CERTIFIED TO THE SECRETARY OF STATE WITHIN 30 DAYS OF THE RECEIPT OF THE PETITION  
 25 BY THE LEGISLATIVE SERVICES DIVISION, MUST BE PUBLISHED BY THE SECRETARY OF STATE AS PROVIDED IN 13-27-311,  
 26 AND MUST APPEAR ON THE BALLOT AS PROVIDED IN 13-27-204.

27 (2) The legislative services division shall furnish a copy of the correspondence provided for in  
 28 subsection (1) to the secretary of state, who shall make a copy of the correspondence available to any  
 29 person upon request. A COPY OF THE CORRESPONDENCE BETWEEN THE LEGISLATIVE SERVICES DIVISION AND THE  
 30 PETITIONER MUST ALSO BE FURNISHED BY THE LEGISLATIVE SERVICES DIVISION TO THE ATTORNEY GENERAL FOR THE

1 ~~PURPOSES OF THE PREPARATION OF THE ATTORNEY GENERAL'S STATEMENT PURSUANT TO 13-27-312(2).~~

2 (3) Before a petition may be circulated for signatures, a sample sheet containing the text of the  
 3 proposed measure, AS WRITTEN IN CONSULTATION WITH THE LEGISLATIVE SERVICES DIVISION AS PROVIDED IN THIS  
 4 SECTION AND AFTER EXPIRATION OF THE TIME PROVIDED IN THIS SECTION FOR RESPONSE TO THE LEGISLATIVE SERVICES  
 5 DIVISION'S RECOMMENDATION, must be submitted to the secretary of state in the form in which it will be  
 6 circulated. The sample petition may not be submitted to the secretary of state more than ~~1 year~~ 14 13  
 7 months prior to the final date for filing the signed petition with the county election administrator. The  
 8 secretary of state shall refer a copy of the petition sheet to the attorney general for approval and to the  
 9 legislative fiscal analyst for preparation of a fiscal impact analysis and a fiscal statement pursuant to  
 10 13-27-312. The secretary of state and the attorney general shall each review the petition for sufficiency  
 11 as to form and approve or reject the form of the petition, stating the reasons for rejection, if any. The  
 12 attorney general shall ~~also~~ review the petition ~~as to~~ for its legal sufficiency ~~as provided in 13-27-312.~~ If  
 13 the attorney general determines that the petition is legally deficient, the attorney general shall notify the  
 14 secretary of state of that fact and provide a copy of the determination to the secretary of state and to the  
 15 petitioner within the time provided in 13-27-312~~(8)~~(9). The petition may not be given final approval by the  
 16 secretary of state unless the attorney general's determination is overruled pursuant to 13-27-316. As used  
 17 in this section, "legal sufficiency" means that the petition complies with the statutory prerequisites to  
 18 submission of the proposed measure to the electors and that the text of the proposed measure complies  
 19 with constitutional requirements governing submission of ballot measures to the electorate. ~~Review of a~~  
 20 ~~petition for legal sufficiency does not include consideration of the merits or application of the measure if~~  
 21 ~~adopted by the voters.~~ REVIEW OF A PETITION BY THE ATTORNEY GENERAL FOR LEGAL SUFFICIENCY DOES NOT INCLUDE  
 22 CONSIDERATION OF THE MERITS OR APPLICATION OF THE MEASURE IF ADOPTED BY THE VOTERS. The secretary of state  
 23 or the attorney general may not reject the petition solely because the text contains material not submitted  
 24 to the legislative services division unless the material not submitted to the legislative services division is  
 25 a substantive change not suggested by the legislative services division.

26 (4) (a) The secretary of state shall review the comments and statements of the attorney general  
 27 and the legislative fiscal analyst received pursuant to 13-27-312 and make a final decision as to the  
 28 approval or rejection of the petition. In determining whether to accept or reject the petition, the secretary  
 29 of state shall consider whether the petitioner has altered or amended the petition in response to the opinion  
 30 of the attorney general RECOMMENDATIONS OF THE LEGISLATIVE SERVICES DIVISION and whether the petition

1 includes any required publication of the attorney general's LEGISLATIVE SERVICES DIVISION'S statement certified  
 2 to the secretary of state pursuant to 13-27-312 THIS SECTION.

3 (b) The secretary of state shall send written notice to the person who submitted the petition sheet  
 4 of the final approval or rejection of the form of the petition within ~~28-51-71~~ 36 days after submission of  
 5 the petition sheet. The secretary of state shall send written notice to the person who submitted the  
 6 petition sheet of the final approval or rejection of the petition within 5 days of:

7 (i) the date on which a final court decision is entered under 13-27-316 if a challenge to the  
 8 attorney general's review of the petition is filed pursuant to that section; or

9 (ii) the expiration of the time for filing a challenge to the attorney general's review under  
 10 13-27-316 if no challenge is filed. If the petition is rejected, the notice must include reasons for rejection.

11 (5) A petition with technical defects in form may be approved with the condition that those  
 12 defects will be corrected before the petition is circulated for signatures.

13 (6) The secretary of state shall upon request provide the person submitting the petition with a  
 14 sample petition form, including the text of the proposed measure, the statement of purpose, ~~and~~ the  
 15 statements of implications, any statement of legal sufficiency certified by the attorney general pursuant  
 16 to 13-27-312(2), and the fiscal statement, all as approved by the secretary of state and the attorney  
 17 general. The petition may be circulated in the form of the sample prepared by the secretary of state. The  
 18 petition may be circulated upon approval of the form of the petition by the secretary of state and the  
 19 attorney general pending a final determination of its legal sufficiency."

20

21 **Section 4.** Section 13-27-204, MCA, is amended to read:

22 **"13-27-204. Petition for initiative.** (1) The following is substantially the form for a petition calling  
 23 for a vote to enact a law by initiative:

24 PETITION TO PLACE INITIATIVE NO. \_\_\_\_

25 ON THE ELECTION BALLOT

26 (a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the  
 27 total number of voters signing this petition is ....., this measure will appear on the next general election  
 28 ballot. If a majority of voters vote for this measure at that election, it will become law.

29 (b) We, the undersigned Montana voters, propose that the secretary of state place the following  
 30 measure on the .... .., 20..., general election ballot:

1 (Title Exact title of measure written pursuant to 13-27-312)

2 (Statement Exact statement of implication written pursuant to 13-27-312)

3 (c) Voters are urged to read the complete text of the measure, which appears (on the reverse side  
4 of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the measure on  
5 the ballot and does not necessarily mean the signer agrees with the measure.

6 (d) ~~The attorney general of Montana has reviewed the petition for CORRESPONDENCE BETWEEN THE~~  
7 ~~LEGISLATIVE SERVICES DIVISION AND THE PETITIONER REGARDING legal sufficiency ( HAS REVIEWED THE PETITION FOR~~  
8 ~~constitutionality or conflict with other statutes) and found (here insert any statement certified by the~~  
9 ~~attorney general~~ LEGISLATIVE SERVICES DIVISION to the secretary of state pursuant to ~~13-27-312(2)~~  
10 13-27-202).

11 (e)

12 WARNING

13 A person who purposefully signs a name other than the person's own to this petition, who signs  
14 more than once for the same issue at one election, or who signs when not a legally registered Montana  
15 voter is subject to a \$500 fine, 6 months in jail, or both.

16 (e)(f) Each person is required to sign the person's name and address in substantially the same  
17 manner as on the person's voter registration card or the signature will not be counted.

18 (2) Numbered lines must follow the ~~above~~ heading in subsection (1). Each numbered line must  
19 contain spaces for the signature, post-office address, legislative representative district number, and printed  
20 last name of the signer."

21

22 **Section 5.** Section 13-27-205, MCA, is amended to read:

23 **"13-27-205. Petition for the referendum.** (1) The following is substantially the form for a petition  
24 calling for approval or rejection of an act of the legislature by the referendum:

PETITION TO PLACE REFERENDUM NO. \_\_\_\_  
ON THE ELECTION BALLOT

27 (a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the  
28 total number of voters signing the petition is ....., Senate (House) Bill Number .... will appear on the next  
29 general election ballot. If a majority of voters vote for this measure at that election it will become law.

30 (b) We, the undersigned Montana voters, propose that the secretary of state place the following



1 Senate (House) Bill Number ....., passed by the legislature on ..... on the next general election ballot:

2 (~~Title~~ Exact title of referendum written pursuant to 13-27-312)

3 (~~Statement~~ Exact statement of implication written pursuant to 13-27-312)

4 (c) Voters are urged to read the complete text of the measure, which appears (on the reverse side  
5 of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure  
6 on the ballot and does not necessarily mean the signer agrees with the measure.

7 (d) ~~The attorney general of Montana has reviewed the petition for CORRESPONDENCE BETWEEN THE~~  
8 ~~LEGISLATIVE SERVICES DIVISION AND THE PETITIONER REGARDING legal sufficiency ( HAS REVIEWED THE PETITION FOR~~  
9 ~~constitutionality or conflict with other statutes) and found (here insert any statement certified by the~~  
10 ~~attorney general~~ LEGISLATIVE SERVICES DIVISION to the secretary of state pursuant to 13-27-312(2)  
11 13-27-202).

12 (e)

13 WARNING

14 A person who purposefully signs a name other than ~~his/her~~ the person's own to this petition or  
15 who signs more than once for the same issue at one election or signs when not a legally registered  
16 Montana voter is subject to a \$500 fine, 6 months in jail, or both.

17 (e)(f) Each person ~~must~~ shall sign ~~his/her~~ the person's name and address in substantially the same  
18 manner as on ~~his/her~~ the person's voter ~~registry~~ registration card, or the signature will not be counted.

19 (2) Numbered lines ~~shall~~ must follow the ~~above~~ heading in subsection (1). Each numbered line ~~shall~~  
20 must contain spaces for the signature, post-office address, legislative representative district number, and  
21 printed last name of the signer."

22

23 **Section 6.** Section 13-27-207, MCA, is amended to read:

24 **"13-27-207. Petition for initiative for constitutional amendment.** (1) The following is substantially  
25 the form for a petition for an initiative to amend the constitution:

26 PETITION TO PLACE CONSTITUTIONAL

27 AMENDMENT NO. \_\_\_\_ ON

28 THE ELECTION BALLOT

29 (a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number  
30 of voters signing the petition is ....., this constitutional amendment will appear on the next general election



1 ballot. If a majority of voters vote for this amendment at that election, it will become part of the  
2 constitution.

3 (b) We, the undersigned Montana voters, propose that the secretary of state place the following  
4 constitutional amendment on the ....., 20..., general election ballot:

5 (Title Exact title of the proposed constitutional amendment  
6 written pursuant to 13-27-312)

7 (~~Statement~~ Exact statement of implication written pursuant to 13-27-312)

8 (c) Voters are urged to read the complete text of the measure, which appears (on the reverse side  
9 of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the constitutional  
10 amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

11 (d) ~~The attorney general of Montana has reviewed the petition for CORRESPONDENCE BETWEEN THE~~  
12 ~~LEGISLATIVE SERVICES DIVISION AND THE PETITIONER REGARDING legal sufficiency ( HAS REVIEWED THE PETITION FOR~~  
13 ~~constitutionality or conflict with other statutes) and found (here insert any statement certified by the~~  
14 ~~attorney general~~ LEGISLATIVE SERVICES DIVISION to the secretary of state pursuant to ~~13-27-312(2)~~  
15 13-27-202).

16 (e)

17 WARNING

18 A person who purposefully signs a name other than the person's own to this petition, who signs  
19 more than once for the same issue at one election, or who signs when not a legally registered Montana  
20 voter is subject to a \$500 fine, 6 months in jail, or both.

21 (e)(f) Each person is required to sign the person's name and address in substantially the same  
22 manner as on the person's voter registration card or the signature will not be counted.

23 (2) Numbered lines must follow the ~~above~~ heading in subsection (1). Each numbered line must  
24 contain spaces for the signature, post-office address, legislative representative district number, and printed  
25 last name of the signer."

26  
27 **Section 7.** Section 13-27-301, MCA, is amended to read:

28 **"13-27-301. Submission of petition sheets -- withdrawal of signatures.** (1) Signed sheets or  
29 sections of petitions ~~shall~~ must be submitted to the official responsible for registration of electors in the  
30 county in which the signatures were obtained no sooner than ~~9-11~~ 10 months and no later than ~~4~~ 3 weeks



1 before the final date for filing the petition with the secretary of state.

2 (2) Signatures may be withdrawn from a petition for constitutional amendment, constitutional  
3 convention, initiative, or referendum up to the time of final submission of petition sheets as provided in  
4 subsection (1). The secretary of state shall prescribe the form to be used by an elector desiring to have  
5 ~~his~~ the elector's signature withdrawn from a petition."

6

7 **Section 8.** Section 13-27-302, MCA, is amended to read:

8 **"13-27-302. Certification of signatures -- affidavit required -- content.** (1) ~~A~~ A signed, notarized,  
9 and dated affidavit, ~~in substantially the following form,~~ must be attached to each sheet or section  
10 submitted to the county official and must contain the following information printed within the text of the  
11 affidavit:

12 I, ~~(name of person who circulated this petition), swear that I circulated or assisted in circulating~~  
13 ~~the petition to which this affidavit is attached, that I believe the signatures on the petition are genuine,~~  
14 ~~are the signatures of the persons whose names they purport to be, and are the signatures of Montana~~  
15 ~~electors who are registered at the address following their signature, and that the signers knew the~~  
16 ~~contents of the petition before signing the petition.~~

17 \_\_\_\_\_

18 \_\_\_\_\_ (Signature of petition circulator)

19 \_\_\_\_\_

20 \_\_\_\_\_ (Address of petition circulator)

21 \_\_\_\_\_ Subscribed and sworn to before me this ... day of ....., 20...

22 \_\_\_\_\_

23 \_\_\_\_\_ Seal \_\_\_\_\_ (Person authorized to take oaths)

24 \_\_\_\_\_

25 \_\_\_\_\_ (Title or notarial information)

26 (a) the name, street or other residence address, city or town, and county where the signature  
27 gatherer resides and the date and place where the affidavit was signed;

28 (b) that the signature gatherer has read and understands the Montana law governing the collection  
29 of signatures on a petition A STATEMENT AS TO WHETHER OR NOT THE SIGNATURE GATHERER WAS PAID FOR THE  
30 COLLECTION OF ALL OR SOME OF THE SIGNATURES;



1 (c) that in order to be able to adequately answer questions from potential signers of the petition,  
 2 the signature gatherer read the petition before gathering signatures and understands the content of the  
 3 petition; AND

4 (d) that the signature gatherer solicited the signatures on the petition to which the affidavit is  
 5 attached and believes that the signatures on the petition are genuine in that they are of the individuals for  
 6 whom they purport to be;

7 ~~(e) that the signatures are of Montana electors who are registered at the address following their~~  
 8 ~~signature; and~~

9 ~~— (f) that the persons signing the petition knew the content of the petition before they signed.~~

10 (2) The county official and the secretary of state may not accept for filing a petition or a part of  
 11 a petition that does not have attached to it the affidavit required by subsection (1)."

12

13 **Section 9.** Section 13-27-303, MCA, is amended to read:

14 **"13-27-303. Verification of signatures by county official -- ~~allocating voters following~~**  
 15 **~~reapportionment~~ -- duplicate signatures.** (1) Except as required by 13-27-104, within 4 weeks after  
 16 receiving the sheets or sections of a petition, the county official shall check the names of all signers to  
 17 verify they are registered electors of the county. In addition, the official shall randomly select signatures  
 18 on each sheet or section and compare them with the signatures of the electors as they appear in the  
 19 registration records of the office. If all the randomly selected signatures appear to be genuine, the number  
 20 of signatures of registered electors on the sheet or section may be certified to the secretary of state  
 21 without further comparison of signatures. If any of the randomly selected signatures do not appear to be  
 22 genuine, all signatures on that sheet or section must be compared with the signatures in the registration  
 23 records of the office.

24 ~~(2) For the purpose of allocating the signatures of voters among the several legislative~~  
 25 ~~representative districts of the state as required to certify a petition for a ballot issue under the provisions~~  
 26 ~~of this chapter following the filing of a districting and apportionment plan under 5-1-111 and before the~~  
 27 ~~first gubernatorial election following the filing of the plan, the new districts must be used with the number~~  
 28 ~~of signatures needed for each legislative representative district being the total votes cast for governor in~~  
 29 ~~the last gubernatorial election divided by the number of legislative representative districts.~~

30 ~~(3)~~(2) Upon discovery of fraudulent signatures or duplicate signatures of an elector on any one

1 issue, the election administrator may submit the name of the elector or the petition circulator, or both, to  
 2 the county attorney to be investigated under the provisions of 13-27-106 and 13-35-207."

3

4 **Section 10.** Section 13-27-311, MCA, is amended to read:

5 **"13-27-311. Publication of ~~proposed notice of completion of draft statements of purpose,~~**  
 6 **~~implication, legal sufficiency, and fiscal statement -- period for public comment -- hearing~~ AND IMPLICATION,**  
 7 **~~STATEMENT BY LEGISLATIVE SERVICES DIVISION, AND FISCAL STATEMENT -- publication of proposed constitutional~~**  
 8 **~~amendments. (1) Within 3-10 days of receiving the response of the attorney general and the legislative~~**  
 9 **~~fiscal analyst pursuant to 13-27-312, the secretary of state shall publish a notice of the completion of the~~**  
 10 **~~draft statement of purpose, statements of implication, the statement certified by the attorney general~~**  
 11 **~~pursuant to 13-27-312(2), if any, and the draft fiscal statement prepared by the legislative fiscal analyst.~~**  
 12 **(1) WITHIN 3 DAYS AFTER THE RECEIPT OF THE STATEMENTS OF PURPOSE AND IMPLICATION FROM THE ATTORNEY GENERAL**  
 13 **AND THE STATEMENT OF FISCAL IMPACT FROM THE LEGISLATIVE FISCAL ANALYST PURSUANT TO 13-27-312, THE**  
 14 **SECRETARY OF STATE SHALL PUBLISH A NOTICE OF THE COMPLETION OF THE STATEMENT OF PURPOSE AND STATEMENT**  
 15 **OF IMPLICATION PROVIDED BY THE ATTORNEY GENERAL AND THE FISCAL STATEMENT PROVIDED BY THE LEGISLATIVE FISCAL**  
 16 **DIVISION. THE SECRETARY OF STATE SHALL ALSO PUBLISH THE STATEMENT CERTIFIED BY THE LEGISLATIVE SERVICES**  
 17 **DIVISION PURSUANT TO 13-27-202, IF ANY. THE NOTICE MUST CONTAIN THE TEXT OF THOSE STATEMENTS AND THE**  
 18 **TEXT OF THE FISCAL IMPACT ANALYSIS. The publication must be made at least once in at least one newspaper**  
 19 **of general circulation in each county.**

20 ~~—— (2) The notice required by subsection (1) must contain:~~

21 ~~—— (a) the proposed language of the statements of purpose, implication, legal sufficiency, and fiscal~~  
 22 ~~impact;~~

23 ~~—— (b) a time period of not more than 14 days for public comment upon the proposed statements,~~  
 24 ~~during which time written comment may be submitted to the secretary of state;~~

25 ~~—— (c) the address to which comments submitted to the secretary of state may be sent; and~~

26 ~~—— (d) the time, date, and place of the public hearing to be held by the secretary of state within the~~  
 27 ~~comment period provided in subsection (2)(b).~~

28 **(2) THE SECRETARY OF STATE SHALL ALSO PUBLISH ON THE INTERNET THE NOTICES REQUIRED TO BE PUBLISHED**  
 29 **BY SUBSECTION (1).**

30 **(+)(3) If a proposed constitutional amendment or amendments are submitted to the people, the**

1 secretary of state shall have the proposed amendment or amendments published in full twice each month  
 2 for 2 months previous to the election at which they are to be voted upon by the people, in ~~not less than~~  
 3 at least one newspaper of general circulation in each county.

4 ~~(2)~~(4) The secretary of state may arrange for newspaper, radio, or television publication of  
 5 proposed constitutional amendments in each county. A summary of the amendment as provided by the  
 6 attorney general, as described in 13-27-312 or 13-27-315, would suffice for the publication required by  
 7 this section and should be made at least twice each month for 2 months ~~previous~~ prior to the election."

8

9 **Section 11.** Section 13-27-312, MCA, is amended to read:

10 **"13-27-312. Review of petition by legislative fiscal analyst and attorney general -- preparation of**  
 11 **fiscal impact analysis and fiscal statement -- preparation of statements -- fiscal note determination of**  
 12 **legality -- statement of legal sufficiency.** (1) Upon receipt of a petition from the office of the secretary of  
 13 state pursuant to 13-27-202(3), the ~~attorney general~~ legislative fiscal analyst shall examine the petition  
 14 as to ~~form its fiscal impact and legal sufficiency, as provided in 13-27-202, and, if the proposed ballot~~  
 15 ~~issue has an effect on the revenues~~ revenue, expenditures, or the fiscal liability of the state, shall ~~order,~~  
 16 within 30 days and in cooperation with any affected agency, prepare a fiscal ~~note incorporating an~~  
 17 ~~estimate of the effect~~ impact analysis stating, as nearly as possible, the amount of the effect, the  
 18 substance of which must substantially at least comply with the provisions of 5-4-205. The budget director,  
 19 ~~in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal~~  
 20 ~~note and shall return it within 6 days unless the attorney general, for good cause shown, extends the time~~  
 21 ~~for completing the fiscal note. The difficulty in estimating the amount of the effect on revenue,~~  
 22 expenditures, or fiscal liabilities is not reason to fail to make the statement of amount. If the measure  
 23 would cause a recurring amount or range of amounts of revenue, expenditures, or fiscal liabilities, the  
 24 recurring amount or range of amounts must be stated as accurately as possible.

25 ~~(2) Upon receipt of a petition from the secretary of state pursuant to 13-27-202, the attorney~~  
 26 ~~general shall, in addition to examining the petition for form and for compliance with provisions governing~~  
 27 ~~submission of petitions, determine whether the petition advances a lawful purpose by lawful means. If the~~  
 28 ~~attorney general finds the purpose or the legal method used to accomplish the purpose of the petition to~~  
 29 ~~be unconstitutional, in conflict with another provision of the constitution or statutes, or otherwise legally~~  
 30 ~~deficient, the attorney general shall, within 30 days of receipt of the petition from the secretary of state,~~

1 ~~certify a statement to that effect to the secretary of state. If, ON THE BASIS OF THE CORRESPONDENCE RECEIVED~~  
 2 ~~FROM THE LEGISLATIVE SERVICES DIVISION PURSUANT TO 13-27-202, THE ATTORNEY GENERAL CONCLUDES THAT THE~~  
 3 ~~PROPOSAL MAY BE UNCONSTITUTIONAL OR CONFLICT WITH OTHER STATUTES, THE ATTORNEY GENERAL SHALL CERTIFY~~  
 4 ~~A STATEMENT TO THAT EFFECT TO THE SECRETARY OF STATE. If the attorney general LEGISLATIVE SERVICES DIVISION~~  
 5 ~~certifies a statement to the secretary of state PURSUANT TO 13-27-202, the secretary of state may only~~  
 6 ~~approve the form of the petition pursuant to 13-27-202 if the statement certified by the attorney general~~  
 7 ~~LEGISLATIVE SERVICES DIVISION is placed on the petition in the manner provided by 13-27-204.~~

8 ~~(2)(3)~~ If the petition form is approved by the attorney general as to legal sufficiency, as provided  
 9 in 13-27-202, and as to form, the attorney general shall endeavor to seek out parties on both sides of the  
 10 issue and obtain their advice. The attorney general shall prepare:

- 11 (a) a statement, not to exceed ~~400~~ 250 words, explaining the purpose of the measure; and  
 12 (b) statements, not to exceed ~~25~~ 100 words each, explaining the implications of a vote for and  
 13 a vote against the measure.

14 ~~(3)(4)~~ The attorney general legislative fiscal analyst shall, within 30 days of the receipt of the  
 15 ~~petition from the secretary of state, prepare a draft fiscal statement of no more than 50 words if a fiscal~~  
 16 ~~note was prepared for the proposed ballot issue, such~~ based upon the fiscal impact analysis prepared  
 17 pursuant to subsection (1) and shall forward a copy of the ~~draft~~ fiscal statement to the secretary of state.  
 18 ~~The final version of the~~ statement ~~to~~ must be used on the petition and ballot if the measure is placed on  
 19 the ballot.

20 ~~(4)(5)~~ The statement of purpose and the statements of implication must express the true and  
 21 impartial explanation of the proposed ballot issue in plain, easily understood language and may not be  
 22 arguments or written so as to create prejudice for or against the measure.

23 ~~(5)(6)~~ The entire statement of purpose, unless altered by a court under 13-27-316, is the only  
 24 petition title for the measure circulated by the petition and the only ballot title allowed if the measure is  
 25 placed on the ballot.

26 ~~(6)(7)~~ The statements of implication and the fiscal statement must be placed beside the diagram  
 27 provided for marking of the ballot in a manner similar to but not limited to the following example:

- 28  FOR extending the right to vote to persons 18 years of age  
 29  AGAINST extending the right to vote to persons 18 years of age

30 ~~(7)(8)~~ If the petition is rejected as to form, the attorney general shall forward the comments to

1 the secretary of state within ~~24~~ 30 days after receipt of the petition by the attorney general. If the petition  
 2 is approved as to form, the attorney general shall forward the statement of purpose; and the statements  
 3 of implication; ~~and the fiscal statement, if applicable;~~ to the secretary of state within ~~24~~ 30 days after  
 4 receipt of the petition by the attorney general.

5 ~~(8)~~(9) If the petition is approved as to form, within 30 days ~~of the approval~~ after receipt of the  
 6 petition, the attorney general shall forward to the secretary of state the determination regarding legal  
 7 sufficiency, as provided in 13-27-202.

8 (10) IF A STATEMENT IS CERTIFIED BY THE LEGISLATIVE SERVICES DIVISION TO THE SECRETARY OF STATE  
 9 PURSUANT TO 13-27-202, THE SECRETARY OF STATE SHALL PROVIDE A COPY OF THE STATEMENT AND A COPY OF THE  
 10 CORRESPONDENCE BETWEEN THE LEGISLATIVE SERVICES DIVISION AND THE PETITIONER TO THE COMMITTEES APPOINTED  
 11 PURSUANT TO 13-27-403."

12

13 **Section 12.** Section 13-27-315, MCA, is amended to read:

14 **"13-27-315. Statements by attorney general on issues referred by legislature.** ~~(1) Upon receipt~~  
 15 ~~of a copy of a ballot form under 13-27-310(2) for an issue proposed by the legislature, the attorney~~  
 16 ~~general shall order a fiscal note as provided in 13-27-312(1) if the issue has an effect on the revenues,~~  
 17 ~~expenditures, or the fiscal liability of the state. At the same time the explanatory statement is prepared~~  
 18 ~~under subsection (2), the attorney general shall prepare a fiscal statement of no more than 50 words to~~  
 19 ~~be forwarded to the secretary of state at the same time as the explanatory statement.~~

20 ~~(2)~~(1) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of  
 21 state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney  
 22 general shall forward to the secretary of state a statement, not exceeding ~~400~~ 250 words, expressing a  
 23 true and impartial explanation of the purpose of the measure in plain, easily understood language. The  
 24 statement may not be an argument and may not be written to create a prejudice for or against the issue.  
 25 The statement prepared under this section is known as the attorney general's explanatory statement.

26 ~~(3)~~(2) If statements of the implication of a vote for or against a ballot issue have not been provided  
 27 by the legislature, the attorney general shall prepare the statements. Requirements for statements of  
 28 implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for  
 29 other ballot issues. Statements of implication prepared by the attorney general must be returned to the  
 30 secretary of state no later than the time specified for approval of the ballot form."

1

2           **Section 13.** Section 13-27-316, MCA, is amended to read:

3           "**13-27-316. Court review of attorney general ~~opinion or~~, LEGISLATIVE SERVICES DIVISION, and fiscal**  
 4 **analyst statements -- REVIEW OF ATTORNEY GENERAL OPINION.** (1) If the proponents or opponents of a ballot  
 5 measure believe that the statement of purpose, or the statements of implication of a vote, formulated by  
 6 the attorney general, the statement certified by the attorney general pursuant to 13-27-312(2), or the  
 7 fiscal statement ~~formulated~~ prepared by the ~~attorney general~~ legislative fiscal analyst pursuant to  
 8 13-27-312 do not satisfy the requirements of 13-27-202 OR 13-27-312, or if the proponents believe that  
 9 the attorney general was incorrect in determining that the petition was legally deficient as to provisions  
 10 governing submission of ballot issues to the electorate, they may, within 10 days of receipt of the final  
 11 notice from the secretary of state or, as to proponents of the petition, within 10 days of the attorney  
 12 general's determination regarding legal sufficiency provided for in 13-27-202, file an action in the district  
 13 court in and for the county of Lewis and Clark challenging the adequacy of ~~the~~ any statement or the  
 14 attorney general's determination and requesting the court to alter ~~the~~ any statement or modify the attorney  
 15 general's determination.

16           ~~(2) If the opponents of a ballot measure believe that the statement of purpose, the statements of~~  
 17 ~~implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312~~  
 18 ~~do not satisfy the requirements of 13-27-312, or believe that the attorney general was incorrect in~~  
 19 ~~determining that the petition was legally sufficient, they may, within 10 days of the date of certification~~  
 20 ~~to the governor that the completed petition has been officially filed, file an action in the district court in~~  
 21 ~~and for the county of Lewis and Clark challenging the adequacy of the statement or the attorney general's~~  
 22 ~~conclusion and requesting the court to alter the statement or overrule the attorney general's determination~~  
 23 ~~concerning the legal sufficiency of the petition.~~

24           ~~(2) An action challenging all or a part of the adequacy or accuracy of the attorney general's~~  
 25 ~~statement of purpose, statements of implication, or statement of legal deficiency pursuant to 13-27-312(2)~~  
 26 ~~or the legislative fiscal analyst's fiscal statement may also be brought by a person submitting oral or~~  
 27 ~~written comments on all or a part, as applicable, of the attorney general's statements or the statement of~~  
 28 ~~fiscal impact pursuant to [section 14]. An action brought pursuant to this subsection must be brought~~  
 29 ~~within 10 days of the secretary of state's final approval or rejection of a ballot measure petition pursuant~~  
 30 ~~to 13-27-202 and must be brought in the same court and conducted in the same manner as actions filed~~

1 ~~pursuant to subsection (1). In determining whether a person bringing an action pursuant to this subsection~~  
 2 ~~is entitled to have a statement rewritten by the court, the court may not consider arguments or other~~  
 3 ~~material not presented to the secretary of state either orally or in writing pursuant to [section 14].~~

4 ~~(3)(2)~~ (a) Notice ~~of an action filed pursuant to subsection (1) or (2)~~ must be served upon the  
 5 secretary of state, ~~upon the attorney general, and, if the action challenges the fiscal impact analysis or the~~  
 6 ~~fiscal statement, upon the attorney general legislative fiscal analyst AND UPON EACH OFFICE THAT HAS PROVIDED~~  
 7 ~~A STATEMENT TO THE SECRETARY OF STATE FOR PRINTING ON A PETITION AND PUBLICATION BY THE SECRETARY OF STATE.~~  
 8 The action takes precedence over other cases and matters in the district court. The court shall examine  
 9 the proposed measure and the challenged statement or determination of the attorney general, ~~shall provide~~  
 10 ~~an opportunity for a hearing for a party requesting a hearing,~~ and shall as soon as possible render a  
 11 decision and certify to the secretary of state a statement ~~which that~~ the court determines will meet the  
 12 requirements of 13-27-312 or an opinion as to the correctness of the attorney general's determination.

13 (b) A statement certified by the court must be placed on the petition for circulation and on the  
 14 official ballot.

15 ~~(4)(3)~~ A copy of the petition in final form must be filed in the office of the secretary of state by  
 16 the proponents.

17 ~~(5)(4)~~ Any party may appeal the order of the district court to the Montana supreme court by filing  
 18 a notice of appeal within 5 days of the date of the order of the district court."

19

20 ~~NEW SECTION. Section 14. Draft fiscal statement -- draft statements of purpose, implication,~~  
 21 ~~and legal deficiency -- secretary of state to conduct public hearing -- written comments -- consideration~~  
 22 ~~of comments required.~~ (1) Before approval of the form of the statement of purpose, statements of  
 23 implication, or statement of legal deficiency formulated by the attorney general pursuant to 13-27-312 and  
 24 before approval of the fiscal statement prepared by the legislative fiscal analyst pursuant to 13-27-312,  
 25 the secretary of state shall conduct a public hearing for the purposes of receiving oral and written  
 26 comments on the proposed statements. The hearing must be held at the time and place advertised by the  
 27 secretary of state pursuant to 13-27-311.

28 ~~(2) The secretary of state shall continue to receive written comments until the close of the period~~  
 29 ~~for written public comments on the statements, as advertised by the secretary of state pursuant to~~  
 30 ~~13-27-311. All comments received by the secretary of state at the hearing and all written comments~~

1 ~~received within the time for receipt of written public comments must be forwarded by the secretary of~~  
2 ~~state to the attorney general and reviewed and considered by the attorney general in completing the FINAL~~  
3 ~~VERSION OF THE~~ statements of purpose, implication, and legal sufficiency required by 13-27-312. Upon close  
4 of the hearing and the period for written public comment, the secretary of state shall forward to the  
5 legislative fiscal analyst all oral and written comments received by the secretary of state concerning the  
6 statement of fiscal impact. All comments received by the legislative fiscal analyst from the secretary of  
7 state must be reviewed and considered by the legislative fiscal analyst in completing the FINAL VERSION OF  
8 THE statement of fiscal impact required by 13-27-312.

9

10 **Section 14.** Section 13-27-401, MCA, is amended to read:

11 **"13-27-401. Voter information pamphlet.** (1) The secretary of state shall prepare for printing a  
12 voter information pamphlet containing the following information for each ballot issue to be voted on at an  
13 election, as applicable:

14 (a) ballot title, fiscal statement ~~and, ANY statement certified by the attorney general~~ LEGISLATIVE  
15 SERVICES DIVISION pursuant to 13-27-312(2) 13-27-202, if applicable, and complete text of the issue;

16 (b) the form in which the issue will appear on the ballot;

17 (c) arguments advocating approval and rejection of the issue; and

18 (d) rebuttal arguments.

19 (2) The pamphlet must also contain a notice advising the recipient where additional copies of the  
20 pamphlet may be obtained.

21 (3) The voter information pamphlet may contain only material that is factually and legally accurate;  
22 and the secretary of state may not accept for inclusion in the pamphlet any material that the secretary of  
23 state knows to be untrue. Before publication of the pamphlet, the secretary of state shall submit a draft  
24 of the pamphlet to the attorney general for review. The attorney general shall advise the secretary of state  
25 of any statements in the pamphlet known by the attorney general to be factually or legally untrue. For the  
26 purposes of this section, a statement is legally untrue if it has no basis in law. If the attorney general  
27 LEGISLATIVE SERVICES DIVISION has certified a statement to the secretary of state pursuant to 13-27-312  
28 13-27-202, the secretary of state shall publish the statement in the pamphlet in a conspicuous manner  
29 next to the ballot measure to which it pertains.

30 (4) The voter information pamphlet may not contain photographs, material of an advertising

1 nature, or material not required by this chapter.

2 (5) The voter information pamphlet must also contain the following notice: "The publication in the  
3 pamphlet of the text of a ballot measure or the arguments for or against a ballot measure do not constitute  
4 an endorsement of that ballot measure or argument by the state of Montana."

5 ~~(3)~~(6) Whenever more than one ballot issue is to be voted on at a single election, the secretary  
6 of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the  
7 information in the order ~~which~~ that seems most appropriate, but the information for all issues in the  
8 pamphlet must be presented in the same order and must be uniform in appearance.

9 ~~(4)~~(7) The secretary of state may prescribe by rule the format and manner of submission of the  
10 arguments concerning the ballot issue."  
11

11

12 **Section 15.** Section 13-27-403, MCA, is amended to read:

13 **"13-27-403. Appointment to committee.** (1) Except as provided in subsection (2), appointments  
14 to committees advocating approval or rejection of an act referred to the people, a constitutional  
15 amendment proposed by the legislature, or a ballot measure referred to the people by referendum petition  
16 or proposed by any type of initiative petition must be made no later than ~~1 week~~ 20 days prior to the  
17 deadline for filing arguments on the ballot ~~issue~~ measure under 13-27-406.

18 (2) Appointments to committees advocating approval or rejection of a ballot measure referred to  
19 the people by referendum petition or proposed by any type of initiative petition must be made no later than  
20 1 week before the deadline for filing arguments on the ballot ~~issue~~ measure under 13-27-406. All persons  
21 responsible for appointing members to the committee shall submit to the secretary of state the names and  
22 addresses of the appointees no later than the date set by this subsection. The submission must include  
23 the written acceptance of appointment from each appointee required by ~~section~~ 13-27-402(6). If an  
24 appointment is not made by the required time, the committee members that have been appointed may fill  
25 the vacancy by unanimous written consent up until the deadline for filing the arguments.

26 (3) Within 5 days after receiving notice under subsection (2), but not later than 5 days after the  
27 deadline set for appointment of committee members, the secretary of state shall notify the appointees to  
28 a committee appointed pursuant to subsection (1) or (2) by certified mail, with return receipt requested,  
29 of the deadlines for submission of the committee's arguments."  
30

30

1           **Section 16.** Section 13-27-407, MCA, is amended to read:

2           "**13-27-407. Rebuttal arguments.** The secretary of state shall provide copies of the arguments  
3 advocating approval or rejection of a ballot issue to the members of the adversary committee no later than  
4 1 day following the filing of both the approval and rejection arguments for the issue. The committees may  
5 prepare rebuttal arguments no longer than one-half the size of the arguments under 13-27-406 that must  
6 be filed, in a black-and-white, camera-ready format, with the secretary of state no later than ~~10~~ 15 days  
7 after the deadline for filing the original arguments. The argument must consist solely of written material  
8 prepared by the committee and may not consist of pictures, clippings, or other material. The written  
9 material must be prepared in the font and type style required by the secretary of state. With the goal of  
10 achieving readability and uniformity, the secretary of state shall prescribe a commonly used font and type  
11 style. Discussion in the rebuttal argument must be confined to the subject matter raised in the argument  
12 being rebutted. The rebuttal argument must be approved and signed by a majority of the committee  
13 responsible for its preparation. Separate signed letters of approval may be submitted in the same manner  
14 as for the original arguments."

15

16           ~~NEW SECTION. Section 17. Misdemeanor to knowingly submit~~ **CIVIL PENALTY FOR SUBMISSION OF**  
17 **false statements for placement in pamphlet.** A person may not submit to the secretary of state for  
18 publication in the voter information pamphlet any statement known by that person to be factually or legally  
19 untrue. For the purposes of this section, a statement is legally untrue if it has no basis in law. A person  
20 who violates this section is ~~guilty of a misdemeanor and upon conviction shall be punished as provided by~~  
21 ~~law~~ SUBJECT TO A CIVIL PENALTY OF \$500.

22

23           ~~Section 19.~~ Section 13-27-503, MCA, is amended to read:

24           ~~"13-27-503. Determination of result of election.~~ The votes on ballot issues shall must be counted,  
25 canvassed, and returned by the regular boards of judges, clerks, and officers as votes for candidates are  
26 counted, canvassed, and returned. The abstract of votes on ballot issues shall must be prepared and  
27 returned to the secretary of state in the manner provided by 13-15-501 for abstract of votes for state  
28 officers. The board of state canvassers shall proceed within 20 days after the election at which such the  
29 ballot issues are voted upon and, at the same time as the votes for state officers are canvassed, canvass  
30 the votes given for each ballot issue. The secretary of state, as secretary of the board of state canvassers,

1 shall prepare and file in his ~~the secretary of state's~~ office a statement of the canvass, giving the number  
2 and title of each issue, ~~the number of persons voting in the election,~~ the whole number of votes cast in  
3 the state for and against each ballot issue, and the effective date of each ballot issue approved by a  
4 majority of those ~~persons voting on in the issue election or, in the case of a constitutional amendment,~~  
5 ~~a majority of those voting on the issue.~~ The secretary of state shall transmit a certified copy of the  
6 statement of the canvass to the governor."

7

8 NEW SECTION. Section 18. Codification instruction. (1) ~~[Section 14]~~ is intended to be codified  
9 as an integral part of Title 13, chapter 27, part 3, and the provisions of Title 13, chapter 27, part 3, apply  
10 to ~~[section 14]~~.

11 (2) ~~[Section 17]~~ is intended to be codified as an integral part of Title 13, chapter 27, part 4,  
12 and the provisions of Title 13, chapter 27, part 4, apply to ~~[section 17]~~.

13

14 NEW SECTION. Section 19. Severability. If a part of [this act] is invalid, all valid parts that are  
15 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its  
16 applications, the part remains in effect in all valid applications that are severable from the invalid  
17 applications.

18

19 NEW SECTION. Section 20. Effective dates. (1) Except as provided in subsection (2), [this act]  
20 is effective July 1, 2001.

21 (2) ~~[Sections 20, 21 19, 20 18, 19,~~ and this section] are effective on passage and approval.

22

- END -