

HOUSE BILL NO. 198

INTRODUCED BY C. LAMBERT

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LANGUAGE IN STATEMENTS OF IMPLICATION FOR BALLOT MEASURES; PROVIDING THAT STATEMENTS OF IMPLICATION MUST BE WRITTEN SO THAT A POSITIVE VOTE INDICATES SUPPORT FOR THE MEASURE AND A NEGATIVE VOTE INDICATES OPPOSITION TO THE MEASURE; AND AMENDING SECTION 13-27-312, MCA."

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

Section 1. Section 13-27-312, MCA, is amended to read:

"13-27-312. Review of petition by attorney general -- preparation of statements -- fiscal note. (1)

Upon receipt of a petition from the office of the secretary of state pursuant to 13-27-202, the attorney general shall examine the petition as to form and legal sufficiency, as provided in 13-27-202, and, if the proposed ballot issue has an effect on the ~~revenues~~ revenue, expenditures, or the fiscal liability of the state, shall order a fiscal note incorporating an estimate of the effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note and shall return it within 6 days unless the attorney general, for good cause shown, extends the time for completing the fiscal note.

(2) If the petition form is approved, the attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general shall prepare:

(a) a statement, not to exceed 100 words, explaining the purpose of the measure; and

(b) statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the measure.

(3) The attorney general shall prepare a fiscal statement of no more than 50 words if a fiscal note was prepared for the proposed ballot issue, ~~such and the~~ statement to must be used on the petition and ballot if the measure is placed on the ballot.

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

1 a positive vote indicates support for the measure and a negative vote indicates opposition to the measure.

2 (5) The statement of purpose, unless altered by a court under 13-27-316, is the petition title for the
3 measure circulated by the petition and the ballot title if the measure is placed on the ballot.

4 (6) The statements of implication must be placed beside the diagram provided for marking of the ballot
5 in a manner similar to but not limited to the following example:

6 ☐ FOR extending the right to vote to persons 18 years of age

7 ☐ AGAINST extending the right to vote to persons 18 years of age

8 (7) If the petition is rejected as to form, the attorney general shall forward the comments to the secretary
9 of state within 21 days after receipt of the petition by the attorney general. If the petition is approved as to form,
10 the attorney general shall forward the statement of purpose, the statements of implication, and the fiscal
11 statement, if applicable, to the secretary of state within 21 days after receipt of the petition by the attorney
12 general.

13 (8) If the petition is approved as to form, within 30 days of the approval, the attorney general shall
14 forward to the secretary of state the determination regarding legal sufficiency, as provided in 13-27-202."

15 - END -