

1 HOUSE BILL NO. 719

2 INTRODUCED BY A. OLSON

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS GOVERNING BALLOT
 5 MEASURES; REVISING CERTAIN DEADLINES AND TIMEFRAMES CONCERNING BALLOT MEASURES;
 6 SPECIFYING THE FORM AND CONTENT OF BALLOT ISSUE PETITIONS; REQUIRING A FISCAL IMPACT
 7 ANALYSIS OF A BALLOT MEASURE TO BE PREPARED BY THE LEGISLATIVE FISCAL ANALYST AND NOT
 8 BY THE ATTORNEY GENERAL; REQUIRING THE LEGISLATIVE FISCAL ANALYST TO PREPARE A FISCAL
 9 STATEMENT BASED UPON THE FISCAL IMPACT ANALYSIS; REQUIRING THE LEGISLATIVE SERVICES
 10 DIVISION TO PREPARE A STATEMENT OF ISSUES WITH REGARD TO REJECTED RECOMMENDATIONS
 11 CONCERNING A PROPOSED BALLOT MEASURE; PROVIDING THAT IF THE LEGISLATIVE SERVICES
 12 DIVISION PREPARES A STATEMENT OF REJECTED RECOMMENDATIONS, THE STATEMENT MUST BE
 13 PLACED ON THE PETITION SHEET AND IN THE VOTER INFORMATION PAMPHLET; REVISING
 14 PROVISIONS GOVERNING LEGAL CHALLENGES TO BALLOT MEASURES; REVISING THE CONTENT OF
 15 THE VOTER INFORMATION PAMPHLET; PROHIBITING A PERSON FROM KNOWINGLY SUBMITTING
 16 FALSE INFORMATION TO THE SECRETARY OF STATE FOR PUBLICATION IN THE VOTER INFORMATION
 17 PAMPHLET AND PROVIDING A PENALTY; AMENDING SECTIONS 13-27-104, 13-27-201, 13-27-202,
 18 13-27-204, 13-27-205, 13-27-207, 13-27-302, 13-27-310, 13-27-312, 13-27-315, 13-27-316, 13-27-401,
 19 13-27-403, 13-27-406, AND 13-27-407, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

20

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

22

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

24 **"13-27-104. Time for filing.** Unless a specific time for filing is provided in the constitution, all petitions
 25 filed with the secretary of state, certified as provided by law, must be received before 5 p.m. of the third Friday
 26 of the ~~fourth~~ sixth month prior to the election at which they are to be voted upon by the people."

27

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

29 **"13-27-201. Form of petition generally.** (1) A petition for the initiative, the referendum, or to call a
 30 constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors

1 that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition
2 void.

3 (2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be
4 fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be
5 printed the exact title of the statute or constitutional amendment proposed or the measure to be referred or a
6 statement that the petition is for the purpose of calling a constitutional convention. The title required by this
7 subsection is the attorney general's statement of purpose provided in 13-27-312(4)(a) and (6). Pursuant to
8 13-27-312(7), an abbreviation of the title, a preamble containing clauses further explaining the purpose of the
9 measure, or other language explaining the ballot measure may not be included as part of the title on a petition
10 sheet. However, if the attorney general notifies the secretary of state that the petition contains a legal deficiency
11 pursuant to 13-27-202(3) or if the petitioner rejects a recommendation of the legislative services division in the
12 review conducted pursuant to 13-27-202(1), the fact of the notification or rejection must appear on the petition
13 in the manner provided by 13-27-204 or 13-27-207. If signature lines are printed on both the front and back of
14 a petition sheet, the information required ~~above~~ in this subsection must appear on both the front and back of the
15 sheet. The complete text of the measure proposed or referred must be attached to or contained within each
16 signature sheet if sheets are circulated separately. The text of the measure must be in the bill form provided in
17 the most recent issue of the bill drafting manual furnished by the legislative services division. If sheets are
18 circulated in sections, the complete text of the measure must be attached to each section."

19

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

21 **"13-27-202. Recommendations -- approval of form required.** (1) Before submission of a sample
22 sheet to the secretary of state pursuant to subsection (3), the following requirements must be fulfilled:

23 (a) The text of the proposed measure must be submitted to the legislative services division for review.

24 (b) The legislative services division staff shall review the text for clarity, consistency, and any other
25 factors that the staff considers when drafting proposed legislation.

26 (c) Within 14 days after submission of the text, the legislative services division staff shall make to the
27 person submitting the text written recommendations for changes in the text or a statement that ~~no changes there~~
28 are no recommended changes.

29 (d) The person submitting the text shall consider the recommendations and respond in writing to the
30 legislative services division, accepting, rejecting, or modifying each of the recommended changes. If no changes

1 are recommended, ~~ne~~ a response is not required.

2 (e) If a recommendation is rejected, the legislative services division shall prepare a statement, not to
3 exceed 100 words, of issues with regard to the rejected recommendations involving the proposed measure that
4 must be printed on the petition pursuant to 13-27-312.

5 (2) The legislative services division shall furnish a copy of the correspondence provided for in
6 subsection (1) to the secretary of state, who shall make a copy of the correspondence available to any person
7 upon request.

8 (3) Before a petition may be circulated for signatures, a sample sheet containing the text of the
9 proposed measure must be submitted to the secretary of state in the form in which it will be circulated. The
10 sample petition may not be submitted to the secretary of state more than 1 year prior to the final date for filing
11 the signed petition with the county election administrator. The secretary of state shall refer a copy of the petition
12 sheet to the attorney general for approval and to the legislative fiscal analyst for preparation of a fiscal impact
13 analysis pursuant to 13-27-312(1) and a fiscal statement pursuant to 13-27-312(5). The secretary of state and
14 the attorney general shall each review the petition for sufficiency as to form and approve or reject the form of
15 the petition, stating the reasons for rejection, if any. The attorney general shall also review the petition as to its
16 legal sufficiency. If the attorney general determines that the petition is legally deficient, the attorney general shall
17 notify the secretary of state of that fact and provide a copy of the determination to the secretary of state and to
18 the petitioner within the time provided in 13-27-312~~(8)~~(10). The petition may not be given final approval by the
19 secretary of state unless the attorney general's determination is overruled pursuant to 13-27-316. As used in this
20 section, "legal sufficiency" means that the petition complies with the statutory prerequisites to submission of the
21 proposed measure to the electors and that the text of the proposed measure complies with constitutional
22 requirements governing submission of ballot measures to the electorate. Review of a petition for legal sufficiency
23 does not include consideration of the merits or application of the measure if adopted by the voters. The secretary
24 of state or the attorney general may not reject the petition solely because the text contains material not submitted
25 to the legislative services division unless the material not submitted to the legislative services division is a
26 substantive change not suggested by the legislative services division.

27 (4) (a) The secretary of state shall review the comments and statements of the attorney general and
28 the legislative fiscal analyst received pursuant to 13-27-312 and make a final decision as to the approval or
29 rejection of the petition.

30 (b) The secretary of state shall send written notice to the person who submitted the petition sheet of the

1 approval or rejection of the form of the petition within ~~28~~ 51 days after submission of the petition sheet, except
 2 that in the case of a petition for a referendum or a measure referred by the legislature, the notice must be
 3 submitted within 37 days after the submission of the petition sheet. If the petition is rejected, the notice must
 4 include reasons for rejection of the form of the petition pursuant to this section.

5 (c) If an action is filed challenging the validity of the petition, the secretary of state shall immediately
 6 notify the person who submitted the petition sheet.

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

9 (6) The secretary of state shall upon request provide the person submitting the petition with a sample
 10 petition form, including the text of the proposed measure, the statement of purpose, ~~and~~ the statements of
 11 ~~implications~~ implication, and the fiscal statement all as approved by the secretary of state and the attorney
 12 general. The petition may be circulated in the form of the sample prepared by the secretary of state. The petition
 13 may be circulated upon approval of the form of the petition by the secretary of state and the attorney general
 14 pending a final determination of its legal sufficiency."
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16 **Section 4.** Section 13-27-204, MCA, is amended to read:

17 **"13-27-204. Petition for initiative.** (1) The following is substantially the form for a petition calling for
 18 a vote to enact a law by initiative:

19 PETITION TO PLACE INITIATIVE NO. _____
 20 ON THE ELECTION BALLOT

21 (a) If 5% of the voters in each of ~~34 legislative representative districts~~ one-half of the counties sign this
 22 petition and the total number of voters signing this petition is, this measure will appear on the next general
 23 election ballot. If a majority of voters vote for this measure at that election, it will become law.

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

26 (Title

27
 28 Exact title

29
 30 of measure written pursuant to 13-27-312)

(Statement

Exact statement

of implication written pursuant to 13-27-312)

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

(d) If the petitioner has rejected recommendations made by the legislative services division, the following statement has been prepared concerning the rejected recommendations: (here insert any statement by the legislative services division to the secretary of state pursuant to 13-27-202(1)(e)).

~~(d)~~(e)

WARNING

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

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

(2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, residence address, legislative representative district number, and printed last name of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration card may not be used as the only means to disqualify the signature of that petition signer."

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

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

PETITION TO PLACE REFERENDUM NO. _____



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ON THE ELECTION BALLOT

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

(b) We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number, passed by the legislature on on the next general election ballot:

(Title

Exact title

of referendum written pursuant to 13-27-312)

(Statement

Exact statement

of implication written pursuant to 13-27-312)

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

(d)

WARNING

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

(e) Each person must sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registry card, or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, residence address, legislative representative district number, and printed last name of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as



1 shown on the signer's voter registration card may not be used as the only means to disqualify the signature
2 of that petition signer."

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

5 **"13-27-207. Petition for initiative for constitutional amendment.** (1) The following is substantially
6 the form for a petition for an initiative to amend the constitution:

7 PETITION TO PLACE CONSTITUTIONAL
8 AMENDMENT NO. ____ ON
9 THE ELECTION BALLOT

10 (a) If 10% of the voters in each of ~~40 legislative districts~~ one-half of the counties sign this petition
11 and the total number of voters signing the petition is, this constitutional amendment will appear on the
12 next general election ballot. If a majority of voters vote for this amendment at that election, it will become
13 part of the constitution.

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

16 (Title

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18 Exact title

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20 of the proposed constitutional amendment written pursuant to 13-27-312)

21 (Statement

22

23 Exact statement

24

25 of implication written pursuant to 13-27-312)

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

29 (d) If the petitioner has rejected recommendations made by the legislative services division, the
30 following statement has been prepared concerning the rejected recommendations: (here insert any



1 statement by the legislative services division to the secretary of state pursuant to 13-27-202(1)(e)).

2 ~~(d)~~(e)

3 WARNING

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

7 ~~(e)~~(f) Each person is required to sign the person's name and list the person's address or telephone
8 number in substantially the same manner as on the person's voter registration card or the signature will not
9 be counted.

10 (2) Numbered lines must follow the heading. Each numbered line must contain spaces for the
11 signature, residence address, legislative representative district number, and printed last name of the signer.
12 In place of a residence address, the signer may provide the signer's post-office address or the signer's home
13 telephone number. An address provided on a petition by the signer that differs from the signer's address as
14 shown on the signer's voter registration card may not be used as the only means to disqualify the signature
15 of that petition signer."

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

18 "**13-27-302. Certification of signatures.** ~~An~~ (1) A signed, notarized, and dated affidavit, ~~in~~
19 ~~substantially the following form,~~ must be attached to each sheet or section submitted to the county official
20 and must contain the following information printed within the text of the affidavit:

21 ~~I, (name of person who circulated this petition), swear that I circulated or assisted in circulating the~~
22 ~~petition to which this affidavit is attached, that I believe the signatures on the petition are genuine, are the~~
23 ~~signatures of the persons whose names they purport to be, and are the signatures of Montana electors who~~
24 ~~are registered at the address or have the telephone number following the person's signature, and that the~~
25 ~~signers knew the contents of the petition before signing the petition.~~

26 _____

27 _____ (Signature of petition circulator)

28 _____

29 _____ (Address of petition circulator)

30 ~~Subscribed and sworn to before me this ... day of, 20...~~



1 _____

2 Seal _____ (Person authorized to take oaths)

3 _____

4 _____ (Title or notarial information)

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

7 (b) a statement that the signature gatherer has read and understands the Montana law governing
8 the collection of signatures on a petition;

9 (c) a statement that the signature gatherer solicited the signatures on the petition to which the
10 affidavit is attached and believes that:

11 (i) the signatures on the petition are genuine in that they are of the individuals for whom they purport
12 to be;

13 (ii) the signatures are of Montana electors who are registered at the address following their
14 signature;

15 (iii) the persons signing the petition knew the content of the petition before they signed; and

16 (d) a statement as to whether the signature gatherer was paid.

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

19

20 **Section 8.** Section 13-27-310, MCA, is amended to read:

21 **"13-27-310. Transmittal of ballot forms to attorney general.** (1) The secretary of state shall
22 transmit a copy of the form in which a ballot issue proposed by petition will appear on the ballot to the
23 attorney general on the same day the completed petition is certified to the governor.

24 (2) The secretary of state shall transmit a copy of an act referred to the people or a constitutional
25 amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to
26 the attorney general and to the legislative fiscal analyst no later than 6 months before the election at which
27 the issue will be voted on by the people.

28 (3) If the ballot form is not approved by the attorney general pursuant to 13-27-313, the secretary of
29 state shall immediately submit a new ballot form to the attorney general."

30



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

2 "**13-27-312. Review of petition by legislative fiscal analyst and attorney general -- preparation**
 3 **of statements -- fiscal note statement.** (1) Upon receipt of a petition from the office of the secretary of
 4 state pursuant to 13-27-202, the ~~attorney general~~ legislative fiscal analyst shall examine the petition ~~as to~~
 5 ~~form and legal sufficiency, as provided in 13-27-202;~~ for its fiscal impact and, if the proposed ballot issue has
 6 an effect on ~~the revenues~~ revenue, expenditures, or ~~the~~ fiscal liability of the state, shall ~~order,~~ within 14 days
 7 and in cooperation with any affected agency, prepare a fiscal note incorporating an estimate of the effect
 8 impact analysis stating, as nearly as possible, the amount of the effect, the substance of which must
 9 substantially at least comply with the provisions of 5-4-205. ~~The budget director, in cooperation with the~~
 10 ~~agency or agencies affected by the petition, is responsible for preparing the fiscal note and shall return it~~
 11 ~~within 6 days unless the attorney general, for good cause shown, extends the time for completing the fiscal~~
 12 ~~note.~~ The difficulty in estimating the amount of the effect on revenue, expenditures, or fiscal liabilities is not a
 13 reason to fail to make the statement of the amount of the effect. If implementation of the measure would
 14 cause a recurring amount or range of amounts of revenue, expenditures, or fiscal liabilities, the recurring
 15 amount or range of amounts must be stated as accurately as possible.

16 (2) If the attorney general determines that the petition is deficient as to form, the attorney general
 17 shall notify the secretary of state of that fact and provide a copy of the determination to the secretary of state
 18 and to the petitioner within the time provided in subsection (9).

19 (3) If the legislative services division prepares a statement of issues with regard to rejected
 20 recommendations involving the proposed measure, the secretary of state may not approve the form of the
 21 petition pursuant to 13-27-202(4)(b) unless the statement of rejected recommendations is placed as an
 22 informational statement on the petition form in the manner provided by 13-27-204 and 13-27-207.

23 ~~(2)~~(4) If the petition form is approved, the attorney general shall endeavor to seek out parties on
 24 both sides of the issue and obtain their advice. The attorney general shall prepare:

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

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

28 ~~(3)~~(5) The ~~attorney general~~ legislative fiscal analyst shall, within 14 days of receipt of the petition
 29 from the secretary of state, prepare a draft fiscal statement of no more than 50 words if a fiscal note was
 30 prepared for the proposed ballot issue, such based upon the fiscal impact analysis prepared pursuant to

1 subsection (1) and shall forward a copy to the secretary of state. The fiscal statement to must be used on the
 2 petition and ballot if the measure is placed on the ballot.

3 ~~(4)(6)~~ The statement of purpose and the statements of implication must express the true and
 4 impartial explanation of the proposed ballot issue in plain, easily understood language and may not be
 5 arguments or written ~~so as~~ to create prejudice for or against the measure.

6 ~~(5)(7)~~ The entire statement of purpose, unless altered by a court under 13-27-316, is the only
 7 petition title for the measure circulated by the petition and the only ballot title allowed if the measure is
 8 placed on the ballot.

9 ~~(6)(8)~~ The statements of implication must be placed beside the diagram provided for marking of the
 10 ballot in a manner similar to but not limited to the following example:

11 FOR extending the right to vote to persons 18 years of age

12 AGAINST extending the right to vote to persons 18 years of age

13 ~~(7)(9)~~ If ~~the~~ a petition is rejected as to form, the attorney general shall forward the comments to the
 14 secretary of state within ~~21~~ 14 days after receipt of the petition by the attorney general. If the petition is
 15 approved as to form, the attorney general shall forward the statement of purpose; and the statements of
 16 implication; ~~and the fiscal statement, if applicable;~~ to the secretary of state within 21 days after receipt of the
 17 petition by the attorney general.

18 ~~(8)(10)~~ If the petition is approved as to form, within 30 days of the approval, the attorney general
 19 shall forward to the secretary of state the determination regarding legal sufficiency, as provided in
 20 13-27-202."

21

22 **Section 10.** Section 13-27-315, MCA, is amended to read:

23 **"13-27-315. Statements by attorney general and legislative fiscal analyst on issues referred**
 24 **by legislature.** (1) Upon receipt of a copy of a referendum and ballot form ~~under~~, as provided in
 25 13-27-310(2) for an issue proposed by the legislature, the ~~attorney general~~ legislative fiscal analyst shall
 26 ~~order prepare~~ prepare a ~~fiscal note~~ impact analysis and a fiscal statement as provided in 13-27-312(1) and (5) if the
 27 issue has an effect on the revenues, expenditures, or the fiscal liability of the state. ~~At the same time the~~
 28 ~~explanatory statement is prepared under subsection (2), the attorney general shall prepare a fiscal statement~~
 29 ~~of no more than 50 words to be forwarded to the secretary of state at the same time as the explanatory~~
 30 statement within 20 days of receipt of the referendum and ballot form.

1 (2) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of
 2 the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall
 3 forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial
 4 explanation of the purpose of the measure in plain, easily understood language. The statement may not be
 5 an argument and may not be written to create a prejudice for or against the issue. The statement prepared
 6 under this section is known as the attorney general's explanatory statement.

7 (3) If statements of the implication of a vote for or against a ballot issue have not been provided by
 8 the legislature, the attorney general shall prepare the statements. Requirements for statements of
 9 implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other
 10 ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary
 11 of state no later than the time specified for approval of the ballot form."
 12

13 **Section 11.** Section 13-27-316, MCA, is amended to read:

14 **"13-27-316. Court review of attorney general opinion or statements.** (1) If the proponents of a
 15 ballot measure believe that the statement of purpose; or the statements of implication of a vote; or prepared
 16 by the attorney general pursuant to 13-27-312(4) and (6) or the fiscal statement formulated prepared by the
 17 attorney general legislative fiscal analyst pursuant to 13-27-312(5) do not satisfy the requirements of
 18 13-27-312; or if they believe that the attorney general was incorrect in determining that the petition was
 19 legally deficient, they may, within 10 days of the secretary of state's or attorney general's determination
 20 regarding legal sufficiency provided for in 13-27-202, file an action in the district court in and for the county of
 21 Lewis and Clark challenging the adequacy of the statement of purpose, statements of implication, or fiscal
 22 statement or the attorney general's determination and requesting the court to alter the statement or modify
 23 the attorney general's determination.

24 (2) If the opponents of a ballot measure believe that the statement of purpose; or the statements of
 25 implication of a vote; or prepared by the attorney general pursuant to 13-27-312(4) and (6) or the fiscal
 26 statement formulated by the attorney general prepared by the legislative fiscal analyst pursuant to
 27 13-27-312(5) do not satisfy the requirements of 13-27-312; or if they believe that the attorney general was
 28 incorrect in determining that the petition was legally sufficient, they may, within 10 days of the date of
 29 certification to the governor that the completed petition has been officially filed, file an action in the district
 30 court in and for the county of Lewis and Clark challenging the adequacy of the statement of purpose,

1 ~~statements of implication, or fiscal statement or the attorney general's conclusion~~ and requesting the court to
2 alter the statement or overrule the attorney general's determination concerning the legal sufficiency of the
3 petition.

4 (3) (a) Notice of an action filed pursuant to subsection (1) or (2) must be served upon the secretary
5 of state, ~~and upon the attorney general, and the legislative fiscal analyst~~. The action takes precedence over
6 other cases and matters in the district court. The court shall examine the proposed measure and the
7 challenged statement or determination of the attorney general, shall provide an opportunity for a hearing for
8 a party requesting a hearing, and shall as soon as possible render a decision and certify to the secretary of
9 state a statement ~~which that~~ the court determines will meet the requirements of 13-27-312 or an opinion as
10 to the correctness of the attorney general's determination.

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

13 (4) A copy of the petition in final form must be filed in the office of the secretary of state by the
14 proponents.

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

18 **Section 12.** Section 13-27-401, MCA, is amended to read:

19 **"13-27-401. Voter information pamphlet.** (1) The secretary of state shall prepare for printing a
20 voter information pamphlet containing the following information for each ballot issue to be voted on at an
21 election, as applicable:

22 (a) ballot title, fiscal statement if applicable, and complete text of the issue;

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

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

25 (d) rebuttal arguments.

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

28 (3) If the legislative services division prepares a statement of issues with regard to rejected
29 recommendations involving the proposed measure, the secretary of state shall publish the statement in the
30 pamphlet in a conspicuous manner next to the ballot measure to which it pertains.

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

5 ~~(3)~~(5) Whenever more than one ballot issue is to be voted on at a single election, the secretary of
 6 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 pamphlet
 8 must be presented in the same order.

9 ~~(4)~~(6) The secretary of state may prescribe by rule the format and manner of submission of the
 10 arguments concerning the ballot issue."
 11

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

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

18 ~~(2)~~(1) 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 4
 20 ~~week~~ 20 days before the deadline for filing arguments on the ballot ~~issue~~ measure under 13-27-406.

21 (2) All persons responsible for appointing members to the committee shall submit to the secretary of
 22 state the names and addresses of the appointees no later than the date set by ~~this~~ subsection (1). The
 23 submission must include the written acceptance of appointment from each appointee required by ~~section~~
 24 13-27-402(6). If an appointment is not made by the required time, the committee members that have been
 25 appointed may fill 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 a
 28 committee appointed pursuant to subsection (1) or (2) by certified mail, with return receipt requested, of the
 29 deadlines for submission of the committee's arguments."
 30

1 **Section 14.** Section 13-27-406, MCA, is amended to read:

2 **"13-27-406. Limitation on length of argument -- time of filing.** An argument advocating approval
3 or rejection of a ballot issue is limited to a single side of a single 7 1/2-inch by 10-inch page and must be
4 filed, in a black-and-white, camera-ready format, with the secretary of state no later than ~~405~~ 126 days
5 before the election at which the issue will be voted on by the people. The argument must consist solely of
6 written material prepared by the committee and may not consist of pictures, clippings, or other material. The
7 written material must be prepared in the font and type style required by the secretary of state. With the goal
8 of achieving readability and uniformity, the secretary of state shall prescribe a commonly used font and type
9 style. A majority of the committee responsible for preparation shall approve and sign each argument filed.
10 Separate signed letters of approval of an argument may be filed with the secretary of state by members of a
11 committee if necessary to meet the filing deadline."

12

13 **Section 15.** Section 13-27-407, MCA, is amended to read:

14 **"13-27-407. Rebuttal arguments.** The secretary of state shall provide copies of the arguments
15 advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1
16 day following the filing of both the approval and rejection arguments for the issue. The committees may
17 prepare rebuttal arguments no longer than one-half the size of the arguments under 13-27-406 that must be
18 filed, in a black-and-white, camera-ready format, with the secretary of state no later than ~~40~~ 15 days after the
19 deadline for filing the original arguments. The argument must consist solely of written material prepared by
20 the committee and may not consist of pictures, clippings, or other material. The written material must be
21 prepared in the font and type style required by the secretary of state. With the goal of achieving readability
22 and uniformity, the secretary of state shall prescribe a commonly used font and type style. Discussion in the
23 rebuttal argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal
24 argument must be approved and signed by a majority of the committee responsible for its preparation.
25 Separate signed letters of approval may be submitted in the same manner as for the original arguments."

26

27 NEW SECTION. **Section 16. Misdemeanor to knowingly submit false statements for**
28 **placement in pamphlet.** A person may not submit to the secretary of state for publication in the voter
29 information pamphlet any statement known by that person to be factually or legally untrue. For the purposes
30 of this section, a statement is legally untrue if it has no basis in law. A person who violates this section is

1 guilty of a misdemeanor and upon conviction shall be punished as provided in 46-18-212.

2

3 NEW SECTION. **Section 17. Codification instruction.** [Section 16] is intended to be codified as
4 an integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to
5 [section 16].

6

7 NEW SECTION. **Section 18. Severability.** If a part of [this act] is invalid, all valid parts that are
8 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
9 applications, the part remains in effect in all valid applications that are severable from the invalid
10 applications.

11

12 NEW SECTION. **Section 19. Effective date.** [This act] is effective on passage and approval.

13

- END -