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Opponent of SB 447

Date 2-16-05
No. SB 447

I have spent the last 30 years as an advocate of a viable Initiative and Referendum process in Montana. I oppose SB 447.

Guiding Principals:

- (1) A law shaped by any process should fit seamlessly into the existing code.
- (2) Any legal procedure that interferes with constitutional powers will be struck down.

13-27-201 I strongly oppose the language "may not contain a preamble," A preamble is appropriate for any legislation that authorizes rulemaking. It is foolish to pass a law if its intent is lost when rules are adopted.

13-27-202 According to the Montana Constitution, the secretary of state can not reject a petition based on its content or who has evaluated it. The secretary looks at "form" so that the petition is clear, easy to understand and distributed as required by law. The attorney general provides an accurate description for the ballot and states the implications, **but the citizens decide what they will or won't sign.**

13-27-312 There is no definition for legally deficient. Specifically, does legally deficient include a consideration of the merits or application of the ballot issue?

13-27-316 This section talks about an "attorney general opinion". Without a definition, it would be safe to assume that this statement as other Attorney General Opinions, has the force of law.

13-35-207 The bill provides consequences if a citizen fails to follow these proposed changes but there is no penalty for public officials who obstruct the process or miss deadlines.

Legislators can propose any bill they like, but the legislative process usually gets rid of those that are ill-conceived. The voters also know how to vote down an unwise ballot measure.