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2-17-05  
SB 447

Amendments to Senate Bill No. 447  
1st Reading Copy

Requested by Senator Jon Ellingson

For the Senate Judiciary Committee

Prepared by Valencia Lane  
February 17, 2005 (2:41pm)

1. Page 13, line 17.

Following: "13-27-312(3)"

Insert: "and subject to 13-27-312(5)"

2. Page 13, line 17 through line 18.

Following: "implication" on line 17

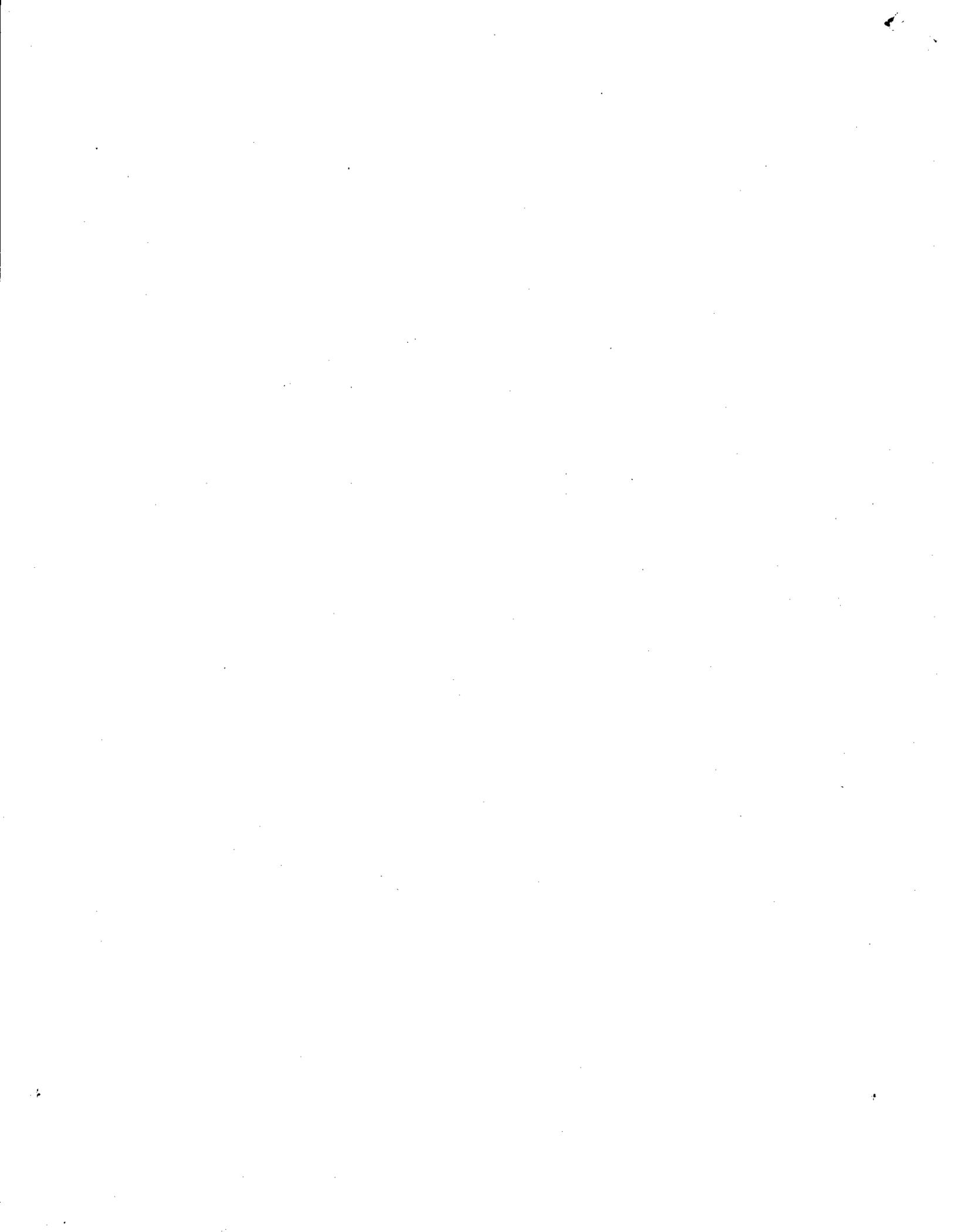
Strike: "L" on line 17 through "legislature" on line 18

3. Page 14, line 15.

Following: "notice"

Strike: "of a proposed ballot issue's rejection"

- END -



SB 447  
(SB044701.01)

ballot.

~~(6)(7)~~ The statements of implication must be written so that a positive vote indicates support for the proposed ballot issue and a negative vote indicates opposition to the proposed ballot issue and must be placed beside the diagram provided for marking of the ballot in a manner similar to but not limited to the following example:

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

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

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

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

(8) As used in this part, "legal sufficiency" means that the proposed ballot issue complies with the statutory prerequisites for submission of the proposed ballot issue to the electors and that the text of the proposed ballot issue complies with constitutional requirements governing submission of ballot issues to the electors. Review of a proposed ballot issue for legal sufficiency does not include consideration of the merits or application of the ballot issue if approved by a vote of the people."

**Section 14.** Section 13-27-315, MCA, is amended to read:

**"13-27-315. Statements by attorney general on issues referred by legislature.** (1) Upon receipt under 13-27-310 of ~~a copy of a ballot form under 13-27-310(2)~~ for an issue proposed by the legislature, the attorney general shall:

~~(a) order a fiscal note as provided in 13-27-312(4)~~ 13-27-312(4) if the issue has an effect on the ~~revenues~~ revenue, expenditures, or ~~the~~ fiscal liability of the state. ~~At the same time the explanatory statement is prepared under subsection (2), the attorney general shall and, if applicable, prepare a fiscal statement of no more than 50 words; to be forwarded to the secretary of state at the same time as the explanatory statement.~~

and subject to 13-27-312(5)  
~~(b) as provided under 13-27-312(3), prepare a statement of purpose and statements of implication, unless the statements of implication have been provided by the legislature; and~~

(c) determine if the proposed ballot issue conflicts with one or more issues that may appear on the ballot at the same election.

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

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

(2) Within 30 days after receipt of the issue proposed by the legislature, the attorney general shall forward to the secretary of state the required ballot statements and notice of whether the ballot issue conflicts with one or more issues that may appear on the ballot at the same election."

**Section 15.** Section 13-27-316, MCA, is amended to read:

**"13-27-316. ~~Court~~ Supreme court review of attorney general opinion or statements.** (1) If the proponents of a ballot ~~measure~~ issue believe that the ~~statement of purpose, the statements of implication of a vote, or the fiscal statement formulated~~ ballot statements prepared by the attorney general pursuant to 13-27-312 or 13-27-315 do not satisfy the requirements of 13-27-312; or believe that the attorney general was incorrect in determining that the petition was legally deficient, they may, within 10 days of the secretary of state's ~~or attorney general's determination regarding legal sufficiency provided for in 13-27-202,~~ file an action in the district court in and for the county of Lewis and Clark ~~challenging the adequacy of the statement or the attorney general's determination and requesting the court to alter the statement or modify the attorney general's determination~~ notice of a proposed ballot issue's rejection under 13-27-202(4), file an application for an original proceeding in the supreme court challenging the adequacy of the statement or the determination.

(2) If the opponents of a ballot ~~measure~~ issue believe that the ~~statement of purpose, the statements of implication of a vote, or the fiscal statement formulated~~ ballot statements prepared by the attorney general pursuant to 13-27-312 or 13-27-315 do not satisfy the requirements of 13-27-312; or believe that the attorney general was incorrect in determining that the petition was legally sufficient, they may, within 10 days of the ~~date of~~ secretary of state's certification to the governor that the completed petition has been officially filed under 13-27-308, file an ~~action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement or the attorney general's conclusion and requesting the court to alter the statement or overrule the attorney general's determination concerning the legal sufficiency of the petition~~ application for an original proceeding in the supreme court challenging the adequacy of the statement or the determination.

(3) (a) Notice of an application for an original proceeding brought under this section must be served upon the secretary of state and upon the attorney general. The action takes precedence over other cases and matters in the ~~district~~ supreme court. The court shall examine the proposed ~~measure~~ ballot issue and the challenged statement or ~~determination~~ legal sufficiency opinion of the attorney general and shall as soon as possible render a decision ~~and certify to the secretary of state a statement which the court determines will meet the requirements of 13-27-312 or an opinion as to the adequacy of the ballot statements and the correctness of the attorney general's determination.~~

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