

## HOUSE BILL NO. 777

INTRODUCED BY E. BUTCHER

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3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE BALLOT INITIATIVE PROCESS; PROVIDING  
5 ORIGINAL JURISDICTION BY THE STATE SUPREME COURT FOR BALLOT ISSUE QUESTIONS;  
6 REMOVING THE ROLE OF THE ATTORNEY GENERAL IN DRAFTING STATEMENTS RELATED TO  
7 PURPOSE, IMPLICATION, AND FISCAL IMPACT FOR BALLOT ISSUES; REVISING DEFINITIONS;  
8 REQUIRING THE LEGISLATIVE SERVICES DIVISION TO SUPPLY BALLOT STATEMENTS OF PURPOSE  
9 AND IMPLICATION; REQUIRING THE LEGISLATIVE FISCAL DIVISION TO SUPPLY FISCAL NOTES ON  
10 BALLOT ISSUES; REQUIRING THE ATTORNEY GENERAL TO INVESTIGATE AND PROSECUTE  
11 VIOLATIONS OF BALLOT INITIATIVE LAWS; ALLOWING PROVISIONAL PETITIONS TO BE CIRCULATED;  
12 AMENDING SECTIONS 3-2-202, 13-1-101, 13-27-103, 13-27-113, 13-27-202, 13-27-208, 13-27-302, 13-27-310,  
13 13-27-311, 13-27-312, AND 13-27-315, MCA; REPEALING SECTIONS 13-27-313 AND 13-27-316, MCA; AND  
14 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

15

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

17

18 **Section 1.** Section 3-2-202, MCA, is amended to read:

19 **"3-2-202. Original jurisdiction -- contest of ballot issue.** (1) Except as provided in subsection (3), in  
20 the exercise of its original jurisdiction, the supreme court has power to issue writs of mandamus, certiorari,  
21 prohibition, injunction, and habeas corpus.

22 (2) It also has power to issue all other writs necessary and proper to the complete exercise of its  
23 appellate jurisdiction.

24 (3) (a) Except as provided in subsection (3)(b), a contest of a ballot issue submitted by initiative or  
25 referendum may be brought ~~prior to the election only if it is filed within 30 days after the date on which the issue~~  
26 ~~was certified to the governor, as provided in 13-27-308, and only for the following causes:~~

27 ~~—— (i) violation of the law relating to qualifications for inclusion on the ballot;~~

28 ~~—— (ii) constitutional defect in the substance of a proposed ballot issue; or~~

29 ~~—— (iii) illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures only~~  
30 ~~when 10% of the signatures required pursuant to 13-27-204 through 13-27-207 have been verified by the~~

1 appropriate county officials, as provided in 13-27-303. The filing may be to contest the constitutionality or legal  
 2 sufficiency of the petition or compliance with the laws qualifying the petition for inclusion on the ballot or may be  
 3 challenges to statements of purpose or implication and fiscal notes and must be made within 10 business days  
 4 after the date the secretary of state certifies that 10% of the signatures required pursuant to 13-27-204 through  
 5 13-27-207 have been collected. The attorney general has 5 business days to respond to a complaint.

6 (b) A contest of a ballot issue based on ~~subsection (3)(a)(i) or (3)(a)(iii) may be brought at any time after~~  
 7 ~~discovery~~ allegations of illegal petition signatures or an erroneous or fraudulent count or canvass of petition  
 8 signatures must be filed within 10 days of learning of the facts giving rise to the allegations.

9 (c) Nothing in this subsection (3) limits the right to challenge a measure enacted by a vote of the people.

10 (4) The action takes precedence over other cases and matters before the supreme court. The supreme  
 11 court shall hear all matters and expedite decisions relating to any initiative issues submitted under subsection  
 12 (3)(a) or (3)(b).

13 (5) An original proceeding in the supreme court under this section is the exclusive remedy for a challenge  
 14 to ballot statements or the attorney general's legal sufficiency determination or for contests of illegal petition  
 15 signatures or an erroneous or fraudulent count or canvass of petition signatures.

16 (6) (a) In an original proceeding under subsection (3), the petitioner and the attorney general shall certify  
 17 the absence of factual issues or shall stipulate to and file any factual record necessary to the supreme court's  
 18 consideration of the ballot statements, the attorney general's determination of legal sufficiency, or a contest of  
 19 illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

20 (b) If the parties to an original proceeding under subsection (3) fail to make the certification or stipulation  
 21 required by subsection (6)(a), the supreme court shall refer the proceeding to the district court in or for the county  
 22 where the person who filed the petition text pursuant to 13-27-202 resides along with an order that addresses  
 23 the issues provided in this subsection (6).

24 (c) Any party may appeal the order of the district court to the supreme court by filing a notice of appeal  
 25 within 5 days of the date of the order of the district court."

26  
 27 **Section 2.** Section 13-1-101, MCA, is amended to read:  
 28 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following  
 29 definitions apply:

30 (1) "Active elector" means an elector who voted in the previous federal general election and whose name

1 is on the active list.

2 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

3 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that  
4 is ordinarily not given away free but is purchased.

5 (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state  
6 that is completed and signed by an elector, submitted to the election administrator, and contains voter registration  
7 information subject to verification as provided by law.

8 (5) "Ballot" means:

9 (a) a paper ballot used with a paper-based system, such as an optical scan system or other technology  
10 that automatically tabulates votes cast by processing the paper ballots; or

11 (b) a nonpaper ballot, such as a ballot used with a nonpaper-based system, such as a lever machine,  
12 a direct recording electronic machine, or other technology.

13 (6) "Candidate" means:

14 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or  
15 appointment as a candidate for public office as required by law;

16 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained  
17 contributions, made expenditures, or given consent to an individual, organization, political party, or committee  
18 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination  
19 or election to any office at any time, whether or not the office for which the individual will seek nomination or  
20 election is known when the:

21 (i) solicitation is made;

22 (ii) contribution is received and retained; or

23 (iii) expenditure is made; and

24 (c) an officeholder who is the subject of a recall election.

25 (7) (a) "Contribution" means:

26 (i) an advance, gift, loan, conveyance, deposit, payment, volunteer services of a signature gatherer, as  
27 defined in 13-27-111, or distribution of money or anything of value to influence an election;

28 (ii) a transfer of funds between political committees;

29 (iii) the payment by a person other than a candidate or political committee of compensation for the  
30 personal services of another person that are rendered to a candidate or political committee.

1 (b) "Contribution" does not mean:

2 (i) services provided without compensation by individuals volunteering a portion or all of their time on  
3 behalf of a candidate or political committee, except for volunteer signature gatherers, as defined in 13-27-111,  
4 or meals and lodging provided by individuals in their private residences for a candidate or other individual;

5 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any  
6 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

7 (iii) the cost of any communication by any membership organization or corporation to its members or  
8 stockholders or employees; or

9 (iv) filing fees paid by the candidate.

10 (8) "Election" means a general, regular, special, or primary election held pursuant to the requirements  
11 of state law, regardless of the time or purpose.

12 (9) "Election administrator" means the county clerk and recorder or the individual designated by a county  
13 governing body to be responsible for all election administration duties, except that with regard to school elections,  
14 the term means the school district clerk.

15 (10) "Elector" means an individual qualified to vote under state law.

16 (11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift  
17 of money or anything of value made for the purpose of influencing the results of an election.

18 (b) "Expenditure" does not mean:

19 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);

20 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or  
21 personal necessities for the candidate and the candidate's family;

22 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any  
23 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

24 (iv) the cost of any communication by any membership organization or corporation to its members or  
25 stockholders or employees.

26 (12) "Federal election" means a general or primary election in which an elector may vote for individuals  
27 for the office of president of the United States or for the United States congress.

28 (13) "General election" or "regular election" means an election held for the election of public officers  
29 throughout the state at times specified by law, including elections for officers of political subdivisions when the  
30 time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues

1 required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the  
2 legislature to the electors at a general election, "general election" means an election held at the time provided  
3 in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted  
4 as a constitutional initiative at a regular election, regular election means an election held at the time provided in  
5 13-1-104(1).

6 (14) "Inactive elector" means an individual who failed to vote in the preceding federal general election  
7 and whose name was placed on an inactive list pursuant to 13-2-220.

8 (15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220.

9 (16) "Individual" means a human being.

10 (17) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval  
11 or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall  
12 questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35 and  
13 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary  
14 for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes  
15 a "ballot issue" upon approval by the secretary of state of the form of the petition or referral.

16 (18) "Legally registered elector" means an individual whose application for voter registration was  
17 accepted, processed, and verified as provided by law.

18 (19) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,  
19 club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

20 (20) "Political committee" means a combination of two or more individuals or a person other than an  
21 individual who makes a contribution or expenditure:

22 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a  
23 petition for nomination; or

24 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

25 (c) as an earmarked contribution.

26 (21) "Political subdivision" means a county, consolidated municipal-county government, municipality,  
27 special district, or any other unit of government, except school districts, having authority to hold an election for  
28 officers or on a ballot issue.

29 (22) "Primary" or "primary election" means an election held throughout the state to nominate candidates  
30 for public office at times specified by law, including nominations of candidates for offices of political subdivisions

1 when the time for nominations is set on the same date for all similar subdivisions in the state.

2 (23) "Provisional ballot" means a ballot cast by an elector whose identity and eligibility to vote have not  
3 been verified as provided by law.

4 (24) "Provisionally registered elector" means an individual whose application for voter registration was  
5 accepted but whose eligibility has not yet been verified as provided by law.

6 (25) "Public office" means a state, county, municipal, school, or other district office that is filled by the  
7 people at an election.

8 (26) "Registrar" means the county election administrator and any regularly appointed deputy or assistant  
9 election administrator.

10 (27) "Special election" means an election other than a statutorily scheduled primary or general election  
11 held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled  
12 election.

13 (28) "Statewide voter registration list" means the voter registration list established and maintained  
14 pursuant to 13-2-107 and 13-2-108.

15 (29) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector  
16 to transfer the elector's registration when the elector's residence address has changed within the county.

17 (30) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in  
18 13-15-206.

19 (31) "Voting system" or "system" means any machine, device, technology, or equipment used to  
20 automatically record, tabulate, or process the vote of an elector cast on a paper or nonpaper ballot."

21

22 **Section 3.** Section 13-27-103, MCA, is amended to read:

23 **"13-27-103. Sufficiency of signature. (1)** A signature may not be counted:

24 (a) unless the elector has signed in substantially the same manner as on the voter registry card. If the  
25 elector is registered with a first and middle name, the use of an initial instead of either the first or middle name,  
26 but not both names, need not disqualify the signature.

27 (b) if the signature gatherer has been convicted of fraudulent practices under this chapter.

28 (2) Defects with respect to affidavits, notarizations, or other similar matters do not disqualify a signature  
29 if the signature can be or was properly validated by the county officials in accordance with 13-27-303.

30 (3) The signature may be counted so long as the signature, taken as a whole, bears sufficient similarity

1 to the signature on the registry card as to provide reasonable certainty of its authenticity."

2

3 **Section 4.** Section 13-27-113, MCA, is amended to read:

4 **"13-27-113. Powers and duties of commissioner -- investigation by attorney general.** (1) ~~The~~  
5 Except as provided in subsection (2), the commissioner has the same powers and duties regarding the regulation  
6 of signature gatherers, as provided in 13-27-112 and this section, as the commissioner has regarding the control  
7 of campaign practices as provided in Title 13, chapter 37, ~~including the investigation of.~~

8 (2) The attorney general shall investigate alleged violations of 13-27-103, 13-27-112, and 13-27-301  
9 through 13-27-303. and the issuance of orders of noncompliance for and prosecution of The attorney general  
10 shall, after investigation and a finding of substantial evidence of violations, prosecute any violations of 13-27-103,  
11 13-27-112, and 13-27-301 through 13-27-303.

12 ~~(2)~~(3) The commissioner may adopt rules to implement 13-27-112."

13

14 **Section 5.** Section 13-27-202, MCA, is amended to read:

15 **"13-27-202. Recommendations -- approval of form required.** (1) Before submission of a sample sheet  
16 to the secretary of state pursuant to subsection (3), the following requirements must be fulfilled:

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

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

20 (c) The legislative services division staff shall write an initiative statement of purpose and a statement  
21 of implication that conform to the most recent issue of the bill drafting manual, as provided in 13-27-312.

22 ~~(e)~~(d) (i) Within 14 days after submission of the text, the legislative services division staff shall ~~make~~  
23 submit the statement of purpose to the person submitting the text and make written recommendations for  
24 changes in the text or a statement that no changes are recommended.

25 (ii) Within 21 days after submission of the text, the legislative services division staff shall provide the  
26 statement of implication and the legislative fiscal division staff shall provide the fiscal explanation, as provided  
27 in 13-27-312, to the person submitting the text.

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

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

3 (3) (a) Before a petition may be circulated for signatures, a sample sheet containing the text of the  
4 proposed measure must be submitted to the secretary of state in the form in which it will be circulated.

5 (b) The sample petition may ~~not~~ be submitted to the secretary of state more than 1 year prior to the final  
6 date for filing the signed petition with the county election administrator.

7 (c) (i) ~~The~~ Upon receiving the copy of the petition sheet, the secretary of state shall refer a copy of the  
8 petition sheet to the attorney general for ~~approval~~ a determination of legal sufficiency, which must be made within  
9 10 business days of receiving the copy of the petition sheet. ~~The~~ In that same period, the secretary of state ~~and~~  
10 ~~attorney general~~ shall ~~each~~ review the sample petition for sufficiency as to form and approve or reject the form  
11 of the petition, stating the reasons for rejection, if any.

12 (ii) The attorney general shall ~~also~~ review the petition as to its legal sufficiency. If the attorney general  
13 determines that the petition is legally deficient, the attorney general shall notify the secretary of state of that fact  
14 and provide a copy of the determination to the secretary of state and to the petitioner ~~within the time provided in~~  
15 13-27-312(8) within the 10 business days. ~~The petition may not be given final approval by the secretary of state~~  
16 ~~unless the attorney general's determination is overruled pursuant to 13-27-316.~~ As used in this section, "legal  
17 sufficiency" means that the petition complies with the statutory prerequisites to submission of the proposed  
18 measure to the electors and that the text of the proposed measure complies with constitutional requirements  
19 governing submission of ballot measures to the electorate. Review of a petition for legal sufficiency does not  
20 include consideration of the merits or application of the measure if adopted by the voters.

21 (4) The secretary of state ~~or the attorney general~~ may not reject the petition solely because the text  
22 contains material not submitted to the legislative services division unless the material not submitted to the  
23 legislative services division is a substantive change not suggested by the legislative services division.

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

26 (b)(5) The secretary of state shall send written notice to the person who submitted the petition sheet of  
27 the approval or rejection of the form of the petition within ~~28~~ 10 business days after submission of the petition  
28 sheet.

29 (e)(6) ~~If an~~ An action is filed challenging the validity of the petition, ~~the secretary of state shall~~  
30 ~~immediately notify the person who submitted the petition sheet~~ may not be filed prior to the verification by the



1 secretary of state of 10% of the signatures required pursuant to 13-27-204 through 13-27-207.

2 ~~(5)(7)~~ A petition with technical defects in form may be approved with the condition that those defects will  
3 be corrected before the petition is circulated for signatures.

4 ~~(6)(8)~~ The secretary of state shall upon request provide the person submitting the petition with a ~~sample~~  
5 provisional petition form, including the text of the proposed measure, the statement of purpose, and the  
6 statements of implication, all as approved by the secretary of state ~~and the attorney general.~~

7 (9) (a) The petition may be circulated by a signature gatherer in the ~~form of the sample provisional~~  
8 petition form prepared by the secretary of state. The petition may be circulated by a signature gatherer upon  
9 approval of the form of the petition by the secretary of state ~~and the attorney general~~ pending a final determination  
10 of its legal sufficiency.

11 (b) When 10% of the signatures required pursuant to 13-27-204 through 13-27-207 have been verified  
12 by the appropriate county official, as provided in 13-27-303, the secretary of state shall notify the person  
13 submitting the petition and the attorney general, who shall defend challenges to the petition if the petition meets  
14 the attorney general's legal sufficiency determination or challenge the petition if it does not meet the attorney  
15 general's legal sufficiency determination.

16 (c) The person submitting the petition has 10 days from the secretary of state's notification under  
17 subsection (9)(b) to declare if the measure will appear on the ballot for the immediately upcoming general election  
18 or on the ballot for the general election following the upcoming general election.

19 (d) Signatures gathered on the provisional petition may be included in the final count.

20 (10) If no challenges to a ballot issue or to petition signatures are filed in the period provided in 3-2-202,  
21 the secretary of state may replace the provisional petition form with a final petition form. As provided in subsection  
22 (9)(d), the signatures on the provisional petition form apply to the final count on the final petition form."

23

24 **Section 6.** Section 13-27-208, MCA, is amended to read:

25 **"13-27-208. Petitions to be made available in each county election administrator's office. (1)** The  
26 ~~Upon final approval of a petition as required under 13-27-202(4),~~ the secretary of state shall forward a copy of  
27 the provisional petition form, along with signature sheets, to the election administrator of each county. After a final  
28 petition form is approved, as provided in 13-27-202(10), the secretary of state shall forward a copy of the final  
29 petition form, along with signature sheets, to the election administrator of each county.

30 (2) The election administrator shall make a copy of each ~~approved~~ petition available for reading and

1 signing in the administrator's office during business hours in an election year until the petitions are submitted  
2 under 13-27-301.

3 (3) The secretary of state may charge the person who submitted the petition a fee, which must be set and  
4 deposited in accordance with 2-15-405."

5  
6 **Section 7.** Section 13-27-302, MCA, is amended to read:

7 **"13-27-302. Certification of signatures.** (1) An affidavit, in substantially the following form, must be  
8 attached to each sheet or section submitted to the county official:

9 I, (name of person who is the signature gatherer), swear that I gathered ~~or assisted in gathering~~ the  
10 signatures on the petition to which this affidavit is attached on the stated dates, that I believe the signatures on  
11 the petition are genuine, are the signatures of the persons whose names they purport to be, and are the  
12 signatures of Montana electors who are registered at the address or have the telephone number following the  
13 person's signature, and that the signers knew the contents of the petition before signing the petition.

14 \_\_\_\_\_  
15 (date on which the first signature was gathered)

16 \_\_\_\_\_  
17 (Signature of petition signature gatherer)

18 \_\_\_\_\_  
19 (Address of petition signature gatherer)

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

21 Seal \_\_\_\_\_  
22 (Person authorized to take oaths)

23 \_\_\_\_\_  
24 (Title or notarial information)

25 (2) For the purposes of this section, the following definitions apply:

26 (a) "Address of petition signature gatherer" means a valid address that is capable of receiving certified  
27 mail delivered by the U.S. postal service.

28 (b) "Signature gatherer" has the meaning provided in 13-27-111."

29  
30 **Section 8.** Section 13-27-310, MCA, is amended to read:



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

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

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

9

10           **Section 9.** Section 13-27-311, MCA, is amended to read:

11           **"13-27-311. Publication of proposed constitutional amendments.** (1) If a proposed constitutional  
 12 amendment or amendments are submitted to the people, the secretary of state shall have the proposed  
 13 amendment or amendments published in full twice each month for 2 months previous to the election at which they  
 14 are to be voted upon by the people, in not less than one newspaper of general circulation in each county.

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

19

20           **Section 10.** Section 13-27-312, MCA, is amended to read:

21           ~~"13-27-312. Review of petition by attorney general -- preparation~~ Preparation of statements --  
 22 fiscal note. (1) ~~Upon receipt of a petition from the office of the secretary of state pursuant to 13-27-202, the~~  
 23 ~~attorney general shall examine the petition as to form and legal sufficiency, as provided in 13-27-202, and, if the~~  
 24 ~~proposed ballot issue has an effect on the revenue, expenditures, or the fiscal liability of the state, shall order a~~  
 25 ~~fiscal note incorporating an estimate of the effect, the substance of which must substantially comply with the~~  
 26 ~~provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the petition,~~  
 27 ~~is responsible for preparing the fiscal note and shall return it within 6 days unless the attorney general, for good~~  
 28 ~~cause shown, extends the time for completing the fiscal note.~~

29           ~~(2) If the petition form is approved, the attorney general~~

30           (1) In preparing the statement of purpose and the statement of implication, the legislative services

1 ~~division staff shall endeavor to seek out~~ accept comments from parties on both sides of the issue and obtain their  
 2 advice. ~~The attorney general shall prepare before preparing:~~

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

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

6 ~~(3)(2)~~ The attorney general legislative fiscal division staff shall prepare a fiscal statement of no more than  
 7 50 words if a fiscal note was prepared for the proposed ballot issue, and the statement must be used on the  
 8 petition and ballot if the measure is placed on the ballot.

9 ~~(4)(3)~~ The statement of purpose and the statements of implication must express the true and impartial  
 10 explanation of the proposed ballot issue in plain, easily understood language and may not be arguments or  
 11 written so as to create prejudice for or against the measure. Statements of implication must be written so that a  
 12 positive vote indicates support for the measure and a negative vote indicates opposition to the measure.

13 ~~(5)(4)~~ The statement of purpose, unless altered by a court under 13-27-316 court order under 3-2-202,  
 14 is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the  
 15 ballot.

16 ~~(6)(5)~~ The statements of implication must be written so that a positive vote indicates support for the issue  
 17 and a negative vote indicates opposition to the issue and must be placed beside the diagram provided for marking  
 18 of the ballot in a manner similar to but not limited to the following example:

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

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

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

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

28  
 29 **Section 11.** Section 13-27-315, MCA, is amended to read:

30 **"13-27-315. Statements by attorney general on issues referred by legislature.** (1) Upon receipt of

1 a copy of a ballot form under 13-27-310(2) for an issue proposed by the legislature, the ~~attorney general shall~~  
 2 ~~order~~ legislative fiscal division shall provide a fiscal note as provided in ~~13-27-312(1)~~ 13-27-312(2) if the issue  
 3 has an effect on the ~~revenues~~ revenue, expenditures, or ~~the~~ fiscal liability of the state. At the same time the  
 4 explanatory statement is prepared under subsection (2), the ~~attorney general~~ legislative fiscal division shall  
 5 prepare a fiscal statement of no more than 50 words to be forwarded to the secretary of state at the same time  
 6 as the explanatory statement.

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

13 (3) ~~If statements of the implication of a vote for or against a ballot issue have not been provided by the~~  
 14 ~~legislature, the attorney general shall prepare the statements.~~ Requirements for statements of implication for  
 15 ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues.  
 16 Statements of implication ~~prepared by the attorney general~~ must be returned to the secretary of state no later than  
 17 the time specified for approval of the ballot form."  
 18

19 NEW SECTION. Section 12. Repealer. Sections 13-27-313 and 13-27-316, MCA, are repealed.  
 20

21 NEW SECTION. Section 13. Severability. If a part of [this act] is invalid, all valid parts that are  
 22 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
 23 the part remains in effect in all valid applications that are severable from the invalid applications.  
 24

25 NEW SECTION. Section 14. Effective date. [This act] is effective on passage and approval.  
 26

- END -