

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SIGNATURE GATHERING FOR BALLOT ISSUE
5 PETITIONS; ALLOWING AN ELECTOR TO SIGN A PETITION FORM THAT WAS NOT MADE AVAILABLE BY
6 A SIGNATURE GATHERER IN PERSON; ALLOWING THE SIGNATURES ON PETITION FORMS NOT
7 PERSONALLY CIRCULATED TO BE SUBMITTED FOR VERIFICATION; AND AMENDING SECTIONS
8 13-27-201, 13-27-301, AND 13-27-302, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **NEW SECTION. Section 1. Signatures not gathered in person.** (1) Pursuant to 13-27-201(3), an
13 elector may sign a ballot issue petition using a petition form that is made available to the elector by a signature
14 gatherer using a means other than by circulating the petition in person.

15 (2) As provided in 13-27-302(2), a signature gatherer may submit for verification original signatures from
16 electors who signed a petition form made available under the provisions of subsection (1).

17
18 **Section 2.** Section 13-27-201, MCA, is amended to read:

19 **"13-27-201. Form of petition generally.** (1) A petition for the initiative, for the referendum, or to call a
20 constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors
21 that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition
22 void.

23 (2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be
24 fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be
25 printed the title of the statute or constitutional amendment proposed or the measure to be referred or a statement
26 that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the
27 front and back of a petition sheet, the information required above must appear on both the front and back of the
28 sheet. The complete text of the measure proposed or referred must be attached to or contained within each
29 signature sheet if sheets are circulated separately. The text of the measure must be in the bill form provided in
30 the most recent issue of the bill drafting manual furnished by the legislative services division. If sheets are

1 circulated in sections, the complete text of the measure must be attached to each section.

2 (3) ~~An internet posting of petition language~~ A petition form may be made available to an elector by means
 3 other than by a signature gatherer personally circulating the petition. The other means may include by mail,
 4 facsimile, e-mail, or internet. The petition form must substantially comply with the general provisions of this
 5 section, may have no more than two signature lines, which must include a space for the elector to date the
 6 elector's signature, and must include a statement that the petition language and format ~~may has not be been~~
 7 modified. ~~An internet posting must include an affidavit in substantially the same form as prescribed by the~~
 8 ~~secretary of state pursuant to 13-27-302."~~

9

10 **Section 3.** Section 13-27-301, MCA, is amended to read:

11 **"13-27-301. Submission of petition sheets -- withdrawal of signatures.** (1) Signed petition sheets
 12 or sections of petitions with original signatures and any petition forms signed pursuant to [section 1] must be
 13 submitted to the official responsible for registration of electors in the county in which the signatures were obtained
 14 no sooner than 9 months and no later than 4 weeks before the final date for filing the petition with the secretary
 15 of state.

16 (2) If it is impractical to submit signed sheets or sections of petitions with original signatures by the
 17 deadline provided in subsection (1), a copy or facsimile may be submitted to the proper county official by the
 18 deadline. Signed sheets or sections of petitions with original signatures must be submitted within 7 calendar days
 19 after the deadline. Failure to submit signed sheets or sections of petitions with original signatures within 7
 20 calendar days will invalidate the signed sheets or sections submitted by copy or facsimile.

21 (3) Signatures may be withdrawn from a petition for constitutional amendment, constitutional convention,
 22 initiative, or referendum up to the time of final submission of petition sheets as provided in subsection (1). The
 23 secretary of state shall prescribe the form to be used by an elector desiring to have the elector's signature
 24 withdrawn from a petition."

25

26 **Section 4.** Section 13-27-302, MCA, is amended to read:

27 **"13-27-302. Certification of signatures.** (1) An affidavit, in substantially the following form, must be
 28 attached to each petition sheet or section of a petition circulated by a signature gatherer in person and submitted
 29 to the county official:

30 I, (name of person who is the signature gatherer), swear that I gathered ~~or assisted in gathering~~ the

1 signatures on the petition to which this affidavit is attached on the stated dates, that I believe the signatures on
2 the petition are genuine, are the signatures of the persons whose names they purport to be, and are the
3 signatures of Montana electors who are registered at the address or have the telephone number following the
4 person's signature, and that the signers knew the contents of the petition before signing the petition.

5
6 (date on which the first signature was gathered)

7
8 (Signature of petition signature gatherer)

9
10 (Address of petition signature gatherer)

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

12 Seal
13 (Person authorized to take oaths)

14
15 (Title or notarial information)

16 (2) An affidavit in substantially the following form must be attached to petition forms signed pursuant to
17 [section 1] for submission to the county official:

18 I, (name of person signing the affidavit), swear that the signatures on the petitions to which this affidavit
19 is attached are genuine to the best of my knowledge and that a full copy of the petition was made available to the
20 signers.

21
22 (date on which the first signature was gathered)

23
24 (Signature of petition signature gatherer)

25
26 (Address of petition signature gatherer)

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

28 Seal
29 (Person authorized to take oaths)

30



1 (Title or notarial information)"

2

3 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an
4 integral part of Title 13, chapter 27, part 2, and the provisions of Title 13, chapter 27, part 2, apply to [section 1].

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