



AN ACT REVISING SIGNATURE REQUIREMENTS FOR RECALL PETITIONS; AND AMENDING SECTIONS 2-16-612 AND 2-16-614, MCA.

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

Section 1. Section 2-16-612, MCA, is amended to read:

"2-16-612. Persons qualified to petition -- penalty for false signatures. (1) A person who is a qualified elector of this state may sign a petition for recall of a state officer.

(2) A person who is a qualified elector of a district of the state from which a state-district officer is elected may sign a petition for recall of a state-district officer of that district or appointed by an officer or the officers of that election district.

(3) A person who is a qualified elector of a political subdivision of this state may sign a petition for recall of an officer of that political subdivision. ~~However, if a political subdivision is divided into election districts, a person must be a qualified elector in the election district to be eligible to sign a petition to recall an officer elected from that election district.~~

(4) A person signing any name other than the person's own to any petition or knowingly signing more than once for the recall or who is not at the time of the signing a qualified elector or a person who knowingly makes a false entry upon an affidavit required in connection with the filing of a petition for the recall of an officer is guilty of unsworn falsification or tampering with public records or information, as appropriate, and is punishable as provided in 45-7-203 or 45-7-208, as applicable."

Section 2. Section 2-16-614, MCA, is amended to read:

"2-16-614. Number of electors required for recall petition. (1) Recall petitions for elected or appointed state officers ~~shall~~ must contain the signatures of qualified electors equaling at least 10% of the number of persons registered to vote at the preceding state general election.

(2) A petition for the recall of a state-district officer must contain the signatures of qualified electors

equaling at least 15% of the number of persons registered to vote in the last preceding election in that district.

(3) (a) ~~Recall~~ Except as provided in subsection (3)(b), recall petitions for elected or appointed county officers ~~shall~~ must contain the signatures of qualified electors equaling at least 15% of the number of persons registered to vote at the preceding county general election.

(b) If a recall petition is for a county commissioner in a county that is divided into commissioner districts pursuant to 7-4-2102, then the petition:

(i) must contain the signatures of qualified electors equaling at least 15% of the number of persons registered to vote at the preceding county general election; and

(ii) must also contain the signatures from at least 15% of the qualified electors residing in that commissioner's commission district.

(4) Recall petitions for elected or appointed officers of municipalities or school districts ~~shall~~ must contain the signatures of qualified electors equaling at least 20% of the number of persons registered to vote at the preceding election for the municipality or school district."

- END -

I hereby certify that the within bill,
HB 0197, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 197

INTRODUCED BY EBINGER, MCCLAFFERTY, REINHART, SESSO

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