

1 HOUSE BILL NO. 310

2 INTRODUCED BY J. BLYTON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO INITIATIVES AND
5 REFERENDA; REQUIRING STATEMENTS ON PETITIONS FOR INITIATIVES AND REFERENDA AND ON THE
6 BALLOT THAT CLEARLY INDICATE THAT A "YES" VOTE SUPPORTS A BALLOT ISSUE AND THAT A "NO"
7 VOTE OPPOSES A BALLOT ISSUE; REQUIRING A SINGLE STATEMENT OF IMPLICATION AND BALLOT
8 BOX LINES; AND AMENDING SECTIONS 13-27-202, 13-27-204, 13-27-205, 13-27-206, 13-27-207, 13-27-312,
9 13-27-315, AND 13-27-501, MCA."

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

12
13 **Section 1.** Section 13-27-202, MCA, is amended to read:
14 **"13-27-202. Recommendations -- approval of form required.** (1) A proponent of a ballot issue shall
15 submit the text of the proposed issue to the secretary of state together with draft ballot statements intended to
16 comply with 13-27-312. Petitions may not be circulated for the purpose of signature gathering more than 1 year
17 prior to the final date for filing the signed petition with the county election administrator. The secretary of state
18 shall forward a copy of the text of the proposed issue and statements to the legislative services division for review.
19 (2) (a) The legislative services division staff shall review the text and statements for clarity, consistency,
20 and conformity with the most recent edition of the bill drafting manual furnished by the legislative services division,
21 the requirements of 13-27-312, and any other factors that the staff considers when drafting proposed legislation.
22 (b) Within 14 days after submission of the text and statements, the legislative services division staff shall
23 recommend in writing to the proponent revisions to the text and revisions to the statements to make them
24 consistent with any recommendations for change to the text and the requirements of 13-27-312 or state that no
25 revisions are recommended.
26 (c) The proponent shall consider the recommendations and respond in writing to the legislative services
27 division, accepting, rejecting, or modifying each of the recommended revisions. If revisions are not recommended,
28 a response is not required.
29 (3) The legislative services division shall furnish a copy of the correspondence provided for in subsection
30 (2) to the secretary of state, who shall make a copy of the correspondence available to any person upon request.

1 (4) Before a petition may be circulated for signatures, the final text of the proposed issue and ballot
 2 statements must be submitted to the secretary of state. The secretary of state shall reject the proposed issue if
 3 the text or a ballot statement contains material not submitted to the legislative services division that is a
 4 substantive change not recommended by the legislative services division. If accepted, the secretary of state shall
 5 refer a copy of the proposed issue and statements to the attorney general for a determination as to the legal
 6 sufficiency of the issue and for approval of the petitioner's ballot statements and for a determination pursuant to
 7 13-27-312 as to whether a fiscal note is necessary.

8 (5) (a) The secretary of state shall review the legal sufficiency opinion and ballot statements of the
 9 petitioner, as approved by the attorney general and received pursuant to 13-27-312.

10 (b) If the attorney general approves the proposed issue, the secretary of state shall immediately send
 11 to the person submitting the proposed issue a sample petition form, including the text of the proposed issue, the
 12 statement of purpose, ~~and the statements~~ statement of implication, and ballot box lines as prepared by the
 13 petitioner, reviewed by the legislative services division, and approved by the attorney general and in the form
 14 provided by this part. A signature gatherer may circulate the petition only in the form of the sample prepared by
 15 the secretary of state. The secretary of state shall immediately provide a copy of the sample petition form to any
 16 interested parties who have made a request to be informed of an approved petition.

17 (c) If the attorney general rejects the proposed issue, the secretary of state shall send written notice to
 18 the person who submitted the proposed issue of the rejection, including the attorney general's legal sufficiency
 19 opinion.

20 (d) If an action is filed challenging the validity of the petition, the secretary of state shall immediately
 21 notify the person who submitted the proposed issue."

22

23 **Section 2.** Section 13-27-204, MCA, is amended to read:

24 **"13-27-204. Petition for initiative.** (1) The following is substantially the form for a petition calling for a
 25 vote to enact a law by initiative:

26 PETITION TO PLACE INITIATIVE NO.....

27 ON THE ELECTION BALLOT

28 (a) If 5% of the voters in each of one-half of the counties sign this petition and the total number of voters
 29 signing this petition is, this initiative will appear on the next general election ballot. If a majority of
 30 voters vote for this initiative at that election, it will become law.

1 (b) We, the undersigned Montana voters, propose that the secretary of state place the following initiative
2 on the, 20....., general election ballot:

3 (Title of initiative written pursuant to 13-27-312)

4 (Statement of implication written pursuant to 13-27-312)

5 (Ballot box lines written pursuant to 13-27-312)

6
7 (c) Voters are urged to read the complete text of the initiative, which appears (on the reverse side of,
8 attached to, etc., as applicable) this sheet. A signature on this petition is only to put the initiative on the ballot and
9 does not necessarily mean the signer agrees with the initiative.

10 (d) WARNING

11 A person who purposefully signs a name other than the person's own to this petition, who signs more
12 than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject
13 to a \$500 fine, 6 months in jail, or both.

14 (e) Each person is required to sign the person's name and list the person's address or telephone number
15 in substantially the same manner as on the person's voter registration card or the signature will not be counted.

16 (2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature,
17 date, residence address, county of residence, and printed last name and first and middle initials of the signer. In
18 place of a residence address, the signer may provide the signer's post-office address or the signer's home
19 telephone number. An address provided on a petition by the signer that differs from the signer's address as
20 shown on the signer's voter registration card may not be used as the only means to disqualify the signature of
21 that petition signer."

22
23 **Section 3.** Section 13-27-205, MCA, is amended to read:

24 **"13-27-205. Petition for referendum.** (1) The following is substantially the form for a petition calling for
25 approval or rejection of an act of the legislature by the referendum:

PETITION TO PLACE REFERENDUM NO.....
ON THE ELECTION BALLOT

28 (a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total
29 number of voters signing the petition is, Senate (House) Bill Number will appear on the next general
30 election ballot. If a majority of voters vote for this referendum at that election it will become law.



1 (b) We, the undersigned Montana voters, propose that the secretary of state place the following Senate
2 (House) Bill Number, passed by the legislature on on the next general election ballot:

3 (Title of referendum written pursuant to 13-27-312)

4 (Statement of implication written pursuant to 13-27-312)

5 (Ballot box lines written pursuant to 13-27-312)

6
7

8 (c) Voters are urged to read the complete text of the referendum, which appears (on the reverse side
9 of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the referendum on the
10 ballot and does not necessarily mean the signer agrees with the referendum.

11 (d) WARNING

12 A person who purposefully signs a name other than the person's own to this petition, who signs more
13 than once for the same issue at one election, or signs when not a legally registered Montana voter is subject
14 to a \$500 fine, 6 months in jail, or both.

15 (e) Each person is required to sign the person's name and list the person's address or telephone
16 number in substantially the same manner as on the person's voter registration card or the signature will not
17 be counted.

18 (2) Numbered lines must follow the heading. Each numbered line must contain spaces for the
19 signature, date, residence address, legislative representative district number, and printed last name and first
20 and middle initials of the signer. In place of a residence address, the signer may provide the signer's
21 post-office address or the signer's home telephone number. An address provided on a petition by the signer
22 that differs from the signer's address as shown on the signer's voter registration card may not be used as the
23 only means to disqualify the signature of that petition signer."

24

25 **Section 4.** Section 13-27-206, MCA, is amended to read:

26 **"13-27-206. Petition for initiative for constitutional convention.** (1) The following is substantially
27 the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether
28 there will be a constitutional convention:

29 PETITION TO PLACE
30 INITIATIVE NO....., CALLING FOR



A CONSTITUTIONAL CONVENTION, ON
THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is, the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention, the legislature shall call for a constitutional convention at its next session.

(b) We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the, 20....., general election ballot:

(Title of the initiative written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(Ballot box lines written pursuant to 13-27-312)

(c) A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(d) WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine or 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must also contain spaces for the signature, residence address, legislative representative district number, and printed last name and first and middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration card may not be used as the only means to disqualify the signature of that petition signer."

Section 5. Section 13-27-207, MCA, is amended to read:



1 signer's address as shown on the signer's voter registration card may not be used as the only means to
 2 disqualify the signature of that petition signer."

3

4 **Section 6.** Section 13-27-312, MCA, is amended to read:

5 **"13-27-312. Review of proposed ballot issue and statements by attorney general --**

6 **preparation of fiscal note.** (1) Upon receipt of a proposed ballot issue and statements from the office of the
 7 secretary of state pursuant to 13-27-202, the attorney general shall examine the proposed issue for legal
 8 sufficiency as provided in this section and shall determine whether the ballot statements comply with the
 9 requirements of this section.

10 (2) The attorney general shall, in reviewing the ballot statements, endeavor to seek out parties on
 11 both sides of the issue and obtain their advice. The attorney general shall review the ballot statements to
 12 determine if they contain the following matters:

13 (a) a statement, not to exceed 100 words, explaining the purpose of the issue; ~~and~~

14 (b) ~~statements~~ a statement, not to exceed ~~25~~ 35 words ~~each~~, explaining the ~~implications of a vote for~~
 15 ~~and a vote against~~ implication of the passage of the issue; and

16 (c) ballot box lines that clearly indicate that a "YES" vote supports the issue and that a "NO" vote
 17 opposes the issue.

18 (3) If the proposed ballot issue has an effect on the revenue, expenditures, or fiscal liability of the
 19 state, the attorney general shall order a fiscal note incorporating an estimate of the effect, the substance of
 20 which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the
 21 agency or agencies affected by the ballot issue, is responsible for preparing the fiscal note and shall return it
 22 to the attorney general within 10 days. If the fiscal note indicates a fiscal impact, the attorney general shall
 23 prepare a fiscal statement of no more than 50 words, and the statement must be used on the petition and
 24 ballot if the issue is placed on the ballot.

25 (4) The ballot statements must express the true and impartial explanation of the proposed ballot
 26 issue in plain, easily understood language and may not be arguments or written so as to create prejudice for
 27 or against the issue.

28 (5) Unless altered by the court under 13-27-316, the statement of purpose is the petition title for the
 29 issue circulated by the petition and the ballot title if the issue is placed on the ballot.

30 (6) The ~~statements~~ statement of implication must be written to clearly state the implication of the

1 passage of the issue.

2 (7) The ballot box lines must be written so that a positive vote indicates support for the issue and a
3 negative vote indicates opposition to the issue and must be placed beside the diagram provided for marking
4 of the ballot in a manner similar to but not limited to the following example:

5 ~~FOR extending the right to vote to persons 18 years of age~~ YES (I support this issue)

6 ~~AGAINST extending the right to vote to persons 18 years of age~~ NO (I oppose this issue)

7 ~~(7)~~(8) The attorney general shall review the proposed ballot issue for legal sufficiency. As used in
8 this part, "legal sufficiency" means that the petition complies with statutory and constitutional requirements
9 governing submission of the proposed issue to the electors. Review of the petition for legal sufficiency does
10 not include consideration of the substantive legality of the issue if approved by the voters. The attorney
11 general shall also determine if the proposed issue conflicts with one or more issues that may appear on the
12 ballot at the same election.

13 ~~(b)~~(9) (a) Within 30 days after receipt of the proposed issue from the secretary of state, the attorney
14 general shall forward to the secretary of state an opinion as to the issue's legal sufficiency.

15 (b) If the attorney general determines that the proposed ballot issue is legally sufficient, the attorney
16 general shall also forward to the secretary of state the petitioner's ballot statements that comply with the
17 requirements of this section. If the attorney general determines in writing that a ballot statement clearly does
18 not comply with the requirements of this section, the attorney general shall prepare a statement that complies
19 with the requirements of this section, forward that statement to the secretary of state as the approved
20 statement, and provide a copy to the petitioner. The attorney general shall give the secretary of state notice of
21 whether the proposed issue conflicts with one or more issues that may appear on the ballot at the same
22 election.

23 (c) If the attorney general determines that the proposed ballot issue is not legally sufficient, the
24 secretary of state may not deliver a sample petition form unless the attorney general's opinion is overruled
25 pursuant to 13-27-316 and the attorney general has approved or prepared ballot statements under this
26 section."

27

28 **Section 7.** Section 13-27-315, MCA, is amended to read:

29 **"13-27-315. Statements by attorney general on issues referred by legislature.** Upon receipt of
30 an issue referred by the legislature from the secretary of state pursuant to 13-27-209, the attorney general

1 shall prepare and forward to the secretary of state, within 30 days, ballot statements as provided in
 2 13-27-312, except that the attorney general may not prepare ~~statements~~ the statement of implication ~~of a vote~~
 3 ~~for or against a ballot issue~~ if the ~~statements have~~ statement has been provided by the legislature."
 4

5 **Section 8.** Section 13-27-501, MCA, is amended to read:

6 **"13-27-501. Secretary of state to certify ballot form.** (1) The secretary of state shall furnish to the
 7 official of each county responsible for preparation of the ballots, at the same time as the election administrator
 8 certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of
 9 the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot.

10 (2) The secretary of state shall list for each issue:

- 11 (a) the number;
- 12 (b) the method of placement on the ballot;
- 13 (c) the title;
- 14 (d) the attorney general's explanatory statement, if applicable;
- 15 (e) the fiscal statement, if applicable;
- 16 (f) the ~~statements~~ statement of the implication of ~~a vote for or against the issue that are~~ the passage
 17 of the issue;

18 (g) the ballot box lines to be placed beside the diagram for marking the ballot; and

19 ~~(g)(h)~~ (h) a statement that the issue conflicts with one or more issues, referenced by number, that also
 20 appear on the ballot, if applicable.

21 (3) When required to do so, the secretary of state shall use for each ballot issue the title of the
 22 legislative act or legislative constitutional proposal or the title provided by the attorney general or district court.
 23 Following the number of the ballot issue, the secretary of state, when required to do so, shall include one of
 24 the following statements to identify why the issue has been placed on the ballot:

- 25 (a) an act referred by the legislature;
- 26 (b) an amendment to the constitution proposed by the legislature;
- 27 (c) an act of the legislature referred by referendum petition; or
- 28 (d) a law or constitutional amendment proposed by initiative petition."

29 - END -