

## HOUSE BILL NO. 310

INTRODUCED BY J. BLYTON, HOWARD, HENDRICK, INGRAHAM, WAGNER, LONEY, MORE,  
K. PETERSON, KNUDSEN, O'HARA, REGIER, SMALL, CLARK, Warburton, KARY, MACLAREN,  
SKEES, BLASDEL, TAYLOR, FLYNN, C. SMITH, KENNEDY, PRICE, SKATTUM, YATES, MCNUTT,  
JONES, HANSEN, BURNETT, B. BENNETT, CONNELL, HANDS, OSMUNDSON, ROSENDALE

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

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

**Section 1.** Section 13-27-202, MCA, is amended to read:

**"13-27-202. Recommendations -- approval of form required.** (1) A proponent of a ballot issue shall  
submit the text of the proposed ballot issue to the secretary of state together with draft ballot issue statements  
intended to comply with 13-27-312. Petitions may not be circulated for the purpose of signature gathering more  
than 1 year prior to the final date for filing the signed petition with the county election administrator. The secretary  
of state shall forward a copy of the text of the proposed issue and statements to the legislative services division  
for review.

(2) (a) The legislative services division staff shall review the text and statements for clarity, consistency,  
and conformity with the most recent edition of the bill drafting manual furnished by the legislative services division,  
the requirements of 13-27-312, and any other factors that the staff considers when drafting proposed legislation.

(b) Within 14 days after submission of the text and statements, the legislative services division staff shall  
recommend in writing to the proponent revisions to the text and revisions to the statements to make them  
consistent with any recommendations for change to the text and the requirements of 13-27-312 or state that no

1 revisions are recommended.

2 (c) The proponent shall consider the recommendations and respond in writing to the legislative services  
3 division, accepting, rejecting, or modifying each of the recommended revisions. If revisions are not recommended,  
4 a response is not required.

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

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

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

16 (b) If the attorney general approves the proposed issue, the secretary of state shall immediately send  
17 to the person submitting the proposed issue a sample petition form, including the text of the proposed issue, the  
18 statement of purpose and implication, and the for and against statements ~~of implication~~, as prepared by the  
19 petitioner, reviewed by the legislative services division, and approved by the attorney general and in the form  
20 provided by this part. A signature gatherer may circulate the petition only in the form of the sample prepared by  
21 the secretary of state. The secretary of state shall immediately provide a copy of the sample petition form to any  
22 interested parties who have made a request to be informed of an approved petition.

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

26 (d) If an action is filed challenging the validity of the petition, the secretary of state shall immediately  
27 notify the person who submitted the proposed issue."  
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29 **Section 2.** Section 13-27-204, MCA, is amended to read:

30 "**13-27-204. Petition for initiative.** (1) The following is substantially the form for a petition calling for a

1 vote to enact a law by initiative:

2 PETITION TO PLACE INITIATIVE NO.....

3 ON THE ELECTION BALLOT

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

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

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

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

11 (For and against statements written pursuant to 13-27-312)

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

15 (d)

16 WARNING

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

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

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

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

30 "**13-27-205. Petition for referendum.** (1) The following is substantially the form for a petition calling for



1 approval or rejection of an act of the legislature by the referendum:

2 PETITION TO PLACE REFERENDUM NO.....

3 ON THE ELECTION BALLOT

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

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

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

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

11 (For and against statements written pursuant to 13-27-312)

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

15 (d)

16 WARNING

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

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

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

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

30 "**13-27-206. Petition for initiative for constitutional convention.** (1) The following is substantially the



1 form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there  
2 will be a constitutional convention:

3 PETITION TO PLACE  
4 INITIATIVE NO....., CALLING FOR  
5 A CONSTITUTIONAL CONVENTION, ON  
6 THE ELECTION BALLOT

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

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

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

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

15 (For and against statements written pursuant to 13-27-312)

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

18 (d)

19 WARNING

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

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

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



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

**"13-27-207. Petition for initiative for constitutional amendment.** (1) The following is substantially the form for a petition for an initiative to amend the constitution:

PETITION TO PLACE CONSTITUTIONAL  
AMENDMENT NO..... ON  
THE ELECTION BALLOT

(a) If 10% of the voters in each of one-half of the counties sign this petition and the total number of voters signing the petition is ....., this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

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

(Title of the proposed constitutional amendment written pursuant to 13-27-312)  
(Statement of purpose and implication written pursuant to 13-27-312)  
(For and against statements written pursuant to 13-27-312)

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

(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, 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 contain spaces for the signature, date, residence address, county of residence, 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

1 that petition signer."

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

4 **"13-27-312. Review of proposed ballot issue and statements by attorney general -- preparation**  
 5 **of fiscal note.** (1) Upon receipt of a proposed ballot issue and statements from the office of the secretary of state  
 6 pursuant to 13-27-202, the attorney general shall examine the proposed ballot issue for legal sufficiency as  
 7 provided in this section and shall determine whether the ballot statements comply with the requirements of this  
 8 section.

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

12 (a) a statement of purpose and implication, not to exceed ~~400~~ 135 words, explaining the purpose and and  
 13 implication of the issue; and

14 (b) ~~statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against~~  
 15 the issue for and against statements in the form prescribed in subsection (6).

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

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

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

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

1           []       FOR ~~extending the right to vote to persons 18 years of age~~ (insert the type of ballot issue and  
2                           its number)

3           []       AGAINST ~~extending the right to vote to persons 18 years of age~~ (insert the type of ballot issue  
4                           and its number)

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

11           (8) (a) Within 30 days after receipt of the proposed issue from the secretary of state, the attorney general  
12 shall forward to the secretary of state an opinion as to the issue's legal sufficiency.

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

20           (c) If the attorney general determines that the proposed ballot issue is not legally sufficient, the secretary  
21 of state may not deliver a sample petition form unless the attorney general's opinion is overruled pursuant to  
22 13-27-316 and the attorney general has approved or prepared ballot statements under this section."  
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24           **Section 7.** Section 13-27-315, MCA, is amended to read:

25           "**13-27-315. Statements by attorney general on issues referred by legislature.** Upon receipt of an  
26 a ballot issue referred by the legislature from the secretary of state pursuant to 13-27-209, the attorney general  
27 shall prepare and forward to the secretary of state, within 30 days, ballot statements as provided in 13-27-312,  
28 except that the attorney general may not prepare ~~statements~~ a statement of purpose and implication of a vote  
29 for or against a ballot issue if the ~~statements have~~ statement has been provided by the legislature."  
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