

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
AND AN APPLICABILITY 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

1 consistent with any recommendations for change to the text and the requirements of 13-27-312 or state that no
2 revisions are recommended.

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

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

8 (4) Before a petition may be circulated for signatures, the final text of the proposed issue and ballot
9 statements must be submitted to the secretary of state. The secretary of state shall reject the proposed issue if
10 the text or a ballot statement contains material not submitted to the legislative services division that is a
11 substantive change not recommended by the legislative services division. If accepted, the secretary of state shall
12 refer a copy of the proposed issue and statements to the attorney general for a determination as to the legal
13 sufficiency of the issue and for approval of the petitioner's ballot statements and for a determination pursuant to
14 13-27-312 as to whether a fiscal note is necessary.

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

17 (b) If the attorney general approves the proposed issue, the secretary of state shall immediately send
18 to the person submitting the proposed issue a sample petition form, including the text of the proposed issue, the
19 statement of purpose and implication, and the ~~for and against~~ YES AND NO statements of implication, as prepared
20 by the petitioner, reviewed by the legislative services division, and approved by the attorney general and in the
21 form provided by this part. A signature gatherer may circulate the petition only in the form of the sample prepared
22 by the secretary of state. The secretary of state shall immediately provide a copy of the sample petition form to
23 any interested parties who have made a request to be informed of an approved petition.

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

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

29

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

1 disqualify the signature of that petition signer."

2

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

4 **"13-27-207. Petition for initiative for constitutional amendment.** (1) The following is substantially the
5 form for a petition for an initiative to amend the constitution:

6 PETITION TO PLACE CONSTITUTIONAL
7 AMENDMENT NO..... ON
8 THE ELECTION BALLOT

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

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

14 (Title of the proposed constitutional amendment written pursuant to 13-27-312)

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

16 (~~For and against~~ YES AND NO statements written pursuant to 13-27-312)

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

20 (d)

21 WARNING

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

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

27 (2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature,
28 date, residence address, county of residence, and printed last name and first and middle initials of the signer. In
29 place of a residence address, the signer may provide the signer's post-office address or the signer's home
30 telephone number. An address provided on a petition by the signer that differs from the signer's address as

1 shown on the signer's voter registration card may not be used as the only means to disqualify the signature of
2 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 -- preparation**
6 **of fiscal note.** (1) Upon receipt of a proposed ballot issue and statements from the office of the secretary of state
7 pursuant to 13-27-202, the attorney general shall examine the proposed ballot issue for legal sufficiency as
8 provided in this section and shall determine whether the ballot statements comply with the requirements of this
9 section.

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

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

15 (b) ~~statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against~~
16 the issue for and against YES AND NO statements in the form prescribed in subsection (6).

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

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

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

29 (6) The ~~statements of implication for and against~~ YES AND NO statements must be written so that a
30 positive vote indicates support for the issue and a negative vote indicates opposition to the issue and must be

1 for or against a ballot issue if the ~~statements have~~ statement has been provided by the legislature."

2

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

4 **"13-27-501. Secretary of state to certify ballot form.** (1) The secretary of state shall furnish to the
5 official of each county responsible for preparation of the ballots, at the same time as the election administrator
6 certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of
7 the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot.

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

9 (a) the number;

10 (b) the method of placement on the ballot;

11 (c) the title;

12 (d) the attorney general's explanatory statement, if applicable;

13 (e) the fiscal statement, if applicable;

14 (f) the ~~statements~~ statement of the purpose and implication of a vote for or against the issue that are to
15 be placed beside the diagram for marking the ballot;

16 ~~(g) the for and against YES AND NO statements;~~ and

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

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

23 (a) an act referred by the legislature;

24 (b) an amendment to the constitution proposed by the legislature;

25 (c) an act of the legislature referred by referendum petition; or

26 (d) a law or constitutional amendment proposed by initiative petition."

27

28 NEW SECTION. Section 9. Effective date. [This act] is effective on passage and approval.

29

30 NEW SECTION. SECTION 10. APPLICABILITY. [THIS ACT] APPLIES TO INITIATIVES PLACED ON THE BALLOT FOR

1 THE NOVEMBER 2012 OR SUBSEQUENT ELECTIONS AND TO REFERENDA PLACED ON THE BALLOT FOR THE NOVEMBER

2 2014 OR SUBSEQUENT ELECTIONS.

3 - END -