



HB 126 Ballot Issue Committee Deadlines
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Activity	Current Deadline	Proposed Deadline	2012 Deadline	2014 Deadline	Current Law/Section of HB 126
Signed petitions due to county election offices	4 weeks before deadline to file the petition with the SOS	No Change	June 22, 2012	June 20, 2014	13-27-301
Verified Petitions due to SOS	Third Friday of fourth month before the election	No change	July 20, 2012	July 18, 2014	13-27-104
Ballot Issue Pro and Con Committee Member Appointments	112 days before the election	105 days before the election	July 17, 2012	July 22, 2014	
Ballot Issue Pro and Con Committee Member Arguments due to SOS	105 days before the election	98 days before the election	July 24, 2012	July 29, 2014	13-27-403; Section 19, 13-27-406
Ballot Issue Pro and Con Committee Member Rebuttals due to SOS	95 days before the election	88 days before the election	August 3, 2012	August 8, 2014	
Voter Information Pamphlet must be sent to voters	30 days before the election	No Change	October 9, 2012	October 6, 2014	13-27-410
General Election	—	—	November 6, 2012	November 4, 2014	13-1-104

Exhibit No. 2
 Date 3-27-2013
 Bill No. HB 126

**Montana Secretary of State – Elections and Government Services
House Bill 126 – Ballot Issue Clean-up of Title 13**

Section	Reason
13-10-209	<p>The changes made are to reflect proposed changes to 13-27-502 regarding printing ballot issues on a separate page. Although it is the practice of the county election officials to print the ballot issues on the same page as the candidates, if that is not possible, they should not be required to request special permission from the SOS to print them on a different page.</p>
13-27-103	<p>"Registry" card is updated to "registration" card. The other amendment allows for signers to sign with either a first or middle initial or both, not just one or the other. Some people's signatures include both a first and middle initial.</p>
13-27-201	<p>The size of petition sheets is modified to 8 ½ x 11 to reflect the decline in use of legal size paper and to provide for uniformity in paper size among petitions. This has been administrative practice. A second amendment would eliminate the reference to the Legislative Services Division's bill draft manual to clarify that the version of the legal text that is found by the Attorney General to be legally sufficient is the language to be used on the petition. The bill draft manual specifies the form of a ballot issue bill, not the form of ballot issue text.</p> <p>The proposed amendments in (2) regarding the legal text clarify that although signature gatherers have to keep the full legal text of the petition attached when they circulate a petition, they do not need to keep it attached when they submit the signed petitions to the county election offices. Keeping it attached when submitting to the election office creates a lot of unnecessary extra paper for the counties to handle.</p> <p>The final amendment clarifies that the subsection is referring to Internet posting of petitions for reading and printing and is not a reference to or allowance for signing petitions electronically.</p>
13-27-202	<p>The amendments to (1) and (4) clarify that proponents have the option to submit ballot statements, but are not required to do so. If they do submit ballot statements, they have to be submitted with the text of the ballot issue. In nearly all recent examples, the AG rewrites any statements submitted, after consideration of input from both the sponsor and any known opponents.</p> <p>The second amendment to (1) removes language that is proposed to be included at the end of the section because it more logically belongs at the end of the section. It does not change the deadline, just moves the statutory language to the end of the section.</p> <p>As noted above, the amendment to (4) clarifies that proponents have the option to submit ballot statements, but are not required to do so. In nearly all instances, the AG rewrites any statements submitted, after consideration of input from both the sponsor and any known opponents.</p> <p>The amendment to the current (5)(a) is to remove the requirement that the Secretary of State review the legal sufficiency opinion of the Attorney General since the law does not specify what review is required and the Secretary of State has only a ministerial role in the process.</p> <p>The proposed language in the new (5)(a) replaces the word "immediately" with the words "without undue delay." The Secretary of State works with sponsors to ensure that a petition is formatted in a way that is acceptable to the sponsor within legal and administrative requirements. This is done without undue delay, but it is not feasible to do this "immediately" upon receipt of the ballot statements.</p> <p>The proposed language in the new (6) retains the current earliest date for circulating most ballot issue petitions (mid-June of the odd year) while clarifying that initiative referenda can be circulated earlier since per the Constitution they must meet a deadline that is about 9 months earlier than the even-year June deadline for regular initiatives. This is how this has been interpreted and administratively handled, but clarification in statute is helpful.</p>
13-27-204	<p>The first amendments clarify that the signature requirements are subject to applicable verification laws and deadlines and that pursuant to a federal court decision, the signatures are gathered based on legislative representative districts, not counties.</p> <p>The amendments regarding addresses and telephone numbers will allow for leeway regarding whether the signer provides the signer's address or telephone number. Often the signature can be verified even if the address or telephone number is omitted since signers are directed to print their name on the same row as their signature on the petition. The main purpose of the address and phone number fields is to assist the county with checking the registration status of a signer if they cannot read the signature.</p>

13-27-205	<p>The first amendment clarifies that the signature requirements are subject to applicable verification laws and deadlines.</p> <p>The several amendments with proposed language clarify what happens if the bill in question is suspended and specify that the bill being referred is the focus of the referendum. These amendments do not change the requirements; they just specify what the requirements are.</p> <p>The next several amendments clarify what happens if the bill in question is suspended and specify that the bill being referred is the focus of the referendum. Again, these amendments do not change the requirements, they just specify what the requirements are.</p> <p>The final amendment and deletion clarify that all additional format requirements are the same as specified in 13-27-204, including the Warning and all other information. 13-27-104 already lays out the Warning and other requirements, so it does not make sense to repeat the language in every subsection that refers to petition formats. When statutory changes are made, they must be made to every subsection affected; so referring to 13-27-204 means that only one section needs to be amended any time a statutory change is proposed. Please note that if this bill passes, all the interlined language from the Warning on will still be on every petition, since all of it is in 13-27-104.</p>
13-27-206	<p>The first amendments clarify that the signature requirements are subject to applicable verification laws and deadlines and that the signatures are gathered based on legislative "representative" districts, not just legislative districts.</p> <p>The final amendment and deletion clarify that all additional format requirements are the same as specified in 13-27-204, including the Warning and all other information. 13-27-104 already lays out the Warning and other requirements, so it does not make sense to repeat the language in every subsection that refers to petition formats. When statutory changes are made, they must be made to every subsection affected; so referring to 13-27-204 means that only one section needs to be amended any time a statutory change is proposed. Please note that if this bill passes, all the interlined language from the Warning on will still be on the petition, since all of it is in 13-27-104.</p>
13-27-207	<p>The first amendments clarify that the signature requirements are subject to applicable verification laws and deadlines and that pursuant to a federal court decision, the signatures are gathered based on legislative representative districts, not counties.</p> <p>The final amendment and deletion clarify that all additional format requirements are the same as specified in 13-27-204, including the Warning and all other information. 13-27-104 already lays out the Warning and other requirements, so it does not make sense to repeat the language in every subsection that refers to petition formats. When statutory changes are made, they must be made to every subsection affected; so referring to 13-27-204 means that only one section needs to be amended any time a statutory change is proposed. Please note that if this bill passes, all the interlined language from the Warning on will still be on the petition, since all of it is in 13-27-104.</p>
13-27-208	<p>This amendment clarifies that the petitions need to be available for copying as well as reading in the county election office. The deletion is to remove outdated language referring to fees.</p>
13-27-301	<p>The first amendment clarifies that petitions must be "received" by counties by a certain date, not simply be "submitted" to the counties by a certain date. The second amendment clarifies that the deadline for petitions is 5 p.m.</p> <p>The last amendment removes the option to submit petitions by facsimile because that process is cumbersome and due to the large number of sheets, faxing is not feasible for all county election offices. Also, in practice, the signature gatherers often do not follow up with the original petitions, which causes processing delays and invalidates faxed petitions.</p>
13-27-302	<p>The first amendment reflects that there is only one date of signature gathering stated on the form, not several dates. Current language is confusing to signature gatherers since it refers to "dates" of signature gathering, but there is only one date to be entered on the Affidavit. Note: the use of the word "dates" in current statute is the result of a typo.</p> <p>The second amendment clarifies that the signature referenced is the first signature on the attached petition and is not necessarily the first signature the person ever gathered for the ballot issue.</p>
13-27-303	<p>The first several amendments reflect current practice -- county election officials are directed to check each signature rather than random ones.</p> <p>The last amendments are simple clean-up.</p>
13-27-304	<p>The proposed changes remove confusing language referring to verified sheets rather than verified signatures and to "sections" of sheets. The last change reflects that even if a signer's address or telephone number is missing, the election administrator may still be able to verify the signature, since signers are directed to print their name on the same row as their signature on the petition.</p>

13-27-307	The first amendments are to clarify a process that is currently confusing and cumbersome. They allow the Secretary of State to contact the petition sponsor when there are issues with a petition, rather than trying to track down signature gatherers. The petition sponsor is then responsible for tracking down a signature gatherer and resolving any issues. Also, the amendments specify that only the signature gatherer responsible for the error can correct the error (there have been instances where sponsors have wanted any signature gatherer available to correct a correctible error). The last amendments remove an outdated process that can be addressed instead by the elector simply verifying or updating their signature with the county election office.
13-27-308	The first amendment is simply clean-up. The last amendments: 1) substitute "without undue delay" for "immediately" since it is important to be completely certain that the petition has qualified, and 2) reflect that certification to the Governor occurs when the petition has qualified for the ballot, not when it has been "officially filed."
13-27-311	The amendments are simple clean-up to reflect that per the Montana Constitution, it is the Secretary of State who arranges for publication of the constitutional amendment notices.
13-27-402	The first several proposed amendments clarify that the process for appointing members of committees arguing for and against a constitutional convention is the same as for members of other committees. The amendments in (5) clarify that initiative referendum "rejection" committee members are not appointed by the Legislature. As already noted in (4), they are appointed by the sponsor of the initiative referendum. The amendments regarding consent of committee members would explicitly allow potential members of ballot issue committees to provide email, fax, or verbal consent to serving on the committee rather than "written consent".
13-27-403	The amendments are minor clean-up to make 13-27-403 consistent with the amendments to 13-27-402.
13-27-406	The first amendments in (1) insert the 500-word limit already in rules and remove outdated language about camera-ready formats. The last amendment in (1) allows more time for arguments to be submitted. Often a ballot issue has not even qualified by the time the committee members have to be appointed to the committees. Allowing an extra week for committee members to write the arguments will increase the likelihood that members know at the time of their appointment whether a petition has qualified. It should be noted that allowing an extra week for the committees shortens the time period for preparing the Voter Information Pamphlet. The final amendments clarify the Secretary of State's responsibility for formatting the arguments and specify that fax and email committee member concurrences with the argument are permitted.
13-27-407	The first amendments remove outdated language about camera-ready formats and specify the 250-word limit that is already in rule. The last amendments specify that except as provided in the rebuttal section, all rebuttal format requirements are the same as argument format requirements.
13-27-410	The first amendments remove the requisition requirements for the Voter Information Pamphlet since that is an administrative process. The next amendment, in (2), clarifies that it is the county election officials or their designated mailing services that must receive the pamphlets at least 45 days before the election. The last amendments clarify that the intent of the postal markings is to ensure that the pamphlets are not returned.
13-27-502	Subsection (2) is eliminated because although it is the practice of the county election officials to print the ballot issues on the same page as the candidates, if that is not possible, they should not be required to request special permission from the SOS to print them on a different page.
13-27-503	The amendments are clean-up language to reflect that the State Board of Canvassers' canvass and certification of ballot issues occurs at the same time as its certification of candidate results.
New Section 24. Effective Date	This final amendment makes the bill provisions go into effect immediately. Since ballot issues are already being submitted to the Secretary of State at this time, and since signature gathering can begin in June, it makes sense to have the laws apply immediately and throughout the entire ballot issue signature gathering and submission process, instead of having the laws change October 1, in the middle of signature gathering.