

1 HOUSE BILL NO. 126

2 INTRODUCED BY P. INGRAHAM

3 BY REQUEST OF THE SECRETARY OF STATE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO BALLOT
6 ISSUES; ~~AND~~ AMENDING SECTIONS 13-10-209, 13-27-103, 13-27-201, 13-27-202, 13-27-204, 13-27-205,
7 13-27-206, 13-27-207, 13-27-208, 13-27-301, 13-27-302, 13-27-303, 13-27-304, 13-27-307, 13-27-308,
8 13-27-311, 13-27-402, 13-27-403, 13-27-406, 13-27-407, 13-27-410, 13-27-502, AND 13-27-503, MCA; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

12
13 **Section 1.** Section 13-10-209, MCA, is amended to read:

14 **"13-10-209. Arrangement and preparing of primary ballots.** (1) (a) Ballots for a primary election must
15 be arranged and prepared in the same manner and number as provided in chapter 12 for general election ballots,
16 except that there must be separate ballots for each political party entitled to participate. The name of the political
17 party must appear at the top of the separate ballot for that party and need not appear opposite each candidate's
18 name.

19 (b) Nonpartisan offices and ballot issues may be prepared on separate ballots or may appear on the
20 same ballot as partisan offices if:

21 (i) each section is clearly identified as separate;
22 (ii) the nonpartisan offices and ballot issues appear on each party's ballot; and
23 (iii) ~~with respect to ballot issues, written approval is obtained as provided in~~ ballot issues are prepared
24 in accordance with 13-27-502.

25 (2) An election administrator does not need to prepare a primary ballot for a political party if:

26 (a) the party does not have candidates for more than half of the offices to appear on the ballot; or
27 (b) no more than one candidate files for nomination by that party for any of the offices to appear on the
28 ballot.

29 (3) If, pursuant to subsection (2), in a primary election held under 13-1-107(1) a primary ballot for a
30 political party is not prepared, the secretary of state shall certify that a primary election is unnecessary for that

1 party and shall instruct the election administrator to certify the names of the candidates for that party for the
2 general election ballot only.

3 (4) The separate ballots for each party must have the same appearance. Each set of party ballots must
4 bear the same number. If prepared as a separate ballot, the nonpartisan ballot may have a different appearance
5 than the party ballots but must be numbered in the same order as the party ballots.

6 (5) If a ballot issue is to be voted on at a primary election, it may be placed on the nonpartisan ballot or
7 a separate ballot. A separate ballot may have a different appearance than the other ballots in the election but
8 must be numbered in the same order.

9 (6) Each elector must receive a set of ballots that includes the party, nonpartisan, and ballot issue
10 choices."
11

12 **Section 2.** Section 13-27-103, MCA, is amended to read:

13 **"13-27-103. Sufficiency of signature.** A signature may not be counted unless the elector has signed
14 in substantially the same manner as on the voter ~~registry~~ registration card. If the elector is registered with a first
15 and middle name, the use of an initial instead of either or both the first or middle name, ~~but not both names,~~ need
16 not disqualify the signature. The signature may be counted so long as the signature, taken as a whole, bears
17 sufficient similarity to the signature on the ~~registry~~ registration card as to provide reasonable certainty of its
18 authenticity."
19

20 **Section 3.** Section 13-27-201, MCA, is amended to read:

21 **"13-27-201. Form of petition generally.** (1) A petition for the initiative, for the referendum, or to call a
22 constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors
23 that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition
24 void.

25 (2) Petition sheets may not exceed 8 1/2 x ~~14~~ 11 inches in size. Separate sheets of a petition may be
26 fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be
27 printed the title of the statute or constitutional amendment proposed or the issue to be referred or a statement
28 that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the
29 front and back of a petition sheet, the information required above must appear on both the front and back of the
30 sheet. ~~The complete text of the issue proposed or referred must be attached to or contained within each signature~~

1 ~~sheet if sheets are circulated separately. The text of the issue must be in the bill form provided in the most recent~~
 2 ~~edition of the bill drafting manual furnished by the legislative services division. If sheets are circulated in sections,~~
 3 ~~the complete text of the issue must be attached to each section. a form determined by the attorney general to be~~
 4 ~~legally sufficient. At the time of signature gathering, the complete text of the issue proposed or referred must be~~
 5 ~~attached to or contained within each signature sheet or section if sheets or sections are circulated separately.~~
 6 ~~The text of the issue is not required to be attached to the signature sheet or section when the petition is submitted~~
 7 ~~to the county election office.~~

8 (3) An internet posting of petition language for reading and printing must include a statement that the
 9 petition language and format may not be modified. An internet posting must include an affidavit in substantially
 10 the same form as prescribed by the secretary of state pursuant to 13-27-302."

11

12 **Section 4.** Section 13-27-202, MCA, is amended to read:

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

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

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

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

30 (3) The legislative services division shall furnish a copy of the correspondence provided for in subsection

1 (2) to the secretary of state, who shall make a copy of the correspondence available to any person upon request.

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

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

11 ~~_____~~(b) If the attorney general approves the proposed issue, the secretary of state shall immediately without
12 undue delay send to the person submitting the proposed issue a sample petition form, including the text of the
13 proposed issue, the statement of purpose and implication, and the yes and no statements, as prepared by the
14 petitioner, reviewed by the legislative services division, and approved by the attorney general and in the form
15 provided by this part. A signature gatherer may circulate the petition only in the form of the sample prepared by
16 the secretary of state. The secretary of state shall immediately provide a copy of the sample petition form to any
17 interested parties who have made a request to be informed of an approved petition.

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

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

23 (6) Petitions may not be circulated for the purpose of signature gathering:

24 (a) subject to subsections (5)(a) and (6)(b), more than 1 year prior to the final date for the county election
25 administrator to receive the signed petition sheets;

26 (b) for an initiative referendum, prior to issuance of the sample petition by the secretary of state under
27 subsection (5)(a)."

28

29 **Section 5.** 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 Subject to applicable signature verification laws and deadlines, if 5% of the voters in each of
5 ~~one-half of the counties~~ 34 legislative representative districts sign this petition and the total number of voters
6 signing this petition is, this initiative will appear on the next general election ballot. If a majority of voters
7 vote for this initiative at that election, it will become law.

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

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

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

12 (Yes and no statements written pursuant to 13-27-312)

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

16 (d)

17 WARNING

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

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

25 (2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature,
26 date, residence address, ~~county of residence,~~ and printed last name and first and middle initials of the signer, and
27 legislative representative district. The signer's inclusion or exclusion of a correct or incorrect legislative
28 representative district may be used only for optional election office administrative use and may not be used to
29 disqualify a signer. In place of a residence address, the signer may provide the signer's post-office address or
30 the signer's home telephone number. An address or telephone number provided on a petition by the signer that



1 differs from the signer's address or telephone number as shown on the signer's voter registration card or that is
2 omitted may not be used as the only means to disqualify the signature of that petition signer."

3
4 **Section 6.** Section 13-27-205, MCA, is amended to read:

5 **"13-27-205. Petition for referendum.** (†) The following is substantially the form for a petition calling for
6 approval or rejection of an act of the legislature by the referendum:

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

9 (a)(1) ~~If~~ Subject to applicable signature verification laws and deadlines, if 5% of the voters in each of 34
10 legislative representative districts sign this petition and the total number of voters signing the petition is,
11 a referendum on Senate (House) Bill Number will appear on the next general election ballot. ~~If a majority~~
12 ~~of voters vote for this referendum at that election it will become law.~~ If 15% of the voters in each of 51 legislative
13 representative districts sign this petition, Senate (House) Bill Number will be suspended and will take effect
14 only if and after it is approved at the next general election. If Senate (House) Bill Number is suspended
15 and a majority of voters vote for Senate (House) Bill Number, the subject of this referendum, at that
16 election, Senate (House) Bill Number will again become law.

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

20 (Title of referendum written pursuant to 13-27-312)
21 (Statement of purpose and implication written pursuant to 13-27-312)
22 (Yes and no statements written pursuant to 13-27-312)

23 (c)(3) Voters are urged to read the complete text of Senate (House) Bill Number (the subject of
24 the referendum), which appears (on the reverse side of, attached to, etc., as applicable) this sheet. A signature
25 on this petition is only to put the referendum on Senate (House) Bill Number on the ballot and does not
26 necessarily mean the signer agrees with the referendum.

27 (d)(4) Except as provided above, all additional referendum petition format requirements are as specified
28 in 13-27-204.

29 **WARNING**

30 ~~———— A person who purposefully signs a name other than the person's own to this petition, who signs more~~



1 than once for the same issue at one election, or signs when not a legally registered Montana voter is subject to
2 a \$500 fine, 6 months in jail, or both.

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

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

11

12 **Section 7.** Section 13-27-206, MCA, is amended to read:

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

16 PETITION TO PLACE
17 INITIATIVE NO., CALLING FOR
18 A CONSTITUTIONAL CONVENTION, ON
19 THE ELECTION BALLOT

20 ~~(a)(1) † Subject to applicable signature verification laws and deadlines, if 10% of the voters in each of
21 40 legislative representative districts sign this petition and the total number of voters signing this petition is,
22 the question of whether to have a constitutional convention will appear on the next general election ballot. If a
23 majority of voters vote for the constitutional convention, the legislature shall call for a constitutional convention
24 at its next session.~~

25 ~~(b)(2) We, the undersigned Montana voters, propose that the secretary of state place the question of
26 whether to hold a constitutional convention on the, 20....., general election ballot:~~

27 (Title of the initiative written pursuant to 13-27-312)
28 (Statement of purpose and implication written pursuant to 13-27-312)
29 (Yes and no statements written pursuant to 13-27-312)

30 ~~(c)(3) A signature on this petition is only to put the call for a constitutional convention on the ballot and~~



1 does not necessarily mean the signer is in favor of calling a constitutional convention.

2 ~~(d)(4) Except as provided above, all additional constitutional convention petition format requirements are~~
3 ~~as specified in 13-27-204.~~

4 **WARNING**

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

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

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

16
17 **Section 8.** Section 13-27-207, MCA, is amended to read:

18 **"13-27-207. Petition for initiative for constitutional amendment.** ~~(4)~~ The following is substantially the
19 form for a petition for an initiative to amend the constitution:

20 **PETITION TO PLACE CONSTITUTIONAL**
21 **AMENDMENT NO..... ON**
22 **THE ELECTION BALLOT**

23 ~~(a)(1) If Subject to applicable signature verification laws and deadlines, if 10% of the voters in each of~~
24 ~~one-half of the counties 40 legislative representative districts sign this petition and the total number of voters~~
25 ~~signing the petition is, this constitutional amendment will appear on the next general election ballot.~~

26 If a majority of voters vote for this amendment at that election, it will become part of the constitution.

27 ~~(b)(2) We, the undersigned Montana voters, propose that the secretary of state place the following~~
28 ~~constitutional amendment on the, 20....., general election ballot:~~

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

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



1 (Yes and no statements written pursuant to 13-27-312)

2 ~~(c)(3)~~ Voters are urged to read the complete text of the constitutional amendment, which appears (on
3 the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the
4 constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

5 ~~(d)(4)~~ Except as provided above, all additional constitutional amendment petition format requirements
6 are as specified in 13-27-204.

7 **WARNING**

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

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

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

19

20 **Section 9.** Section 13-27-208, MCA, is amended to read:

21 **"13-27-208. Petitions to be made available in each county election administrator's office.** Upon
22 final approval of a proposed ballot issue as provided in 13-27-202, the secretary of state shall forward a copy of
23 the petition, along with signature sheets, to the election administrator of each county. The election administrator
24 shall make a copy of each approved petition available for reading and copying in the administrator's office during
25 business hours in an election year until the petitions are submitted under 13-27-301. ~~The secretary of state may~~
26 ~~charge the person who submitted the proposed ballot issue a fee, which must be set and deposited in accordance~~
27 ~~with 2-15-405."~~

28

29 **Section 10.** Section 13-27-301, MCA, is amended to read:

30 **"13-27-301. Submission of petition sheets -- withdrawal of signatures.** (1) Signed sheets or sections

1 of petitions with original signatures must be ~~submitted to~~ received by the official responsible for registration of
2 electors in the county in which the signatures were obtained no sooner than 9 months and no later than 5 p.m.
3 4 weeks before the final date for filing the petition with the secretary of state.

4 ~~(2) If it is impractical to submit signed sheets or sections of petitions with original signatures by the~~
5 ~~deadline provided in subsection (1), a copy or facsimile may be submitted to the proper county official by the~~
6 ~~deadline. Signed sheets or sections of petitions with original signatures must be submitted within 7 calendar days~~
7 ~~after the deadline. Failure to submit signed sheets or sections of petitions with original signatures within 7~~
8 ~~calendar days will invalidate the signed sheets or sections submitted by copy or facsimile.~~

9 ~~(3)(2)~~ Signatures may be withdrawn from a petition for constitutional amendment, constitutional
10 convention, initiative, or referendum up to the time of final submission of petition sheets as provided in subsection
11 (1). The secretary of state shall prescribe the form to be used by an elector desiring to have the elector's
12 signature withdrawn from a petition."

13

14 **Section 11.** Section 13-27-302, MCA, is amended to read:

15 **"13-27-302. Certification of signatures.** An affidavit, in substantially the following form, must be
16 attached to each sheet or section submitted to the county official:

17 I, (name of person who is the signature gatherer), swear that I gathered the signatures on the petition
18 to which this affidavit is attached beginning on the ~~stated date~~ date stated immediately below, that I believe the
19 signatures on the petition are genuine, are the signatures of the persons whose names they purport to be, and
20 are the signatures of Montana electors ~~who are registered at the address or have the telephone number following~~
21 ~~the person's signature~~, and that the signers knew the contents of the petition before signing the petition.

22

23 (Date on which the first attached signature was gathered)

24

25 (Signature of petition signature gatherer)

26

27 (Address of petition signature gatherer)

28 Subscribed and sworn to before me this..... day of, 20.....

29 Seal

30 (Person authorized to take oaths)



1
2 (Title or notarial information)"
3

4 **Section 12.** Section 13-27-303, MCA, is amended to read:

5 **"13-27-303. Verification of signatures by county official -- allocating voters following**
6 **reapportionment -- duplicate signatures.** (1) Except as required by 13-27-104, within 4 weeks after receiving
7 the sheets or sections of a petition, the county official shall check the names of all signers to verify they are
8 registered electors of the county. In addition, the official shall ~~randomly select~~ compare all the signatures on each
9 sheet or section ~~and compare them with~~ to the signatures of the electors as they appear in the voter registration
10 records of the office. ~~If all the randomly selected signatures appear to be genuine, the~~ The number of verified
11 signatures of registered electors on the sheet or section ~~may~~ must be certified to the secretary of state, ~~without~~
12 ~~further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all~~
13 ~~signatures on that sheet or section must be compared with the signatures in the registration records of the office.~~

14 (2) For the purpose of allocating the signatures of voters among the several legislative representative
15 districts of the state as required to certify a petition for ~~a~~ an initiative or referendum or a call of a constitutional
16 convention under the provisions of this chapter following the filing of a districting and apportionment plan under
17 5-1-111 and before the first gubernatorial election following the filing of the plan, the new districts must be used
18 with the number of signatures needed for each legislative representative district being the total votes cast for
19 governor in the last gubernatorial election divided by the number of legislative representative districts.

20 (3) Upon discovery of fraudulent signatures or duplicate signatures of an elector on any one issue, the
21 election administrator may submit the name of the elector or the ~~petition circulator~~ signature gatherer, or both,
22 to the county attorney to be investigated under the provisions of 13-27-106 and 13-35-207."
23

24 **Section 13.** Section 13-27-304, MCA, is amended to read:

25 **"13-27-304. County official to forward verified sheets signatures.** The county official verifying the
26 number of registered electors signing the petition shall forward it to the secretary of state by certified mail with
27 a certificate in substantially the following form attached:

28 To the Honorable, Secretary of State of the state of Montana:
29 I,, (title) of the County of, certify that I have
30 examined the attached (~~section containing..... sheets~~) sheet(s) or (~~..... sheets~~) of the petition for



1 (referendum, initiative, constitutional convention, or constitutional amendment) No. in the manner
 2 prescribed by law; and I believe that (number) signatures in (Legislative Representative District No.
 3 or the County of) (repeat for each district or county included in sheet or section) are valid; and I further
 4 certify that the affidavit of the ~~circulator~~ signature gatherer of the ~~(sheet)~~ ~~(section)~~ of the petition is attached, and
 5 the post-office address, residence address, or telephone number is completed for each valid signature:

6 Signed:..... (Date) (Signature)

7 Seal(Title)"

8

9 **Section 14.** Section 13-27-307, MCA, is amended to read:

10 **"13-27-307. Consideration and tabulation of signatures by secretary of state.** ~~(1)~~ The secretary of
 11 state shall consider and tabulate only the signatures on petitions that are certified by the proper county official.
 12 The secretary of state may reject any petition that does not meet statutory requirements. The secretary of state
 13 shall return a rejected petition to the proper county official or to the sponsor, as applicable. The county official
 14 shall correct the error, when applicable, or the secretary of state shall send or deliver the rejected petition to the
 15 sponsor in order for the sponsor to contact the signature gatherer to correct the error. For errors made by the
 16 signature gatherers, only the signature gatherer who made the error may correct the error. If an error is not
 17 corrected or is determined by the secretary of state to be uncorrectable, the signatures determined by the
 18 secretary of state to be affected may not be tabulated by the secretary of state. ~~The secretary of state may~~
 19 ~~consider and tabulate any signature not certified by the county official that is certified by a notary public of the~~
 20 ~~county in which the signer resides to be the genuine signature of an elector legally qualified to sign the petition.~~

21 ~~_____ (2) The official certificate of the notary public for any signature not certified as valid by the county official~~
 22 ~~must be in substantially the following form:~~

23 ~~_____ State of Montana)~~

24 ~~_____)ss.~~

25 ~~_____ County of _____)~~

26 ~~_____ I, _____ (name), a qualified and acting notary public in and for the above-named county and state,~~
 27 ~~certify that I am personally acquainted with all of the following-named electors whose signatures are affixed to~~
 28 ~~the attached (petition) (copy of a petition) and I know that they are registered electors of the state of Montana and~~
 29 ~~of the county or legislative district written after their names in the petition and that their post-office addresses are~~
 30 ~~correctly stated in the petition.~~

1 _____ (Names of electors)

2 _____ In testimony whereof, I have set my hand and official seal this _____ day of _____, 20__

3 _____ (Signature)

4 Seal _____ (Notarial information)"

5

6 **Section 15.** Section 13-27-308, MCA, is amended to read:

7 **"13-27-308. Certification of petition to governor.** When sheets or sections of a petition for referendum,
8 initiative, constitutional convention, or constitutional amendment containing a sufficient number of verified and
9 tabulated signatures have been filed with the secretary of state within the time required by the constitution or by
10 law, the secretary of state shall ~~immediately~~ without undue delay certify to the governor that the completed
11 petition has ~~been officially filed~~ qualified for the ballot."

12

13 **Section 16.** Section 13-27-311, MCA, is amended to read:

14 **"13-27-311. Publication of proposed constitutional amendments.** (1) If a constitutional amendment
15 proposed by initiative is submitted to the people, the secretary of state shall have the proposed amendment
16 published in full twice each month for 2 months prior to the election at which it is to be voted upon by the people
17 in not less than one newspaper of general circulation in each county.

18 (2) (a) For a proposed constitutional amendment referred to the voters by the legislature, the secretary
19 of state may arrange for newspaper publication or radio or television broadcast of the amendment, in each
20 county.

21 (b) The ballot statements reviewed or prepared by the attorney general for the amendment, as described
22 in 13-27-312 or 13-27-315, are sufficient for the publication allowed by this subsection (2) and should be made
23 at least twice each month for 2 months prior to the election.

24 (c) The ~~election administrator~~ secretary of state shall select the method of notification that the ~~election~~
25 ~~administrator~~ secretary of state believes is best suited to reach the largest number of potential electors."

26

27 **Section 17.** Section 13-27-402, MCA, is amended to read:

28 **"13-27-402. Committees to prepare arguments for and against ballot issues.** (1) The arguments
29 advocating approval or rejection of the ballot issue and rebuttal arguments must be submitted to the secretary
30 of state by committees appointed as provided in this section.

1 (2) The committee advocating approval of a legislative act referred to the people either by the legislature
 2 or by referendum petition, ~~or advocating approval of a constitutional amendment referred by the legislature, or~~
 3 of a call for a constitutional convention under 13-1-121 must be composed of:

4 (a) one senator known to favor the referred ballot issue, appointed by the president of the senate;
 5 (b) one representative known to favor the referred ballot issue, appointed by the speaker of the house
 6 of representatives; and

7 (c) one individual who need not be a member of the legislature, appointed by the first two members.

8 (3) (a) The committee advocating rejection of an act referred to the people by the legislature, ~~or of a~~
 9 constitutional amendment proposed by the legislature, or of a call for a constitutional convention under 13-1-121
 10 must be composed of:

11 (i) one senator appointed by the president of the senate;

12 (ii) one representative appointed by the speaker of the house of representatives; and

13 (iii) one individual who need not be a member of the legislature, appointed by the first two members.

14 (b) Whenever possible, the members must be known to have opposed the issue.

15 (4) The following must be three-member committees and must be appointed by the person submitting
 16 the ballot issue to the secretary of state under the provisions of 13-27-202:

17 (a) the committee advocating approval of a ballot issue proposed by any type of initiative petition; and

18 (b) the committee advocating rejection of any legislative act referred to the people by referendum
 19 petition.

20 (5) A committee advocating rejection of a ballot issue proposed by any type of initiative petition other
 21 than an initiative referendum must be composed of five members. The governor, attorney general, president of
 22 the senate, and speaker of the house of representatives shall each appoint one member, and the fifth member
 23 must be appointed by the first four members. If possible, members must be known to favor rejection of the issue.

24 (6) A person may not be required to serve on any committee under this section, and except for legislative
 25 appointments made by the president of the senate or by the speaker of the house of representatives, the person
 26 making an appointment must have electronic mail, facsimile, verbal, or written acceptance of appointment from
 27 the appointee. If an appointment is not made by the required time, the committee member or members that have
 28 been appointed may fill the vacancy by unanimous electronic mail, facsimile, verbal, or written consent up until
 29 the deadline for filing the arguments."
 30

1 **Section 18.** Section 13-27-403, MCA, is amended to read:

2 **"13-27-403. Appointment to committee.** (1) Except as provided in subsection (2), appointments to
3 committees advocating approval or rejection of an act referred to the people, a constitutional amendment
4 proposed by the legislature, or a ballot issue referred to the people by referendum petition or proposed by any
5 type of initiative petition must be made no later than 1 week prior to the deadline for filing arguments on the ballot
6 issue under 13-27-406.

7 (2) Appointments to committees advocating approval or rejection of a ballot issue referred to the people
8 by referendum petition or proposed by any type of initiative petition must be made no later than 1 week before
9 the deadline for filing arguments on the ballot issue under 13-27-406. All persons responsible for appointing
10 members to the committee shall submit to the secretary of state the names and ~~addresses~~ contact information
11 of the appointees no later than the date set by this subsection. ~~The submission must include the written~~
12 ~~acceptance of appointment from each appointee required by 13-27-402(6).~~ If an appointment is not made by the
13 required time, the committee member or members that have been appointed may fill the vacancy by unanimous
14 electronic mail, facsimile, verbal, or written consent up until the deadline for filing the arguments.

15 (3) Within 5 days after receiving notice under subsection (2) but not later than 5 days after the deadline
16 set for appointment of committee members, the secretary of state shall notify the appointees to a committee
17 appointed pursuant to subsection (1) or (2) by ~~certified~~ regular or electronic mail, ~~with return receipt requested,~~
18 of the deadlines for submission of the committee's arguments."

19

20 **Section 19.** Section 13-27-406, MCA, is amended to read:

21 **"13-27-406. Limitation on length of argument -- time of filing.** (1) An argument advocating approval
22 or rejection of a ballot issue is limited to 500 words ~~a single side of a single 7 1/2-inch by 10-inch page~~ and must
23 ~~be filed, in a black-and-white, camera-ready format, with~~ received by the secretary of state no later than ~~405~~ 98
24 days before the election at which the issue will be voted on by the people.

25 (2) The argument must consist solely of written material prepared by the committee and may not consist
26 of pictures, clippings, or other material. ~~The written material must be prepared in the font and type style required~~
27 ~~by the secretary of state. With the goal of achieving readability and uniformity, the secretary of state shall~~
28 ~~prescribe a commonly used font and type style.~~

29 (3) A majority of the committee members responsible for preparation shall approve and sign or send by
30 facsimile or electronic mail their agreement to each argument filed. Separate ~~signed~~ written, facsimile, or

1 electronically mailed letters of approval of an argument may be filed with the secretary of state by members of
 2 a committee if necessary to meet the filing deadline. With the goal of achieving readability and uniformity, the
 3 secretary of state shall format the arguments that are received by the secretary of state."

4

5 **Section 20.** Section 13-27-407, MCA, is amended to read:

6 "**13-27-407. Rebuttal arguments.** (1) The secretary of state shall provide copies of the arguments
 7 advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day
 8 following the filing of both the approval and rejection arguments for the issue. The committees may prepare
 9 rebuttal arguments ~~no longer than one-half the size of the arguments under 13-27-406 that~~ are limited to 250
 10 words and must be filed, ~~in a black and white, camera-ready format, with~~ received by the secretary of state no
 11 later than 10 days after the deadline for filing the original arguments. ~~The argument must consist solely of written~~
 12 ~~material prepared by the committee and may not consist of pictures, clippings, or other material. The written~~
 13 ~~material must be prepared in the font and type style required by the secretary of state. With the goal of achieving~~
 14 ~~readability and uniformity, the secretary of state shall prescribe a commonly used font and type style.~~

15 (2) Discussion in the rebuttal argument must be confined to the subject matter raised in the argument
 16 being rebutted. ~~The rebuttal argument must be approved and signed by a majority of the committee responsible~~
 17 ~~for its preparation. Separate signed letters of approval may be submitted in the same manner as for the original~~
 18 ~~arguments.~~

19 (3) Except as otherwise provided in this section, all additional rebuttal format requirements are as
 20 specified in 13-27-406."

21

22 **Section 21.** Section 13-27-410, MCA, is amended to read:

23 "**13-27-410. Printing and distribution of voter information pamphlet.** (1) ~~At least 110 days before~~
 24 ~~the election, the secretary of state shall arrange with the department of administration by requisition for the~~
 25 ~~printing and delivery of a voter information pamphlet for all ballot issues. The requisition must include a delivery~~
 26 ~~list providing for shipment of the required number of pamphlets to each county and to the secretary of state.~~

27 ~~—————~~(2) The secretary of state shall estimate the number of copies necessary to furnish one copy of the voter
 28 information pamphlet to each active voter in each county, except that two or more voters with the same mailing
 29 address and the same last name may be counted as one voter. The secretary of state shall provide for an extra
 30 supply of the pamphlets in determining the number of voter information pamphlets to be ordered ~~in the requisition.~~

1 ~~(3)~~(2) The department of administration shall call for bids and contract with the lowest bidder for the
 2 printing and delivery of the voter information pamphlet. The contract must require completion of printing and
 3 shipment, ~~as specified on the delivery list,~~ of the voter information pamphlets to county election officials or to their
 4 designees by not later than 45 days before the election at which the ballot issues will be voted on ~~by the people.~~

5 ~~(4)~~(3) The county official responsible for voter registration in each county shall mail one copy of the voter
 6 information pamphlet to each registered voter in the county who is on the active voter list, except that two or more
 7 voters with the same mailing address and the same last name may be counted as one voter. The mailing label
 8 may include an address line that addresses the voter or ~~the current resident.~~ information that is sufficient to
 9 ensure that the voter information pamphlet is not returned. The mailing must take place no later than 30 days
 10 before the election.

11 ~~(5)~~(4) Ten copies of the voter information pamphlet must be available at each precinct for use by any
 12 voter wishing to read the explanatory information and complete text before voting on the ballot issues."
 13

14 **Section 22.** Section 13-27-502, MCA, is amended to read:

15 **"13-27-502. Preparation of ballots with ballot issues.** ~~(4)~~ Each of the county officials responsible for
 16 the preparation of the ballots shall provide for the ballot issues to appear on the official ballot in the form and order
 17 in which the issues have been certified by the secretary of state.

18 ~~(2) All ballot issues must be placed on the same official ballot as the candidates unless the secretary of~~
 19 ~~state provides the election administrator with specific written approval for separate ballots. The secretary of state~~
 20 ~~may issue an approval only when the number of issues to be voted on at an election makes it impractical to print~~
 21 ~~the entire ballot, including the ballot issues, on the same official ballot as the candidates."~~

22

23 **Section 23.** Section 13-27-503, MCA, is amended to read:

24 **"13-27-503. Determination of result of election.** The votes on ballot issues must be counted,
 25 canvassed, and ~~returned by the regular boards of judges, clerks, and officers~~ certified in the same manner as
 26 votes for candidates are counted, canvassed, and ~~returned~~ certified. The abstract of votes on ballot issues must
 27 be ~~prepared and returned~~ certified to the secretary of state in the manner provided by 13-15-501 for abstract of
 28 votes for state officers. ~~The~~ At the same time as the votes for state officers are canvassed, the board of state
 29 canvassers shall proceed within 20 days after the election at which ballot issues are voted upon and, at the same
 30 time as the votes for state officers are canvassed, to canvass the votes given for each ballot issue. The secretary

1 of state, as secretary of the board of state canvassers, shall prepare and file in the secretary of state's office a
2 statement of the canvass, giving the number and title of each issue, the whole number of votes cast in the state
3 for and against each ballot issue, and the effective date of each ballot issue approved by a majority of those
4 voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the
5 governor."

6

7 NEW SECTION. SECTION 24. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

8

- END -