

HOUSE BILL NO. 484

INTRODUCED BY B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE VOTER INFORMATION PAMPHLET TO PROVIDE INFORMATION CONCERNING CERTAIN SUPREME COURT JUSTICE CANDIDATES; PROVIDING FOR COMMITTEES TO PREPARE ARGUMENTS FOR AND AGAINST RETENTION OF UNOPPOSED INCUMBENT SUPREME COURT JUSTICES; REQUIRING ARGUMENTS AND REBUTTALS TO BE SUBMITTED FOR INCLUSION IN A VOTER INFORMATION PAMPHLET; LIMITING GOVERNMENTAL LIABILITY; AND AMENDING SECTIONS 13-27-401 AND 13-27-410, MCA."

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

Section 1. Section 13-27-401, MCA, is amended to read:

"13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing information relevant to the election, including but not limited to the following information:

(a) for each ballot issue to be voted on at an election, as applicable:

~~(a)~~(i) ballot title, fiscal statement if applicable, and complete text of the issue;

~~(b)~~(ii) the form in which the issue will appear on the ballot;

~~(c)~~(iii) arguments advocating approval and rejection of the issue; and

~~(d)~~(iv) rebuttal arguments.

(b) for each incumbent who is the only candidate for reelection to the office of chief justice or supreme court justice:

(i) arguments for and against retention prepared pursuant to [section 4]; and

(ii) rebuttal arguments prepared pursuant to [section 4].

(2) The pamphlet must also contain a notice advising the recipient as to where additional copies of the pamphlet may be obtained.

(3) Whenever more than one ballot issue is to be voted on or there is more than one election involving an unopposed incumbent supreme court justice at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues and elections concerning unopposed incumbent supreme court justices. The

1 secretary of state may arrange the information in the order that seems most appropriate, but the information for
 2 all issues and elections concerning unopposed incumbent supreme court justices in the pamphlet must be
 3 presented in the same order.

4 (4) The secretary of state may prescribe by rule the format and manner of submission of the arguments
 5 concerning the ballot issue."

6

7 **Section 2.** Section 13-27-410, MCA, is amended to read:

8 **"13-27-410. Printing and distribution of voter information pamphlet.** (1) At least 110 days before
 9 the election, the secretary of state shall arrange with the department of administration by requisition for the
 10 printing and delivery of a voter information pamphlet for all ballot issues. The requisition must include a delivery
 11 list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

12 (2) The secretary of state shall estimate the number of copies necessary to furnish one copy to each
 13 voter in each county, except that two or more voters with the same mailing address and the same last name may
 14 be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining
 15 the number of voter pamphlets to be ordered in the requisition.

16 (3) The department of administration shall call for bids and contract with the lowest bidder for the printing
 17 and delivery of the voter information pamphlet. The contract must require completion of printing and shipment,
 18 as specified on the delivery list, of the voter information pamphlets by not later than 45 days before the election
 19 at which the ballot issues or election concerning an unopposed incumbent candidate for supreme court justice
 20 will be voted on by the people.

21 (4) The county official responsible for voter registration in each county shall mail one copy of the voter
 22 information pamphlet to each registered voter in the county who is on the active voter list, except that two or more
 23 voters with the same mailing address and the same last name may be counted as one voter. The mailing label
 24 may include an address line that addresses the voter or the current resident. The mailing must take place no later
 25 than 30 days before the election.

26 (5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter
 27 wishing to read the explanatory information and complete text before voting on the ballot issues or unopposed
 28 incumbent supreme court justice."

29

30 **NEW SECTION. Section 3. Committees for and against retention of supreme court justice --**

1 **appointments -- organization.** (1) The arguments for and against the retention of an incumbent seeking
2 reelection to the office of chief justice or to the office of supreme court justice when the incumbent is the only
3 candidate for that office must be submitted to the secretary of state by committees appointed as provided in
4 subsection (3) for inclusion in a voter information pamphlet.

5 (2) When an incumbent seeking reelection to the office of chief justice or supreme court justice files a
6 declaration for nomination with the secretary of state and no other candidate files for the same office, the
7 secretary of state shall notify the individuals designated to appoint members of committees provided in subsection
8 (3). Notification to the individuals making appointments must be made within 5 days of the close of filing as
9 specified in 13-14-112(4)(b).

10 (3) (a) Two committees, including one committee advocating retention and one committee opposing
11 retention, for each unopposed incumbent seeking reelection to the office of chief justice or supreme court justice
12 must be appointed as provided in this subsection (3).

13 (b) A committee advocating retention of an incumbent for the office of chief justice or supreme court
14 justice must be composed of:

- 15 (i) one senator appointed by the president of the senate known to favor retention of the candidate;
16 (ii) one representative appointed by the speaker of the house of representatives known to favor retention
17 of the candidate; and
18 (iii) one member appointed by the governor known to favor retention of the candidate.

19 (c) A committee opposing the retention of an incumbent for the office of chief justice or supreme court
20 justice must be composed of:

- 21 (i) one senator appointed by the president of the senate known to oppose retention of the candidate;
22 (ii) one representative appointed by the speaker of the house of representatives known to oppose
23 retention of the candidate; and
24 (iii) one member appointed by the governor known to oppose retention of the candidate.

25 (4) (a) An individual responsible for appointing a member to the committee shall submit to the secretary
26 of state the name and address of the appointee no later than 1 week prior to the deadline for submitting
27 arguments specified in [section 4]. The governor's submission must include the written acceptance of the
28 appointment from the governor's appointee.

29 (b) A person may not be required to serve on any committee under this section, and gubernatorial
30 appointments must have written acceptance of appointment from the appointee.

1 (c) If an appointment is not made by the required time, the committee members that have been
2 appointed may fill the vacancy by unanimous written consent up until the deadline for filing the arguments.

3 (5) Within 5 days after receiving notice by the individual responsible for appointing but not later than 5
4 days after the deadline set for appointment of committee members in subsection (4)(a), the secretary of state
5 shall notify the appointees to a committee by certified mail, with return receipt requested, of the deadlines for
6 submission of the committee's arguments.

7 (6) A committee is entitled to receive funds pursuant to the provisions of 13-27-405.

8 (7) The appointee of the president of the senate is the presiding officer of each committee.

9

10 **NEW SECTION. Section 4. Arguments for and against retaining supreme court justice.** (1) The
11 arguments advocating or opposing retention of an incumbent seeking reelection to the office of chief justice or
12 to the office of supreme court justice when the incumbent is the only candidate for that office must be submitted
13 to the secretary of state by committees appointed as provided in this section.

14 (2) (a) An argument is limited to two single sides of a 7 1/2-inch by 10-inch page and must be filed, in
15 a black-and-white, camera-ready format, with the secretary of state no later than 105 days before the general
16 election at which the incumbent's name will appear on the ballot.

17 (b) Except for the length requirement specified in subsection (2)(a), the arguments must otherwise
18 comply with the requirements for ballot issue arguments specified in 13-27-406, 13-27-408, and 13-27-409(1).

19 (3) The committees and the secretary of state are subject to the same requirements provided for ballot
20 issue rebuttal arguments as provided in 13-27-407, 13-27-408, and 13-27-409(1), except that the rebuttal
21 arguments must be one-half the size of the arguments specified in subsection (2)(a).

22 (4) Arguments and rebuttals must be printed in the voter information pamphlet as provided in 13-27-410.

23

24 **NEW SECTION. Section 5. Liability limitation.** (1) A member of a committee specified in [section 3]
25 is relieved from civil or criminal responsibility stemming solely from statements contained in an argument or
26 rebuttal prepared pursuant to [section 4] printed in the voter information pamphlet.

27 (2) If a committee member is an attorney, the attorney may not be held to violate the Montana Rules of
28 Professional Conduct based solely on the statements contained in an argument or rebuttal prepared pursuant
29 to [section 4] printed in the voter information pamphlet.

30

1 NEW SECTION. Section 6. Codification instruction. [Sections 3 through 5] are intended to be codified
2 as an integral part of Title 13, chapter 14, and the provisions of Title 13, chapter 14, apply to [sections 3 through
3 5].

4
5 NEW SECTION. Section 7. Two-thirds vote required. Because [section 5] limits governmental liability,
6 Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of
7 the legislature for passage.

8 - END -