

## 1 SENATE BILL NO. 40

2 INTRODUCED BY T. FACEY

3 BY REQUEST OF THE SECRETARY OF STATE

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE SECRETARY OF STATE TO SEND THE  
 6 GOVERNOR'S VETO MESSAGE, THE BILL TITLE, AND THE VETO OVERRIDE BALLOT AND  
 7 INSTRUCTIONS TO LEGISLATORS BY ELECTRONIC MAIL; AUTHORIZING LEGISLATORS TO RETURN THE  
 8 VETO OVERRIDE BALLOT BY ELECTRONIC MAIL; AMENDING SECTION 5-4-306, MCA; AND PROVIDING  
 9 AN IMMEDIATE EFFECTIVE DATE."

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

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 13 **Section 1.** Section 5-4-306, MCA, is amended to read:  
 14 **"5-4-306. Return when legislature not in session.** (1) If, on the day the governor desires to return a  
 15 bill without approval and with objections to the bill to the house in which it originated, that house has adjourned  
 16 for the day, but not for the session, the governor may deliver the bill with the veto message to the presiding  
 17 officer, secretary, clerk, or any member of that house. The delivery is as effectual as though returned in open  
 18 session if the governor, on the first day the house is again in session, by message, notifies it the house of the  
 19 delivery and of the time when and the person to whom the delivery was made.

20 (2) If the legislature is not in session when the governor vetoes a bill, the governor shall return the bill  
 21 with the reasons for the veto to the secretary of state. If the bill was not approved by two-thirds of the members  
 22 voting on the final vote on the bill, the secretary of state shall within 5 working days of receipt of the bill and the  
 23 veto message mail to each member of the legislature by regular mail or, if requested by the legislator, by  
 24 electronic mail a copy of the title of the bill and the veto message ~~to each member of the legislature~~. If the bill was  
 25 approved by two-thirds of the members voting on the final vote on the bill, the secretary of state shall poll the  
 26 members of the legislature. The secretary of state shall within 5 working days of receipt of the bill and the veto  
 27 message send to each legislator by certified mail ~~to each legislator~~ or, if requested by the legislator, by electronic  
 28 mail with a read receipt requested, at to an address provided by the legislator, a copy of the bill and the veto  
 29 message, a ballot, a return envelope if the information is being sent by certified mail, instructions for casting a  
 30 vote, and notice of the date by which each legislator shall return a vote. The date for return must be within 30

1 days after the date on which the bill, veto message, and voting instructions are sent. A legislator may cast and  
2 return a vote by delivering the ballot and return envelope in person or by mailing the ballot in the return envelope  
3 by regular mail, postage paid, or by sending the ballot by facsimile transmission or electronic mail to the office  
4 of the secretary of state. A legislator may not change the legislator's vote after the ballot is received by the  
5 secretary of state. The secretary of state shall tally the votes within 1 working day after the date for return of the  
6 votes. If two-thirds or more of the members of each house vote to override the veto, the bill becomes law.

7 (3) The legislature may reconvene to reconsider any bill vetoed by the governor when the legislature is  
8 not in session by using the statutory procedure provided for convening in special session."

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10 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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