

SENATE BILL NO. 93

INTRODUCED BY M. CUFFE

BY REQUEST OF THE STATE ADMINISTRATION AND VETERAN AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING BALLOT ISSUE LAWS; PROVIDING AND REVISING SUBMISSION AND PROCESSING TIMELINES FOR STATEWIDE BALLOT ISSUES; CLARIFYING SUBSTANTIVE AND PROCEDURAL PROVISIONS APPLICABLE TO BALLOT ISSUES; REORGANIZING STATUTORY PROVISIONS RELATED TO BALLOT ISSUES; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 5-5-215, 5-11-105, 7-5-132, 7-7-2224, 7-14-204, 13-27-102, 13-27-103, 13-27-105, 13-27-112, 13-27-201, 13-27-204, 13-27-205, 13-27-206, 13-27-207, 13-27-208, 13-27-209, 13-27-210, 13-27-211, 13-27-301, 13-27-303, 13-27-304, 13-27-308, 13-27-311, 13-27-316, 13-27-317, 13-27-401, 13-27-402, 13-27-403, 13-27-406, 13-27-407, 13-27-409, 13-27-410, 13-27-501, 13-27-502, 13-27-503, AND 13-27-504, MCA; REPEALING SECTIONS 13-27-111, 13-27-113, 13-27-202, 13-27-312, AND 13-27-315, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Definitions.** As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Ballot statements" means a statement of purpose and implication and a yes and no statement.

(2) "Constitutional convention initiative" means a statewide initiative to submit to the qualified electors the question of whether there must be an unlimited convention to amend the Montana constitution as authorized in Article XIV, section 2, of the Montana constitution.

(3) "Constitutional convention referendum" means a legislative act submitting the question of whether there must be an unlimited convention to revise, alter, or amend the Montana constitution to the qualified electors that is referred by the legislature as authorized in Article XIV, section 1, of the Montana constitution.

1 (4) "Constitutional initiative" means a statewide initiative to enact constitutional law as authorized
2 in Article XIV, section 9, of the Montana constitution.

3 (5) "Constitutional referendum" means a legislative act to enact constitutional law that is referred
4 by the legislature to the qualified electors for approval or rejection as authorized in Article XIV, section 8, of the
5 Montana constitution.

6 (6) "Enact" means to enact, amend, or repeal.

7 (7) "Legal sufficiency" or "legally sufficient" means that a petition complies with statutory and
8 constitutional requirements governing submission of the proposed issue to the qualified electors and the
9 substantive legality of the proposed issue if approved by the voters.

10 (8) "Legislative referendum" means a legislative act to enact statutory law that is referred by the
11 legislature to the qualified electors for approval or rejection as authorized in Article III, section 5, of the Montana
12 constitution.

13 (9) "Petition" means a petition for a statewide initiative or a statutory referendum prepared
14 pursuant to the requirements of this chapter.

15 (10) "Statewide ballot issue" means a statewide initiative or a statewide referendum.

16 (11) "Statewide initiative" means a constitutional initiative, a constitutional convention initiative, or a
17 statutory initiative.

18 (12) "Statewide referendum" means a constitutional referendum, a constitutional convention
19 referendum, a legislative referendum, or a statutory referendum.

20 (13) "Statewide referendum referred to a vote of the people by the legislature" means a
21 constitutional referendum, a constitutional convention referendum, or a legislative referendum.

22 (14) "Statutory initiative" means an initiative to enact statutory law as authorized in Article III, section
23 4, of the Montana constitution.

24 (15) "Statutory referendum" means a legislative act to enact statutory law that is referred by petition
25 to the qualified electors for approval or rejection as authorized in Article III, section 5, of the Montana
26 constitution.

27

28 NEW SECTION. Section 2. Statement of purpose and implication. (1) A statement of purpose and

1 implication expresses the true and impartial explanation of the proposal in plain, easily understood language.
2 The statement of purpose and implication may not be argumentative or written so as to create prejudice for or
3 against the issue.

4 (2) A statement of purpose and implication may not exceed 135 words.

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

8
9 **NEW SECTION. Section 3. Yes and no statement.** (1) A yes and no statement specifies that a
10 positive vote indicates support for the issue and a negative vote indicates opposition to the issue.

11 (2) The yes and no statement must be placed beside the diagram provided for marking of the
12 ballot in a manner similar to the following:

13 YES on (insert the type of ballot issue and its number)

14 NO on (insert the type of ballot issue and its number)

15 (3) The type of ballot issue and its number required by subsection (2) must be designated by the
16 secretary of state as provided in 13-27-203 after the secretary of state receives notice from the attorney general
17 that the petition has been found legally sufficient as provided in this part.

18 (4) The yes and no statement may not include additional material beyond the requirements of
19 subsection (2).

20
21 **NEW SECTION. Section 4. Submission and processing of statewide ballot issues -- REQUIRED**

22 **NONREFUNDABLE FILING FEE.** (1) A proponent of a statutory initiative shall submit the text of the proposed
23 initiative to the secretary of state in accordance with [section 5].

24 (2) A proponent of a statutory referendum shall submit the text of the proposed referendum to the
25 secretary of state in accordance with [section 6].

26 (3) A proponent of a constitutional initiative shall submit the text of the proposed initiative to the
27 secretary of state in accordance with [section 7].

28 (4) A proponent of a constitutional convention initiative shall submit the text of the proposed

1 initiative to the secretary of state in accordance with [section 8].

2 (5) A constitutional referendum, a constitutional convention referendum, or a legislative
3 referendum passed by the legislature must be processed in accordance with [section 9].

4 (6) (A) A PROPONENT OF A STATUTORY INITIATIVE, A STATUTORY REFERENDUM, A CONSTITUTIONAL INITIATIVE,
5 OR A CONSTITUTIONAL CONVENTION INITIATIVE MUST INCLUDE A NONREFUNDABLE FILING FEE OF \$3,700 PER SUBMITTED
6 PROPOSAL AT THE TIME OF SUBMITTAL TO THE SECRETARY OF STATE.

7 (B) THE FEE MUST BE DEPOSITED IN AN ACCOUNT TO THE CREDIT OF THE SECRETARY OF STATE IN
8 ACCORDANCE WITH 2-15-405(4). THE SECRETARY OF STATE'S OFFICE SHALL RETAIN \$700, AND DISTRIBUTE \$2,000 TO
9 THE LEGISLATIVE SERVICES DIVISION, AND \$1,000 TO THE DEPARTMENT OF JUSTICE TO HELP DEFRAY THE COSTS OF
10 REVIEW BY THOSE OFFICES

11 (C) A PROPONENT MAY SEEK A WAIVER FROM THE FEE REQUIRED IN SUBSECTION (6)(A) BY DEMONSTRATING A
12 FINANCIAL INABILITY TO PAY WITHOUT SUBSTANTIAL HARDSHIP. IF A PROPONENT IS GRANTED A FEE WAIVER AND LATER
13 FINANCIAL DISCLOSURE FORMS REQUIRED BY 13-37-225 SHOW FINANCIAL ABILITY TO PAY THE FEE, THE PROPONENT IS
14 REQUIRED TO PAY THE FEE AT THAT TIME. IF THE PROPONENT STILL FAILS TO PAY THE FEE, A PENALTY OF UP TO THREE
15 TIMES THE AMOUNT OF THE SUBMISSION FEE MAY BE ASSESSED

16 (D) THE SECRETARY OF STATE MAY ADOPT RULES TO PROVIDE FOR THE ADMINISTRATION OF THIS SUBSECTION.

17 (7) A STATEWIDE INITIATIVE FILED UNDER THE PROVISIONS OF THIS CHAPTER MAY NOT BE FILED IF IT IS
18 SUBSTANTIALLY THE SAME AS A MEASURE DEFEATED BY THE VOTERS IN AN ELECTION WITHIN THE PRECEDING FOUR
19 YEARS.

20
21 NEW SECTION. Section 5. Statutory initiative process and procedure. (1) (a) A proponent of a
22 statutory initiative shall submit the text of the proposed statutory initiative to the secretary of state together with
23 draft ballot statements AND THE FILING FEE REQUIRED BY [SECTION 4]. The secretary of state shall forward a copy
24 of the text of the proposed statutory initiative and ballot statements to the legislative services division for review
25 in accordance with [section 10].

26 (b) A proposed statutory initiative may not be accepted by the secretary of state until 10 days after
27 the adjournment sine die of the regular legislative session preceding the general election during which the
28 proposal is intended to be voted on. The prohibitions on acceptance of a proposed statutory initiative provided

1 in this subsection (1)(b) do not apply to a submission received on or after the date that falls 180 days after the
2 date that the legislature convened in regular session pursuant to 5-2-103, even if the legislature has not
3 adjourned sine die. If the secretary of state rejects a proposed statutory initiative pursuant to this subsection
4 (1)(b), the secretary of state shall promptly notify the person who submitted the proposal of the reason for the
5 rejection.

6 (2) Within 14 days after receiving the proposed statutory initiative from the secretary of state, the
7 legislative services division shall respond in writing to the proponent in accordance with [section 10].

8 (3) After the proponent responds to the legislative services division as provided in [section 10], the
9 proponent shall submit the final text of the proposed statutory initiative and ballot statements to the secretary of
10 state. However, if a response to the legislative services division is not required by the proponent pursuant to
11 [section 10], the proponent shall instead submit the final text of the proposed statutory initiative and ballot
12 statements to the secretary of state after the proponent receives the legislative services division's response.

13 (4) On receipt of the final text of the proposed statutory initiative and the ballot statements, the
14 secretary of state shall reject the proposed statutory initiative if the text or a ballot statement contains material
15 not submitted to the legislative services division that is a substantive change not recommended by the
16 legislative services division. Otherwise, the secretary of state shall refer a copy of the proposed statutory
17 initiative and ballot statements CONCURRENTLY TO THE BUDGET DIRECTOR AND to the attorney general for the
18 attorney general's review in accordance with [section 11].

19 (5) THE BUDGET DIRECTOR SHALL DETERMINE WHETHER A FISCAL NOTE IS NECESSARY. IF THE BUDGET
20 DIRECTOR DETERMINES A FISCAL NOTE IS NECESSARY, THE BUDGET DIRECTOR SHALL PREPARE A FISCAL NOTE, NOTIFY
21 THE ATTORNEY GENERAL OF THE NECESSITY OF THE FISCAL NOTE, AND PROVIDE A COPY OF THE FISCAL NOTE PURSUANT
22 TO [SECTION 12] WITHIN 10 DAYS. RECEIPT OF THE NOTICE FROM THE BUDGET DIRECTOR BEGINS THE TIME FRAME IN
23 SUBSECTION (7).

24 (6) In addition to the requirements of [section 11], the attorney general shall:

25 (a) include in the attorney general's legal sufficiency review whether the proposed statutory
26 initiative constitutes an appropriation as set forth in 13-27-211; and

27 (b) review the proposed statutory initiative as to whether the proposal could cause a regulatory
28 taking under Montana law or otherwise will likely cause significant material harm to one or more business

1 interests in the state if approved by the voters. If the attorney general determines the proposed statutory
2 initiative will likely cause significant material harm to one or more business interests in the state, the attorney
3 general shall notify the secretary of state, which must include the finding set forth in 13-27-204(2) on the final
4 form of the petition.

5 ~~(6) If the attorney general orders a fiscal note pursuant to [section 11], the budget director shall~~
6 ~~prepare the fiscal note pursuant to [section 12] and return it to the attorney general within 10 days.~~

7 (7) Within 30 days of receipt of the proposed statutory initiative from the secretary of state, the
8 attorney general shall complete the requirements set forth in [section 11] and subsection (5) of this section.

9 (8) The secretary of state shall review the legal sufficiency opinion received pursuant to [section
10 11].

11 (a) If the attorney general finds that the proposed statutory initiative is not legally sufficient, the
12 secretary of state shall send written notice to the person who submitted the proposal that the proposed
13 statutory initiative has been rejected. The notice must include a copy of the attorney general's legal sufficiency
14 opinion.

15 (b) If the attorney general finds that the proposed statutory initiative is legally sufficient, the
16 secretary of state shall provide the executive director of the legislative services division a copy of the final text
17 of the proposed statutory initiative and ballot statements in accordance with [section 13]. After the executive
18 director of the legislative services division provides the secretary of state the outcome of the vote as required by
19 [section 13], the secretary of state shall immediately send a sample petition form as provided in [section 14] to
20 the person submitting the proposed statutory initiative.

21
22 **NEW SECTION. Section 6. Statutory referendum process and procedure.** (1) (a) A proponent of
23 a statutory referendum shall submit the text of the proposed statutory referendum to the secretary of state
24 together with draft ballot statements AND THE FILING FEE REQUIRED BY [SECTION 4]. The secretary of state shall
25 forward a copy of the text of the proposed statutory referendum and ballot statements to the legislative services
26 division for review in accordance with [section 10].

27 (b) A proposed statutory referendum may not be accepted by the secretary of state until 10 days
28 after the adjournment sine die of the regular legislative session preceding the general election during which the

1 proposal is intended to be voted on. The prohibitions on acceptance of a proposed statutory referendum
2 provided in this subsection (1)(b) do not apply to a submission received on or after the date that falls 180 days
3 after the date that the legislature convened in regular session pursuant to 5-2-103, even if the legislature has
4 not adjourned sine die. If the secretary of state rejects a proposed statutory referendum pursuant to this
5 subsection (1)(b), the secretary of state shall promptly notify the person who submitted the proposal of the
6 reason for the rejection.

7 (2) Within 7 days after receiving the proposed statutory referendum from the secretary of state, the
8 legislative services division shall respond in writing to the proponent in accordance with [section 10].

9 (3) After the proponent responds to the legislative services division as provided in [section 10], the
10 proponent shall submit the final text of the proposed statutory referendum and ballot statements to the
11 secretary of state. However, if a response to the legislative services division is not required by the proponent
12 pursuant to [section 10], the proponent shall instead submit the final text of the proposed statutory referendum
13 and ballot statements to the secretary of state after the proponent receives the legislative services division's
14 response.

15 (4) On receipt of the final text of the proposed statutory referendum and the ballot statements, the
16 secretary of state shall reject the proposed statutory referendum if the text or a ballot statement contains
17 material not submitted to the legislative services division that is a substantive change not recommended by the
18 legislative services division. Otherwise, the secretary of state shall refer a copy of the proposed statutory
19 referendum and ballot statements CONCURRENTLY to the BUDGET DIRECTOR AND THE attorney general.

20 (5) (A) THE BUDGET DIRECTOR SHALL DETERMINE WHETHER A FISCAL NOTE IS NECESSARY, PREPARE THE
21 FISCAL NOTE, NOTIFY THE ATTORNEY GENERAL OF THE NECESSITY OF ITS DETERMINATION, AND PROVIDE A COPY OF THE
22 FISCAL NOTE, IF REQUIRED, PURSUANT TO [SECTION 12] WITHIN THE TIMEFRAME REQUIRED IN SUBSECTION (5)(B).
23 RECEIPT OF THE NOTICE FROM THE BUDGET DIRECTOR BEGINS THE TIME FRAME IN SUBSECTION (6) for the attorney
24 general's review in accordance with [section 11].

25 (B) ~~If the attorney general orders a fiscal note pursuant to [section 11], the budget director shall~~
26 ~~prepare the fiscal note pursuant to [section 12].~~ If the legislative act that is the subject of the proposed statutory
27 referendum had a fiscal note prepared pursuant to 5-4-202 during the legislative session in which the bill was
28 proposed, the budget director shall return the fiscal note to the attorney general within 3 days. If the legislative

1 act that is the subject of the proposed statutory referendum did not have a fiscal note prepared pursuant to 5-4-
2 202 during the legislative session in which the bill was proposed, the budget director shall return the fiscal note
3 to the attorney general within 6 days.

4 (6) If the budget director is allowed 3 days to return the fiscal note pursuant to subsection (5), the
5 attorney general shall complete the requirements set forth in [section 11] within 14 days of the receipt of the
6 proposed statutory referendum from the secretary of state. However, if the budget director is allowed 6 days to
7 return the fiscal note pursuant to subsection (5), the attorney general shall complete the requirements set forth
8 in [section 11] within 17 days of the receipt of the proposed statutory referendum from the secretary of state.

9 (7) The secretary of state shall review the legal sufficiency opinion received pursuant to [section
10 11]. If the attorney general:

11 (a) finds that the proposed statutory referendum is not legally sufficient, the secretary of state shall
12 send written notice to the person who submitted the proposal that the proposed statutory referendum has been
13 rejected. The notice must include a copy of the attorney general's legal sufficiency opinion.

14 (b) finds that the proposed statutory referendum is legally sufficient, the secretary of state shall
15 immediately send a sample petition form as provided in [section 14] to the person submitting the proposed
16 statutory referendum.

17
18 **NEW SECTION. Section 7. Constitutional initiative process and procedure.** (1) A proponent of a
19 constitutional initiative shall submit the text of the proposed constitutional initiative to the secretary of state
20 together with draft ballot statements AND THE FILING FEE REQUIRED BY [SECTION 4]. The secretary of state shall
21 forward a copy of the text of the proposed constitutional initiative and ballot statements to the legislative
22 services division for review in accordance with [section 10].

23 (2) Within 14 days after receiving the proposed constitutional initiative from the secretary of state,
24 the legislative services division shall respond in writing to the proponent in accordance with [section 10].

25 (3) After the proponent responds to the legislative services division as provided in [section 10], the
26 proponent shall submit the final text of the proposed constitutional initiative and ballot statements to the
27 secretary of state. However, if a response to the legislative services division is not required by the proponent
28 pursuant to [section 10], the proponent shall instead submit the final text of the proposed constitutional initiative

1 and ballot statements to the secretary of state after the proponent receives the legislative services division's
2 response.

3 (4) On receipt of the final text of the proposed constitutional initiative and the ballot statements, the
4 secretary of state shall reject the proposed constitutional initiative if the text or a ballot statement contains
5 material not submitted to the legislative services division that is a substantive change not recommended by the
6 legislative services division. Otherwise, the secretary of state shall refer a copy of the proposed constitutional
7 initiative and ballot statements CONCURRENTLY TO THE BUDGET DIRECTOR AND to the attorney general ~~for the~~
8 ~~attorney general's review in accordance with [section 11].~~

9 (5) ~~If the attorney general orders a fiscal note pursuant to [section 11], the budget director shall~~
10 ~~prepare the fiscal note pursuant to [section 12] and return it to the attorney general within 10 days. THE BUDGET~~
11 DIRECTOR SHALL DETERMINE WHETHER A FISCAL NOTE IS NECESSARY, PREPARE THE FISCAL NOTE, NOTIFY THE
12 ATTORNEY GENERAL OF THE NECESSITY OF THE FISCAL NOTE, AND PROVIDE A COPY OF THE FISCAL NOTE PURSUANT TO
13 [SECTION 12] WITHIN 10 DAYS. RECEIPT OF THE NOTICE FROM THE BUDGET DIRECTOR BEGINS THE TIMEFRAME IN
14 SUBSECTION (6) FOR THE ATTORNEY GENERAL'S REVIEW IN ACCORDANCE WITH [SECTION 11].

15 (6) IN ADDITION TO THE REQUIREMENTS IN [SECTION 11], THE ATTORNEY GENERAL SHALL:

16 (A) INCLUDE THE ATTORNEY GENERAL'S LEGAL SUFFICIENCY REVIEW WHETHER THE PROPOSED
17 CONSTITUTIONAL INITIATIVE CONSTITUTES AN APPROPRIATION AS SET FORTH IN 13-27-211; AND

18 (B) REVIEW THE PROPOSED CONSTITUTIONAL INITIATIVE AS TO WHETHER THE PROPOSAL COULD CAUSE A
19 REGULATORY TAKING UNDER MONTANA LAW OR OTHERWISE WILL LIKELY CAUSE SIGNIFICANT MATERIAL HARM TO ONE
20 OR MORE BUSINESS INTERESTS IN THE STATE IF APPROVED BY THE VOTERS. IF THE ATTORNEY GENERAL DETERMINES
21 THE PROPOSED CONSTITUTIONAL INITIATIVE WILL LIKELY CAUSE SIGNIFICANT MATERIAL HARM TO ONE OR MORE
22 BUSINESS INTERESTS IN THE STATE, THE ATTORNEY GENERAL SHALL NOTIFY THE SECRETARY OF STATE, WHICH MUST
23 INCLUDE THE FINDING SECTION FORTH IN [13-27-207] ON THE FINAL FORM OF THE PETITION.

24 (7) Within 30 days of receipt of the proposed constitutional initiative from the secretary of state, the
25 attorney general shall complete the requirements set forth in [section 11].

26 (8) The secretary of state shall review the legal sufficiency opinion received pursuant to [section
27 11]. If the attorney general:

28 (a) finds that the proposed constitutional initiative is not legally sufficient, the secretary of state

1 shall send written notice to the person who submitted the proposal that the proposed constitutional initiative has
2 been rejected. The notice must include a copy of the attorney general's legal sufficiency opinion.

3 (b) finds that the proposed constitutional initiative is legally sufficient, the secretary of state shall
4 immediately send a sample petition form as provided in [section 14] to the person submitting the proposed
5 constitutional initiative.

6
7 **NEW SECTION. Section 8. Constitutional convention initiative process and procedure.** (1) A
8 proponent of a constitutional convention initiative shall submit the text of the proposed constitutional convention
9 initiative to the secretary of state together with draft ballot statements AND THE FILING FEE REQUIRED BY [SECTION
10 4]. The secretary of state shall forward a copy of the text of the proposed constitutional convention initiative and
11 ballot statements to the legislative services division for review in accordance with [section 10].

12 (2) Within 14 days after receiving the proposed constitutional convention initiative from the
13 secretary of state, the legislative services division shall respond in writing to the proponent in accordance with
14 [section 10].

15 (3) After the proponent responds to the legislative services division as provided in [section 10], the
16 proponent shall submit the final text of the proposed constitutional convention initiative and ballot statements to
17 the secretary of state. However, if a response to the legislative services division is not required by the
18 proponent pursuant to [section 10], the proponent shall instead submit the final text of the proposed
19 constitutional convention initiative and ballot statements to the secretary of state after the proponent receives
20 the legislative services division's response.

21 (4) On receipt of the final text of the proposed constitutional convention initiative and the ballot
22 statements, the secretary of state shall reject the proposed constitutional convention initiative if the text or a
23 ballot statement contains material not submitted to the legislative services division that is a substantive change
24 not recommended by the legislative services division. Otherwise, the secretary of state shall refer a copy of the
25 proposed constitutional convention initiative and ballot statements CONCURRENTLY TO THE BUDGET DIRECTOR AND
26 to the attorney general for the attorney general's review in accordance with [section 11].

27 (5) ~~If the attorney general orders a fiscal note pursuant to [section 11], the budget director shall~~
28 ~~prepare the fiscal note pursuant to [section 12] and return it to the attorney general within 10 days.~~ THE BUDGET

1 DIRECTOR SHALL DETERMINE WHETHER A FISCAL NOTE IS NECESSARY, PREPARE THE FISCAL NOTE, NOTIFY THE
2 ATTORNEY GENERAL OF THE NECESSITY OF THE FISCAL NOTE, AND PROVIDE A COPY OF THE FISCAL NOTE PURSUANT TO
3 [SECTION 12] WITHIN 10 DAYS. RECEIPT OF THE NOTICE FROM THE BUDGET DIRECTOR BEGINS THE TIME FRAME IN
4 SUBSECTION (6) AND THE ATTORNEY GENERAL'S REVIEW IN ACCORDANCE WITH [SECTION 11].

5 (6) Within 30 days of receipt of the ~~proposed constitutional convention initiative from the secretary~~
6 ~~of state~~ FISCAL NOTE DETERMINATION FROM THE BUDGET DIRECTOR, the attorney general shall complete the
7 requirements set forth in [section 11].

8 (7) The secretary of state shall review the legal sufficiency opinion received pursuant to [section
9 11]. If the attorney general:

10 (a) finds that the proposed constitutional convention initiative is not legally sufficient, the secretary
11 of state shall send written notice to the person who submitted the proposal that the proposed constitutional
12 convention initiative has been rejected. The notice must include a copy of the attorney general's legal
13 sufficiency opinion.

14 (b) finds that the proposed constitutional convention initiative is legally sufficient, the secretary of
15 state shall PROVIDE THE EXECUTIVE DIRECTOR OF THE LEGISLATIVE SERVICES DIVISION A COPY OF THE FINAL TEXT OF
16 THE PROPOSED CONSTITUTIONAL CONVENTION INITIATIVE AND BALLOT STATEMENTS IN ACCORDANCE WITH [SECTION 13].
17 AFTER THE EXECUTIVE DIRECTOR OF THE LEGISLATIVE SERVICES DIVISION PROVIDES THE SECRETARY OF STATE THE
18 OUTCOME OF THE VOTE AS REQUIRED BY [SECTION 13], THE SECRETARY OF STATE SHALL immediately send a sample
19 petition form as provided in [section 14] to the person submitting the proposed constitutional convention
20 initiative.

21
22 NEW SECTION. Section 9. Statewide referendum referred by legislature -- process and
23 procedure. (1) A statewide referendum referred to a vote of the people by the legislature must comply with the
24 requirements of 5-4-102.

25 (2) The secretary of state shall transmit a statewide referendum proposed by the legislature to the
26 attorney general according to the requirements of 13-27-209.

27 (3) (a) On receipt from the secretary of state of a statewide referendum referred to a vote of the
28 people by the legislature, the attorney general shall prepare and forward to the secretary of state, within 30

1 days, ballot statements that comply with [sections 2 and 3], except that the attorney general may not prepare a
2 statement of purpose and implication if the statement has been provided by the legislature.

3 (b) When preparing a ballot statement pursuant to this section, the attorney general shall endeavor
4 to seek out parties on both sides of the issue and obtain their advice.

5
6 **NEW SECTION. Section 10. Review by legislative services division.** (1) On receipt of a proposed
7 statutory initiative, statutory referendum, constitutional initiative, or constitutional convention initiative and the
8 proposal's ballot statements from the office of the secretary of state as provided in [section 5(1)], [section 6(1)],
9 [section 7(1)], or [section 8(1)], the legislative services division staff shall review the text and ballot statements
10 for clarity, consistency, and conformity with the most recent edition of the bill drafting manual furnished by the
11 legislative services division, the requirements of this part, and any other factors that the staff considers when
12 drafting proposed legislation.

13 (2) (a) The legislative services division staff shall recommend in writing to the proponent revisions
14 to the text and revisions to the ballot statements to make them consistent with any recommendations for
15 change to the text and the requirements of this part or state that no revisions are recommended.

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

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

22
23 **NEW SECTION. Section 11. Review by attorney general.** (1) On receipt of a proposed statutory
24 initiative, statutory referendum, constitutional initiative, or constitutional convention initiative and the proposal's
25 ballot statements from the office of the secretary of state ~~AND THE FISCAL NOTE DETERMINATION FROM THE BUDGET~~
26 ~~DIRECTOR~~ as provided in this part, the attorney general shall examine the proposal, review the proposal for legal
27 sufficiency as provided in subsection (2), review the ballot statements if required by subsection (3), ~~order a~~
28 ~~fiscal note and~~ prepare a fiscal statement if required by subsection (4), and determine if the proposal conflicts

1 with other issues that may appear on the ballot at the same election as provided in subsection (5).

2 (2) The attorney general shall examine the proposal received pursuant to subsection (1), prepare
3 an opinion as to the proposal's legal sufficiency, and forward the opinion to the secretary of state.

4 (3) (a) If the attorney general determines that the proposal is legally sufficient, the attorney general
5 shall review the ballot statements to determine whether they contain the following matters:

6 (i) a statement of purpose and implication that complies with [section 2]; and

7 (ii) a yes and no statement that complies with [section 3].

8 (b) The attorney general shall, in reviewing the ballot statements, endeavor to seek out parties on
9 both sides of the issue and obtain their advice.

10 (c) If the attorney general determines the ballot statements comply with the requirements provided
11 in subsection (3)(a), the attorney general shall approve the ballot statements and forward them to the secretary
12 of state. However, if the attorney general determines in writing that a ballot statement clearly does not comply
13 with the relevant requirements of subsection (3)(a), the attorney general shall prepare a ballot statement that
14 complies with the relevant requirements of subsection (3)(a). The attorney general shall forward the revised
15 ballot statement to the secretary of state as the approved ballot statement and shall provide a copy to the
16 petitioner.

17 (4) If the proposal affects the revenue, expenditures, or fiscal liability of the state, ~~the attorney~~
18 ~~general shall order a fiscal note, and the budget director shall prepare the fiscal note as provided in [section 4-3~~
19 12]. If the fiscal note indicates a fiscal impact, the attorney general shall prepare a fiscal statement of no more
20 than 50 words and forward it to the secretary of state. The statement must be used on the proposal's petition
21 and on the ballot if the proposal is placed on the ballot.

22 (5) The attorney general shall determine if the proposal conflicts with one or more issues that may
23 appear on the ballot at the same election for the purposes of 13-27-501(2)(h) and shall forward the attorney
24 general's written determination to the secretary of state.

25 (6) If the attorney general determines that the proposal is not legally sufficient, the secretary of
26 state may not deliver a sample petition form unless the attorney general's opinion is overruled pursuant to 13-
27 27-316 and the attorney general has approved or prepared ballot statements under this section.

28

1 NEW SECTION. Section 12. Preparation of fiscal note. (1) ~~If the attorney general orders a fiscal~~
2 ~~note for a statewide ballot issue pursuant to the requirements of this chapter~~ PROPOSAL AFFECTS THE REVENUE
3 EXPENDITURES OR FISCAL LIABILITY OF THE STATE, THE BUDGET DIRECTOR SHALL DETERMINE WHETHER A FISCAL NOTE
4 IS NECESSARY. IF A FISCAL NOTE IS REQUIRED, the budget director, in cooperation with the agency or agencies
5 affected by the statewide ballot issue, shall prepare the fiscal note.

6 (2) The fiscal note must incorporate an estimate of the proposal's effect on the revenue,
7 expenditures, or fiscal liability of the state, and the substance of the fiscal note must substantially comply with
8 the provisions of 5-4-205.

9 (3) The budget director shall return the fiscal note to the attorney general.

10 (4) IF A REVISED FISCAL NOTE IS REQUESTED PURSUANT TO [SECTION 13], THE BUDGET DIRECTOR SHALL
11 PREPARE A REVISED FISCAL NOTE WITHIN 3 DAYS AND PROVIDE THE REVISED FISCAL NOTE CONCURRENTLY TO THE
12 EXECUTIVE DIRECTOR OF LEGISLATIVE SERVICES DIVISION AND THE ATTORNEY GENERAL.

13
14 NEW SECTION. Section 13. Review by legislative committee. (1) If the attorney general finds that
15 a proposed ~~statutory~~ STATEWIDE initiative is legally sufficient as provided in this part, the secretary of state shall
16 provide the executive director of the legislative services division with a copy of the final text of the proposed
17 ~~statutory~~ STATEWIDE initiative and ballot statements. The executive director shall forward the information to the
18 appropriate interim committee for review in accordance with 5-5-215. If questions arise regarding which interim
19 committee has jurisdiction over the matter, the executive director shall direct the review to the legislative council
20 in accordance with 5-11-105.

21 (2) (a) The appropriate interim committee or the legislative council shall meet and hold a public
22 hearing after receiving the information and vote to either support or not support the placement of the proposed
23 ~~statutory~~ STATEWIDE initiative text on the ballot.

24 (b) THE INTERIM COMMITTEE OR THE LEGISLATIVE COUNCIL MAY REQUEST A FISCAL NOTE IF ONE WAS
25 PREVIOUSLY NOT DETERMINED NECESSARY AND MAY REQUEST A REVISED FISCAL NOTE FROM THE BUDGET DIRECTOR IF
26 NEW INFORMATION IS PROVIDED WHICH WOULD IMPACT THE FISCAL NOTE DETERMINATION OR ACCURACY OF THE INITIAL
27 FISCAL NOTE.

28 (c) For the purposes of this section, proxies must be allowed for legislators unable to participate if

1 a quorum of the interim committee or legislative council meets.

2 (D) Nothing in this section prevents the interim committee or legislative council from meeting
3 remotely or via conference call OR OTHER ELECTRONIC MEANS.

4 (3) (a) The executive director shall provide written correspondence to the secretary of state stating
5 the name of the council or interim committee that voted on the proposal pursuant to subsection (2)(a), the date
6 of the vote, and the outcome of the vote conducted in accordance with this section.

7 (b) The outcome of the vote must be submitted to the secretary of state no later than 14 days after
8 receipt of the final text of the proposed ~~statutory~~-STATEWIDE initiative and ballot statements.

9 (4) The outcome of the vote by an interim committee or the legislative council does not need to be
10 reflected in the ~~statutory~~-STATEWIDE initiative's statement of purpose and implication, the ~~statutory~~-STATEWIDE
11 initiative's petition title, or the ballot title if the ~~statutory~~-STATEWIDE initiative is placed on the ballot.

12
13 **NEW SECTION. Section 14. Provision of finalized petition for signature.** (1) When the
14 requirements of [section 5, 6, 7, or 8] are complete and the proposed statewide ballot issue has been found
15 legally sufficient pursuant to [section 11], the secretary of state shall immediately send to the person submitting
16 the proposed statewide ballot issue a sample petition form, including the text of the proposed statewide ballot
17 issue, the statement of purpose and implication, and the yes and no statement, as prepared by the petitioner,
18 reviewed by the legislative services division, and approved by the attorney general and in the form provided by
19 this part.

20 (2) A signature gatherer may circulate the petition only in the form of the sample prepared by the
21 secretary of state.

22 (3) The secretary of state shall immediately provide a copy of the sample petition form to any
23 interested parties who have made a request to be informed of an approved petition.

24
25 **NEW SECTION. Section 15. Circulation of petitions -- limitation.** Petitions may not be circulated
26 for the purpose of signature gathering more than 1 year prior to the final date for filing the signed petition with
27 the county election administrator.

28

1 NEW SECTION. Section 16. Notification of petitioner -- legal action concerning petition. If a
2 legal action is filed challenging the validity of a petition, the secretary of state shall immediately notify the
3 person who submitted the proposed statewide ballot issue.

4

5 **Section 17.** Section 5-5-215, MCA, is amended to read:

6 **"5-5-215. Duties of interim committees.** (1) Each interim committee shall:

7 (a) review administrative rules within its jurisdiction;

8 (b) subject to 5-5-217(3), conduct interim studies as assigned;

9 (c) monitor the operation of assigned executive branch agencies with specific attention to the

10 following:

11 (i) identification of issues likely to require future legislative attention;

12 (ii) opportunities to improve existing law through the analysis of problems experienced with the
13 application of the law by an agency; and

14 (iii) experiences of the state's citizens with the operation of an agency that may be amenable to
15 improvement through legislative action;

16 (d) review, if requested by any member of the interim committee, the statutorily established
17 advisory councils and required reports of assigned agencies to make recommendations to the next legislature
18 on retention or elimination of any advisory council or required reports pursuant to 5-11-210;

19 (e) review proposed legislation of assigned agencies or entities as provided in the joint legislative
20 rules;

21 (f) accumulate, compile, analyze, and furnish information bearing upon its assignment and
22 relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the
23 adequate completion of its work; and

24 (g) review proposed ~~ballot~~ statutory initiatives, CONSTITUTIONAL INITIATIVES, OR CONSTITUTIONAL
25 CONVENTION INITIATIVES as defined in [section 1] within the interim committee's subject area and vote to either
26 support or not support the placement of the text of ~~an~~ the statutory PROPOSED initiative on the ballot in
27 accordance with ~~43-27-202~~ [section 13].

28 (2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the

1 state may require for presentation to the next regular session of the legislature.

2 (3) The legislative services division shall keep accurate records of the activities and proceedings of
3 each interim committee."

4

5 **Section 18.** Section 5-11-105, MCA, is amended to read:

6 **"5-11-105. Powers and duties of council.** (1) The legislative council shall:

7 (a) employ and, in accordance with the rules for classification and pay established as provided in
8 this section, set the salary of an executive director of the legislative services division, who serves at the
9 pleasure of and is responsible to the legislative council;

10 (b) with the concurrence of the legislative audit committee and the legislative finance committee,
11 adopt rules for classification and pay of legislative branch employees, other than those of the office of
12 consumer counsel;

13 (c) with the concurrence of the legislative audit committee and the legislative finance committee,
14 adopt rules governing personnel management of branch employees, other than those of the office of consumer
15 counsel;

16 (d) adopt procedures to administer legislator claims for reimbursements authorized by law for
17 interim activity;

18 (e) establish time schedules and deadlines for the interim committees of the legislature, including
19 dates for requesting bills and completing interim work;

20 (f) review proposed legislation for agencies or entities that are not assigned to an interim
21 committee, as provided in 5-5-223 through 5-5-228, or to the environmental quality council, as provided in 75-1-
22 324;

23 (g) review proposed ~~ballot~~ statutory initiatives, CONSTITUTIONAL INITIATIVES, AND CONSTITUTION
24 CONVENTION INITIATIVES as defined in [section 1] and vote to either support or not support the placement of the
25 text of an ~~the statutory~~ PROPOSED initiative on the ballot in accordance with ~~13-27-202~~ [section 13]; and

26 (h) perform other duties assigned by law.

27 (2) If a question of statewide importance arises when the legislature is not in session and a
28 legislative interim committee has not been assigned to consider the question, the legislative council shall assign

1 the question to an appropriate interim committee, as provided in 5-5-202, or to the appropriate statutorily
2 created committee."

3

4 **Section 19.** Section 7-5-132, MCA, is amended to read:

5 **"7-5-132. Procedure for initiative or referendum election.** (1) The electors of a local government
6 may, by petition, request an election on whether to enact, repeal, or amend an ordinance. The form of the
7 petition must be approved by the county election administrator. A petition signed by at least 15% of the local
8 government's qualified electors is sufficient to require an election.

9 (2) (a) If an approved petition containing sufficient signatures is filed prior to the ordinance's
10 effective date or within 60 days after the passage of the ordinance, whichever is later, a petition requesting an
11 election on whether to amend or repeal the ordinance delays the ordinance's effective date until the ordinance
12 is ratified by the electors.

13 (b) If an approved petition containing sufficient signatures is filed within 60 days after the effective
14 date of an emergency ordinance, the emergency ordinance is suspended until it is ratified by the electors.

15 (3) The governing body may refer an existing or proposed ordinance to a vote of the people by
16 resolution.

17 (4) A petition or resolution for an election must:

18 (a) embrace only a single comprehensive subject;

19 (b) set out fully the ordinance sought, the ordinance to be amended and the proposed amendment,
20 or the ordinance to be repealed;

21 (c) ~~be in the form prescribed in Title 13, chapter 27, except as specifically provided in this part, be~~
22 in the form prescribed in 13-27-201 and 13-27-204 for an initiative or 13-27-201 and 13-27-205 for a
23 referendum; and

24 (d) contain transition provisions if the measure changes terms of office or forms of government.

25 (5) An election held pursuant to this section must be conducted in conjunction with the next local
26 government election held in accordance with Title 13, chapter 1, part 4, except that if the petition asks for a
27 special election, specifies an election date that complies with 13-1-405, and is signed by at least 25% of the
28 qualified electors, a special election must be held on the date specified in the petition.

1 (6) If a majority of those voting on the question approve the proposal, it becomes effective when
2 the election results are officially declared, unless otherwise stated in the proposal."

3

4 **Section 20.** Section 7-7-2224, MCA, is amended to read:

5 **"7-7-2224. Form and contents of petition.** (1) Every petition for the calling of an election to vote
6 upon the question of issuing county bonds shall plainly and clearly state the purpose or purposes for which the
7 proposed bonds are to be issued and shall contain an estimate of the amount necessary to be issued for such
8 purpose or purposes. There may be a separate petition for each purpose, or two or more purposes may be
9 combined in one petition if each purpose, with an estimate of the amount of bonds necessary to be issued
10 therefor, is separately stated in the petition.

11 (2) The petition shall be in the form ~~provided in Title 13, chapter 27 prescribed in 13-27-201 and~~
12 13-27-204."

13

14 **Section 21.** Section 7-14-204, MCA, is amended to read:

15 **"7-14-204. Details relating to petition.** The petition under 7-14-203 must include a map showing the
16 limits of the proposed district or the area to be added to an existing district and must be in the form ~~provided in~~
17 Title 13, chapter 27 prescribed in 13-27-201 and 13-27-204."

18

19 **Section 22.** Section 13-27-102, MCA, is amended to read:

20 **"13-27-102. Who may petition and gather signatures.** (1) ~~A petition for the initiative, the~~
21 ~~referendum, or to call a constitutional convention~~ may be signed only by a qualified elector of the state of
22 Montana.

23 (2) A person gathering signatures for ~~the initiative, the referendum, or to call a constitutional~~
24 ~~convention~~ a petition:

25 (a) ~~— must be a resident, as provided in 1-1-215, of the state of Montana; and~~
26 may not be paid anything of value based upon the number of signatures gathered."

27

28 **Section 23.** Section 13-27-103, MCA, is amended to read:

1 **"13-27-103. Sufficiency of signature --ELECTRONIC SIGNATURES PROHIBITED.** (1) A signature for a
2 petition may not be counted unless IT IS THE ORIGINAL SIGNATURE OF THE ELECTOR IN INK, AND the elector has
3 signed in substantially the same manner as on the voter registration form. If the elector is registered with a first
4 and middle name, the use of an initial instead of either the first or middle name, but not both names, need not
5 disqualify the signature. The signature may be counted so long as the signature, taken as a whole, bears
6 sufficient similarity to the signature on the registration form as to provide reasonable certainty of its authenticity.

7 (2) ELECTRONIC, DIGITAL, OR FACSIMILE SIGNATURES, INCLUDING ELECTRONIC SIGNATURES PURSUANT TO
8 TITLE 30, PART 1, ARE PROHIBITED."

9

10 **Section 24.** Section 13-27-105, MCA, is amended to read:

11 **"13-27-105. Effective date of statewide initiative and statewide referendum issues.** (1) Unless
12 the petition ~~placing an initiative issue on the ballot~~ states otherwise, ~~an a~~ statutory initiative issue, ~~other than a~~
13 ~~constitutional amendment, or constitutional convention initiative~~ approved by the people is effective on October
14 1 following approval. ~~If the issue a~~ statutory initiative delegates rulemaking authority, it is effective no sooner
15 than October 1 following approval.

16 (2) A constitutional amendment ~~proposed by initiative or by the legislature and~~ initiative or
17 constitutional referendum that is approved by the people is effective on July 1 following approval unless the
18 ~~amendment~~ constitutional initiative or constitutional referendum provides otherwise.

19 (3) Unless specifically provided by the legislature in an act referred by it to the people or until
20 suspended by a petition signed by at least 15% of the qualified electors in a majority of the legislative
21 representative districts, an act referred to the people is in effect as provided by law until it is approved or
22 rejected at the election. An act that is rejected is repealed effective the date the result of the canvass is filed by
23 the secretary of state under 13-27-503. An act referred to the people that was in effect at the time of the
24 election and is approved by the people remains in effect. An act that was suspended by a petition and is
25 approved by the people is effective the date the result of the canvass is filed by the secretary of state under 13-
26 27-503. An act referred by the legislature that contains an effective date following the election becomes
27 effective on that date if approved by the people. An act that provides no effective date and whose substantive
28 provisions were delayed by the legislature pending approval at an election and that is approved is effective

1 October 1 following the election."

2

3 **Section 25.** Section 13-27-112, MCA, is amended to read:

4 ~~"13-27-112. Required reports -- time and manner of reporting -- exceptions -- penalty~~ **Signature**
5 **gathering -- registration -- reports -- penalty.** (1) (a) A person who employs a paid signature gatherer shall
6 register with the secretary of state prior to collecting signatures. Except as provided in subsection (1)(b), the
7 registration in this subsection (1) must be accompanied by a filing fee of not more than \$100 or an amount set
8 by the secretary of state. The fee must be deposited in an account to the credit of the secretary of state in
9 accordance with 2-15-405(4).

10 (b) A person who employs a paid signature gatherer may seek a waiver from the fee required in
11 subsection (1)(a) by demonstrating a financial inability to pay without substantial hardship.

12 (c) The secretary of state may adopt rules to provide for the administration of this subsection (1),
13 including rules to implement a standard registration form and the waiver provisions in subsection (1)(b).

14 (2) (a) Except as provided in this section, a person who employs a paid signature gatherer shall file
15 with the commissioner reports containing those matters required by Title 13, chapter 37, part 2, for a political
16 committee organized to support or oppose a ballot issue or for an independent committee that receives
17 contributions and makes expenditures in connection with a ballot issue, as applicable. If a person who employs
18 a paid signature gatherer is required by Title 13, chapter 37, part 2, to file a report pursuant to those provisions,
19 the person need not file a duplicate report pursuant to this section, but shall report the matter required by
20 subsection (2) as part of that report. ~~As used in this section, "a person who employs a paid signature gatherer"~~
21 ~~means a political party, political committee, or other person seeking to place a ballot issue before the electors~~
22 ~~and does not mean an individual who is part of the same signature gathering company, partnership, or other~~
23 ~~business organization that directly hires, supervises, and pays an individual who is a signature gatherer.~~

24 (2)(b) The reports required by this subsection ~~(1) (2)~~ must include the amount paid to a paid signature
25 gatherer.

26 (3)(c) Reports filed pursuant to this ~~section~~ subsection (2) must be filed at the same time, in the same
27 manner, including the certification required by 13-37-231, and upon the same forms as required for reports filed
28 pursuant to Title 13, chapter 37, part 2, except as the rules of the commissioner may otherwise provide.

1 ~~(4)(d)~~ A person who violates subsection ~~(4)~~ (2)(a) is guilty of a misdemeanor and upon conviction
2 shall be punished as provided by law.

3 (3) The commissioner has the same powers and duties regarding the regulation of signature
4 gatherers as the commissioner has regarding the control of campaign practices as provided in Title 13, chapter
5 37, including the investigation of alleged violations of 13-27-112 and the issuance of orders of noncompliance
6 for and prosecution of violations of 13-27-112.

7 (4) The commissioner may adopt rules to implement subsection (2).

8 (5) As used in subsections (2) and (3), unless the context indicates otherwise, the following
9 definitions apply:

10 (a) "Commissioner" means the commissioner of political practices provided for in 13-37-102.

11 (b) "Paid signature gatherer" means a signature gatherer who is compensated in money for the
12 collection of signatures.

13 (c) (i) "Person" has the meaning provided in 13-1-101 and includes a political committee.

14 (ii) The term does not include a candidate.

15 (d) (i) "Person who employs a paid signature gatherer" means a political party, political committee,
16 or other person seeking to place a ballot issue before the electors.

17 (ii) The term does not include an individual who is part of the same signature gathering company,
18 partnership, or other business organization that directly hires, supervises, and pays an individual who is a
19 signature gatherer.

20 (e) "Signature gatherer" means an individual who collects signatures on a petition for the purpose
21 of an initiative, a referendum, or the calling of a constitutional convention."

22

23 **Section 26.** Section 13-27-201, MCA, is amended to read:

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

28 (2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be

1 fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be
2 printed the title of the statute or constitutional amendment proposed or the issue to be referred or a statement
3 that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the
4 front and back of a petition sheet, the information required above must appear on both the front and back of the
5 sheet. The complete text of the issue proposed or referred must be attached to or contained within each
6 signature sheet if sheets are circulated separately. The text of the issue must be in the bill form provided in the
7 most recent edition of the bill drafting manual furnished by the legislative services division. If sheets are
8 circulated in sections, the complete text of the issue must be attached to each section.

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

12
13 **Section 27.** Section 13-27-204, MCA, is amended to read:

14 **"13-27-204. Petition for statutory initiative.** (1) The following, including the language provided for in
15 subsection (2)(b), is substantially the form for a petition calling for a vote to enact a ~~law by~~statutory initiative:

16 PETITION TO PLACE INITIATIVE NO. ____ ON THE ELECTION BALLOT

17 (a) If 5% of the voters in each of one-half of the counties sign this petition and the total number of
18 voters signing this petition is _____, this initiative will appear on the next general election ballot. If a majority of
19 voters vote for this initiative at that election, it will become law.

20 (b) We, the undersigned Montana voters, propose that the secretary of state place the following
21 initiative on the _____, 20__ , general election ballot:

22 (Title of initiative written pursuant to ~~13-27-312~~ in conformity with [section 2])

23 ~~_____ (Statement of purpose and implication written pursuant to 13-27-312)~~

24 ~~(Yes and no statements-statement written pursuant to 13-27-312 in conformity with [section 3])~~

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

28 (d) Voters are advised that either an interim committee or an administrative committee of the

1 legislature in accordance with 5-5-215 or 5-11-105 reviewed the content of this initiative and [did] or [did not]
2 support the placement of the proposed text of this initiative on the ballot. The outcome of the vote was [x] in
3 favor of placing the measure on the ballot and [x] against placing the measure on the ballot.

4 (e)

5 WARNING

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

9 (f) Each person is required to sign the person's name and list the person's address or telephone
10 number in substantially the same manner as on the person's voter registration form or the signature will not be
11 counted.

12 (2) (a) If the attorney general determines the proposed ballot issue will likely cause significant
13 material harm to one or more business interests in Montana pursuant to ~~13-27-312(9)~~ section 5(5), the
14 statement in subsection (2)(b) must appear on the front page of the petition form before the information set forth
15 in subsection (1).

16 (b)

17 WARNING

18 The Attorney General of Montana has determined the proposed ballot issue will likely cause significant
19 material harm to one or more business interests in Montana.

20 (3) Numbered lines must follow the heading. Each numbered line must contain spaces for the
21 signature, date, residence address, county of residence, and printed last name and first and middle initials of
22 the signer. In place of a residence address, the signer may provide the signer's post-office address or the
23 signer's home telephone number. An address provided on a petition by the signer that differs from the signer's
24 address as shown on the signer's voter registration form may not be used as the only means to disqualify the
25 signature of that petition signer."

26

27 **Section 28.** Section 13-27-205, MCA, is amended to read:

28 **"13-27-205. Petition for statutory referendum.** (1) The following is substantially the form for a

1 petition calling for approval or rejection of an act of the legislature by ~~the~~statutory referendum:

2 PETITION TO PLACE REFERENDUM NO.____ON THE ELECTION BALLOT

3 (a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the
4 total number of voters signing the petition is ____, Senate (House) Bill Number ____ will appear on the next
5 general election ballot. If a majority of voters vote for this referendum at that election it will become law.

6 (b) We, the undersigned Montana voters, propose that the secretary of state place the following
7 Senate (House) Bill Number ____, passed by the legislature on _____ on the next general election
8 ballot:

9 (Title of referendum written pursuant to ~~13-27-312~~ in conformity with [section 2])

10 _____(~~Statement of purpose and implication written pursuant to 13-27-312~~)

11 (Yes and no ~~statements~~ statement written pursuant to ~~13-27-312~~ in conformity with [section 3])

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

15 (d)

16 WARNING

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

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

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

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Section 29. Section 13-27-206, MCA, is amended to read:

"13-27-206. Petition for ~~initiative for constitutional convention~~ initiative. (1) The following is substantially the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there will be for a constitutional convention initiative:

PETITION TO PLACE INITIATIVE NO.____, CALLING FOR A CONSTITUTIONAL CONVENTION, ON THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is _____, the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention, the legislature shall call for a constitutional convention at its next session.

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

(Title of the initiative written pursuant to 13-27-312 in conformity with [section 2])

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

(Yes and no statements statement written pursuant to 13-27-312 in conformity with [section 3])

(c) A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(D) VOTERS ARE ADVISED THAT EITHER AN INTERIM COMMITTEE OR AN ADMINISTRATIVE COMMITTEE OF THE LEGISLATURE IN ACCORDANCE WITH 5-5-215 OR 5-11-105 REVIEWED THE CONTENT OF THIS INITIATIVE AND [DID] OR [DID NOT] SUPPORT THE PLACEMENT OF THE PROPOSED TEXT OF THIS INITIATIVE ON THE BALLOT. THE OUTCOME OF THE VOTE WAS [X] IN FAVOR OF PLACING THE MEASURE ON THE BALLOT AND [X] AGAINST PLACING THE MEASURE ON THE BALLOT.

(E)

WARNING

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

1 (E) Each person is required to sign the person's name and list the person's address or telephone
2 number in substantially the same manner as on the person's voter registration form or the signature will not be
3 counted.

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

11 **Section 30.** Section 13-27-207, MCA, is amended to read:

12 "**13-27-207. Petition for constitutional initiative for ~~constitutional amendment~~.** (1) The following
13 is substantially the form for a petition for an a constitutional initiative ~~to amend the constitution~~:

14 PETITION TO PLACE CONSTITUTIONAL_AMENDMENT NO.____ ON THE ELECTION BALLOT

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

18 (b) We, the undersigned Montana voters, propose that the secretary of state place the following
19 constitutional amendment on the _____, 20__, general election ballot:

20 (Title of the proposed constitutional ~~amendment~~ initiative written pursuant to ~~13-27-312~~ in conformity
21 with [section 2])

22 _____ (Statement of purpose and implication written pursuant to ~~13-27-312~~)

23 (Yes and no ~~statements~~ statement written pursuant to ~~13-27-312~~ in conformity with [section 3])

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

27 (D) VOTERS ARE ADVISED THAT EITHER AN INTERIM COMMITTEE OR AN ADMINISTRATIVE COMMITTEE OF THE
28 LEGISLATURE IN ACCORDANCE WITH 5-5-215 OR 5-11-105 REVIEWED THE CONTENT OF THIS CONSTITUTIONAL INITIATIVE

1 AND [DID] OR [DID NOT] SUPPORT THE PLACEMENT OF THE PROPOSED TEXT OF THIS CONSTITUTIONAL INITIATIVE ON THE
2 BALLOT. THE OUTCOME OF THE VOTE WAS [X] IN FAVOR OF PLACING THE MEASURE ON THE BALLOT AND [X] AGAINST
3 PLACING THE MEASURE ON THE BALLOT.

4 (E)

5 WARNING

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

9 (F) Each person is required to sign the person's name and list the person's address or telephone
10 number in substantially the same manner as on the person's voter registration form or the signature will not be
11 counted.

12 (2) (A) IF THE ATTORNEY GENERAL DETERMINES THE PROPOSED BALLOT ISSUE WILL LIKELY CAUSE SIGNIFICANT
13 MATERIAL HARM TO ONE OR MORE BUSINESS INTERESTS IN MONTANA PURSUANT TO [SECTION 5(5)], THE STATEMENT IN
14 SUBSECTION (2)(B) MUST APPEAR ON THE FRONT PAGE OF THE PETITION FORM BEFORE THE INFORMATION SET FORTH IN
15 SUBSECTION (1).

16 (B)

17 WARNING

18 THE ATTORNEY GENERAL OF MONTANA HAS DETERMINED THE PROPOSED BALLOT ISSUE WILL LIKELY CAUSE
19 SIGNIFICANT MATERIAL HARM TO ONE OR MORE BUSINESS INTERESTS IN MONTANA.

20 (3) Numbered lines must follow the heading. Each numbered line must contain spaces for the
21 signature, date, residence address, county of residence, and printed last name and first and middle initials of
22 the signer. In place of a residence address, the signer may provide the signer's post-office address or the
23 signer's home telephone number. An address provided on a petition by the signer that differs from the signer's
24 address as shown on the signer's voter registration form may not be used as the only means to disqualify the
25 signature of that petition signer."

26

27 **Section 31.** Section 13-27-208, MCA, is amended to read:

28 ~~"13-27-208. Petitions to be made available in each county election administrator's office. Upon~~

1 final approval of a proposed ballot issue as provided in 13-27-202 ~~WHEN THE SECRETARY OF STATE SENDS A~~
2 ~~SAMPLE PETITION FORM TO THE PETITIONER PURSUANT TO [SECTION 14], the secretary of state shall forward a copy~~
3 ~~of the petition, along with signature sheets, to the election administrator of each county. The election~~
4 ~~administrator shall make a copy of each approved petition available for reading in the administrator's office~~
5 ~~during business hours in an election year until the petitions are submitted under 13-27-301 . The secretary of~~
6 ~~state may charge the person who submitted the proposed ballot issue a fee, which must be set and deposited~~
7 ~~in accordance with 2-15-405 - "~~

8

9 **Section 31.** Section 13-27-209, MCA, is amended to read:

10 **"13-27-209. Issues referred by legislature.** The secretary of state shall transmit a copy of an act
11 ~~referred to the people or a constitutional amendment proposed by the legislature to the attorney general a copy~~
12 of a statewide referendum referred to a vote of the people by the legislature no later than 6 months before the
13 election at which the issue will be voted on by the people."

14

15 **Section 32.** Section 13-27-210, MCA, is amended to read:

16 **"13-27-210. Physical prevention of obtaining signatures or physical intimidation of signature**
17 **gatherers prohibited.** A person may not knowingly or purposefully physically prevent an individual from
18 obtaining signatures or attempting to obtain signatures on a petition for a statewide ballot issue or physically
19 intimidate another individual when that individual is obtaining or attempting to obtain signatures on a petition for
20 a statewide ballot issue. A person who violates this section is guilty of a misdemeanor and upon conviction shall
21 be punished by a fine of not more than \$500, by imprisonment for not more than 90 days, or by both a fine and
22 imprisonment."

23

24 **Section 33.** Section 13-27-211, MCA, is amended to read:

25 **"13-27-211. Petitions for initiative -- requirements and limitations.** (1) In accordance with Article
26 III, section 4, of the Montana constitution, the text of ~~an~~ a statutory initiative may not provide for the
27 appropriation of revenue.

28 (2) For the purposes of this section, "appropriation" includes but is not limited to the act of

1 designating or setting aside budgetary authority or directly or indirectly incurring a financial obligation with the
2 expectation that a certain amount of money will be expended or directed for a specific use or purpose. The term
3 also includes increasing or expanding eligibility to a government program."
4

5 **Section 34.** Section 13-27-301, MCA, is amended to read:

6 **"13-27-301. Submission of petition sheets -- withdrawal of signatures.** (1) Signed sheets or
7 sections of petitions with original signatures must be submitted to the official responsible for registration of
8 electors in the county in which the signatures were obtained no sooner than 9 months and no later than 4
9 weeks before the final date for filing the petition with the secretary of state.

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

15 (3) Signatures may be withdrawn from a petition ~~for constitutional amendment, constitutional~~
16 ~~convention, initiative, or referendum~~ up to the time of final submission of petition sheets as provided in
17 subsection (1). The secretary of state shall prescribe the form to be used by an elector desiring to have the
18 elector's signature withdrawn from a petition."
19

20 **Section 35.** Section 13-27-303, MCA, is amended to read:

21 **"13-27-303. Verification of signatures by county official -- allocating voters following**
22 **reapportionment -- duplicate signatures.** (1) Except as required by 13-27-104, within 4 weeks after receiving
23 the sheets or sections of a petition, the county official shall check the names of all signers to verify they are
24 registered electors of the county. In addition, the official shall randomly select signatures on each sheet or
25 section and compare them with the signatures of the electors as they appear in the registration records of the
26 office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered
27 electors on the sheet or section may be certified to the secretary of state without further comparison of
28 signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet

1 or section must be compared with the signatures in the registration records of the office.

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

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

12

13 **Section 36.** Section 13-27-304, MCA, is amended to read:

14 **"13-27-304. County official to forward verified sheets.** The county official verifying the number of
15 registered electors signing the petition shall forward it to the secretary of state by certified mail with a certificate
16 in substantially the following form attached:

17 To the Honorable _____, Secretary of State of the state of Montana:

18 I, _____, _____ (title) of the County of _____, certify that I have examined the
19 attached sheets of the petition for (statutory referendum, statutory initiative, constitutional convention initiative,
20 or constitutional ~~amendment initiative~~) No. ____ in the manner prescribed by law; and I believe that ____
21 (number) signatures in (Legislative Representative District No. ____ or the County of ____) (repeat for each
22 district or county included in sheet or section) are valid; and I further certify that the affidavit of the signature
23 gatherer of the petition is attached.

24 Signed: _____ (Date) _____ (Signature)

25 Seal _____ (Title)"

26

27 **Section 37.** Section 13-27-308, MCA, is amended to read:

28 **"13-27-308. Certification of petition to governor.** When a petition for ~~referendum, initiative,~~

1 ~~constitutional convention, or constitutional amendment~~ containing a sufficient number of verified signatures has
2 been filed with the secretary of state within the time required by the constitution or by law, the secretary of state
3 shall immediately certify to the governor that the completed petition qualifies for the ballot."
4

5 **Section 38.** Section 13-27-311, MCA, is amended to read:

6 **"13-27-311. Publication of proposed constitutional amendments initiatives and constitutional**
7 **referendums.** (1) If a constitutional amendment ~~proposed by initiative~~ is submitted to the people, the secretary
8 of state shall have the proposed ~~amendment~~ constitutional initiative published in full twice each month for 2
9 months prior to the election at which it is to be voted upon by the people in not less than one newspaper of
10 general circulation in each county.

11 (2) (a) For a proposed constitutional ~~amendment referred to the voters by the legislature~~
12 referendum, the secretary of state may arrange for newspaper publication or radio or television broadcast of the
13 ~~amendment~~ constitutional referendum, in each county.

14 (b) The ballot statements reviewed or prepared by the attorney general for the
15 ~~amendment~~ constitutional referendum, as described in ~~13-27-312 or 13-27-315~~ [section 9], are sufficient for the
16 publication allowed by this subsection (2) and should be made at least twice each month for 2 months prior to
17 the election.

18 (c) The secretary of state shall select the method of notification that the secretary of state believes
19 is best suited to reach the largest number of potential electors."
20

21 **Section 39.** Section 13-27-316, MCA, is amended to read:

22 **"13-27-316. Court review of attorney general opinion or approved petitioner statements.** (1) If
23 the proponents of a statewide ballot issue believe that the ballot statements approved by the attorney general
24 do not satisfy the requirements of ~~13-27-312~~ [section 2 or 3] or believe that the attorney general was incorrect
25 in determining that the petition was legally deficient, they may, within 10 days of the attorney general's
26 determination regarding legal sufficiency provided for in ~~13-27-202~~ [section 11], file an original proceeding in
27 the supreme court challenging the adequacy of the statement or the attorney general's determination and
28 requesting the court to alter the statement or modify the attorney general's determination.

1 (2) If the opponents of a statewide ballot issue believe that the petitioner ballot statements
2 approved by the attorney general do not satisfy the requirements of ~~13-27-312~~ [section 2 or 3] or believe that
3 the attorney general was incorrect in determining that the petition was legally sufficient, they may, within 10
4 days of the date of certification to the governor that the completed petition has been officially filed, file an
5 original proceeding in the supreme court challenging the adequacy of the statement or the attorney general's
6 determination and requesting the court to alter the statement or overrule the attorney general's determination
7 concerning the legal sufficiency of the petition. The attorney general shall respond to a complaint within 5 days.

8 (3) (a) Notice must be served upon the secretary of state and upon the attorney general.

9 (b) If the proceeding requests modification of ballot statements, an action brought under this
10 section must state how the petitioner's ballot statements approved by the attorney general do not satisfy the
11 requirements of ~~13-27-312~~ [section 2 or 3] and must propose alternate ballot statements that satisfy the
12 requirements of ~~13-27-312~~ [sections 2 and 3].

13 (c) (i) Pursuant to Article IV, section 7(2), of the Montana constitution, an action brought pursuant
14 to this section takes precedence over other cases and matters in the supreme court. The court shall examine
15 the proposed issue and the challenged statement or determination of the attorney general and shall as soon as
16 possible render a decision as to the adequacy of the ballot statements or the correctness of the attorney
17 general's determination.

18 (ii) If the court decides that the ballot statements do not meet the requirements of ~~13-27-312~~
19 [section 2 or 3], it may order the attorney general to revise the ballot statements within 5 days or certify to the
20 secretary of state ~~a statement~~ ballot statements that the court determines will meet the requirements of ~~13-27-~~
21 ~~312~~ [sections 2 and 3]. A ballot statement revised by the attorney general pursuant to the court's order or
22 certified by the court must be placed on the petition for circulation and on the official ballot.

23 (iii) If the court decides that the attorney general's legal sufficiency determination is incorrect and
24 that a proposed issue does not comply with statutory and constitutional requirements governing submission of
25 the issue to the electors, any petitions supporting the issue are void and the issue may not appear on the ballot.
26 A proponent of the statewide ballot issue may resubmit a revised issue, pursuant to ~~13-27-202~~ [section 4],
27 subject to the deadlines provided in this chapter.

28 (iv) If the court decides that the attorney general's legal deficiency determination is incorrect and

1 that a proposed statewide ballot issue complies with statutory and constitutional requirements governing
2 submission of the issue to the electors, the attorney general shall prepare ballot statements ~~pursuant to 13-27-~~
3 ~~312~~ that comply with [sections 2 and 3] and forward the statements to the secretary of state within 5 days of the
4 court's decision.

5 (4) A petition ~~for a proposed ballot issue~~ may be circulated by a signature gatherer upon
6 transmission of the sample petition form by the secretary of state pending review under this section. If, upon
7 review, the attorney general or the supreme court revises the petition form or ballot statements, any petitions
8 signed prior to the revision are void.

9 (5) An original proceeding in the supreme court under this section is the exclusive remedy for a
10 challenge to the petitioner's ballot statements, as approved by the attorney general, or the attorney general's
11 legal sufficiency determination. A statewide ballot issue may not be invalidated under this section after the
12 secretary of state has certified the ballot under 13-12-201.

13 (6) This section does not limit the right to challenge a constitutional defect in the substance of an
14 issue approved by a vote of the people."
15

16 **Section 40.** Section 13-27-317, MCA, is amended to read:

17 "**13-27-317. Contest of ballot issue petitions.** (1) Any qualified elector may, within 30 days after the
18 date on which the issue was certified to the governor, file an action in the district court in the county of
19 residence of the qualified elector contesting the certification of a statewide ballot issue for illegal petition
20 signatures or an erroneous or fraudulent count or canvass of petition signatures.

21 (2) If a court finds that illegal petition signatures or an erroneous or fraudulent count or canvass of
22 petition signatures affected the outcome of the petition process and certification, the secretary of state shall
23 decertify the contested statewide ballot issue."
24

25 **Section 41.** Section 13-27-401, MCA, is amended to read:

26 "**13-27-401. Voter information pamphlet.** (1) The secretary of state shall prepare for printing a voter
27 information pamphlet containing information relevant to the election, including but not limited to the following
28 information for each statewide ballot issue to be voted on at an election, as applicable:

- 1 (a) ballot title, fiscal statement if applicable, and complete text of the issue;
- 2 (b) the form in which the issue will appear on the ballot;
- 3 (c) arguments advocating approval and rejection of the issue; and
- 4 (d) rebuttal arguments.
- 5 (2) The pamphlet must also contain a notice advising the recipient as to where additional copies of
- 6 the pamphlet may be obtained.
- 7 (3) Whenever more than one statewide ballot issue is to be voted on at a single election, the
- 8 secretary of state may publish a single pamphlet for all of the statewide ballot issues. The secretary of state
- 9 may arrange the information in the order that seems most appropriate, but the information for all statewide
- 10 ballot issues in the pamphlet must be presented in the same order.
- 11 (4) The secretary of state may prescribe by rule the format and manner of submission of the
- 12 arguments concerning the statewide ballot issue."

13
14 **Section 42.** Section 13-27-402, MCA, is amended to read:

15 **"13-27-402. Committees to prepare arguments for and against statewide ballot issues.** (1) The

16 arguments advocating approval or rejection of the statewide ballot issue and rebuttal arguments must be

17 submitted to the secretary of state by committees appointed as provided in this section.

18 (2) (a) The committee advocating approval of a legislative act referred to the people ~~either by the~~

19 ~~legislature or by referendum petition or advocating approval of a~~ in a legislative referendum, a statutory

20 referendum, a constitutional amendment referred by the legislature referendum, or a constitutional convention

21 referendum must be composed of:

- 22 (i) one senator known to favor the referred statewide ballot issue, appointed by the president of
- 23 the senate;
- 24 (ii) one representative known to favor the referred statewide ballot issue, appointed by the speaker
- 25 of the house of representatives; and
- 26 (iii) one individual who need not be a member of the legislature, appointed by the first two
- 27 members.
- 28 (b) The president of the senate or the speaker of the house shall appoint the primary bill sponsor

1 to the committee advocating approval of a legislative act referred to the people ~~by the legislature or to the~~
2 ~~committee advocating a constitutional amendment referred by the legislature in a legislative referendum, a~~
3 ~~constitutional referendum, or a constitutional convention referendum~~ under subsection (2)(a)(i) or (2)(a)(ii),
4 depending on the legislative body in which the bill originated. However, if the primary bill sponsor is unable to
5 perform the duties required by this part due to death, illness, absence, or incapacity or if the primary bill
6 sponsor otherwise declines to participate as a committee member, the president of the senate or the speaker of
7 the house, whichever would have otherwise appointed the primary bill sponsor, shall immediately appoint a
8 replacement pursuant to subsection (2)(a)(i) or (2)(a)(ii) of this section by the deadline established in 13-27-
9 403(1).

10 (3) (a) The committee advocating rejection of an act referred to the people ~~or of in a legislative~~
11 ~~referendum, a constitutional referendum, or a constitutional amendment proposed by the legislature-convention~~
12 ~~referendum~~ must be composed of:

- 13 (i) one senator appointed by the president of the senate;
- 14 (ii) one representative appointed by the speaker of the house of representatives; and
- 15 (iii) one individual who need not be a member of the legislature, appointed by the first two
16 members.

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

18 (4) The following must be three-member committees and must be appointed by the person
19 submitting the statewide ballot issue to the secretary of state under the provisions of ~~13-27-202~~ [section 5, 6, 7,
20 or 8]:

21 (a) the committee advocating approval of a ballot issue proposed by ~~any type of initiative petition~~
22 statutory initiative, constitutional initiative, or constitutional convention initiative; and

23 (b) the committee advocating rejection of ~~any a~~ legislative act referred to the people ~~by referendum~~
24 ~~petition in a statutory referendum~~.

25 (5) A committee advocating rejection of a statewide ballot issue proposed by ~~any type of initiative~~
26 ~~petition~~ statutory initiative, constitutional initiative, or constitutional convention initiative must be composed of
27 five members. The governor, attorney general, president of the senate, and speaker of the house of
28 representatives shall each appoint one member, and the fifth member must be appointed by the first four

1 members. If possible, members must be known to favor rejection of the issue.

2 (6) A person may not be required to serve on any committee under this section, and except for
3 legislative appointments made by the president of the senate or by the speaker of the house of representatives,
4 the person making an appointment must have written acceptance of appointment from the appointee. If an
5 appointment is not made by the required time, the committee members that have been appointed may fill the
6 vacancy by unanimous written consent up until the deadline for filing the arguments."

7

8 **Section 43.** Section 13-27-403, MCA, is amended to read:

9 **"13-27-403. Appointment to committee.** (1) Except as provided in subsection (2), appointments to
10 committees advocating approval or rejection of ~~an act referred to the people, a constitutional amendment~~
11 ~~proposed by the legislature, or a ballot issue referred to the people by referendum petition or proposed by any~~
12 ~~type of initiative petition~~ a statewide ballot issue must be made no later than 1 week prior to the deadline for
13 filing arguments on the ballot issue under 13-27-406.

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

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

26

27 **Section 44.** Section 13-27-406, MCA, is amended to read:

28 **"13-27-406. Limitation on length of argument -- time of filing.** An argument advocating approval or

1 rejection of a statewide ballot issue is limited to a single side of a single 7 1/2-inch by 10-inch page and must be
2 filed, in a black-and-white, camera-ready format, with the secretary of state no later than 105 days before the
3 election at which the issue will be voted on by the people. The argument must consist solely of written material
4 prepared by the committee and may not consist of pictures, clippings, or other material. The written material
5 must be prepared in the font and type style required by the secretary of state. With the goal of achieving
6 readability and uniformity, the secretary of state shall prescribe a commonly used font and type style. A majority
7 of the committee responsible for preparation shall approve and sign each argument filed. Separate signed
8 letters of approval of an argument may be filed with the secretary of state by members of a committee if
9 necessary to meet the filing deadline."

10

11 **Section 45.** Section 13-27-407, MCA, is amended to read:

12 **"13-27-407. Rebuttal arguments.** The secretary of state shall provide copies of the arguments
13 advocating approval or rejection of a statewide ballot issue to the members of the adversary committee no later
14 than 1 day following the filing of both the approval and rejection arguments for the issue. The committees may
15 prepare rebuttal arguments no longer than one-half the size of the arguments under 13-27-406 that must be
16 filed, in a black-and-white, camera-ready format, with the secretary of state no later than 10 days after the
17 deadline for filing the original arguments. The argument must consist solely of written material prepared by the
18 committee and may not consist of pictures, clippings, or other material. The written material must be prepared
19 in the font and type style required by the secretary of state. With the goal of achieving readability and
20 uniformity, the secretary of state shall prescribe a commonly used font and type style. Discussion in the rebuttal
21 argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument
22 must be approved and signed by a majority of the committee responsible for its preparation. Separate signed
23 letters of approval may be submitted in the same manner as for the original arguments."

24

25 **Section 46.** Section 13-27-409, MCA, is amended to read:

26 **"13-27-409. Fact statement to be supported -- liability for contents of argument.** (1) A factual
27 statement made in an argument advocating approval or rejection of a statewide ballot issue or in a rebuttal
28 argument to either of those arguments must be supported by documents filed by the proponents or opponents

1 with the secretary of state within 2 business days of the date on which the statements are required to be filed
2 with the secretary of state.

3 (2) Nothing in this chapter relieves an author of any argument from civil or criminal responsibility
4 for statements contained in an argument printed in the voter information pamphlet."
5

6 **Section 47.** Section 13-27-410, MCA, is amended to read:

7 **"13-27-410. Printing and distribution of voter information pamphlet.** (1) At least 110 days before
8 the election, the secretary of state shall arrange with the department of administration by requisition for the
9 printing and delivery of a voter information pamphlet for all statewide ballot issues. The requisition must include
10 a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of
11 state.

12 (2) The secretary of state shall estimate the number of copies necessary to furnish one copy to
13 each voter in each county, except that two or more voters with the same mailing address and the same last
14 name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in
15 determining 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
17 printing and delivery of the voter information pamphlet. The contract must require completion of printing and
18 shipment, as specified on the delivery list, of the voter information pamphlets by not later than 45 days before
19 the election at which the statewide ballot issues will be voted on by the people.

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

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

1 **Section 48.** Section 13-27-501, MCA, is amended to read:

2 **"13-27-501. Secretary of state to certify ballot form.** (1) The secretary of state shall furnish to the
3 official of each county responsible for preparation of the ballots, at the same time as the election administrator
4 certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of
5 the form in which each statewide ballot issue to be voted on by the people at that election is to appear on the
6 ballot.

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

8 (a) the number;

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

10 (c) the title;

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

12 (e) the fiscal statement, if applicable;

13 (f) the statement of purpose and implication if not otherwise listed as the title pursuant to [section
14 2];

15 (g) the yes and no ~~statements~~ statement; and

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

18 (3) When required to do so, the secretary of state shall use for each ballot issue the title of the
19 legislative act or legislative constitutional proposal or the title provided by the attorney general or district court.

20 Following the number of the ballot issue, the secretary of state, when required to do so, shall include one of the
21 following statements to identify why the issue has been placed on the ballot:

22 (a) an act referred by the legislature;

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

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

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

27 **Section 49.** Section 13-27-502, MCA, is amended to read:

28 **"13-27-502. Preparation of ballots with ballot issues.** (1) Each of the county officials responsible

1 for the preparation of the ballots shall provide for the statewide ballot issues to appear on the official ballot in
2 the form and order in which the statewide ballot issues have been certified by the secretary of state.

3 (2) All statewide ballot issues must be placed on the same official ballot as the candidates unless
4 the secretary of state provides the election administrator with specific written approval for separate ballots. The
5 secretary of state may issue an approval only when the number of statewide ballot issues to be voted on at an
6 election makes it impractical to print the entire ballot, including the statewide ballot issues, on the same official
7 ballot as the candidates."
8

9 **Section 50.** Section 13-27-503, MCA, is amended to read:

10 **"13-27-503. Determination of result of election.** The votes on statewide ballot issues must be
11 counted, canvassed, and certified in the same manner as votes for candidates are counted, canvassed, and
12 certified. The abstract of votes on statewide ballot issues must be prepared and returned to the secretary of
13 state in the manner provided by 13-15-501 for abstract of votes for state officers. At the same time as the votes
14 for state officers are canvassed, the board of state canvassers shall proceed to canvass the votes given for
15 each statewide ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare
16 and file in the secretary of state's office a statement of the canvass, giving the number and title of each
17 statewide ballot issue, the whole number of votes cast in the state for and against each statewide ballot issue,
18 and the effective date of each statewide ballot issue approved by a majority of those voting on the issue. The
19 secretary of state shall transmit a certified copy of the statement of the canvass to the governor."
20

21 **Section 51.** Section 13-27-504, MCA, is amended to read:

22 **"13-27-504. Copy of approved issues to be sent to legislative services division.** The secretary of
23 state shall send a certified copy of all statewide ballot issues that have been approved by a majority of those
24 voting on the issue and a copy of the statement of the canvass to the legislative services division at the same
25 time that a certified copy of the statement of the canvass is transmitted to the governor."
26

27 **SECTION 52. SECTION 13-37-126, MCA, IS AMENDED TO READ:**

28 **"13-37-126. Names not to appear on ballot.** (1) The name of a candidate may not appear on the

1 official ballot for an election if the candidate or a treasurer for a candidate fails to file any statement or report as
2 required by 2-2-106 or this chapter.

3 (2) A vacancy on an official ballot under this section may be filled in the manner provided by law, but
4 not by the same candidate.

5 (3) (a) In carrying out the mandate of this section, the commissioner shall, by a written statement,
6 notify the secretary of state and the election administrator conducting an election when a candidate or a
7 candidate's treasurer has not complied with 2-2-106 or the provisions of this chapter and that the candidate's
8 name may not appear on the official ballot.

9 (b) The commissioner shall provide the notification:

10 (i) 2 calendar days before the certification deadline provided in 13-10-208 for statewide primary
11 elections and 20-20-401 for school district elections; and

12 (ii) 7 days before the certification deadline provided in 13-12-201 for general elections."
13

14 NEW SECTION. Section 53. Repealer. The following sections of the Montana Code Annotated are
15 repealed:

16 13-27-111. Definitions.

17 13-27-113. Powers and duties of commissioner.

18 13-27-202. Recommendations -- registration by paid signature gatherers -- approval of form required.

19 13-27-312. Review of proposed ballot issue and statements by attorney general -- preparation of fiscal
20 note.

21 13-27-315. Statements by attorney general on issues referred by legislature.
22

23 NEW SECTION. Section 54. Directions to code commissioner. (1) Sections 13-1-121 and 13-27-
24 316 are intended to be renumbered and codified in Title 13, chapter 2.

25 (2) The code commissioner may renumber existing statutes in Title 13, chapter 27, part 2, in the
26 same part for consistency and clarity with [sections 1 through 16].
27

28 NEW SECTION. Section 55. Saving clause. [This act] does not affect rights and duties that

1 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

2

3 NEW SECTION. Section 56. Codification instruction. [Sections 1 through 16] are intended to be
4 codified as an integral part of Title 13, chapter 27, part 2, and the provisions of Title 13, chapter 27, part 2,
5 apply to [sections 1 through 16].

6

7 NEW SECTION. Section 57. Effective date. [This act] is effective on passage and approval.

8

9 NEW SECTION. Section 58. Applicability. (1) [This act] applies to statewide ballot issues submitted
10 to the secretary of state on or after [the effective date of this act].

11 (2) [This act] applies to ballot issues submitted to the county election administrator for approval of
12 the form of the petition required by 7-5-132 on or after [the effective date of this act].

13 (3) [This act] applies to a petition prepared pursuant to 7-7-2224 that is filed with the election
14 administrator under 7-7-2225 on or after [the effective date of this act].

15 - END -