

Comparison of Ballot Issue Qualification Requirements to Party Qualification Requirements

Changes Recommended in HB647 are Underlined and Highlighted

EXHIBIT 2
DATE 3/21/2019
HB 647

QUALIFICATION REQUIREMENT	CONSTITUTIONAL BALLOT ISSUES	NON-CONSTITUTIONAL BALLOT ISSUES	MINOR PARTY QUALIFICATION
<p>Must gather a certain number of signatures</p>	<p><u>Article XIV (Section 9)</u>, Montana Public Interest Research Group v. Johnson (2005), and Attorney General Opinion 51 A.G. Op. 2 (2005)</p> <p>10% of the qualified electors in each of two-fifths of the legislative districts totaling at least 10% of the total qualified electors of the state (per case law and Attorney General opinion).</p> <p><i>Example: In 2018, there were 711,844 registered voters in MT. 71,185 signatures would be 10%.</i></p>	<p><u>Article III (Section 4)</u>, Montana Public Interest Research Group v. Johnson (2005), and Attorney General Opinion 51 A.G. Op. 2 (2005)</p> <p>5% of the qualified electors in each of at least one-third of legislative representative districts totaling at least 5% of the total qualified electors of the state (per case law and Attorney General opinion).</p> <p><i>Example: In 2018, there were 711,844 registered voters in MT. 35,593 signatures would be 5%.</i></p>	<p><u>MCA 13-10-601</u> Automatic qualification: garnering 5% of the total votes cast for the last successful gubernatorial candidate</p> <p>New qualification: Must collect signatures of registered voters in at least 1/3 of legislative districts (34 districts) equal to 5% or more of the total votes cast for the last successful gubernatorial candidate or <u>5,000 electors</u>, whichever is less.</p> <p><i>Example: In 2016, Governor Bullock received 255,933 votes. 12,797 signatures would be 5%.</i></p>
<p>Signature gatherers must sign affidavit</p>	<p>Yes – <u>13-27-302</u></p>	<p>Yes – <u>13-27-302</u></p>	<p>Yes – <u>13-27-302</u></p>
<p>Signatures must be presented to election administrator, verified, and forwarded to SOS, and may be challenged in court</p>	<p>Yes – <u>13-27-303</u>, <u>13-27-304</u>, <u>13-27-305</u>, <u>13-27-306</u></p>	<p>Yes – <u>13-27-303</u>, <u>13-27-304</u>, <u>13-27-305</u>, <u>13-27-306</u></p>	<p>Yes – <u>13-27-303</u>, <u>13-27-304</u>, <u>13-27-305</u>, <u>13-27-306</u></p>
<p>Signature gatherers must be residents and not paid anything of value based on the number of signatures gathered</p>	<p>Yes – <u>13-27-102</u></p>	<p>Yes – <u>13-27-102</u></p>	<p><u>No</u></p>
<p>Signature on petition must substantially match signature on voter registration form</p>	<p>Yes – <u>13-27-103</u></p>	<p>Yes – <u>13-27-103</u></p>	<p><u>No</u></p>
<p>Interfering with petition collection or falsifying petitions subject to penalty</p>	<p>Yes – <u>13-27-106</u> and <u>13-27-210</u></p>	<p>Yes – <u>13-27-106</u> and <u>13-27-210</u></p>	<p><u>No</u></p>
<p>Payments to signature gatherers must be reported to COPP</p>	<p>Yes – <u>13-27-112</u> and <u>13-27-113</u></p>	<p>Yes – <u>13-27-112</u> and <u>13-27-113</u></p>	<p>No – being addressed in separate bill</p>