

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

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

5 (3) A petition as provided by subsection (1) of this section or resolution as provided by subsection
6 (2) of this section for an election must:

7 (a) embrace only a single comprehensive subject;

8 (b) set out fully the ordinance sought, the ordinance to be amended and the proposed amendment,
9 or the ordinance to be repealed, or the proposal sought if the proposal is otherwise authorized under law;

10 (c) except as specifically provided in this part, be in the form prescribed in [SECTION 12]; and

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

12 (4) An election held pursuant to this section must be conducted in conjunction with the local
13 government's next election held in accordance with Title 13, chapter 1, part 4, if the petition is received by the
14 election administrator at least 4 weeks before the date that falls 85 days before the local government election.
15 However, if the petition asks for a special election, specifies an election date that complies with 13-1-405, is
16 received at least 4 weeks before the date that falls 85 days before the local government election, and is signed
17 by at least 25% of the qualified electors, a special election must be held on the date specified in the petition.

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

20
21 **NEW SECTION. Section 3. Processing of petition.** (1) The governing body may, within 60 days of
22 receiving the petition, take the action called for in the petition. If the action is taken, the question need not be
23 submitted to the electors. If the election administrator has already certified the ballot issue pursuant to
24 [SECTION 10], the results of the election are void.

25 (2) If the governing body does not within 60 days take the proposed action, then the question must
26 be submitted to the electors at the local government's next election held in accordance with Title 13, chapter 1,
27 part 4.

28

1 **NEW SECTION. Section 4. The election administrator shall certify a local government ballot**
2 **issue for a local government election no later than 85 days before the election. [***]**

3
4 **NEW SECTION. Section 5. A local government petition may be signed only by a qualified**
5 **elector of the local government jurisdiction. [***]**

6
7 **NEW SECTION. Section 6. A person gathering signatures for petition may not be paid anything**
8 **of value based upon the number of signatures gathered. [***]**

9
10 **NEW SECTION. Section 7. Signatures may be withdrawn from a petition up to the time of final**
11 **submission of petition sheets. [***]**

12
13 **NEW SECTION. Section 8. Ballot issue referred by governing body of local government. (1)**
14 Unless otherwise provided by law, an ordinance referred to a vote of the people by the governing body of a
15 local government must comply with the ballot statement requirements of [SECTION 10(3)] and the statements
16 of implication requirements provided by [SECTION 10(4)]. For the purposes of this subsection (1), the word
17 limits of [SECTION 10] do not apply to additional statements required on the ballot by law, such as provided in
18 7-7-111 and 15-10-425(3).

19 (2) The governing body of the local government must transmit a local government ballot issue
20 referred to a vote of the people according to the requirements of Title 13, chapter 1, part 4.

21
22 **NEW SECTION. Section 9. Certification of signatures.** An affidavit, in substantially the form
23 provided in 1-6-105 or in the following form, must be attached to each petition sheet or petition section
24 submitted to the county official:

25 I, (name of person who is the signature gatherer), swear that I gathered the signatures on the petition
26 to which this affidavit is attached on the stated dates, that I believe the signatures on the petition are genuine,
27 are the signatures of the persons whose names they purport to be, and are the signatures of [insert appropriate
28 local government unit] electors who are registered at the address or have the telephone number following the

1 person's signature, and that the signers knew the contents of the petition before signing the petition.

2 _____

3 (Date on which the first signature was gathered)

4 _____

5 (Signature of petition signature gatherer)

6 _____

7 (Address of petition signature gatherer)

8 Subscribed and sworn to me this __ day of _____, 20__

9 Seal

10 _____

11 (Person authorized to take oaths)

12 _____

13 (Title or notarial information)

14

15 **NEW SECTION. Section 10. Signatures -- submission for approval -- statement of purpose and**

16 **implication.** (1) In order to determine the number of signatures needed on a petition to meet the percentage
17 requirements of this part, the number of electors shall be the number of individuals registered to vote at the
18 preceding general election for the local government.

19 (2) Before a petition may be circulated for signatures, a sample petition must be submitted in the
20 form in which it will be circulated to the county election administrator.

21 (3) The county election administrator shall promptly refer a copy of the sample petition sheet to the
22 attorney for the local government unit. The local government attorney shall review the sample petition for form
23 and compliance with 7-5-131 and 7-5-132 and unless otherwise provided by law prepare a concise ballot
24 statement not exceeding 135 words. The ballot statement must be an accurate and impartial explanation of the
25 purpose of the proposed ballot issue in plain, easily understood language. The statement may not be an
26 argument and may not be written so as to create prejudice for or against the issue. The statement prepared
27 pursuant to this subsection, unless altered by court order, must be used as the petition title and the ballot
28 statement if the issue is placed on the ballot.

1 (4) At the time the statement of purpose is prepared, the local government attorney shall prepare a
2 statement of the implication of a vote for and a statement of the implication of a vote against the ballot issue.
3 Unless otherwise provided by law, each statement of implication may be no more than 25 words and must be in
4 simple, impartial language that clearly explains the meaning of a vote for or a vote against the issue. Each
5 statement of implication prepared pursuant to this section, unless altered by a court order, is to be used on the
6 petition and the ballot if the issue is placed on the ballot. The statements of implication must be placed beside
7 the diagram provided for marking of the ballot in a manner similar to the following example:

- 8 FOR weekly commission meetings.
- 9 AGAINST weekly commission meetings.

10 (5) If the petition is rejected as to form, within 21 days after submission of the sample, the attorney
11 for the local government must send written notice and a statement of the reasons for rejection to the person
12 who submitted the sample petition and the county election administrator.

13 (6) If the petition is approved as to form, within 21 days after submission of the sample, the
14 attorney for the local government shall send written notice to the person who submitted the sample petition and
15 the county election administrator. This notice must include the ballot statement and the statements of
16 implication prepared by the local government attorney.

17 (7) All petition signatures must be collected and filed within 90 days of the date of the notice that
18 the petition has been approved as to form.

19 (8) Signatures shall be verified in the manner provided in 13-27-103.

20
21 NEW SECTION. **Section 11. Suit to determine validity and constitutionality of petition and**
22 **proposed action.** (1) The governing body may direct that a suit be brought in district court by the local
23 government to determine whether the proposed action would be valid and constitutional. The suit must be
24 initiated within 14 days of the date a petition has been approved as to form under [SECTION 10].

25 (2) An action brought under this section takes precedence over other cases and matters in the
26 district court. The court shall as soon as possible render a decision as to whether the proposed action would be
27 valid and constitutional.

28 (3) If the defendant prevails, the defendant is entitled to be reimbursed by the local government for

1 costs and reasonable attorney's fees incurred.

2 (4) The 90-day period during which petition signatures must be collected under [SECTION 10]
3 begins on the date of the court order resolving the suit.

4
5 NEW SECTION. Section 12. Form of petition. (1) A local government petition must be substantially
6 in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the
7 sufficiency of signatures on the petition do not render a petition void.

8 (2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be
9 fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be
10 printed the title of the ordinance referred or the proposed issue. If signature lines are printed on both the front
11 and back of a petition sheet, the information required above must appear on both the front and back of the
12 sheet. The complete text of the issue proposed or referred must be attached to or contained within each
13 signature sheet if sheets are circulated separately. The text of the issue must be in the format prescribed by the
14 governing body pursuant to 7-5-103(1) and, unless otherwise provided by the governing body of the local
15 government, using the style and language and form guide of the most recent edition of the bill drafting manual
16 furnished by the legislative services division. If sheets are circulated in sections, the complete text of the issue
17 must be attached to each section.

18 (3) An internet posting of petition language must include a statement that the petition language
19 and format may not be modified. An internet posting must include an affidavit in substantially the same form as
20 provided in [SECTION 13].

21 (4) Unless otherwise provided by law, the following is substantially the form for a local government
22 petition calling for approval or rejection of an ordinance or other proposal:

23 PETITION TO PLACE [ORDINANCE NO.____ OR CONCISE NAME OF PROPOSAL] ON THE
24 ELECTION BALLOT

25 (a) If 5% of the voters in [insert appropriate local government unit] sign this petition and the total
26 number of voters signing the petition is _____, this proposal will appear on the election ballot of [insert
27 appropriate local government entity] to be conducted on [insert date of election]. If a majority of voters vote for
28 this proposal at that election it will become law.

1 (b) We, the undersigned [insert appropriate local government entity], propose that the county
2 election administrator place the following proposal on the next general election ballot:

3 (Title of proposal written in conformity with [SECTION 10])

4 (Statements of implication written in conformity with [SECTION 10])

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

8 (d)

9 **WARNING**

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

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

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

22
23 **NEW SECTION. Section 13. False entries -- signing twice -- penalties.** A person who knowingly
24 makes a false entry upon a petition or affidavit required by Title 13, chapter 27 or [SECTIONS 1 THROUGH 12
25] or who knowingly signs a petition to place the same issue on the ballot at the same election more than
26 once is guilty of unsworn falsification or tampering with public records or information, as appropriate, and is
27 punishable as provided in 45-7-203 or 45-7-208, as applicable.

28

1 **NEW SECTION. Section 14. Physical prevention of obtaining signatures or physical**
2 **intimidation of signature gatherers prohibited.** A person may not knowingly or purposefully physically
3 prevent an individual from obtaining signatures or attempting to obtain signatures on a petition for a statewide
4 or local government ballot issue or physically intimidate another individual when that individual is obtaining or
5 attempting to obtain signatures on a petition for a statewide or local government ballot issue. A person who
6 violates this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more
7 than \$500, by imprisonment for not more than 90 days, or by both a fine and imprisonment.

8

9 **Section 15.** Section 7-5-131, MCA, is amended to read:

10 **"7-5-131. Right of initiative and referendum.** (1) Except as provided in subsection (2), the powers of
11 initiative and referendum are reserved to the electors of each local government. Resolutions and ordinances
12 within the legislative jurisdiction and power of the governing body of the local government may be proposed or
13 amended and prior resolutions and ordinances may be repealed in the manner provided in ~~7-5-132 through 7-5-~~
14 ~~135~~ [Title 13, Chapter 28] and 7-5-137.

- 15 (2) The powers of initiative do not extend to the following:
- 16 (a) the annual budget;
 - 17 (b) bond proceedings, except for ordinances authorizing bonds;
 - 18 (c) the establishment and collection of charges pledged for the payment of principal and interest
19 on bonds;
 - 20 (d) the levy of special assessments pledged for the payment of principal and interest on bonds;
 - 21 (e) the prioritization of the enforcement of any state law by a unit of local government; or
 - 22 (f) the regulation of auxiliary containers, defined in 7-1-121(4), as prohibited by 7-1-121(2)."

23

24 **NEW SECTION. Section 16. Repealer.** The following sections of the Montana Code Annotated are
25 repealed:

- 26 7-5-132. Procedure for initiative or referendum election.
- 27 7-5-133. Processing of petition.
- 28 7-5-134. Signatures -- submission for approval -- statement of purpose and implication.

- 1 7-5-135. Suit to determine validity and constitutionality of petition and proposed action.
- 2 13-27-610. False entries -- signing twice -- penalties.
- 3 13-27-611. Physical prevention of obtaining signatures or physical intimidation of signature gatherers
- 4 prohibited.

5

6 **NEW SECTION. Section 17. Saving clause.** [This act] does not affect rights and duties that

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

8

9 **NEW SECTION. Section 18. Effective date.** [This act] is effective on passage and approval.

10

11 **NEW SECTION. Section 19. Codification instruction.** (1) [Sections 1 through 12] are intended to

12 be codified as an integral part of Title 13, chapter 28, and the provisions of Title 13, chapter 28, apply to

13 [sections 1 through 12].

14 (2) [Sections 13 through 14] are intended to be codified as an integral part of Title 13, chapter 35, part

15 2, and the provisions of Title 13, chapter 35, part 2, apply to [sections 13 through 14].

16

17 **NEW SECTION. Section 20. Applicability.** [This act] applies to any local government ballot issues

18 submitted to a local government attorney or the county election administrator for placement on the ballot on or

19 after the [effective date of this act].

20 - END -