

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATEWIDE BALLOT ISSUE LAWS; REQUIRING THE  
5 SECRETARY OF STATE TO HOLD A PUBLIC HEARING ON STATEWIDE BALLOT ISSUE PROPOSALS;  
6 AND AMENDING SECTIONS 13-27-216, 13-27-217, 13-27-218, AND 13-27-219, MCA."

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

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10 **NEW SECTION.** **Section 1. Public hearing on statewide ballot issue proposals.** (1) After  
11 transmitting a proposed statutory initiative, statutory referendum, constitutional initiative, or constitutional  
12 convention initiative and the proposal's ballot statements to the legislative services division as provided in 13-  
13 27-216(1), 13-27-217(1), 13-27-218(1), or 13-27-219(1), the secretary of state shall conduct a public hearing at  
14 which public comments and testimony must be received.

15 (2) The public hearing must be held within the same period as the review OF THE PROPOSED BALLOT  
16 ISSUE AND BALLOT STATEMENTS by the legislative services division provided in 13-27-216(2), 13-27-217(2), 13-  
17 27-218(2), and 13-27-219(2).

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19 **Section 2.** Section 13-27-216, MCA, is amended to read:

20 **"13-27-216. Statutory initiative process and procedure.** (1) (a) A proponent of a statutory initiative  
21 shall submit the text of the proposed statutory initiative to the secretary of state together with draft ballot  
22 statements and the filing fee required by 13-27-215. The secretary of state shall, without undue delay, forward a  
23 copy of the text of the proposed statutory initiative and ballot statements to the legislative services division for  
24 review in accordance with 13-27-225.

25 (b) A proposed statutory initiative may not be accepted by the secretary of state until 10 days after  
26 the adjournment sine die of the regular legislative session preceding the general election during which the  
27 proposal is intended to be voted on. The prohibitions on acceptance of a proposed statutory initiative provided  
28 in this subsection (1)(b) do not apply to a submission received on or after the date that falls 130 days after the

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

5 (2) (a) Within 14 days after receiving the proposed statutory initiative from the secretary of state,  
6 the legislative services division shall respond in writing to the proponent in accordance with 13-27-225.

7 (b) During the 14-day review period by the legislative services division, the secretary of state shall  
8 hold a public hearing in accordance with [section 1].

9 (3) After the proponent responds to the legislative services division as provided in 13-27-225, the  
10 proponent shall submit the final text of the proposed statutory initiative and ballot statements to the secretary of  
11 state. However, if a response to the legislative services division is not required by the proponent pursuant to 13-  
12 27-225, the proponent shall instead submit the final text of the proposed statutory initiative and ballot  
13 statements to the secretary of state after the proponent receives the legislative services division's response.

14 (4) On receipt of the final text of the proposed statutory initiative and the ballot statements, the  
15 secretary of state shall reject the proposed statutory initiative if the text or a ballot statement contains material  
16 not submitted to the legislative services division that is a substantive change not recommended by the  
17 legislative services division. Otherwise, the secretary of state shall, without undue delay, refer a copy of the  
18 proposed statutory initiative and ballot statements concurrently to the budget director and to the attorney  
19 general for the attorney general's review in accordance with 13-27-226.

20 (5) The budget director shall determine whether a fiscal note is necessary. If the budget director  
21 determines a fiscal note is necessary, the budget director shall prepare a fiscal note, notify the attorney general  
22 of the necessity of the fiscal note, and provide a copy of the fiscal note pursuant to 13-27-227 within 10 days.  
23 Receipt of the notice from the budget director begins the ~~time frame~~ timeframe in subsection (7).

24 (6) In addition to the requirements of 13-27-226, 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 13-27-239; 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 13-27-238(2) on the final  
4 form of the petition.

5 (7) Within 30 days of receipt of the proposed statutory initiative from the secretary of state, the  
6 attorney general shall complete the requirements set forth in 13-27-226 and subsection (6) of this section.

7 (8) The secretary of state shall review the legal sufficiency opinion received pursuant to 13-27-226.

8 (a) If the attorney general finds that the proposed statutory initiative is not legally sufficient, the  
9 secretary of state shall, without undue delay, send written notice to the person who submitted the proposal that  
10 the proposed statutory initiative has been rejected. The notice must include a copy of the attorney general's  
11 legal sufficiency opinion.

12 (b) If the attorney general finds that the proposed statutory initiative is legally sufficient, the  
13 secretary of state shall, without undue delay, provide the executive director of the legislative services division a  
14 copy of the final text of the proposed statutory initiative and ballot statements in accordance with 13-27-228.  
15 After the executive director of the legislative services division provides the secretary of state the outcome of the  
16 vote as required by 13-27-228, the secretary of state shall immediately send a sample petition form as provided  
17 in 13-27-233 to the person submitting the proposed statutory initiative."

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19 **Section 3.** Section 13-27-217, MCA, is amended to read:

20 **"13-27-217. Statutory referendum process and procedure.** (1) (a) A proponent of a statutory  
21 referendum shall submit the text of the proposed statutory referendum to the secretary of state together with  
22 draft ballot statements and the filing fee required by 13-27-215. The secretary of state shall forward a copy of  
23 the text of the proposed statutory referendum and ballot statements to the legislative services division for  
24 review in accordance with 13-27-225.

25 (b) A proposed statutory referendum may not be accepted by the secretary of state until 10 days  
26 after the adjournment sine die of the regular legislative session preceding the general election during which the  
27 proposal is intended to be voted on. The prohibitions on acceptance of a proposed statutory referendum  
28 provided in this subsection (1)(b) do not apply to a submission received on or after the date that falls 130 days

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

5 (2) (a) Within 7 days after receiving the proposed statutory referendum from the secretary of state,  
6 the legislative services division shall respond in writing to the proponent in accordance with 13-27-225.

7 (b) During the 7-day review period by the legislative services division, the secretary of state shall  
8 hold a public hearing in accordance with [section 1].

9 (3) After the proponent responds to the legislative services division as provided in 13-27-225, 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 13-27-225, 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 fiscal  
21 note, notify the attorney general of the necessity of its determination, and provide a copy of the fiscal note, if  
22 required, pursuant to 13-27-227 within the timeframe required in subsection (5)(b). Receipt of the notice from  
23 the budget director begins the ~~time frame~~ timeframe in subsection (6) for the attorney general's review in  
24 accordance with 13-27-226.

25 (b) If the legislative act that is the subject of the proposed statutory referendum had a fiscal note  
26 prepared pursuant to 5-4-202 during the legislative session in which the bill was proposed, the budget director  
27 shall return the fiscal note to the attorney general within 3 days. If the legislative act that is the subject of the  
28 proposed statutory referendum did not have a fiscal note prepared pursuant to 5-4-202 during the legislative

1 session in which the bill was proposed, the budget director shall return the fiscal note to the attorney general  
2 within 6 days.

3 (6) If the budget director is allowed 3 days to return the fiscal note pursuant to subsection (5), the  
4 attorney general shall complete the requirements set forth in 13-27-226 within 14 days of the receipt of the  
5 proposed statutory referendum from the secretary of state. However, if the budget director is allowed 6 days to  
6 return the fiscal note pursuant to subsection (5), the attorney general shall complete the requirements set forth  
7 in 13-27-226 within 17 days of the receipt of the proposed statutory referendum from the secretary of state.

8 (7) The secretary of state shall review the legal sufficiency opinion received pursuant to 13-27-226.  
9 If the attorney general:

10 (a) finds that the proposed statutory referendum is not legally sufficient, the secretary of state shall,  
11 without undue delay, send written notice to the person who submitted the proposal that the proposed statutory  
12 referendum has been rejected. The notice must include a copy of the attorney general's legal sufficiency  
13 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 13-27-233 to the person submitting the proposed  
16 statutory referendum."  
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18 **Section 4.** Section 13-27-218, MCA, is amended to read:

19 **"13-27-218. Constitutional initiative process and procedure.** (1) A proponent of a constitutional  
20 initiative shall submit the text of the proposed constitutional initiative to the secretary of state together with draft  
21 ballot statements and the filing fee required by 13-27-215. The secretary of state shall, without undue delay,  
22 forward a copy of the text of the proposed constitutional initiative and ballot statements to the legislative  
23 services division for review in accordance with 13-27-225.

24 (2) (a) Within 14 days after receiving the proposed constitutional initiative from the secretary of  
25 state, the legislative services division shall respond in writing to the proponent in accordance with 13-27-225.

26 (b) During the 14-day review period by the legislative services division, the secretary of state shall  
27 hold a public hearing in accordance with [section 1].

28 (3) After the proponent responds to the legislative services division as provided in 13-27-225, the

1 proponent shall submit the final text of the proposed constitutional initiative and ballot statements to the  
2 secretary of state. However, if a response to the legislative services division is not required by the proponent  
3 pursuant to 13-27-225, the proponent shall instead submit the final text of the proposed constitutional initiative  
4 and ballot statements to the secretary of state after the proponent receives the legislative services division's  
5 response.

6 (4) On receipt of the final text of the proposed constitutional initiative and the ballot statements, the  
7 secretary of state shall reject the proposed constitutional initiative if the text or a ballot statement contains  
8 material not submitted to the legislative services division that is a substantive change not recommended by the  
9 legislative services division. Otherwise, the secretary of state shall, without undue delay, refer a copy of the  
10 proposed constitutional initiative and ballot statements concurrently to the budget director and to the attorney  
11 general.

12 (5) The budget director shall determine whether a fiscal note is necessary, prepare the fiscal note,  
13 notify the attorney general of the necessity of the fiscal note, and provide a copy of the fiscal note pursuant to  
14 13-27-227 within 10 days. Receipt of the notice from the budget director begins the timeframe in subsection (7)  
15 for the attorney general's review in accordance with 13-27-226.

16 (6) In addition to the requirements in 13-27-226, the attorney general shall review the proposed  
17 constitutional initiative as to whether the proposal could cause a regulatory taking under Montana law or  
18 otherwise will likely cause significant material harm to one or more business interests in the state if approved by  
19 the voters. If the attorney general determines the proposed constitutional initiative will likely cause significant  
20 material harm to one or more business interests in the state, the attorney general shall notify the secretary of  
21 state, which must include the finding set forth in 13-27-241 on the final form of the petition.

22 (7) Within 30 days of receipt of the fiscal note determination from the budget director, the attorney  
23 general shall complete the requirements set forth in 13-27-226 and subsection (6) of this section.

24 (8) The secretary of state shall review the legal sufficiency opinion received pursuant to 13-27-226.  
25 If the attorney general:

26 (a) finds that the proposed constitutional initiative is not legally sufficient, the secretary of state  
27 shall, without undue delay, send written notice to the person who submitted the proposal that the proposed  
28 constitutional initiative has been rejected. The notice must include a copy of the attorney general's legal

1 sufficiency opinion.

2 (b) finds that the proposed constitutional initiative is legally sufficient, the secretary of state shall,  
3 without undue delay, provide the executive director of the legislative services division a copy of the final text of  
4 the proposed constitutional initiative and ballot statements in accordance with 13-27-228. After the executive  
5 director of the legislative services division provides the secretary of state the outcome of the vote as required by  
6 13-27-228, the secretary of state shall immediately send a sample petition form as provided in 13-27-233 to the  
7 person submitting the proposed constitutional initiative."

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9 **Section 5.** Section 13-27-219, MCA, is amended to read:

10 **"13-27-219. Constitutional convention initiative process and procedure.** (1) A proponent of a  
11 constitutional convention initiative shall submit the text of the proposed constitutional convention initiative to the  
12 secretary of state together with draft ballot statements and the filing fee required by 13-27-215. The secretary of  
13 state shall, without undue delay, forward a copy of the text of the proposed constitutional convention initiative  
14 and ballot statements to the legislative services division for review in accordance with 13-27-225.

15 (2) (a) Within 14 days after receiving the proposed constitutional convention initiative from the  
16 secretary of state, the legislative services division shall respond in writing to the proponent in accordance with  
17 13-27-225.

18 (b) During the 14-day review period by the legislative services division, the secretary of state shall  
19 hold a public hearing in accordance with [section 1].

20 (3) After the proponent responds to the legislative services division as provided in 13-27-225, the  
21 proponent shall submit the final text of the proposed constitutional convention initiative and ballot statements to  
22 the secretary of state. However, if a response to the legislative services division is not required by the  
23 proponent pursuant to 13-27-225, the proponent shall instead submit the final text of the proposed  
24 constitutional convention initiative and ballot statements to the secretary of state after the proponent receives  
25 the legislative services division's response.

26 (4) On receipt of the final text of the proposed constitutional convention initiative and the ballot  
27 statements, the secretary of state shall reject the proposed constitutional convention initiative if the text or a  
28 ballot statement contains material not submitted to the legislative services division that is a substantive change

1 not recommended by the legislative services division. Otherwise, the secretary of state shall, without undue  
2 delay, refer a copy of the proposed constitutional convention initiative and ballot statements concurrently to the  
3 budget director and to the attorney general.

4 (5) The budget director shall determine whether a fiscal note is necessary, prepare the fiscal note,  
5 notify the attorney general of the necessity of the fiscal note, and provide a copy of the fiscal note pursuant to  
6 13-27-227 within 10 days. Receipt of the notice from the budget director begins the ~~time frame~~ timeframe in  
7 subsection (6) and the attorney general's review in accordance with 13-27-226.

8 (6) Within 30 days of receipt of the fiscal note determination from the budget director, the attorney  
9 general shall complete the requirements set forth in 13-27-226.

10 (7) The secretary of state shall review the legal sufficiency opinion received pursuant to 13-27-226.  
11 If the attorney general:

12 (a) finds that the proposed constitutional convention initiative is not legally sufficient, the secretary  
13 of state shall, without undue delay, send written notice to the person who submitted the proposal that the  
14 proposed constitutional convention initiative has been rejected. The notice must include a copy of the attorney  
15 general's legal sufficiency opinion.

16 (b) finds that the proposed constitutional convention initiative is legally sufficient, the secretary of  
17 state shall, without undue delay, provide the executive director of the legislative services division a copy of the  
18 final text of the proposed constitutional convention initiative and ballot statements in accordance with 13-27-  
19 228. After the executive director of the legislative services division provides the secretary of state the outcome  
20 of the vote as required by 13-27-228, the secretary of state shall immediately send a sample petition form as  
21 provided in 13-27-233 to the person submitting the proposed constitutional convention initiative."  
22

23 NEW SECTION. **Section 6. Codification instruction.** [Section 1] is intended to be codified as an  
24 integral part of Title 13, chapter 27, part 2, and the provisions of Title 13, chapter 27, part 2, apply to [section 1].

25 - END -