

HOUSE BILL NO. 539

INTRODUCED BY B. MERCER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING VETO OVERRIDE POLL PROCESS LAWS;
REQUIRING THE SECRETARY OF STATE TO CONDUCT A DAILY TALLY OF LEGISLATOR VETO
OVERRIDE VOTES DURING THE POLLING PROCESS; AMENDING SECTION 5-4-306, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 5-4-306, MCA, is amended to read:

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

(2) (a) If the legislature is not in session when the governor vetoes a bill, the governor shall return the bill with the reasons for the veto to the secretary of state.

(b) If the bill was not approved by two-thirds of the members voting on the final vote on the bill, the secretary of state shall within 5 working days of receipt of the bill and veto message mail a copy of the title of the bill and the veto message to each member of the legislature.

(c) (i) If the bill was approved by two-thirds of the members voting on the final vote on the bill, the secretary of state shall poll the members of the legislature.

(ii) The secretary of state shall within 5 working days of receipt of the bill and veto message send by certified mail to each legislator, at an address provided by the legislator, a copy of the bill and the veto message, a ballot, a return envelope, instructions for casting a vote, and notice of the date by which each legislator shall return a vote.

(iii) The date for return must be within 30 days after the date on which the bill, veto message, and voting instructions are sent. A legislator may cast and return a vote by delivering the ballot and return envelope in person or by mailing the ballot in the return envelope by regular mail, postage paid, or by sending the ballot by facsimile transmission to the office of the secretary of state.

(iv) A legislator may not change the legislator's vote after the ballot is received by the secretary of state.

(v) (A) The secretary of state shall, within 15 days after the date on which the bill, veto message, and voting instructions are sent, conduct a daily tally of the votes returned and publish that daily tally on the secretary of state's website. THE DAILY TALLY MUST INCLUDE THE LIST OF LEGISLATORS WHO HAVE VOTED AND HOW THEY HAVE VOTED.

(B) The secretary of state shall tally all the votes within 1 working day after the date for return of the votes. If two-thirds or more of the members of each house vote to override the veto, the bill becomes law.

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

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

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