

1 SENATE BILL NO. 93
2 INTRODUCED BY M. CUFFE
3 BY REQUEST OF THE STATE ADMINISTRATION AND VETERAN AFFAIRS INTERIM COMMITTEE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING BALLOT ISSUE LAWS; PROVIDING
6 AND REVISING SUBMISSION AND PROCESSING TIMELINES FOR STATEWIDE BALLOT ISSUES;
7 CLARIFYING SUBSTANTIVE AND PROCEDURAL PROVISIONS APPLICABLE TO BALLOT ISSUES;
8 REORGANIZING STATUTORY PROVISIONS RELATED TO BALLOT ISSUES; PROVIDING DEFINITIONS;
9 ESTABLISHING A FEE FOR FILING BALLOT ISSUES; PROVIDING A PENALTY; PROHIBITING FILING A
10 BALLOT ISSUE SUBSTANTIALLY SIMILAR TO A DEFEATED BALLOT ISSUE OF THE PAST 4 YEARS;
11 PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 5-5-215, 5-11-105, 7-5-132, 7-7-2224, 7-
12 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-
13 207, ~~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,
14 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-
15 501, 13-27-502, 13-27-503, AND ~~13-27-504~~, 13-37-126, 13-37-201, 13-37-228, AND 30-18-103, MCA;
16 REPEALING SECTIONS 13-27-111, 13-27-113, 13-27-202, 13-27-208, 13-27-312, AND 13-27-315, MCA; AND
17 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."
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19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20
21 NEW SECTION. **Section 1. Definitions.** As used in this chapter, unless the context clearly indicates
22 otherwise, the following definitions apply:

- 23 (1) "Ballot statements" means a statement of purpose and implication and a yes and no statement.
24 (2) "Constitutional convention initiative" means a statewide initiative to submit to the qualified
25 electors the question of whether there must be an unlimited convention to amend the Montana constitution as
26 authorized in Article XIV, section 2, of the Montana constitution.
27 (3) "Constitutional convention referendum" means a legislative act submitting the question of

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

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

5 (4) A proponent of a constitutional convention initiative shall submit the text of the proposed
6 initiative to the secretary of state in accordance with [section 8].

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

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

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

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

21 (D) THE SECRETARY OF STATE MAY ADOPT RULES TO PROVIDE FOR THE ADMINISTRATION OF THIS
22 SUBSECTION (6).

23 (7) A STATEWIDE INITIATIVE FILED UNDER THE PROVISIONS OF THIS CHAPTER MAY NOT BE FILED IF IT IS
24 SUBSTANTIALLY THE SAME AS A MEASURE DEFEATED BY THE VOTERS IN AN ELECTION WITHIN THE PRECEDING 4 YEARS.

25
26 NEW SECTION. Section 5. Statutory initiative process and procedure. (1) (a) A proponent of a
27 statutory initiative shall submit the text of the proposed statutory initiative to the secretary of state together with

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1 draft ballot statements AND THE FILING FEE REQUIRED BY [SECTION 4]. The secretary of state shall, without undue
2 delay, forward a copy of the text of the proposed statutory initiative and ballot statements to the legislative
3 services division for review in accordance with [section 10].

4 (b) A proposed statutory initiative may not be accepted by the secretary of state until 10 days after
5 the adjournment sine die of the regular legislative session preceding the general election during which the
6 proposal is intended to be voted on. The prohibitions on acceptance of a proposed statutory initiative provided
7 in this subsection (1)(b) do not apply to a submission received on or after the date that falls ~~180 days~~ 130 days
8 after the date that the legislature convened in regular session pursuant to 5-2-103, even if the legislature has
9 not adjourned sine die. If the secretary of state rejects a proposed statutory initiative pursuant to this subsection
10 (1)(b), the secretary of state shall promptly notify the person who submitted the proposal of the reason for the
11 rejection.

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

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

19 (4) On receipt of the final text of the proposed statutory initiative and the ballot statements, the
20 secretary of state shall reject the proposed statutory initiative if the text or a ballot statement contains material
21 not submitted to the legislative services division that is a substantive change not recommended by the
22 legislative services division. Otherwise, the secretary of state shall, without undue delay, refer a copy of the
23 proposed statutory initiative and ballot statements CONCURRENTLY TO THE BUDGET DIRECTOR AND to the attorney
24 general for the attorney general's review in accordance with [section 11].

25 (5) THE BUDGET DIRECTOR SHALL DETERMINE WHETHER A FISCAL NOTE IS NECESSARY. IF THE BUDGET
26 DIRECTOR DETERMINES A FISCAL NOTE IS NECESSARY, THE BUDGET DIRECTOR SHALL PREPARE A FISCAL NOTE, NOTIFY
27 THE ATTORNEY GENERAL OF THE NECESSITY OF THE FISCAL NOTE, AND PROVIDE A COPY OF THE FISCAL NOTE PURSUANT

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1 TO [SECTION 12] WITHIN 10 DAYS. RECEIPT OF THE NOTICE FROM THE BUDGET DIRECTOR BEGINS THE TIME FRAME IN
2 SUBSECTION (7).

3 ~~(5)~~(6) In addition to the requirements of [section 11], the attorney general shall:

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

6 (b) review the proposed statutory initiative as to whether the proposal could cause a regulatory
7 taking under Montana law or otherwise will likely cause significant material harm to one or more business
8 interests in the state if approved by the voters. If the attorney general determines the proposed statutory
9 initiative will likely cause significant material harm to one or more business interests in the state, the attorney
10 general shall notify the secretary of state, which must include the finding set forth in 13-27-204(2) on the final
11 form of the petition.

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

14 (7) Within 30 days of receipt of the proposed statutory initiative from the secretary of state, the
15 attorney general shall complete the requirements set forth in [section 11] and subsection ~~(5)~~ (6) of this section.

16 (8) The secretary of state shall review the legal sufficiency opinion received pursuant to [section
17 11].

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

22 (b) If the attorney general finds that the proposed statutory initiative is legally sufficient, the
23 secretary of state shall, without undue delay, provide the executive director of the legislative services division a
24 copy of the final text of the proposed statutory initiative and ballot statements in accordance with [section 13].
25 After the executive director of the legislative services division provides the secretary of state the outcome of the
26 vote as required by [section 13], the secretary of state shall immediately send a sample petition form as
27 provided in [section 14] to the person submitting the proposed statutory initiative.

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NEW SECTION. Section 6. Statutory referendum process and procedure. (1) (a) A proponent of

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a statutory referendum shall submit the text of the proposed statutory referendum to the secretary of state

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together with draft ballot statements AND THE FILING FEE REQUIRED BY [SECTION 4]. The secretary of state shall

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forward a copy of the text of the proposed statutory referendum and ballot statements to the legislative services

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division for review in accordance with [section 10].

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(b) A proposed statutory referendum may not be accepted by the secretary of state until 10 days

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after the adjournment sine die of the regular legislative session preceding the general election during which the

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proposal is intended to be voted on. The prohibitions on acceptance of a proposed statutory referendum

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provided in this subsection (1)(b) do not apply to a submission received on or after the date that falls ~~180 days~~

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130 days after the date that the legislature convened in regular session pursuant to 5-2-103, even if the

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legislature has not adjourned sine die. If the secretary of state rejects a proposed statutory referendum

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pursuant to this subsection (1)(b), the secretary of state shall promptly notify the person who submitted the

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proposal of the reason for the rejection.

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(2) Within 7 days after receiving the proposed statutory referendum from the secretary of state, the

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legislative services division shall respond in writing to the proponent in accordance with [section 10].

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(3) After the proponent responds to the legislative services division as provided in [section 10], the

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proponent shall submit the final text of the proposed statutory referendum and ballot statements to the

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secretary of state. However, if a response to the legislative services division is not required by the proponent

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pursuant to [section 10], the proponent shall instead submit the final text of the proposed statutory referendum

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

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response.

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(4) On receipt of the final text of the proposed statutory referendum and the ballot statements, the

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secretary of state shall reject the proposed statutory referendum if the text or a ballot statement contains

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material not submitted to the legislative services division that is a substantive change not recommended by the

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legislative services division. Otherwise, the secretary of state shall refer a copy of the proposed statutory

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referendum and ballot statements CONCURRENTLY to the BUDGET DIRECTOR AND THE attorney general.

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

6 ~~(5)(B) If the attorney general orders a fiscal note pursuant to [section 11], the budget director shall~~
7 ~~prepare the fiscal note pursuant to [section 12].~~ If the legislative act that is the subject of the proposed statutory
8 referendum had a fiscal note prepared pursuant to 5-4-202 during the legislative session in which the bill was
9 proposed, the budget director shall return the fiscal note to the attorney general within 3 days. If the legislative
10 act that is the subject of the proposed statutory referendum did not have a fiscal note prepared pursuant to 5-4-
11 202 during the legislative session in which the bill was proposed, the budget director shall return the fiscal note
12 to the attorney general within 6 days.

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

18 (7) The secretary of state shall review the legal sufficiency opinion received pursuant to [section
19 11]. If the attorney general:

20 (a) finds that the proposed statutory referendum is not legally sufficient, the secretary of state shall
21 without undue delay, send written notice to the person who submitted the proposal that the proposed statutory
22 referendum has been rejected. The notice must include a copy of the attorney general's legal sufficiency
23 opinion.

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

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1 NEW SECTION. Section 7. Constitutional initiative process and procedure. (1) A proponent of a
2 constitutional initiative shall submit the text of the proposed constitutional initiative to the secretary of state
3 together with draft ballot statements AND THE FILING FEE REQUIRED BY [SECTION 4]. The secretary of state shall,
4 without undue delay, forward a copy of the text of the proposed constitutional initiative and ballot statements to
5 the legislative services division for review in accordance with [section 10].

6 (2) Within 14 days after receiving the proposed constitutional initiative from the secretary of state,
7 the 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 constitutional initiative and ballot statements to the
10 secretary of state. However, if a response to the legislative services division is not required by the proponent
11 pursuant to [section 10], the proponent shall instead submit the final text of the proposed constitutional initiative
12 and ballot statements to the secretary of state after the proponent receives the legislative services division's
13 response.

14 (4) On receipt of the final text of the proposed constitutional initiative and the ballot statements, the
15 secretary of state shall reject the proposed constitutional initiative if the text or a ballot statement contains
16 material 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 constitutional initiative and ballot statements CONCURRENTLY TO THE BUDGET DIRECTOR AND to the
19 attorney general ~~for the attorney general's review in accordance with [section 11]~~.

20 (5) ~~If the attorney general orders a fiscal note pursuant to [section 11], the budget director shall~~
21 ~~prepare the fiscal note pursuant to [section 12] and return it to the attorney general within 10 days. THE BUDGET~~
22 ~~DIRECTOR SHALL DETERMINE WHETHER A FISCAL NOTE IS NECESSARY, PREPARE THE FISCAL NOTE, NOTIFY THE~~
23 ~~ATTORNEY GENERAL OF THE NECESSITY OF THE FISCAL NOTE, AND PROVIDE A COPY OF THE FISCAL NOTE PURSUANT TO~~
24 ~~[SECTION 12] WITHIN 10 DAYS. RECEIPT OF THE NOTICE FROM THE BUDGET DIRECTOR BEGINS THE TIMEFRAME IN~~
25 ~~SUBSECTION (7) FOR THE ATTORNEY GENERAL'S REVIEW IN ACCORDANCE WITH [SECTION 11].~~

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

27 ~~(A) INCLUDE IN THE ATTORNEY GENERAL'S LEGAL SUFFICIENCY REVIEW WHETHER THE PROPOSED~~

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1 ~~CONSTITUTIONAL INITIATIVE CONSTITUTES AN APPROPRIATION AS SET FORTH IN 13-27-211; AND~~
2 ~~(B) REVIEW THE PROPOSED CONSTITUTIONAL INITIATIVE AS TO WHETHER THE PROPOSAL COULD CAUSE A~~
3 ~~REGULATORY TAKING UNDER MONTANA LAW OR OTHERWISE WILL LIKELY CAUSE SIGNIFICANT MATERIAL HARM TO ONE~~
4 ~~OR MORE BUSINESS INTERESTS IN THE STATE IF APPROVED BY THE VOTERS. IF THE ATTORNEY GENERAL DETERMINES~~
5 ~~THE PROPOSED CONSTITUTIONAL INITIATIVE WILL LIKELY CAUSE SIGNIFICANT MATERIAL HARM TO ONE OR MORE~~
6 ~~BUSINESS INTERESTS IN THE STATE, THE ATTORNEY GENERAL SHALL NOTIFY THE SECRETARY OF STATE, WHICH MUST~~
7 ~~INCLUDE THE FINDING SET FORTH IN 13-27-207 ON THE FINAL FORM OF THE PETITION.~~

8 (7) Within 30 days of receipt of the proposed constitutional initiative from the secretary of state
9 FISCAL NOTE DETERMINATION FROM THE BUDGET DIRECTOR, the attorney general shall complete the requirements
10 set forth in [section 11] AND SUBSECTION (6) OF THIS SECTION.

11 (7)(8) The secretary of state shall review the legal sufficiency opinion received pursuant to [section
12 11]. If the attorney general:

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

17 (b) finds that the proposed constitutional initiative is legally sufficient, the secretary of state shall,
18 without undue delay, PROVIDE THE EXECUTIVE DIRECTOR OF THE LEGISLATIVE SERVICES DIVISION A COPY OF THE
19 FINAL TEXT OF THE PROPOSED CONSTITUTIONAL INITIATIVE AND BALLOT STATEMENTS IN ACCORDANCE WITH [SECTION
20 13]. AFTER THE EXECUTIVE DIRECTOR OF THE LEGISLATIVE SERVICES DIVISION PROVIDES THE SECRETARY OF STATE THE
21 OUTCOME OF THE VOTE AS REQUIRED BY [SECTION 13], THE SECRETARY OF STATE SHALL immediately send a sample
22 petition form as provided in [section 14] to the person submitting the proposed constitutional initiative.

23
24 NEW SECTION. Section 8. Constitutional convention initiative process and procedure. (1) A
25 proponent of a constitutional convention initiative shall submit the text of the proposed constitutional convention
26 initiative to the secretary of state together with draft ballot statements AND THE FILING FEE REQUIRED BY [SECTION
27 4]. The secretary of state shall, without undue delay, forward a copy of the text of the proposed constitutional

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1 convention initiative and ballot statements to the legislative services division for review in accordance with
2 [section 10].

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

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

12 (4) On receipt of the final text of the proposed constitutional convention initiative and the ballot
13 statements, the secretary of state shall reject the proposed constitutional convention initiative if the text or a
14 ballot statement contains material not submitted to the legislative services division that is a substantive change
15 not recommended by the legislative services division. Otherwise, the secretary of state shall, without undue
16 delay, refer a copy of the proposed constitutional convention initiative and ballot statements CONCURRENTLY TO
17 THE BUDGET DIRECTOR AND to the attorney general ~~for the attorney general's review in accordance with [section~~
18 ~~44].~~

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

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

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1 (7) The secretary of state shall review the legal sufficiency opinion received pursuant to [section
2 11]. If the attorney general:

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

7 (b) finds that the proposed constitutional convention initiative is legally sufficient, the secretary of
8 state shall, without undue delay, PROVIDE THE EXECUTIVE DIRECTOR OF THE LEGISLATIVE SERVICES DIVISION A COPY
9 OF THE FINAL TEXT OF THE PROPOSED CONSTITUTIONAL CONVENTION INITIATIVE AND BALLOT STATEMENTS IN
10 ACCORDANCE WITH [SECTION 13]. AFTER THE EXECUTIVE DIRECTOR OF THE LEGISLATIVE SERVICES DIVISION PROVIDES
11 THE SECRETARY OF STATE THE OUTCOME OF THE VOTE AS REQUIRED BY [SECTION 13], THE SECRETARY OF STATE SHALL
12 immediately send a sample petition form as provided in [section 14] to the person submitting the proposed
13 constitutional convention initiative.

14
15 **NEW SECTION. Section 9. Statewide referendum referred by legislature -- process and**
16 **procedure.** (1) A statewide referendum referred to a vote of the people by the legislature must comply with the
17 requirements of 5-4-102.

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

20 (3) (a) On receipt from the secretary of state of a statewide referendum referred to a vote of the
21 people by the legislature, the attorney general shall prepare and forward to the secretary of state, within 30
22 days, ballot statements that comply with [sections 2 and 3], except that the attorney general may not prepare a
23 statement of purpose and implication if the statement has been provided by the legislature.

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

26
27 **NEW SECTION. Section 10. Review by legislative services division.** (1) On receipt of a proposed

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- 1 (i) a statement of purpose and implication that complies with [section 2]; and
2 (ii) a yes and no statement that complies with [section 3].
3 (b) The attorney general shall, in reviewing the ballot statements, endeavor to seek out parties on
4 both sides of the issue and obtain their advice.
5 (c) If the attorney general determines the ballot statements comply with the requirements provided
6 in subsection (3)(a), the attorney general shall approve the ballot statements and forward them to the secretary
7 of state. However, if the attorney general determines in writing that a ballot statement clearly does not comply
8 with the relevant requirements of subsection (3)(a), the attorney general shall prepare a ballot statement that
9 complies with the relevant requirements of subsection (3)(a). The attorney general shall forward the revised
10 ballot statement to the secretary of state as the approved ballot statement and shall provide a copy to the
11 petitioner.
12 (4) If the proposal affects the revenue, expenditures, or fiscal liability of the state, ~~the attorney~~
13 ~~general shall order a fiscal note, and the budget director shall prepare the fiscal note as provided in [section 13~~
14 ~~12].~~ If the fiscal note indicates a fiscal impact, the attorney general shall prepare a fiscal statement of no more
15 than 50 words and forward it to the secretary of state. The statement must be used on the proposal's petition
16 and on the ballot if the proposal is placed on the ballot.
17 (5) The attorney general shall determine if the proposal conflicts with one or more issues that may
18 appear on the ballot at the same election for the purposes of 13-27-501(2)(h) and shall forward the attorney
19 general's written determination to the secretary of state.
20 (6) If the attorney general determines that the proposal is not legally sufficient, the secretary of
21 state may not deliver a sample petition form unless the attorney general's opinion is overruled pursuant to 13-
22 27-316 and the attorney general has approved or prepared ballot statements under this section.

23
24 **NEW SECTION. Section 12. Preparation of fiscal note.** (1) ~~If the attorney general orders a fiscal~~
25 ~~note for a statewide ballot issue pursuant to the requirements of this chapter~~ PROPOSAL AFFECTS THE REVENUE,
26 EXPENDITURES, OR FISCAL LIABILITY OF THE STATE, THE BUDGET DIRECTOR SHALL DETERMINE WHETHER A FISCAL NOTE
27 IS NECESSARY. IF A FISCAL NOTE IS REQUIRED, the budget director, in cooperation with the agency or agencies

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1 affected by the statewide ballot issue, shall prepare the fiscal note.

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

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

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

9 (5) A revised fiscal note produced pursuant to [section 13] does not trigger an additional attorney
10 general review or a revision of the fiscal impact statement under [section 11].

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

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

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

26 (b)(c) For the purposes of this section, proxies must be allowed for legislators unable to participate if
27 a quorum of the interim committee or legislative council meets.

Amendment - 1st Reading/2nd House-blue - Requested by: Julie Dooling - (H) State Administration

68th Legislature

Drafter: Rebecca Power,

SB0093.002.003

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

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

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

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

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

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

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

23
24 NEW SECTION. Section 15. Circulation of petitions -- limitation. Petitions may not be circulated
25 for the purpose of signature gathering more than 1 year prior to the final date for filing the signed petition with
26 the county election administrator.

27

Amendment - 1st Reading/2nd House-blue - Requested by: Julie Dooling - (H) State Administration

68th Legislature

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

7

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

9 **"13-27-211. Petitions for initiative -- requirements and limitations.** (1) In accordance with Article
10 III, section 4, of the Montana constitution, the text of ~~an a statutory~~ initiative may not provide for the
11 appropriation of revenue.

12 (2) For the purposes of this section, "appropriation" ~~includes but is not limited to the act of~~
13 ~~designating or setting aside budgetary authority or directly or indirectly incurring a financial obligation with the~~
14 ~~expectation that a certain amount of money will be expended or directed~~ means the authority for a
15 governmental entity to expend money from the state treasury for a specific use or purpose. ~~The term also~~
16 ~~includes increasing or expanding eligibility to a government program."~~

17

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

19 **"13-27-301. Submission of petition sheets -- withdrawal of signatures.** (1) Signed sheets or
20 sections of petitions with original signatures must be submitted to the official responsible for registration of
21 electors in the county in which the signatures were obtained no sooner than 9 months and no later than 4
22 weeks before the final date for filing the petition with the secretary of state.

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