

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 PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 5-5-215, 5-11-105, 7-5-132, 7-7-2224, 7-  
10 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-  
11 207, 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,  
12 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-  
13 501, 13-27-502, 13-27-503, AND 13-27-504, MCA; REPEALING SECTIONS 13-27-111, 13-27-113, 13-27-202,  
14 13-27-312, AND 13-27-315, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN  
15 APPLICABILITY DATE."

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18  
19 NEW SECTION. **Section 1. Definitions.** As used in this chapter, unless the context clearly indicates  
20 otherwise, the following definitions apply:

21 (1) "Ballot statements" means a statement of purpose and implication and a yes and no statement.

22 (2) "Constitutional convention initiative" means a statewide initiative to submit to the qualified  
23 electors the question of whether there must be an unlimited convention to amend the Montana constitution as  
24 authorized in Article XIV, section 2, of the Montana constitution.

25 (3) "Constitutional convention referendum" means a legislative act submitting the question of  
26 whether there must be an unlimited convention to revise, alter, or amend the Montana constitution to the  
27 qualified electors that is referred by the legislature as authorized in Article XIV, section 1, of the Montana  
28 constitution.

# Amendment - 1st Reading-white - Requested by: Denise Hayman - (S) State Administration

68th Legislature

Drafter: Joe Carroll, 406-444-3804

SB0093.001.002

1 (4) "Constitutional initiative" means a statewide initiative to enact constitutional law as authorized  
2 in Article XIV, section 9, of the Montana constitution.

3 (5) "Constitutional referendum" means a legislative act to enact constitutional law that is referred  
4 by the legislature to the qualified electors for approval or rejection as authorized in Article XIV, section 8, of the  
5 Montana constitution.

6 (6) "Enact" means to enact, amend, or repeal.

7 (7) "Legal sufficiency" or "legally sufficient" means that a petition complies with statutory and  
8 constitutional requirements governing submission of the proposed issue to the qualified electors ~~and the~~  
9 substantive legality of the proposed issue if approved by the voters. Review of a petition for legal sufficiency  
10 may not include consideration of the substantive legality of the issue if approved by voters.

11 (8) "Legislative referendum" means a legislative act to enact statutory law that is referred by the  
12 legislature to the qualified electors for approval or rejection as authorized in Article III, section 5, of the Montana  
13 constitution.

14 (9) "Petition" means a petition for a statewide initiative or a statutory referendum prepared  
15 pursuant to the requirements of this chapter.

16 (10) "Statewide ballot issue" means a statewide initiative or a statewide referendum.

17 (11) "Statewide initiative" means a constitutional initiative, a constitutional convention initiative, or a  
18 statutory initiative.

19 (12) "Statewide referendum" means a constitutional referendum, a constitutional convention  
20 referendum, a legislative referendum, or a statutory referendum.

21 (13) "Statewide referendum referred to a vote of the people by the legislature" means a  
22 constitutional referendum, a constitutional convention referendum, or a legislative referendum.

23 (14) "Statutory initiative" means an initiative to enact statutory law as authorized in Article III, section  
24 4, of the Montana constitution.

25 (15) "Statutory referendum" means a legislative act to enact statutory law that is referred by petition  
26 to the qualified electors for approval or rejection as authorized in Article III, section 5, of the Montana  
27 constitution.

28

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

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

6 **NEW SECTION. Section 5. Statutory initiative process and procedure.** (1) (a) A proponent of a  
7 statutory initiative shall submit the text of the proposed statutory initiative to the secretary of state together with  
8 draft ballot statements. The secretary of state shall forward a copy of the text of the proposed statutory initiative  
9 and ballot statements to the legislative services division for review in accordance with [section 10].

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

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

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

25 (4) On receipt of the final text of the proposed statutory initiative and the ballot statements, the  
26 secretary of state shall reject the proposed statutory initiative if the text or a ballot statement contains material  
27 not submitted to the legislative services division that is a substantive change not recommended by the  
28 legislative services division. Otherwise, the secretary of state shall refer a copy of the proposed statutory

1 initiative and ballot statements to the attorney general for the attorney general's review in accordance with  
2 [section 11].

3 (5) 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) 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 send written notice to the person who submitted the proposal that the proposed  
20 statutory initiative has been rejected. The notice must include a copy of the attorney general's legal sufficiency  
21 opinion.

22 (b) If the attorney general finds that the proposed statutory initiative is legally sufficient, ~~the~~  
23 ~~secretary of state shall provide the executive director of the legislative services division a copy of the final text~~  
24 ~~of the proposed statutory initiative and ballot statements in accordance with [section 13]. After the executive~~  
25 ~~director of the legislative services division provides the secretary of state the outcome of the vote as required by~~  
26 ~~[section 13], the secretary of state shall immediately send a sample petition form as provided in [section 1413]~~  
27 to the person submitting the proposed statutory initiative.

28

1            NEW SECTION. Section 6. Statutory referendum process and procedure. (1) (a) A proponent of  
2 a statutory referendum shall submit the text of the proposed statutory referendum to the secretary of state  
3 together with draft ballot statements. The secretary of state shall forward a copy of the text of the proposed  
4 statutory referendum and ballot statements to the legislative services division for review in accordance with  
5 [section 10].

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

14            (2) Within 7 days after receiving the proposed statutory referendum from the secretary of state, the  
15 legislative services division shall respond in writing to the proponent in accordance with [section 10].

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

22            (4) On receipt of the final text of the proposed statutory referendum and the ballot statements, the  
23 secretary of state shall reject the proposed statutory referendum if the text or a ballot statement contains  
24 material not submitted to the legislative services division that is a substantive change not recommended by the  
25 legislative services division. Otherwise, the secretary of state shall refer a copy of the proposed statutory  
26 referendum and ballot statements to the attorney general for the attorney general's review in accordance with  
27 [section 11].

28            (5) If the attorney general orders a fiscal note pursuant to [section 11], the budget director shall

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

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

12 (7) The secretary of state shall review the legal sufficiency opinion received pursuant to [section  
13 11]. If the attorney general:

14 (a) finds that the proposed statutory referendum is not legally sufficient, the secretary of state shall  
15 send written notice to the person who submitted the proposal that the proposed statutory referendum has been  
16 rejected. The notice must include a copy of the attorney general's legal sufficiency opinion.

17 (b) finds that the proposed statutory referendum is legally sufficient, the secretary of state shall  
18 immediately send a sample petition form as provided in [section 1413] to the person submitting the proposed  
19 statutory referendum.

20  
21 **NEW SECTION. Section 7. Constitutional initiative process and procedure.** (1) A proponent of a  
22 constitutional initiative shall submit the text of the proposed constitutional initiative to the secretary of state  
23 together with draft ballot statements. The secretary of state shall forward a copy of the text of the proposed  
24 constitutional initiative and ballot statements to the legislative services division for review in accordance with  
25 [section 10].

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

28 (3) After the proponent responds to the legislative services division as provided in [section 10], 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 [section 10], 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 refer a copy of the proposed constitutional  
10 initiative and ballot statements to the attorney general for the attorney general's review in accordance with  
11 [section 11].

12 (5) 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 (6) Within 30 days of receipt of the proposed constitutional initiative from the secretary of state, the  
15 attorney general shall complete the requirements set forth in [section 11].

16 (7) The secretary of state shall review the legal sufficiency opinion received pursuant to [section  
17 11]. If the attorney general:

18 (a) finds that the proposed constitutional initiative is not legally sufficient, the secretary of state  
19 shall send written notice to the person who submitted the proposal that the proposed constitutional initiative has  
20 been rejected. The notice must include a copy of the attorney general's legal sufficiency opinion.

21 (b) finds that the proposed constitutional initiative is legally sufficient, the secretary of state shall  
22 immediately send a sample petition form as provided in [section 4413] to the person submitting the proposed  
23 constitutional initiative.

24  
25 **NEW SECTION. Section 8. Constitutional convention initiative process and procedure.** (1) A  
26 proponent of a constitutional convention initiative shall submit the text of the proposed constitutional convention  
27 initiative to the secretary of state together with draft ballot statements. The secretary of state shall forward a  
28 copy of the text of the proposed constitutional convention initiative and ballot statements to the legislative

1 services division for review in accordance with [section 10].

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

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

11 (4) On receipt of the final text of the proposed constitutional convention initiative and the ballot  
12 statements, the secretary of state shall reject the proposed constitutional convention initiative if the text or a  
13 ballot statement contains material not submitted to the legislative services division that is a substantive change  
14 not recommended by the legislative services division. Otherwise, the secretary of state shall refer a copy of the  
15 proposed constitutional convention initiative and ballot statements to the attorney general for the attorney  
16 general's review in accordance with [section 11].

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

19 (6) Within 30 days of receipt of the proposed constitutional convention initiative from the secretary  
20 of state, the attorney general shall complete the requirements set forth in [section 11].

21 (7) The secretary of state shall review the legal sufficiency opinion received pursuant to [section  
22 11]. If the attorney general:

23 (a) finds that the proposed constitutional convention initiative is not legally sufficient, the secretary  
24 of state shall send written notice to the person who submitted the proposal that the proposed constitutional  
25 convention initiative has been rejected. The notice must include a copy of the attorney general's legal  
26 sufficiency opinion.

27 (b) finds that the proposed constitutional convention initiative is legally sufficient, the secretary of  
28 state shall immediately send a sample petition form as provided in [section 1413] to the person submitting the

1 proposed constitutional convention initiative.

2

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

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

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

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

14  
15 **NEW SECTION. Section 10. Review by legislative services division.** (1) On receipt of a proposed  
16 statutory initiative, statutory referendum, constitutional initiative, or constitutional convention initiative and the  
17 proposal's ballot statements from the office of the secretary of state as provided in [section 5(1)], [section 6(1)],  
18 [section 7(1)], or [section 8(1)], the legislative services division staff shall review the text and ballot statements  
19 for clarity, consistency, and conformity with the most recent edition of the bill drafting manual furnished by the  
20 legislative services division, the requirements of this part, and any other factors that the staff considers when  
21 drafting proposed legislation.

22 (2) (a) The legislative services division staff shall recommend in writing to the proponent revisions  
23 to the text and revisions to the ballot statements to make them consistent with any recommendations for  
24 change to the text and the requirements of this part or state that no revisions are recommended.

25 (b) The proponent shall consider the recommendations and respond in writing to the legislative  
26 services division, accepting, rejecting, or modifying each of the recommended revisions. If revisions are not  
27 recommended, a response is not required.

28 (3) The legislative services division shall furnish a copy of the correspondence provided for in

1 subsection (2) to the secretary of state, who shall make a copy of the correspondence available to any person  
2 on request.

3  
4 **NEW SECTION. Section 11. Review by attorney general.** (1) On receipt of a proposed statutory  
5 initiative, statutory referendum, constitutional initiative, or constitutional convention initiative and the proposal's  
6 ballot statements from the office of the secretary of state as provided in this part, the attorney general shall  
7 examine the proposal, review the proposal for legal sufficiency as provided in subsection (2), review the ballot  
8 statements if required by subsection (3), order a fiscal note and prepare a fiscal statement if required by  
9 subsection (4), and determine if the proposal conflicts with other issues that may appear on the ballot at the  
10 same election as provided in subsection (5).

11 (2) The attorney general shall examine the proposal received pursuant to subsection (1), prepare  
12 an opinion as to the proposal's legal sufficiency, and forward the opinion to the secretary of state.

13 (3) (a) If the attorney general determines that the proposal is legally sufficient, the attorney general  
14 shall review the ballot statements to determine whether they contain the following matters:

15 (i) a statement of purpose and implication that complies with [section 2]; and

16 (ii) a yes and no statement that complies with [section 3].

17 (b) The attorney general shall, in reviewing the ballot statements, endeavor to seek out parties on  
18 both sides of the issue and obtain their advice.

19 (c) If the attorney general determines the ballot statements comply with the requirements provided  
20 in subsection (3)(a), the attorney general shall approve the ballot statements and forward them to the secretary  
21 of state. However, if the attorney general determines in writing that a ballot statement clearly does not comply  
22 with the relevant requirements of subsection (3)(a), the attorney general shall prepare a ballot statement that  
23 complies with the relevant requirements of subsection (3)(a). The attorney general shall forward the revised  
24 ballot statement to the secretary of state as the approved ballot statement and shall provide a copy to the  
25 petitioner.

26 (4) If the proposal affects the revenue, expenditures, or fiscal liability of the state, the attorney  
27 general shall order a fiscal note, and the budget director shall prepare the fiscal note ~~as provided in [section~~  
28 ~~13].~~ If the fiscal note indicates a fiscal impact, the attorney general shall prepare a fiscal statement of no more

1 than 50 words and forward it to the secretary of state. The statement must be used on the proposal's petition  
2 and on the ballot if the proposal is placed on the ballot.

3 (5) The attorney general shall determine if the proposal conflicts with one or more issues that may  
4 appear on the ballot at the same election for the purposes of 13-27-501(2)(h) and shall forward the attorney  
5 general's written determination to the secretary of state.

6 (6) If the attorney general determines that the proposal is not legally sufficient, the secretary of  
7 state may not deliver a sample petition form unless the attorney general's opinion is overruled pursuant to 13-  
8 27-316 and the attorney general has approved or prepared ballot statements under this section.

9  
10 **NEW SECTION. Section 12. Preparation of fiscal note.** (1) If the attorney general orders a fiscal  
11 note for a statewide ballot issue pursuant to the requirements of this chapter, the budget director, in cooperation  
12 with the agency or agencies affected by the statewide ballot issue, shall prepare the fiscal note.

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

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

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

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

28 ~~(b) For the purposes of this section, proxies must be allowed for legislators unable to participate if~~

1 ~~a quorum of the interim committee or legislative council meets.~~

2 ~~(c) Nothing in this section prevents the interim committee or legislative council from meeting~~  
3 ~~remotely or via conference call.~~

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

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

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

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

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

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

24  
25 **NEW SECTION. Section 14. Circulation of petitions -- limitation.** Petitions may not be circulated  
26 for the purpose of signature gathering more than 1 year prior to the final date for filing the signed petition with  
27 the county election administrator.

28

1            NEW SECTION. **Section 15. Notification of petitioner -- legal action concerning petition.** If a  
2 legal action is filed challenging the validity of a petition, the secretary of state shall immediately notify the  
3 person who submitted the proposed statewide ballot issue.

4

5            **Section 16.** Section 5-5-215, MCA, is amended to read:

6            **"5-5-215. Duties of interim committees.** (1) Each interim committee shall:

- 7            (a) review administrative rules within its jurisdiction;
- 8            (b) subject to 5-5-217(3), conduct interim studies as assigned;
- 9            (c) monitor the operation of assigned executive branch agencies with specific attention to the  
10 following:
- 11            (i) identification of issues likely to require future legislative attention;
- 12            (ii) opportunities to improve existing law through the analysis of problems experienced with the  
13 application of the law by an agency; and
- 14            (iii) experiences of the state's citizens with the operation of an agency that may be amenable to  
15 improvement through legislative action;
- 16            (d) review, if requested by any member of the interim committee, the statutorily established  
17 advisory councils and required reports of assigned agencies to make recommendations to the next legislature  
18 on retention or elimination of any advisory council or required reports pursuant to 5-11-210;
- 19            (e) review proposed legislation of assigned agencies or entities as provided in the joint legislative  
20 rules; and
- 21            (f) accumulate, compile, analyze, and furnish information bearing upon its assignment and  
22 relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the  
23 adequate completion of its work; ~~and,~~
- 24            ~~(g) — review proposed ballot statutory initiatives as defined in [section 1] within the interim~~  
25 ~~committee's subject area and vote to either support or not support the placement of the text of an the statutory~~  
26 ~~initiative on the ballot in accordance with 13-27-202 [section 13].~~

27            (2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the  
28 state may require for presentation to the next regular session of the legislature.

1 (3) The legislative services division shall keep accurate records of the activities and proceedings of  
2 each interim committee."

3

4 **Section 17.** Section 5-11-105, MCA, is amended to read:

5 **"5-11-105. Powers and duties of council.** (1) The legislative council shall:

6 (a) employ and, in accordance with the rules for classification and pay established as provided in  
7 this section, set the salary of an executive director of the legislative services division, who serves at the  
8 pleasure of and is responsible to the legislative council;

9 (b) with the concurrence of the legislative audit committee and the legislative finance committee,  
10 adopt rules for classification and pay of legislative branch employees, other than those of the office of  
11 consumer counsel;

12 (c) with the concurrence of the legislative audit committee and the legislative finance committee,  
13 adopt rules governing personnel management of branch employees, other than those of the office of consumer  
14 counsel;

15 (d) adopt procedures to administer legislator claims for reimbursements authorized by law for  
16 interim activity;

17 (e) establish time schedules and deadlines for the interim committees of the legislature, including  
18 dates for requesting bills and completing interim work;

19 (f) review proposed legislation for agencies or entities that are not assigned to an interim  
20 committee, as provided in 5-5-223 through 5-5-228, or to the environmental quality council, as provided in 75-1-  
21 324; and

22 ~~(g) — review proposed ballot statutory initiatives as defined in [section 1] and vote to either support or~~  
23 ~~not support the placement of the text of an the statutory initiative on the ballot in accordance with 13-27-202~~  
24 ~~[section 13]; and~~

25 (h) perform other duties assigned by law.

26 (2) If a question of statewide importance arises when the legislature is not in session and a  
27 legislative interim committee has not been assigned to consider the question, the legislative council shall assign  
28 the question to an appropriate interim committee, as provided in 5-5-202, or to the appropriate statutorily

1 created committee."

2

3 **Section 18.** Section 7-5-132, MCA, is amended to read:

4 **"7-5-132. Procedure for initiative or referendum election.** (1) The electors of a local government  
5 may, by petition, request an election on whether to enact, repeal, or amend an ordinance. The form of the  
6 petition must be approved by the county election administrator. A petition signed by at least 15% of the local  
7 government's qualified electors is sufficient to require an election.

8 (2) (a) If an approved petition containing sufficient signatures is filed prior to the ordinance's  
9 effective date or within 60 days after the passage of the ordinance, whichever is later, a petition requesting an  
10 election on whether to amend or repeal the ordinance delays the ordinance's effective date until the ordinance  
11 is ratified by the electors.

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

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

16 (4) A petition or resolution for an election must:

17 (a) embrace only a single comprehensive subject;

18 (b) set out fully the ordinance sought, the ordinance to be amended and the proposed amendment,  
19 or the ordinance to be repealed;

20 (c) ~~be in the form prescribed in Title 13, chapter 27, except as specifically provided in this part, be~~  
21 in the form prescribed in 13-27-201 and 13-27-204 for an initiative or 13-27-201 and 13-27-205 for a  
22 referendum; and

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

24 (5) An election held pursuant to this section must be conducted in conjunction with the next local  
25 government election held in accordance with Title 13, chapter 1, part 4, except that if the petition asks for a  
26 special election, specifies an election date that complies with 13-1-405, and is signed by at least 25% of the  
27 qualified electors, a special election must be held on the date specified in the petition.

28 (6) If a majority of those voting on the question approve the proposal, it becomes effective when

1 elector has signed in substantially the same manner as on the voter registration form. If the elector is registered  
2 with a first and middle name, the use of an initial instead of either the first or middle name, but not both names,  
3 need not disqualify the signature. The signature may be counted so long as the signature, taken as a whole,  
4 bears sufficient similarity to the signature on the registration form as to provide reasonable certainty of its  
5 authenticity."

6

7 **Section 23.** Section 13-27-105, MCA, is amended to read:

8 **"13-27-105. Effective date of statewide initiative and statewide referendum issues.** (1) Unless  
9 the petition ~~placing an initiative issue on the ballot states otherwise, an a statutory initiative issue, other than a~~  
10 ~~constitutional amendment, or constitutional convention initiative~~ approved by the people is effective on October  
11 1 following approval. If the issue a statutory initiative delegates rulemaking authority, it is effective no sooner  
12 than October 1 following approval.

13 (2) A constitutional amendment proposed by initiative or by the legislature and initiative or  
14 constitutional referendum that is approved by the people is effective on July 1 following approval unless the  
15 ~~amendment~~ constitutional initiative or constitutional referendum provides otherwise.

16 (3) Unless specifically provided by the legislature in an act referred by it to the people or until  
17 suspended by a petition signed by at least 15% of the qualified electors in a majority of the legislative  
18 representative districts, an act referred to the people is in effect as provided by law until it is approved or  
19 rejected at the election. An act that is rejected is repealed effective the date the result of the canvass is filed by  
20 the secretary of state under 13-27-503. An act referred to the people that was in effect at the time of the  
21 election and is approved by the people remains in effect. An act that was suspended by a petition and is  
22 approved by the people is effective the date the result of the canvass is filed by the secretary of state under 13-  
23 27-503. An act referred by the legislature that contains an effective date following the election becomes  
24 effective on that date if approved by the people. An act that provides no effective date and whose substantive  
25 provisions were delayed by the legislature pending approval at an election and that is approved is effective  
26 October 1 following the election."

27

28 **Section 24.** Section 13-27-112, MCA, is amended to read:

1           "13-27-112. ~~Required reports -- time and manner of reporting -- exceptions -- penalty~~ Signature

2 ~~gathering -- registration -- reports -- penalty.~~ (1) (a) A person who employs a paid signature gatherer shall  
3 ~~register with the secretary of state prior to collecting signatures. Except as provided in subsection (1)(b), the~~  
4 ~~registration in this subsection (1) must be accompanied by a filing fee of not more than \$100 or an amount set~~  
5 ~~by the secretary of state. The fee must be deposited in an account to the credit of the secretary of state in~~  
6 ~~accordance with 2-15-405(4).~~

7           ~~(b) — A person who employs a paid signature gatherer may seek a waiver from the fee required in~~  
8 ~~subsection (1)(a) by demonstrating a financial inability to pay without substantial hardship.~~

9           ~~(c) — The secretary of state may adopt rules to provide for the administration of this subsection (1),~~  
10 ~~including rules to implement a standard registration form and the waiver provisions in subsection (1)(b).~~

11           ~~(2)(1) (a)~~ Except as provided in this section, a person who employs a paid signature gatherer shall file  
12 with the commissioner reports containing those matters required by Title 13, chapter 37, part 2, for a political  
13 committee organized to support or oppose a ballot issue or for an independent committee that receives  
14 contributions and makes expenditures in connection with a ballot issue, as applicable. If a person who employs  
15 a paid signature gatherer is required by Title 13, chapter 37, part 2, to file a report pursuant to those provisions,  
16 the person need not file a duplicate report pursuant to this section, but shall report the matter required by this  
17 subsection ~~(2)(1)~~ as part of that report. ~~As used in this section, "a person who employs a paid signature~~  
18 ~~gatherer" means a political party, political committee, or other person seeking to place a ballot issue before the~~  
19 ~~electors and does not mean an individual who is part of the same signature gathering company, partnership, or~~  
20 ~~other business organization that directly hires, supervises, and pays an individual who is a signature gatherer.~~

21           ~~(2)(b)~~ The reports required by this subsection ~~(4) (2)(1)~~ must include the amount paid to a paid  
22 signature gatherer.

23           ~~(3)(c)~~ Reports filed pursuant to this section ~~subsection (2)(1)~~ must be filed at the same time, in the  
24 same manner, including the certification required by 13-37-231, and upon the same forms as required for  
25 reports filed pursuant to Title 13, chapter 37, part 2, except as the rules of the commissioner may otherwise  
26 provide.

27           ~~(4)(d)~~ A person who violates subsection ~~(4) (2)(a)(1)(a)~~ is guilty of a misdemeanor and upon  
28 conviction shall be punished as provided by law.

1 ~~(3)(2)~~ The commissioner has the same powers and duties regarding the regulation of signature  
2 gatherers as the commissioner has regarding the control of campaign practices as provided in Title 13, chapter  
3 37, including the investigation of alleged violations of 13-27-112 and the issuance of orders of noncompliance  
4 for and prosecution of violations of 13-27-112.

5 ~~(4)(3)~~ The commissioner may adopt rules to implement subsection ~~(2)(1)~~.

6 ~~(5)(4)~~ As used in subsections (1) and (2) ~~and (3)~~, unless the context indicates otherwise, the following  
7 definitions apply:

8 (a) "Commissioner" means the commissioner of political practices provided for in 13-37-102.

9 (b) "Paid signature gatherer" means a signature gatherer who is compensated in money for the  
10 collection of signatures.

11 (c) (i) "Person" has the meaning provided in 13-1-101 and includes a political committee.

12 (ii) The term does not include a candidate.

13 (d) (i) "Person who employs a paid signature gatherer" means a political party, political committee,  
14 or other person seeking to place a ballot issue before the electors.

15 (ii) The term does not include an individual who is part of the same signature gathering company,  
16 partnership, or other business organization that directly hires, supervises, and pays an individual who is a  
17 signature gatherer.

18 (e) "Signature gatherer" means an individual who collects signatures on a petition for the purpose  
19 of an initiative, a referendum, or the calling of a constitutional convention."

20  
21 **Section 25.** Section 13-27-201, MCA, is amended to read:

22 **"13-27-201. Form of petition generally.** (1) A petition ~~for the initiative, for the referendum, or to call a~~  
23 ~~constitutional convention~~ must be substantially in the form provided by this chapter. Clerical or technical errors  
24 that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition  
25 void.

26 (2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be  
27 fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be  
28 printed the title of the statute or constitutional amendment proposed or the issue to be referred or a statement

1 that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the  
2 front and back of a petition sheet, the information required above must appear on both the front and back of the  
3 sheet. The complete text of the issue proposed or referred must be attached to or contained within each  
4 signature sheet if sheets are circulated separately. The text of the issue must be in the bill form provided in the  
5 most recent edition of the bill drafting manual furnished by the legislative services division. If sheets are  
6 circulated in sections, the complete text of the issue must be attached to each section.

7 ~~(3) — An internet posting of petition language must include a statement that the petition language  
8 and format may not be modified. An internet posting must include an affidavit in substantially the same form as  
9 prescribed by the secretary of state pursuant to 13-27-302."~~

11 **Section 26.** Section 13-27-204, MCA, is amended to read:

12 **"13-27-204. Petition for statutory initiative.** (1) The following, ~~including the language provided for in~~  
13 ~~subsection (2)(b),~~ is substantially the form for a petition calling for a vote to enact a law ~~by~~ statutory initiative:

14 PETITION TO PLACE INITIATIVE NO. \_\_\_\_ ON THE ELECTION BALLOT

15 (a) If 5% of the voters in each of one-half of the counties sign this petition and the total number of  
16 voters signing this petition is \_\_\_\_\_, this initiative will appear on the next general election ballot. If a majority of  
17 voters vote for this initiative at that election, it will become law.

18 (b) We, the undersigned Montana voters, propose that the secretary of state place the following  
19 initiative on the \_\_\_\_\_, 20\_\_, general election ballot:

20 (Title of initiative written pursuant to 13-27-312 in conformity with [section 2])

21 \_\_\_\_\_ (Statement of purpose and implication written pursuant to 13-27-312 )

22 (Yes and no ~~statements~~ statement written pursuant to 13-27-312 in conformity with [section 3])

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

26 ~~(d) — Voters are advised that either an interim committee or an administrative committee of the  
27 legislature in accordance with 5-5-215 or 5-11-105 reviewed the content of this initiative and [did] or [did not]  
28 support the placement of the proposed text of this initiative on the ballot. The outcome of the vote was [x] in~~

1 ~~favor of placing the measure on the ballot and [x] against placing the measure on the ballot.~~

2 ~~(e)(d)~~

3 WARNING

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

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

10 ~~(2) — (a) If the attorney general determines the proposed ballot issue will likely cause significant~~  
11 ~~material harm to one or more business interests in Montana pursuant to 13-27-312(9) [section 5(5)], the~~  
12 ~~statement in subsection (2)(b) must appear on the front page of the petition form before the information set forth~~  
13 ~~in subsection (1).~~

14 ~~(b)~~

15 ~~————— WARNING~~

16 ~~The Attorney General of Montana has determined the proposed ballot issue will likely cause significant~~  
17 ~~material harm to one or more business interests in Montana.~~

18 ~~(3)(2)~~ Numbered lines must follow the heading. Each numbered line must contain spaces for the  
19 signature, date, residence address, county of residence, and printed last name and first and middle initials of  
20 the signer. In place of a residence address, the signer may provide the signer's post-office address or the  
21 signer's home telephone number. An address provided on a petition by the signer that differs from the signer's  
22 address as shown on the signer's voter registration form may not be used as the only means to disqualify the  
23 signature of that petition signer."

24

25 **Section 27.** Section 13-27-205, MCA, is amended to read:

26 "**13-27-205. Petition for statutory referendum.** (1) The following is substantially the form for a  
27 petition calling for approval or rejection of an act of the legislature by ~~the~~ statutory referendum:

28 PETITION TO PLACE REFERENDUM NO. \_\_\_\_ ON THE ELECTION BALLOT

1 signature, date, residence address, county of residence, and printed last name and first and middle initials of  
2 the signer. In place of a residence address, the signer may provide the signer's post-office address or the  
3 signer's home telephone number. An address provided on a petition by the signer that differs from the signer's  
4 address as shown on the signer's voter registration form may not be used as the only means to disqualify the  
5 signature of that petition signer."

6

7 **Section 30.** Section 13-27-208, MCA, is amended to read:

8 **"13-27-208. Petitions to be made available in each county election administrator's office.** ~~Upon~~  
9 ~~final approval of a proposed ballot issue as provided in 13-27-202~~ When the secretary of state sends a sample  
10 petition form to the petitioner pursuant to [section 4413], the secretary of state shall forward a copy of the  
11 petition, along with signature sheets, to the election administrator of each county. The election administrator  
12 shall make a copy of each approved petition available for reading in the administrator's office during business  
13 hours in an election year until the petitions are submitted under 13-27-301. The secretary of state may charge  
14 the person who submitted the proposed ballot issue a fee, which must be set and deposited in accordance with  
15 2-15-405."

16

17 **Section 31.** Section 13-27-209, MCA, is amended to read:

18 **"13-27-209. Issues referred by legislature.** The secretary of state shall transmit ~~a copy of an act~~  
19 ~~referred to the people or a constitutional amendment proposed by the legislature to the attorney general~~ a copy  
20 of a statewide referendum referred to a vote of the people by the legislature no later than 6 months before the  
21 election at which the issue will be voted on by the people."

22

23 **Section 32.** Section 13-27-210, MCA, is amended to read:

24 **"13-27-210. Physical prevention of obtaining signatures or physical intimidation of signature**  
25 **gatherers prohibited.** A person may not knowingly or purposefully physically prevent an individual from  
26 obtaining signatures or attempting to obtain signatures on a petition for a statewide ballot issue or physically  
27 intimidate another individual when that individual is obtaining or attempting to obtain signatures on a petition for  
28 a statewide ballot issue. A person who violates this section is guilty of a misdemeanor and upon conviction shall

1           **Section 51.** Section 13-27-504, MCA, is amended to read:

2           "**13-27-504. Copy of approved issues to be sent to legislative services division.** The secretary of  
3 state shall send a certified copy of all statewide ballot issues that have been approved by a majority of those  
4 voting on the issue and a copy of the statement of the canvass to the legislative services division at the same  
5 time that a certified copy of the statement of the canvass is transmitted to the governor."  
6

7           **NEW SECTION. Section 52. Repealer.** The following sections of the Montana Code Annotated are  
8 repealed:

9 13-27-111.       Definitions.

10 13-27-113.       Powers and duties of commissioner.

11 13-27-202.       Recommendations -- registration by paid signature gatherers -- approval of form required.

12 13-27-312.       Review of proposed ballot issue and statements by attorney general -- preparation of fiscal  
13 note.

14 13-27-315.       Statements by attorney general on issues referred by legislature.  
15

16           **NEW SECTION. Section 53. Directions to code commissioner.** (1) Sections 13-1-121 and 13-27-  
17 316 are intended to be renumbered and codified in Title 13, chapter 2.

18           (2)       The code commissioner may renumber existing statutes in Title 13, chapter 27, part 2, in the  
19 same part for consistency and clarity with [sections 1 through ~~4615~~].  
20

21           **NEW SECTION. Section 54. Saving clause.** [This act] does not affect rights and duties that  
22 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].  
23

24           **NEW SECTION. Section 55. Codification instruction.** [Sections 1 through ~~4615~~] are intended to be  
25 codified as an integral part of Title 13, chapter 27, part 2, and the provisions of Title 13, chapter 27, part 2,  
26 apply to [sections 1 through ~~4615~~].  
27

28           **NEW SECTION. Section 56. Effective date.** [This act] is effective on passage and approval.