

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.

1 initiative to the secretary of state in accordance with [section 8].

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

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

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

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

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

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

1 [section 11].

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

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

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

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

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

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

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

21 (b) If the attorney general finds that the proposed statutory initiative is legally sufficient, the
22 secretary of state shall provide the executive director of the legislative services division a copy of the final text
23 of the proposed statutory initiative and ballot statements in accordance with [section 13]. After the executive
24 director of the legislative services division provides the secretary of state the outcome of the vote as required by
25 [section 13], the secretary of state shall immediately send a sample petition form as provided in [section 14] to
26 the person submitting the proposed statutory initiative.

27
28 **NEW SECTION. Section 6. Statutory referendum process and procedure.** (1) (a) A proponent of

1 a statutory referendum shall submit the text of the proposed statutory referendum to the secretary of state
2 together with draft ballot statements. The secretary of state shall forward a copy of the text of the proposed
3 statutory referendum and ballot statements to the legislative services division for review in accordance with
4 [section 10].

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

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

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

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

27 (5) If the attorney general orders a fiscal note pursuant to [section 11], the budget director shall
28 prepare the fiscal note pursuant to [section 12]. If the legislative act that is the subject of the proposed statutory

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

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

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

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

19
20 **NEW SECTION. Section 7. Constitutional initiative process and procedure.** (1) A proponent of a
21 constitutional initiative shall submit the text of the proposed constitutional initiative to the secretary of state
22 together with draft ballot statements. The secretary of state shall forward a copy of the text of the proposed
23 constitutional initiative and ballot statements to the legislative services division for review in accordance with
24 [section 10].

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

27 (3) After the proponent responds to the legislative services division as provided in [section 10], the
28 proponent shall submit the final text of the proposed constitutional initiative and ballot statements to the