

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."

18  
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  
28 whether there must be an unlimited convention to revise, alter, or amend the Montana constitution to the

**Amendment - 1st Reading-white - Requested by: Mike Cuffe - (S) State Administration**

68th Legislature

Drafter: Joe Carroll, 406-444-3804

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1 qualified electors that is referred by the legislature as authorized in Article XIV, section 1, of the Montana  
2 constitution.

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

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

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

9 (7) "Legal sufficiency" or "legally sufficient" means that a petition complies with statutory and  
10 constitutional requirements governing submission of the proposed issue to the qualified electors and the  
11 substantive legality of the proposed issue if approved by the voters.

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

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

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

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

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

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

24 (14) "Statutory initiative" means an initiative to enact statutory law as authorized in Article III, section  
25 4, of the Montana constitution.

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

1  
2           **NEW SECTION. Section 2. Statement of purpose and implication.** (1) A statement of purpose and  
3 implication expresses the true and impartial explanation of the proposal in plain, easily understood language.  
4 The statement of purpose and implication may not be argumentative or written so as to create prejudice for or  
5 against the issue.

6           (2) A statement of purpose and implication may not exceed 135 words.

7           (3) Unless altered by the court under 13-27-316, a statement of purpose and implication is the  
8 petition title for an issue circulated by petition and the ballot title if the issue circulated by petition is placed on  
9 the ballot.

10  
11           **NEW SECTION. Section 3. Yes and no statement.** (1) A yes and no statement specifies that a  
12 positive vote indicates support for the issue and a negative vote indicates opposition to the issue.

13           (2) The yes and no statement must be placed beside the diagram provided for marking of the  
14 ballot in a manner similar to the following:

15            YES on (insert the type of ballot issue and its number)

16            NO on (insert the type of ballot issue and its number)

17           (3) The type of ballot issue and its number required by subsection (2) must be designated by the  
18 secretary of state as provided in 13-27-203 after the secretary of state receives notice from the attorney general  
19 that the petition has been found legally sufficient as provided in this part.

20           (4) The yes and no statement may not include additional material beyond the requirements of  
21 subsection (2).

22  
23           **NEW SECTION. Section 4. Submission and processing of statewide ballot issues -- required**  
24 **nonrefundable filing fee.** (1) A proponent of a statutory initiative shall submit the text of the proposed initiative  
25 to the secretary of state in accordance with [section 5].

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

28           (3) A proponent of a constitutional initiative shall submit the text of the proposed initiative to the

1 secretary of state in accordance with [section 7].

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

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

6 (6) (a) A proponent of a statutory initiative, a statutory referendum, a constitutional initiative, or a  
7 constitutional convention initiative shall include a nonrefundable filing fee of \$3,700 per submitted proposal at  
8 the time of submittal to the secretary of state.

9 (b) The fee must be deposited in an account to the credit of the secretary of state in accordance  
10 with 2-15-405(4). The secretary of state's office shall retain \$700, and distribute \$2,000 to the legislative  
11 services division and \$1,000 to the department of justice to help defray the costs of review by those offices.

12 (c) A proponent may seek a waiver from the fee required in subsection (6)(a) by demonstrating a  
13 financial inability to pay without substantial hardship. If a proponent is granted a fee waiver and later financial  
14 disclosure forms required by 13-37-225 show financial ability to pay the fee, the proponent is required to pay  
15 the fee at that time. If the proponent still fails to pay the fee, a penalty of up to three times the amount of the  
16 submission fee may be assessed.

17 (d) The secretary of state may adopt rules to provide for the administration of this subsection (6).

18 (7) A statewide initiative filed under the provisions of this chapter may not be filed if it is  
19 substantially the same as a measure defeated by the voters in an election within the preceding 4 years.

20  
21 **NEW SECTION. Section 5. Statutory initiative process and procedure.** (1) (a) A proponent of a  
22 statutory initiative shall submit the text of the proposed statutory initiative to the secretary of state together with  
23 draft ballot statements and the filing fee required by [section 4]. The secretary of state shall forward a copy of  
24 the text of the proposed statutory initiative and ballot statements to the legislative services division for review in  
25 accordance with [section 10].

26 (b) A proposed statutory initiative may not be accepted by the secretary of state until 10 days after  
27 the adjournment sine die of the regular legislative session preceding the general election during which the  
28 proposal is intended to be voted on. The prohibitions on acceptance of a proposed statutory initiative provided

1 in this subsection (1)(b) do not apply to a submission received on or after the date that falls 180 days after the  
2 date that the legislature convened in regular session pursuant to 5-2-103, even if the legislature has not  
3 adjourned sine die. If the secretary of state rejects a proposed statutory initiative pursuant to this subsection  
4 (1)(b), the secretary of state shall promptly notify the person who submitted the proposal of the reason for the  
5 rejection.

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

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

19 (5) The budget director shall determine whether a fiscal note is necessary. If the budget director  
20 determines a fiscal note is necessary, the budget director shall prepare a fiscal note, notify the attorney general  
21 of the necessity of the fiscal note, and provide a copy of the fiscal note pursuant to [section 12] within 10 days.  
22 Receipt of the notice from the budget director begins the time frame in subsection (7).

23 ~~(5)~~(6) In addition to the requirements of [section 11], the attorney general shall:

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

26 (b) review the proposed statutory initiative as to whether the proposal could cause a regulatory  
27 taking under Montana law or otherwise will likely cause significant material harm to one or more business  
28 interests in the state if approved by the voters. If the attorney general determines the proposed statutory

1 initiative will likely cause significant material harm to one or more business interests in the state, the attorney  
2 general shall notify the secretary of state, which must include the finding set forth in 13-27-204(2) on the final  
3 form of the petition.

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

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

8 (8) The secretary of state shall review the legal sufficiency opinion received pursuant to [section  
9 11].

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

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

20  
21 **NEW SECTION. Section 6. Statutory referendum process and procedure.** (1) (a) A proponent of  
22 a statutory referendum shall submit the text of the proposed statutory referendum to the secretary of state  
23 together with draft ballot statements and the filing fee required by [section 4]. The secretary of state shall  
24 forward a copy of the text of the proposed statutory referendum and ballot statements to the legislative services  
25 division for review in accordance with [section 10].

26 (b) A proposed statutory referendum may not be accepted by the secretary of state until 10 days  
27 after the adjournment sine die of the regular legislative session preceding the general election during which the  
28 proposal is intended to be voted on. The prohibitions on acceptance of a proposed statutory referendum

1 provided in this subsection (1)(b) do not apply to a submission received on or after the date that falls 180 days  
2 after the date that the legislature convened in regular session pursuant to 5-2-103, even if the legislature has  
3 not adjourned sine die. If the secretary of state rejects a proposed statutory referendum pursuant to this  
4 subsection (1)(b), the secretary of state shall promptly notify the person who submitted the proposal of the  
5 reason for the rejection.

6 (2) Within 7 days after receiving the proposed statutory referendum from the secretary of state, the  
7 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 statutory referendum 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 statutory referendum  
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 statutory referendum and the ballot statements, the  
15 secretary of state shall reject the proposed statutory referendum 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 refer a copy of the proposed statutory  
18 referendum and ballot statements concurrently to the budget director and the attorney general.

19 (5) (a) The budget director shall determine whether a fiscal note is necessary, prepare the fiscal  
20 note, notify the attorney general of the necessity of its determination, and provide a copy of the fiscal note, if  
21 required, pursuant to [section 12] within the timeframe required in subsection (5)(b). Receipt of the notice from  
22 the budget director begins the time frame in subsection (6) for the attorney general's review in accordance with  
23 [section 11].

24 (5)(b) If the attorney general orders a fiscal note pursuant to [section 11], the budget director shall  
25 prepare the fiscal note pursuant to [section 12]. If the legislative act that is the subject of the proposed statutory  
26 referendum had a fiscal note prepared pursuant to 5-4-202 during the legislative session in which the bill was  
27 proposed, the budget director shall return the fiscal note to the attorney general within 3 days. If the legislative  
28 act that is the subject of the proposed statutory referendum did not have a fiscal note prepared pursuant to 5-4-

1 202 during the legislative session in which the bill was proposed, the budget director shall return the fiscal note  
2 to the attorney general within 6 days.

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

8 (7) The secretary of state shall review the legal sufficiency opinion received pursuant to [section  
9 11]. If the attorney general:

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

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

16  
17 **NEW SECTION. Section 7. Constitutional initiative process and procedure.** (1) A proponent of a  
18 constitutional initiative shall submit the text of the proposed constitutional initiative to the secretary of state  
19 together with draft ballot statements and the filing fee required by [section 4]. The secretary of state shall  
20 forward a copy of the text of the proposed constitutional initiative and ballot statements to the legislative  
21 services division for review in accordance with [section 10].

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

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

1 response.

2 (4) On receipt of the final text of the proposed constitutional initiative and the ballot statements, the  
3 secretary of state shall reject the proposed constitutional initiative if the text or a ballot statement contains  
4 material not submitted to the legislative services division that is a substantive change not recommended by the  
5 legislative services division. Otherwise, the secretary of state shall refer a copy of the proposed constitutional  
6 initiative and ballot statements concurrently to the budget director and to the attorney general ~~for the attorney~~  
7 ~~general's review in accordance with [section 11].~~

8 (5) ~~If the attorney general orders a fiscal note pursuant to [section 11], the budget director shall~~  
9 ~~prepare the fiscal note pursuant to [section 12] and return it to the attorney general within 10 days. The budget~~  
10 ~~director shall determine whether a fiscal note is necessary, prepare the fiscal note, notify the attorney general of~~  
11 ~~the necessity of the fiscal note, and provide a copy of the fiscal note pursuant to [section 12] within 10 days.~~  
12 ~~Receipt of the notice from the budget director begins the timeframe in subsection (7) for the attorney general's~~  
13 ~~review in accordance with [section 11].~~

14 (6) In addition to the requirements in [section 11], the attorney general shall:

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

17 (b) review the proposed constitutional initiative as to whether the proposal could cause a  
18 regulatory taking under Montana law or otherwise will likely cause significant material harm to one or more  
19 business interests in the state if approved by the voters. If the attorney general determines the proposed  
20 constitutional initiative will likely cause significant material harm to one or more business interests in the state,  
21 the attorney general shall notify the secretary of state, which must include the finding set forth in 13-27-207 on  
22 the final form of the petition.

23 (7) Within 30 days of receipt of the ~~proposed constitutional initiative from the secretary of state~~  
24 fiscal note determination from the budget director, the attorney general shall complete the requirements set  
25 forth in [section 11] and subsection (6) of this section.

26 (7)(8) The secretary of state shall review the legal sufficiency opinion received pursuant to [section  
27 11]. If the attorney general:

28 (a) finds that the proposed constitutional initiative is not legally sufficient, the secretary of state

1 shall send written notice to the person who submitted the proposal that the proposed constitutional initiative has  
2 been rejected. The notice must include a copy of the attorney general's legal sufficiency opinion.

3 (b) finds that the proposed constitutional initiative is legally sufficient, the secretary of state shall  
4 provide the executive director of the legislative services division a copy of the final text of the proposed  
5 constitutional initiative and ballot statements in accordance with [section 13]. After the executive director of the  
6 legislative services division provides the secretary of state the outcome of the vote as required by [section 13],  
7 the secretary of state shall immediately send a sample petition form as provided in [section 14] to the person  
8 submitting the proposed constitutional initiative.

9  
10 **NEW SECTION. Section 8. Constitutional convention initiative process and procedure.** (1) A  
11 proponent of a constitutional convention initiative shall submit the text of the proposed constitutional convention  
12 initiative to the secretary of state together with draft ballot statements and the filing fee required by [section 4].  
13 The secretary of state shall forward a copy of the text of the proposed constitutional convention initiative and  
14 ballot statements to the legislative services division for review in accordance with [section 10].

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

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

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

1 attorney general ~~for the attorney general's review in accordance with [section 11].~~

2 (5) ~~If the attorney general orders a fiscal note pursuant to [section 11], the budget director shall~~  
3 ~~prepare the fiscal note pursuant to [section 12] and return it to the attorney general within 10 days. The budget~~  
4 ~~director shall determine whether a fiscal note is necessary, prepare the fiscal note, notify the attorney general of~~  
5 ~~the necessity of the fiscal note, and provide a copy of the fiscal note pursuant to [section 12] within 10 days.~~  
6 ~~Receipt of the notice from the budget director begins the time frame in subsection (6) and the attorney general's~~  
7 ~~review in accordance with [section 11].~~

8 (6) Within 30 days of receipt of the ~~proposed constitutional convention initiative from the secretary~~  
9 ~~of state fiscal note determination from the budget director~~, the attorney general shall complete the requirements  
10 set forth in [section 11].

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 constitutional convention initiative is not legally sufficient, the secretary  
14 of state shall send written notice to the person who submitted the proposal that the proposed constitutional  
15 convention 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 convention initiative is legally sufficient, the secretary of  
18 state shall ~~provide the executive director of the legislative services division a copy of the final text of the~~  
19 ~~proposed constitutional convention initiative and ballot statements in accordance with [section 13]. After the~~  
20 ~~executive director of the legislative services division provides the secretary of state the outcome of the vote as~~  
21 ~~required by [section 13], the secretary of state shall~~ immediately send a sample petition form as provided in  
22 [section 14] to the person submitting the proposed constitutional convention initiative.

23  
24 **NEW SECTION. Section 9. Statewide referendum referred by legislature -- process and**  
25 **procedure.** (1) A statewide referendum referred to a vote of the people by the legislature must comply with the  
26 requirements of 5-4-102.

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

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

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

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

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

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

21           (3)     The legislative services division shall furnish a copy of the correspondence provided for in  
22 subsection (2) to the secretary of state, who shall make a copy of the correspondence available to any person  
23 on request.

24  
25           **NEW SECTION. Section 11. Review by attorney general.** (1) On receipt of a proposed statutory  
26 initiative, statutory referendum, constitutional initiative, or constitutional convention initiative and the proposal's  
27 ballot statements from the office of the secretary of state and the fiscal note determination from the budget  
28 director as provided in this part, the attorney general shall examine the proposal, review the proposal for legal

1 sufficiency as provided in subsection (2), review the ballot statements if required by subsection (3), ~~order-a~~  
2 ~~fiscal note and~~ prepare a fiscal statement if required by subsection (4), and determine if the proposal conflicts  
3 with other issues that may appear on the ballot at the same election as provided in subsection (5).

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

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

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

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

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

12 (c) If the attorney general determines the ballot statements comply with the requirements provided  
13 in subsection (3)(a), the attorney general shall approve the ballot statements and forward them to the secretary  
14 of state. However, if the attorney general determines in writing that a ballot statement clearly does not comply  
15 with the relevant requirements of subsection (3)(a), the attorney general shall prepare a ballot statement that  
16 complies with the relevant requirements of subsection (3)(a). The attorney general shall forward the revised  
17 ballot statement to the secretary of state as the approved ballot statement and shall provide a copy to the  
18 petitioner.

19 (4) If the proposal affects the revenue, expenditures, or fiscal liability of the state, ~~the attorney~~  
20 ~~general shall order a fiscal note, and~~ the budget director shall prepare the fiscal note as provided in [section  
21 4312]. If the fiscal note indicates a fiscal impact, the attorney general shall prepare a fiscal statement of no  
22 more than 50 words and forward it to the secretary of state. The statement must be used on the proposal's  
23 petition and on the ballot if the proposal is placed on the ballot.

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

27 (6) If the attorney general determines that the proposal is not legally sufficient, the secretary of  
28 state may not deliver a sample petition form unless the attorney general's opinion is overruled pursuant to 13-

1 27-316 and the attorney general has approved or prepared ballot statements under this section.

2

3 NEW SECTION. Section 12. Preparation of fiscal note. (1) ~~If the attorney general orders a fiscal~~  
4 ~~note for a statewide ballot issue pursuant to the requirements of this chapter proposal affects the revenue,~~  
5 ~~expenditures, or fiscal liability of the state, the budget director shall determine whether a fiscal note is~~  
6 ~~necessary. If a fiscal note is required,~~ the budget director, in cooperation with the agency or agencies affected  
7 by the statewide ballot issue, shall prepare the fiscal note.

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

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

12 (4) If a revised fiscal note is requested pursuant to [section 13], the budget director shall prepare a  
13 revised fiscal note within 3 days and provide the revised fiscal note concurrently to the executive director of  
14 legislative services division and the attorney general.

15

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

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

26 (b) The interim committee or the legislative council may request a fiscal note if one was previously  
27 not determined necessary and may request a revised fiscal note from the budget director if new information is  
28 provided which would impact the fiscal note determination or accuracy of the initial fiscal note.

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

3           ~~(c)~~(d) Nothing in this section prevents the interim committee or legislative council from meeting  
4 remotely or via conference call or other electronic means.

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

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

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

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

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

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

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

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NEW SECTION. **Section 16. Notification of petitioner -- legal action concerning petition.** If a legal action is filed challenging the validity of a petition, the secretary of state shall immediately notify the person who submitted the proposed statewide ballot issue.

**Section 17.** Section 5-5-215, MCA, is amended to read:

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

- (a) review administrative rules within its jurisdiction;
- (b) subject to 5-5-217(3), conduct interim studies as assigned;
- (c) monitor the operation of assigned executive branch agencies with specific attention to the following:
  - (i) identification of issues likely to require future legislative attention;
  - (ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and
  - (iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;
- (d) review, if requested by any member of the interim committee, the statutorily established advisory councils and required reports of assigned agencies to make recommendations to the next legislature on retention or elimination of any advisory council or required reports pursuant to 5-11-210;
- (e) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules;
- (f) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work; and
- (g) review proposed ~~ballot statutory statewide~~ initiatives as defined in [section 1] within the interim committee's subject area and vote to either support or not support the placement of the text of ~~an the statutory~~ proposed statewide initiative on the ballot in accordance with ~~43-27-202~~ [section 13].

(2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the

1 state may require for presentation to the next regular session of the legislature.

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

4

5 **Section 18.** Section 5-11-105, MCA, is amended to read:

6 **"5-11-105. Powers and duties of council.** (1) The legislative council shall:

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

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

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

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

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

20 (f) review proposed legislation for agencies or entities that are not assigned to an interim  
21 committee, as provided in 5-5-223 through 5-5-228, or to the environmental quality council, as provided in 75-1-  
22 324;

23 (g) review proposed ballot ~~statutory statewide~~ initiatives as defined in [section 1] and vote to either  
24 support or not support the placement of the text of ~~an the~~ statutory-proposed statewide initiative on the ballot in  
25 accordance with ~~43-27-202~~ [section 13]; and

26 (h) perform other duties assigned by law.

27 (2) If a question of statewide importance arises when the legislature is not in session and a  
28 legislative interim committee has not been assigned to consider the question, the legislative council shall assign

1 the question to an appropriate interim committee, as provided in 5-5-202, or to the appropriate statutorily  
2 created committee."

3

4 **Section 19.** Section 7-5-132, MCA, is amended to read:

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

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

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

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

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

18 (a) embrace only a single comprehensive subject;

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

21 (c) ~~be in the form prescribed in Title 13, chapter 27, except as specifically provided in this part, be~~  
22 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  
23 referendum; and

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

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

1 (6) If a majority of those voting on the question approve the proposal, it becomes effective when  
2 the election results are officially declared, unless otherwise stated in the proposal."

3

4 **Section 20.** Section 7-7-2224, MCA, is amended to read:

5 **"7-7-2224. Form and contents of petition.** (1) Every petition for the calling of an election to vote  
6 upon the question of issuing county bonds shall plainly and clearly state the purpose or purposes for which the  
7 proposed bonds are to be issued and shall contain an estimate of the amount necessary to be issued for such  
8 purpose or purposes. There may be a separate petition for each purpose, or two or more purposes may be  
9 combined in one petition if each purpose, with an estimate of the amount of bonds necessary to be issued  
10 therefor, is separately stated in the petition.

11 (2) The petition shall be in the form ~~provided in Title 13, chapter 27 prescribed in 13-27-201 and~~  
12 13-27-204."

13

14 **Section 21.** Section 7-14-204, MCA, is amended to read:

15 **"7-14-204. Details relating to petition.** The petition under 7-14-203 must include a map showing the  
16 limits of the proposed district or the area to be added to an existing district and must be in the form ~~provided in~~  
17 Title 13, chapter 27 prescribed in 13-27-201 and 13-27-204."

18

19 **Section 22.** Section 13-27-102, MCA, is amended to read:

20 **"13-27-102. Who may petition and gather signatures.** (1) A petition ~~for the initiative, the~~  
21 ~~referendum, or to call a constitutional convention~~ may be signed only by a qualified elector of the state of  
22 Montana.

23 (2) A person gathering signatures for ~~the initiative, the referendum, or to call a constitutional~~  
24 ~~convention~~ a petition:

25 (a) ~~must be a resident, as provided in 1-1-215, of the state of Montana; and~~

26 (b) ~~may not be paid anything of value based upon the number of signatures gathered."~~

27

28 **Section 23.** Section 13-27-103, MCA, is amended to read:

1           **"13-27-103. Sufficiency of signature -- electronic signatures prohibited.** (1) A signature for a  
2 petition may not be counted unless it is the original signature of the elector in ink, and the elector has signed in  
3 substantially the same manner as on the voter registration form. If the elector is registered with a first and  
4 middle name, the use of an initial instead of either the first or middle name, but not both names, need not  
5 disqualify the signature. The signature may be counted so long as the signature, taken as a whole, bears  
6 sufficient similarity to the signature on the registration form as to provide reasonable certainty of its authenticity.  
7           (2) Electronic, digital, or facsimile signatures, including electronic signatures pursuant to Title 30,  
8 chapter 18, part 1, are prohibited."

9  
10           **Section 24.** Section 13-27-105, MCA, is amended to read:

11           **"13-27-105. Effective date of statewide initiative and statewide referendum issues.** (1) Unless  
12 the petition placing an initiative issue on the ballot states otherwise, an a statutory initiative issue, other than a  
13 constitutional amendment, or constitutional convention initiative approved by the people is effective on October  
14 1 following approval. If the issue a statutory initiative delegates rulemaking authority, it is effective no sooner  
15 than October 1 following approval.

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

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

1 October 1 following the election."

2

3 **Section 25.** Section 13-27-112, MCA, is amended to read:

4 ~~"13-27-112. Required reports -- time and manner of reporting -- exceptions -- penalty~~ **Signature**  
5 **gathering -- registration -- reports -- penalty.** (1) (a) A person who employs a paid signature gatherer shall  
6 register with the secretary of state prior to collecting signatures. Except as provided in subsection (1)(b), the  
7 registration in this subsection (1) must be accompanied by a filing fee of not more than \$100 or an amount set  
8 by the secretary of state. The fee must be deposited in an account to the credit of the secretary of state in  
9 accordance with 2-15-405(4).

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

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

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

24 (2)(b) The reports required by this subsection (1) (2) must include the amount paid to a paid signature  
25 gatherer.

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

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

3           (3) The commissioner has the same powers and duties regarding the regulation of signature  
4 gatherers as the commissioner has regarding the control of campaign practices as provided in Title 13, chapter  
5 37, including the investigation of alleged violations of 13-27-112 and the issuance of orders of noncompliance  
6 for and prosecution of violations of 13-27-112.

7           (4) The commissioner may adopt rules to implement subsection (2).

8           (5) As used in subsections (2) and (3), unless the context indicates otherwise, the following  
9 definitions apply:

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

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

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

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

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

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

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

22

23           **Section 26.** Section 13-27-201, MCA, is amended to read:

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

28           (2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be

1 fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be  
 2 printed the title of the statute or constitutional amendment proposed or the issue to be referred or a statement  
 3 that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the  
 4 front and back of a petition sheet, the information required above must appear on both the front and back of the  
 5 sheet. The complete text of the issue proposed or referred must be attached to or contained within each  
 6 signature sheet if sheets are circulated separately. The text of the issue must be in the bill form provided in the  
 7 most recent edition of the bill drafting manual furnished by the legislative services division. If sheets are  
 8 circulated in sections, the complete text of the issue must be attached to each section.

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

12  
 13 **Section 27.** Section 13-27-204, MCA, is amended to read:

14 **"13-27-204. Petition for statutory initiative.** (1) The following, including the language provided for in  
 15 subsection (2)(b), is substantially the form for a petition calling for a vote to enact a ~~law by~~statutory initiative:

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

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

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

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

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

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

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

28 (d) Voters are advised that either an interim committee or an administrative committee of the

1 legislature in accordance with 5-5-215 or 5-11-105 reviewed the content of this initiative and [did] or [did not]  
2 support the placement of the proposed text of this initiative on the ballot. The outcome of the vote was [x] in  
3 favor of placing the measure on the ballot and [x] against placing the measure on the ballot.

4 (e)

5 WARNING

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

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

12 (2) (a) If the attorney general determines the proposed ballot issue will likely cause significant  
13 material harm to one or more business interests in Montana pursuant to 13-27-312(9) section 5(5)(6), the  
14 statement in subsection (2)(b) must appear on the front page of the petition form before the information set forth  
15 in subsection (1).

16 (b)

17 WARNING

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

20 (3) Numbered lines must follow the heading. Each numbered line must contain spaces for the  
21 signature, date, residence address, county of residence, and printed last name and first and middle initials of  
22 the signer. In place of a residence address, the signer may provide the signer's post-office address or the  
23 signer's home telephone number. An address provided on a petition by the signer that differs from the signer's  
24 address as shown on the signer's voter registration form may not be used as the only means to disqualify the  
25 signature of that petition signer."  
26

27 **Section 28.** Section 13-27-205, MCA, is amended to read:

28 **"13-27-205. Petition for statutory referendum.** (1) The following is substantially the form for a

**Amendment - 1st Reading-white - Requested by: Mike Cuffe - (S) State Administration**

68th Legislature

Drafter: Joe Carroll, 406-444-3804

SB0093.001.001

1 petition calling for approval or rejection of an act of the legislature by the statutory referendum:

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

3 (a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the  
4 total number of voters signing the petition is \_\_\_\_, Senate (House) Bill Number \_\_\_\_ will appear on the next  
5 general election ballot. If a majority of voters vote for this referendum at that election it will become law.

6 (b) We, the undersigned Montana voters, propose that the secretary of state place the following  
7 Senate (House) Bill Number \_\_\_\_, passed by the legislature on \_\_\_\_\_ on the next general election  
8 ballot:

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

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

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

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

15 (d)

16 **WARNING**

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

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

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

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**Section 29.** Section 13-27-206, MCA, is amended to read:

**"13-27-206. Petition for initiative for constitutional convention initiative.** (1) The following is substantially the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there will be for a constitutional convention initiative:

PETITION TO PLACE INITIATIVE NO.\_\_\_\_, CALLING FOR A CONSTITUTIONAL CONVENTION, ON THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is \_\_\_\_\_, the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention, the legislature shall call for a constitutional convention at its next session.

(b) We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the \_\_\_\_\_, 20\_\_\_, general election ballot:

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

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

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

(c) A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

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

~~(d)(e)~~

WARNING

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

~~(e)(f)~~ Each person is required to sign the person's name and list the person's address or telephone

1 number in substantially the same manner as on the person's voter registration form or the signature will not be  
2 counted.

3 (2) Numbered lines must follow the heading. Each numbered line must also contain spaces for the  
4 signature, residence address, legislative representative district number, and printed last name and first and  
5 middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office  
6 address or the signer's home telephone number. An address provided on a petition by the signer that differs  
7 from the signer's address as shown on the signer's voter registration form may not be used as the only means  
8 to disqualify the signature of that petition signer."  
9

10 **Section 30.** Section 13-27-207, MCA, is amended to read:

11 **"13-27-207. Petition for constitutional initiative for ~~constitutional amendment~~.** (1) The following  
12 is substantially the form for a petition for ~~an a~~ constitutional initiative to amend the constitution:

13 PETITION TO PLACE CONSTITUTIONAL\_AMENDMENT NO.\_\_\_\_ ON THE ELECTION BALLOT

14 (a) If 10% of the voters in each of one-half of the counties sign this petition and the total number of  
15 voters signing the petition is \_\_\_\_\_, this constitutional amendment will appear on the next general election  
16 ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

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

19 (Title of the proposed constitutional ~~amendment~~ initiative written pursuant to ~~13-27-312~~ in conformity  
20 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 constitutional amendment, which appears (on  
24 the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the  
25 constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

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 constitutional initiative and [did]  
28 or [did not] support the placement of the proposed text of this constitutional initiative on the ballot. The outcome

1 of the vote was [x] in favor of placing the measure on the ballot and [x] against placing the measure on the  
2 ballot.

3 (d)(e)

4 **WARNING**

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

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

11 (2) (a) If the attorney general determines the proposed ballot issue will likely cause significant  
12 material harm to one or more business interests in Montana pursuant to [section 5(6)], the statement in  
13 subsection (2)(b) must appear on the front page of the petition form before the information set forth in  
14 subsection (1).

15 (b)

16 **WARNING**

17 The attorney general of Montana has determined the proposed ballot issue will likely cause significant  
18 material harm to one or more business interests in Montana.

19 (2)(3) Numbered lines must follow the heading. Each numbered line must contain spaces for the  
20 signature, date, residence address, county of residence, and printed last name and first and middle initials of  
21 the signer. In place of a residence address, the signer may provide the signer's post-office address or the  
22 signer's home telephone number. An address provided on a petition by the signer that differs from the signer's  
23 address as shown on the signer's voter registration form may not be used as the only means to disqualify the  
24 signature of that petition signer."  
25

26 **Section 31. Section 13-27-208, MCA, is amended to read:**

27 ~~"13-27-208. Petitions to be made available in each county election administrator's office. Upon~~  
28 ~~final approval of a proposed ballot issue as provided in 13-27-202 When the secretary of state sends a sample~~

1 ~~petition form to the petitioner pursuant to [section 14], the secretary of state shall forward a copy of the petition,~~  
2 ~~along with signature sheets, to the election administrator of each county. The election administrator shall make~~  
3 ~~a copy of each approved petition available for reading in the administrator's office during business hours in an~~  
4 ~~election year until the petitions are submitted under 13-27-301. The secretary of state may charge the person~~  
5 ~~who submitted the proposed ballot issue a fee, which must be set and deposited in accordance with 2-15-405."~~

6

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

8 **"13-27-209. Issues referred by legislature.** The secretary of state shall transmit ~~a copy of an act~~  
9 ~~referred to the people or a constitutional amendment proposed by the legislature to the attorney general~~ a copy  
10 of a statewide referendum referred to a vote of the people by the legislature no later than 6 months before the  
11 election at which the issue will be voted on by the people."

12

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

14 **"13-27-210. Physical prevention of obtaining signatures or physical intimidation of signature**  
15 **gatherers prohibited.** A person may not knowingly or purposefully physically prevent an individual from  
16 obtaining signatures or attempting to obtain signatures on a petition for a statewide ballot issue or physically  
17 intimidate another individual when that individual is obtaining or attempting to obtain signatures on a petition for  
18 a statewide ballot issue. A person who violates this section is guilty of a misdemeanor and upon conviction shall  
19 be punished by a fine of not more than \$500, by imprisonment for not more than 90 days, or by both a fine and  
20 imprisonment."

21

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

23 **"13-27-211. Petitions for initiative -- requirements and limitations.** (1) In accordance with Article  
24 III, section 4, of the Montana constitution, the text of ~~an~~ a statutory initiative may not provide for the  
25 appropriation of revenue.

26 (2) For the purposes of this section, "appropriation" includes but is not limited to the act of  
27 designating or setting aside budgetary authority or directly or indirectly incurring a financial obligation with the  
28 expectation that a certain amount of money will be expended or directed for a specific use or purpose. The term

1 also includes increasing or expanding eligibility to a government program."

2

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

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

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

13 (3) Signatures may be withdrawn from a petition ~~for constitutional amendment, constitutional~~  
14 ~~convention, initiative, or referendum~~ up to the time of final submission of petition sheets as provided in  
15 subsection (1). The secretary of state shall prescribe the form to be used by an elector desiring to have the  
16 elector's signature withdrawn from a petition."

17

18 **Section 35.** Section 13-27-303, MCA, is amended to read:

19 **"13-27-303. Verification of signatures by county official -- allocating voters following**  
20 **reapportionment -- duplicate signatures.** (1) Except as required by 13-27-104, within 4 weeks after receiving  
21 the sheets or sections of a petition, the county official shall check the names of all signers to verify they are  
22 registered electors of the county. In addition, the official shall randomly select signatures on each sheet or  
23 section and compare them with the signatures of the electors as they appear in the registration records of the  
24 office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered  
25 electors on the sheet or section may be certified to the secretary of state without further comparison of  
26 signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet  
27 or section must be compared with the signatures in the registration records of the office.

28 (2) For the purpose of allocating the signatures of voters among the several legislative

1 representative districts of the state as required to certify a petition for a statutory referendum or a call-of-a  
2 constitutional convention initiative under the provisions of this chapter following the filing of a districting and  
3 apportionment plan under 5-1-111 and before the first gubernatorial election following the filing of the plan, the  
4 new districts must be used with the number of signatures needed for each legislative representative district  
5 being the total votes cast for governor in the last gubernatorial election divided by the number of legislative  
6 representative districts.

7 (3) Upon discovery of fraudulent signatures or duplicate signatures of an elector on any one issue,  
8 the election administrator may submit the name of the elector or the signature gatherer, or both, to the county  
9 attorney to be investigated under the provisions of 13-27-106 and 13-35-207."

10

11 **Section 36.** Section 13-27-304, MCA, is amended to read:

12 "**13-27-304. County official to forward verified sheets.** The county official verifying the number of  
13 registered electors signing the petition shall forward it to the secretary of state by certified mail with a certificate  
14 in substantially the following form attached:

15 To the Honorable \_\_\_\_\_, Secretary of State of the state of Montana:

16 I, \_\_\_\_\_, \_\_\_\_\_ (title) of the County of \_\_\_\_\_, certify that I have examined the  
17 attached sheets of the petition for (statutory referendum, statutory initiative, constitutional convention initiative,  
18 or constitutional ~~amendment~~ initiative) No. \_\_\_\_ in the manner prescribed by law; and I believe that \_\_\_\_  
19 (number) signatures in (Legislative Representative District No. \_\_\_\_ or the County of \_\_\_\_ ) (repeat for each  
20 district or county included in sheet or section) are valid; and I further certify that the affidavit of the signature  
21 gatherer of the petition is attached.

22 Signed: \_\_\_\_\_ (Date) \_\_\_\_\_ (Signature)

23 Seal \_\_\_\_\_ (Title)"

24

25 **Section 37.** Section 13-27-308, MCA, is amended to read:

26 "**13-27-308. Certification of petition to governor.** When a petition for ~~referendum, initiative,~~  
27 ~~constitutional convention, or constitutional amendment~~ containing a sufficient number of verified signatures has  
28 been filed with the secretary of state within the time required by the constitution or by law, the secretary of state

1 shall immediately certify to the governor that the completed petition qualifies for the ballot."

2

3 **Section 38.** Section 13-27-311, MCA, is amended to read:

4 **"13-27-311. Publication of proposed constitutional amendments initiatives and constitutional**  
5 **referendums.** (1) If a constitutional ~~amendment proposed by initiative~~ is submitted to the people, the secretary  
6 of state shall have the proposed ~~amendment~~ constitutional initiative published in full twice each month for 2  
7 months prior to the election at which it is to be voted upon by the people in not less than one newspaper of  
8 general circulation in each county.

9 (2) (a) For a proposed constitutional ~~amendment referred to the voters by the legislature~~  
10 referendum, the secretary of state may arrange for newspaper publication or radio or television broadcast of the  
11 ~~amendment~~ constitutional referendum, in each county.

12 (b) The ballot statements reviewed or prepared by the attorney general for the ~~amendment~~  
13 constitutional referendum, as described in ~~13-27-312 or 13-27-315~~ [section 9], are sufficient for the publication  
14 allowed by this subsection (2) and should be made at least twice each month for 2 months prior to the election.

15 (c) The secretary of state shall select the method of notification that the secretary of state believes  
16 is best suited to reach the largest number of potential electors."

17

18 **Section 39.** Section 13-27-316, MCA, is amended to read:

19 **"13-27-316. Court review of attorney general opinion or approved petitioner statements.** (1) If  
20 the proponents of a statewide ballot issue believe that the ballot statements approved by the attorney general  
21 do not satisfy the requirements of ~~13-27-312~~ [section 2 or 3] or believe that the attorney general was incorrect  
22 in determining that the petition was legally deficient, they may, within 10 days of the attorney general's  
23 determination regarding legal sufficiency provided for in ~~13-27-202~~ [section 11], file an original proceeding in  
24 the supreme court challenging the adequacy of the statement or the attorney general's determination and  
25 requesting the court to alter the statement or modify the attorney general's determination.

26 (2) If the opponents of a statewide ballot issue believe that the petitioner ballot statements  
27 approved by the attorney general do not satisfy the requirements of ~~13-27-312~~ [section 2 or 3] or believe that  
28 the attorney general was incorrect in determining that the petition was legally sufficient, they may, within 10

1 days of the date of certification to the governor that the completed petition has been officially filed, file an  
2 original proceeding in the supreme court challenging the adequacy of the statement or the attorney general's  
3 determination and requesting the court to alter the statement or overrule the attorney general's determination  
4 concerning the legal sufficiency of the petition. The attorney general shall respond to a complaint within 5 days.

5 (3) (a) Notice must be served upon the secretary of state and upon the attorney general.

6 (b) If the proceeding requests modification of ballot statements, an action brought under this  
7 section must state how the petitioner's ballot statements approved by the attorney general do not satisfy the  
8 requirements of ~~13-27-312~~ [section 2 or 3] and must propose alternate ballot statements that satisfy the  
9 requirements of ~~13-27-312~~ [sections 2 and 3].

10 (c) (i) Pursuant to Article IV, section 7(2), of the Montana constitution, an action brought pursuant  
11 to this section takes precedence over other cases and matters in the supreme court. The court shall examine  
12 the proposed issue and the challenged statement or determination of the attorney general and shall as soon as  
13 possible render a decision as to the adequacy of the ballot statements or the correctness of the attorney  
14 general's determination.

15 (ii) If the court decides that the ballot statements do not meet the requirements of ~~13-27-312~~  
16 [section 2 or 3], it may order the attorney general to revise the ballot statements within 5 days or certify to the  
17 secretary of state a ~~statement~~ ballot statements that the court determines will meet the requirements of ~~13-27-~~  
18 ~~312~~ [sections 2 and 3]. A ballot statement revised by the attorney general pursuant to the court's order or  
19 certified by the court must be placed on the petition for circulation and on the official ballot.

20 (iii) If the court decides that the attorney general's legal sufficiency determination is incorrect and  
21 that a proposed issue does not comply with statutory and constitutional requirements governing submission of  
22 the issue to the electors, any petitions supporting the issue are void and the issue may not appear on the ballot.  
23 A proponent of the statewide ballot issue may resubmit a revised issue, pursuant to ~~13-27-202~~ [section 4],  
24 subject to the deadlines provided in this chapter.

25 (iv) If the court decides that the attorney general's legal deficiency determination is incorrect and  
26 that a proposed statewide ballot issue complies with statutory and constitutional requirements governing  
27 submission of the issue to the electors, the attorney general shall prepare ballot statements ~~pursuant to 13-27-~~  
28 ~~312~~ that comply with [sections 2 and 3] and forward the statements to the secretary of state within 5 days of the

1 court's decision.

2 (4) A petition ~~for a proposed ballot issue~~ may be circulated by a signature gatherer upon  
3 transmission of the sample petition form by the secretary of state pending review under this section. If, upon  
4 review, the attorney general or the supreme court revises the petition form or ballot statements, any petitions  
5 signed prior to the revision are void.

6 (5) An original proceeding in the supreme court under this section is the exclusive remedy for a  
7 challenge to the petitioner's ballot statements, as approved by the attorney general, or the attorney general's  
8 legal sufficiency determination. A statewide ballot issue may not be invalidated under this section after the  
9 secretary of state has certified the ballot under 13-12-201.

10 (6) This section does not limit the right to challenge a constitutional defect in the substance of an  
11 issue approved by a vote of the people."  
12

13 **Section 40.** Section 13-27-317, MCA, is amended to read:

14 **"13-27-317. Contest of ballot issue petitions.** (1) Any qualified elector may, within 30 days after the  
15 date on which the issue was certified to the governor, file an action in the district court in the county of  
16 residence of the qualified elector contesting the certification of a statewide ballot issue for illegal petition  
17 signatures or an erroneous or fraudulent count or canvass of petition signatures.

18 (2) If a court finds that illegal petition signatures or an erroneous or fraudulent count or canvass of  
19 petition signatures affected the outcome of the petition process and certification, the secretary of state shall  
20 decertify the contested statewide ballot issue."  
21

22 **Section 41.** Section 13-27-401, MCA, is amended to read:

23 **"13-27-401. Voter information pamphlet.** (1) The secretary of state shall prepare for printing a voter  
24 information pamphlet containing information relevant to the election, including but not limited to the following  
25 information for each statewide ballot issue to be voted on at an election, as applicable:

- 26 (a) ballot title, fiscal statement if applicable, and complete text of the issue;  
27 (b) the form in which the issue will appear on the ballot;  
28 (c) arguments advocating approval and rejection of the issue; and

1 (d) rebuttal arguments.

2 (2) The pamphlet must also contain a notice advising the recipient as to where additional copies of  
3 the pamphlet may be obtained.

4 (3) Whenever more than one statewide ballot issue is to be voted on at a single election, the  
5 secretary of state may publish a single pamphlet for all of the statewide ballot issues. The secretary of state  
6 may arrange the information in the order that seems most appropriate, but the information for all statewide  
7 ballot issues in the pamphlet must be presented in the same order.

8 (4) The secretary of state may prescribe by rule the format and manner of submission of the  
9 arguments concerning the statewide ballot issue."

10

11 **Section 42.** Section 13-27-402, MCA, is amended to read:

12 **"13-27-402. Committees to prepare arguments for and against statewide ballot issues.** (1) The  
13 arguments advocating approval or rejection of the statewide ballot issue and rebuttal arguments must be  
14 submitted to the secretary of state by committees appointed as provided in this section.

15 (2) (a) The committee advocating approval of a legislative act referred to the people ~~either by the~~  
16 ~~legislature or by referendum petition or advocating approval of a~~ in a legislative referendum, a statutory  
17 referendum, a constitutional amendment referred by the legislature referendum, or a constitutional convention  
18 referendum must be composed of:

19 (i) one senator known to favor the referred statewide ballot issue, appointed by the president of  
20 the senate;

21 (ii) one representative known to favor the referred statewide ballot issue, appointed by the speaker  
22 of the house of representatives; and

23 (iii) one individual who need not be a member of the legislature, appointed by the first two  
24 members.

25 (b) The president of the senate or the speaker of the house shall appoint the primary bill sponsor  
26 to the committee advocating approval of a legislative act referred to the people ~~by the legislature or to the~~  
27 ~~committee advocating a constitutional amendment referred by the legislature~~ in a legislative referendum, a  
28 constitutional referendum, or a constitutional convention referendum under subsection (2)(a)(i) or (2)(a)(ii),

**Amendment - 1st Reading-white - Requested by: Mike Cuffe - (S) State Administration**

68th Legislature

Drafter: Joe Carroll, 406-444-3804

SB0093.001.001

1 depending on the legislative body in which the bill originated. However, if the primary bill sponsor is unable to  
2 perform the duties required by this part due to death, illness, absence, or incapacity or if the primary bill  
3 sponsor otherwise declines to participate as a committee member, the president of the senate or the speaker of  
4 the house, whichever would have otherwise appointed the primary bill sponsor, shall immediately appoint a  
5 replacement pursuant to subsection (2)(a)(i) or (2)(a)(ii) of this section by the deadline established in 13-27-  
6 403(1).

7 (3) (a) The committee advocating rejection of an act referred to the people ~~or of in~~ a legislative  
8 referendum, a constitutional referendum, or a constitutional amendment proposed by the legislature convention  
9 referendum must be composed of:

- 10 (i) one senator appointed by the president of the senate;  
11 (ii) one representative appointed by the speaker of the house of representatives; and  
12 (iii) one individual who need not be a member of the legislature, appointed by the first two  
13 members.

14 (b) Whenever possible, the members must be known to have opposed the issue.

15 (4) The following must be three-member committees and must be appointed by the person  
16 submitting the statewide ballot issue to the secretary of state under the provisions of 13-27-202 [section 5, 6, 7,  
17 or 8]:

18 (a) the committee advocating approval of a ballot issue proposed by ~~any type of initiative petition~~  
19 statutory initiative, constitutional initiative, or constitutional convention initiative; and

20 (b) the committee advocating rejection of ~~any a~~ legislative act referred to the people by ~~referendum~~  
21 petition in a statutory referendum.

22 (5) A committee advocating rejection of a statewide ballot issue proposed by ~~any type of initiative~~  
23 petition-statutory initiative, constitutional initiative, or constitutional convention initiative must be composed of  
24 five members. The governor, attorney general, president of the senate, and speaker of the house of  
25 representatives shall each appoint one member, and the fifth member must be appointed by the first four  
26 members. If possible, members must be known to favor rejection of the issue.

27 (6) A person may not be required to serve on any committee under this section, and except for  
28 legislative appointments made by the president of the senate or by the speaker of the house of representatives,

1 the person making an appointment must have written acceptance of appointment from the appointee. If an  
2 appointment is not made by the required time, the committee members that have been appointed may fill the  
3 vacancy by unanimous written consent up until the deadline for filing the arguments."  
4

5 **Section 43.** Section 13-27-403, MCA, is amended to read:

6 **"13-27-403. Appointment to committee.** (1) Except as provided in subsection (2), appointments to  
7 committees advocating approval or rejection of ~~an act referred to the people, a constitutional amendment~~  
8 ~~proposed by the legislature, or a ballot issue referred to the people by referendum petition or proposed by any~~  
9 ~~type of initiative petition~~ a statewide ballot issue must be made no later than 1 week prior to the deadline for  
10 filing arguments on the ballot issue under 13-27-406.

11 (2) Appointments to committees advocating approval or rejection of ~~a ballot issue referred to the~~  
12 ~~people by~~ statutory referendum petition or ~~proposed by any type of a statewide~~ initiative petition must be made  
13 no later than 1 week before the deadline for filing arguments on the ballot issue under 13-27-406. All persons  
14 responsible for appointing members to the committee shall submit to the secretary of state the names and  
15 addresses of the appointees no later than the date set by this subsection. The submission must include the  
16 written acceptance of appointment from each appointee required by 13-27-402(6). If an appointment is not  
17 made by the required time, the committee members that have been appointed may fill the vacancy by  
18 unanimous written consent up until the deadline for filing the arguments.

19 (3) Within 5 days after receiving notice under subsection (2) but not later than 5 days after the  
20 deadline set for appointment of committee members, the secretary of state shall notify the appointees to a  
21 committee appointed pursuant to subsection (1) or (2) by certified mail, with return receipt requested, of the  
22 deadlines for submission of the committee's arguments."  
23

24 **Section 44.** Section 13-27-406, MCA, is amended to read:

25 **"13-27-406. Limitation on length of argument -- time of filing.** An argument advocating approval or  
26 rejection of a statewide ballot issue is limited to a single side of a single 7 1/2-inch by 10-inch page and must be  
27 filed, in a black-and-white, camera-ready format, with the secretary of state no later than 105 days before the  
28 election at which the issue will be voted on by the people. The argument must consist solely of written material

1 prepared by the committee and may not consist of pictures, clippings, or other material. The written material  
2 must be prepared in the font and type style required by the secretary of state. With the goal of achieving  
3 readability and uniformity, the secretary of state shall prescribe a commonly used font and type style. A majority  
4 of the committee responsible for preparation shall approve and sign each argument filed. Separate signed  
5 letters of approval of an argument may be filed with the secretary of state by members of a committee if  
6 necessary to meet the filing deadline."

7

8 **Section 45.** Section 13-27-407, MCA, is amended to read:

9 **"13-27-407. Rebuttal arguments.** The secretary of state shall provide copies of the arguments  
10 advocating approval or rejection of a statewide ballot issue to the members of the adversary committee no later  
11 than 1 day following the filing of both the approval and rejection arguments for the issue. The committees may  
12 prepare rebuttal arguments no longer than one-half the size of the arguments under 13-27-406 that must be  
13 filed, in a black-and-white, camera-ready format, with the secretary of state no later than 10 days after the  
14 deadline for filing the original arguments. The argument must consist solely of written material prepared by the  
15 committee and may not consist of pictures, clippings, or other material. The written material must be prepared  
16 in the font and type style required by the secretary of state. With the goal of achieving readability and  
17 uniformity, the secretary of state shall prescribe a commonly used font and type style. Discussion in the rebuttal  
18 argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument  
19 must be approved and signed by a majority of the committee responsible for its preparation. Separate signed  
20 letters of approval may be submitted in the same manner as for the original arguments."

21

22 **Section 46.** Section 13-27-409, MCA, is amended to read:

23 **"13-27-409. Fact statement to be supported -- liability for contents of argument.** (1) A factual  
24 statement made in an argument advocating approval or rejection of a statewide ballot issue or in a rebuttal  
25 argument to either of those arguments must be supported by documents filed by the proponents or opponents  
26 with the secretary of state within 2 business days of the date on which the statements are required to be filed  
27 with the secretary of state.

28 (2) Nothing in this chapter relieves an author of any argument from civil or criminal responsibility

1 for statements contained in an argument printed in the voter information pamphlet."

2

3 **Section 47.** Section 13-27-410, MCA, is amended to read:

4 **"13-27-410. Printing and distribution of voter information pamphlet.** (1) At least 110 days before  
5 the election, the secretary of state shall arrange with the department of administration by requisition for the  
6 printing and delivery of a voter information pamphlet for all statewide ballot issues. The requisition must include  
7 a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of  
8 state.

9 (2) The secretary of state shall estimate the number of copies necessary to furnish one copy to  
10 each voter in each county, except that two or more voters with the same mailing address and the same last  
11 name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in  
12 determining the number of voter pamphlets to be ordered in the requisition.

13 (3) The department of administration shall call for bids and contract with the lowest bidder for the  
14 printing and delivery of the voter information pamphlet. The contract must require completion of printing and  
15 shipment, as specified on the delivery list, of the voter information pamphlets by not later than 45 days before  
16 the election at which the statewide ballot issues will be voted on by the people.

17 (4) The county official responsible for voter registration in each county shall mail one copy of the  
18 voter information pamphlet to each registered voter in the county who is on the active voter list, except that two  
19 or more voters with the same mailing address and the same last name may be counted as one voter. The  
20 mailing label may include an address line that addresses the voter or the current resident. The mailing must  
21 take place no later than 30 days before the election.

22 (5) Ten copies of the voter information pamphlet must be available at each precinct for use by any  
23 voter wishing to read the explanatory information and complete text before voting on the statewide ballot  
24 issues."

25

26 **Section 48.** Section 13-27-501, MCA, is amended to read:

27 **"13-27-501. Secretary of state to certify ballot form.** (1) The secretary of state shall furnish to the  
28 official of each county responsible for preparation of the ballots, at the same time as the election administrator

1 certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of  
2 the form in which each statewide ballot issue to be voted on by the people at that election is to appear on the  
3 ballot.

4 (2) The secretary of state shall list for each ballot issue:

5 (a) the number;

6 (b) the method of placement on the ballot;

7 (c) the title;

8 (d) the attorney general's explanatory statement, if applicable;

9 (e) the fiscal statement, if applicable;

10 (f) the statement of purpose and implication if not otherwise listed as the title pursuant to [section  
11 2];

12 (g) the yes and no ~~statements~~ statement; and

13 (h) a statement that the statewide ballot issue conflicts with one or more issues, referenced by  
14 number, that also appear on the ballot, if applicable.

15 (3) When required to do so, the secretary of state shall use for each ballot issue the title of the  
16 legislative act or legislative constitutional proposal or the title provided by the attorney general or district court.  
17 Following the number of the ballot issue, the secretary of state, when required to do so, shall include one of the  
18 following statements to identify why the issue has been placed on the ballot:

19 (a) an act referred by the legislature;

20 (b) an amendment to the constitution proposed by the legislature;

21 (c) an act of the legislature referred by referendum petition; or

22 (d) a law or constitutional amendment proposed by initiative petition."  
23

24 **Section 49.** Section 13-27-502, MCA, is amended to read:

25 **"13-27-502. Preparation of ballots with ballot issues.** (1) Each of the county officials responsible  
26 for the preparation of the ballots shall provide for the statewide ballot issues to appear on the official ballot in  
27 the form and order in which the statewide ballot issues have been certified by the secretary of state.

28 (2) All statewide ballot issues must be placed on the same official ballot as the candidates unless

1 the secretary of state provides the election administrator with specific written approval for separate ballots. The  
2 secretary of state may issue an approval only when the number of statewide ballot issues to be voted on at an  
3 election makes it impractical to print the entire ballot, including the statewide ballot issues, on the same official  
4 ballot as the candidates."

5

6 **Section 50.** Section 13-27-503, MCA, is amended to read:

7 **"13-27-503. Determination of result of election.** The votes on statewide ballot issues must be  
8 counted, canvassed, and certified in the same manner as votes for candidates are counted, canvassed, and  
9 certified. The abstract of votes on statewide ballot issues must be prepared and returned to the secretary of  
10 state in the manner provided by 13-15-501 for abstract of votes for state officers. At the same time as the votes  
11 for state officers are canvassed, the board of state canvassers shall proceed to canvass the votes given for  
12 each statewide ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare  
13 and file in the secretary of state's office a statement of the canvass, giving the number and title of each  
14 statewide ballot issue, the whole number of votes cast in the state for and against each statewide ballot issue,  
15 and the effective date of each statewide ballot issue approved by a majority of those voting on the issue. The  
16 secretary of state shall transmit a certified copy of the statement of the canvass to the governor."

17

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

19 **"13-27-504. Copy of approved issues to be sent to legislative services division.** The secretary of  
20 state shall send a certified copy of all statewide ballot issues that have been approved by a majority of those  
21 voting on the issue and a copy of the statement of the canvass to the legislative services division at the same  
22 time that a certified copy of the statement of the canvass is transmitted to the governor."

23

24 **Section 52.** Section 13-37-126, MCA, is amended to read:

25 **"13-37-126. Names not to appear on ballot -- statewide initiative not to appear on ballot.** (1) The  
26 name of a candidate may not appear on the official ballot for an election if the candidate or a treasurer for a  
27 candidate fails to file any statement or report as required by 2-2-106 or this chapter.

28 (2) A vacancy on an official ballot under this section-subsection (1) may be filled in the manner

1 provided by law, but not by the same candidate.

2 (3) A statewide initiative may not appear on the official ballot for an election if the treasurer for the  
3 primary ballot committee supporting the statewide initiative fails to file any report as required by this chapter.

4 (4) A vacancy on an official ballot under subsection (3) may not be filled.

5 (5) (a) In carrying out the mandate of this section, the commissioner shall, by a written statement,  
6 notify the secretary of state and the election administrator conducting an election when a candidate or a  
7 candidate's treasurer has not complied with 2-2-106 or when a candidate or candidate's treasurer or the  
8 treasurer for the primary ballot committee supporting a statewide initiative has not complied with the provisions  
9 of this chapter and that the candidate's name or the statewide initiative may not appear on the official ballot.

10 (b) The commissioner shall provide the notification:

11 (i) 2 calendar days before the certification deadline provided in 13-10-208 for statewide primary  
12 elections and 20-20-401 for school district elections; and

13 (ii) 7 days before the certification deadline provided in 13-12-201 for general elections."  
14

15 **Section 53.** Section 13-37-201, MCA, is amended to read:

16 **"13-37-201. Campaign treasurer.** (1) Except as provided in 13-37-206, each candidate, each political  
17 committee, and each joint fundraising committee shall appoint one campaign treasurer and certify the full name  
18 and complete address of the campaign treasurer pursuant to this section.

19 (2) (a) A candidate shall file the certification within 5 days after becoming a candidate.

20 (b) Except as provided in subsection (2)(c), a political committee and a joint fundraising committee  
21 shall file the certification, which must include an organizational statement and the name and address of all  
22 officers, if any, within 5 days after it makes an expenditure or authorizes another person to make an  
23 expenditure on its behalf, whichever occurs first. A joint fundraising committee shall also provide a list of  
24 participants with the certification.

25 (c) A political committee that is seeking to place a ballot issue before the electors shall file the  
26 certification, including the information required in subsection (2)(b), within 5 days after the ~~issue becomes a~~  
27 ballot issue, as defined in 13-1-101(6)(b), proposed issue is submitted to the secretary of state under [section 4].

28 (3) The certification of a candidate, political committee, or joint fundraising committee must be filed

1 with the commissioner."

2

3 **Section 54.** Section 13-37-228, MCA, is amended to read:

4 **"13-37-228. Time periods covered by reports.** Reports filed under 13-37-225 and 13-37-226 must  
5 be filed to cover the following time periods even though no contributions or expenditures may have been  
6 received or made during the period:

7 (1) The initial report must cover all contributions received or expenditures made by a candidate,  
8 political committee, or joint fundraising committee from the time that a person became a candidate a political  
9 committee, as defined in 13-1-101, or a joint fundraising committee, as provided in 13-37-211, until the 5th day  
10 before the date of filing of the appropriate initial report pursuant to 13-37-226. Reports filed by political  
11 committees organized to support or oppose a statewide ballot issue must disclose all contributions received  
12 and expenditures made prior to the time ~~an a proposed issue becomes a ballot issue by transmission of the~~  
13 ~~petition to the proponent of the ballot issue or referral by is submitted to~~ the secretary of state ~~in [section 4]~~  
14 even if the issue subsequently fails to ~~complete the review process or fails to~~ garner sufficient signatures to  
15 qualify for the ballot.

16 (2) Subsequent periodic reports must cover the period of time from the closing of the previous  
17 report to 5 days before the date of filing of a report pursuant to 13-37-226. For the purposes of this subsection,  
18 the reports required under 13-37-226(1)(c), (1)(d), (2)(c), and (2)(d) are not periodic reports and must be filed  
19 as required by 13-37-226(1)(c), (1)(d), (2)(c), and (2)(d), as applicable.

20 (3) Closing reports must cover the period of time from the last periodic report to the final closing of  
21 the books of the candidate, political committee, or joint fundraising committee. A candidate, political committee,  
22 or joint fundraising committee shall file a closing report following an election in which the candidate, political  
23 committee, or joint fundraising committee participates whenever all debts and obligations are satisfied and  
24 further contributions or expenditures will not be received or made that relate to the campaign unless the  
25 election is a primary election and the candidate, political committee, or joint fundraising committee will  
26 participate in the general election.

27 (4) If all debts and obligations are satisfied and further contributions or expenditures will not be  
28 received or made, a joint fundraising committee may file a closing report at any time."

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**Section 55.** Section 30-18-103, MCA, is amended to read:

**"30-18-103. Scope.** (1) Except as otherwise provided in subsection (2), this part applies to electronic records and electronic signatures relating to a transaction.

(2) This part does not apply to a transaction to the extent it is governed by:

(a) a law governing the creation and execution of wills, codicils, or testamentary trusts; ~~and~~

(b) Title 30, chapter 1, other than 30-1-107, and chapters 3 through 9A.; and

(c) Title 13.

(3) This part applies to an electronic record or electronic signature otherwise excluded from the application of this part under subsection (2) to the extent it is governed by a law other than those specified in subsection (2).

(4) A transaction subject to this part is also subject to other applicable substantive law."

**NEW SECTION. Section 56. Repealer.** The following sections of the Montana Code Annotated are repealed:

13-27-111. Definitions.

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

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

13-27-208. Petitions to be made available in each county election administrator's office.

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

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

**NEW SECTION. Section 57. Directions to code commissioner.** (1) Sections 13-1-121 and 13-27-316 are intended to be renumbered and codified in Title 13, chapter 2.

(2) The code commissioner may renumber existing statutes in Title 13, chapter 27, part 2, in the same part for consistency and clarity with [sections 1 through 16].

