

Unofficial Draft Copy

As of: May 23, 2014 (9:41am)

LC8000

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act clarifying that the restriction on the number of words in the title of legislation referred to a vote of the people or legislation initiated by the people excludes citations to sections of the Montana Code Annotated; amending sections 5-4-102, and 13-27-312, MCA; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5-4-102, MCA, is amended to read:

"5-4-102. Limitation on title of referred legislation. ~~All bills~~ The title of a bill referred by the legislature to a vote of the people ~~shall have a title of no~~ may not contain more than 100 words. For purposes of this section, the term "words" does not include citations to section numbers of the Montana Code Annotated."

{*Internal References to 5-4-102: None.*}

Section 2. Section 13-27-312, MCA, is amended to read:

"13-27-312. Review of proposed ballot issue and statements by attorney general -- preparation of fiscal note. (1) Upon receipt of a proposed ballot issue and statements from the office of the secretary of state pursuant to 13-27-202, the attorney

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LC8000

general shall examine the proposed ballot issue for legal sufficiency as provided in this section and shall determine whether the ballot statements comply with the requirements of this section.

(2) (a) The attorney general shall, in reviewing the ballot statements, endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general shall review the ballot statements to determine if they contain the following matters:

~~(a)~~(i) a statement of purpose and implication, not to exceed 135 words, explaining the purpose and implication of the issue; and

~~(b)~~(ii) yes and no statements in the form prescribed in subsection (6).

(b) For purposes of this subsection (2), the term "words" does not include citations to section numbers of the Montana Code Annotated.

(3) If the proposed ballot issue has an effect on the revenue, expenditures, or fiscal liability of the state, the attorney general shall order a fiscal note incorporating an estimate of the effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the ballot issue, is responsible for preparing the fiscal note and shall return it to the attorney general within 10 days. If the fiscal note indicates a fiscal impact, the attorney general shall prepare a fiscal statement of no more than 50 words, and the

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statement must be used on the petition and ballot if the issue is placed on the ballot.

(4) The ballot statements must express the true and impartial explanation of the proposed ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the issue.

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

(6) The yes and no statements must be written so that a positive vote indicates support for the issue and a negative vote indicates opposition to the issue and must be placed beside the diagram provided for marking of the ballot in a manner similar to the following:

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

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

(7) The attorney general shall review the proposed ballot issue for legal sufficiency. As used in this part, "legal sufficiency" means that the petition complies with statutory and constitutional requirements governing submission of the proposed issue to the electors. Review of the petition for legal sufficiency does not include consideration of the substantive legality of the issue if approved by the voters. The attorney general shall also determine if the proposed issue conflicts with one or more issues that may appear on the ballot at the same

Unofficial Draft Copy

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LC8000

election.

(8) (a) Within 30 days after receipt of the proposed issue from the secretary of state, the attorney general shall forward to the secretary of state an opinion as to the issue's legal sufficiency.

(b) If the attorney general determines that the proposed ballot issue is legally sufficient, the attorney general shall also forward to the secretary of state the petitioner's ballot statements that comply with the requirements of this section. If the attorney general determines in writing that a ballot statement clearly does not comply with the requirements of this section, the attorney general shall prepare a statement that complies with the requirements of this section, forward that statement to the secretary of state as the approved statement, and provide a copy to the petitioner. The attorney general shall give the secretary of state notice of whether the proposed issue conflicts with one or more issues that may appear on the ballot at the same election.

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

{*Internal References to 13-27-312:*

13-27-202x	13-27-202 x	13-27-202 x	13-27-202 x
13-27-202x	13-27-311x	13-27-315 x	13-27-316 x
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NEW SECTION. **Section 3. {standard} Effective date.** [This act] is effective on passage and approval.

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