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As of: 2022/06/21 08:24:15

Drafter: K.V. Aldrich, 406-444-4464

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

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

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

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

11 (6) "Petition" means a petition for a statewide initiative or a statutory referendum prepared pursuant to  
12 the requirements of this chapter.

13 (7) "Statewide ballot issue" means a statewide initiative or a statewide referendum.

14 (8) "Statewide initiative" means a constitutional initiative, constitutional convention initiative, or  
15 statutory initiative.

16 (8) "Statewide referendum" means a constitutional referendum, a constitutional convention  
17 referendum, a legislative referendum, or a statutory referendum.

18 (9) "Statewide referendum referred by the legislature" means a constitutional referendum, a  
19 constitutional convention referendum, or a legislative referendum.

20 (9) "Statutory initiative" means an initiative to enact statutory law as authorized in Article III, section 4,  
21 of the Montana Constitution.

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

24  
25 **NEW SECTION. Section 2. Statement of Purpose and Implication.** (1) A statement of purpose and  
26 implication expresses the true and impartial explanation of the proposal in plain, easily understood language.  
27 The statement of purpose and implication may not be argumentative or written so as to create prejudice for or  
28 against the issue.

**Commented [AG1]:** As currently written in statute. However, see recent McGrath special concurrence in "Cottonwood Envtl. Law Ctr. V. Knudsen, 2022 MT 49 (2022), noting that the "Attorney General lacks such power [to determine a proposed ballot issue's validity based on the AG's view of its constitutionality] and the Legislature equally lacks the power to confer it upon him." Concurrence joined by Justice Sandefur.

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

2 (3) Unless altered by the court under 13-27-316, a statement of purpose and implication is the petition

3 title for an issue **circulated by petition** and the ballot title if the issue **circulated by petition** is placed on the ballot.

**Commented [AG2]:** added

**Commented [AG3]:** added

4  
5 **NEW SECTION. Section 3. Yes and No Statement.** (1) A yes and no **statement specifies that a**

6 **positive vote indicates support for the issue and a negative vote indicates opposition to the issue.**

**Commented [AG4]:** updated

7 (2) The yes and no statement must be placed beside the diagram provided for marking of the ballot in

8 a manner similar to the following:

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

**Commented [AG5]:** inserted

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

**Commented [AG6]:** inserted

11 (3) The type of ballot issue and its number required by subsection (2) shall be designated by the

12 secretary of state as provided in 13-27-203 after the secretary of state receives notice from the attorney general

13 that the petition has been found legally sufficient as provided in [this part].

**Commented [AG7]:** added for clarification

14 (4) The yes and no statement may not include additional material beyond the requirements of

15 subsection (2).

**Commented [AG8]:** added for clarification

16  
17 **NEW SECTION. Section 4. Submission and processing of statewide ballot issues.** (1) A

**Commented [AG9]:** New

18 proponent of a statutory initiative shall submit the text of the proposed initiative to the secretary of state in

19 accordance with [section 5].

20 (2) A proponent of a statutory referendum shall submit the text of the proposed referendum to the

21 secretary of state in accordance with [section 6].

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

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

24 (4) A proponent of a constitutional convention initiative shall submit the text of the proposed initiative to

25 the secretary of state in accordance with [section 8].

26 (5) A constitutional referendum, a constitutional convention referendum, or a legislative referendum

27 passed by the legislature must be processed in accordance with [section 9].

28

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

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

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

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

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

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

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

28 (b) review the proposed statutory initiative as to whether the proposal could cause a regulatory taking

**Commented [AG10]:** From PD 02 - may be segregated for voting if the committee prefers separate bill drafts.

**Commented [AG11]:** Updated phrasing to show acceptance at this stage is automatic upon receipt unless rejected for the reason in this paragraph

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1 under Montana law or otherwise will likely cause significant material harm to one or more business interests in  
2 Montana if approved by the voters. If the attorney general determines the proposed statutory initiative will likely  
3 cause significant material harm to one or more business interests in Montana, the attorney general shall notify  
4 the secretary of state, which must include the finding set forth in 13-27-204(2) on the final form of the petition.

**Commented [AG12]:** Per court decision, limited to statutory initiatives: *Mont. Fed. of Pub. Employees v. St., First Jud. Dist., No. DDV-2022-29 (Apr. 26, 2022).*

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

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

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

10 If the attorney general:

**Commented [AG13]:** Took out "and ballot statements of the petitioner, approved by the attorney general and received..." because the ballot statements are only received if the opinion is that the initiative is legally sufficient

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

**Commented [AG14]:** Updated from reject/approval wording which doesn't match the legal sufficiency finding wording elsewhere in the AG sections

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

**Commented [AG15]:** Added to show what happens when legally deficient

**Commented [AG16]:** same

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

**Commented [AG17]:** Limited to statutory initiatives per court decision: *Mont. Fed. of Pub. Employees v. St., First Jud. Dist., No. DDV-2022-29 (Apr. 26, 2022).*

26 (b) A proposed statutory referendum 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 statutory referendum provided in this

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

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

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

13 (4) Upon receipt of the final text of the proposed statutory referendum and the ballot statements, the  
14 secretary of state shall reject the proposed statutory referendum if the text or a ballot statement contains  
15 material 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 referendum and ballot statements to the attorney general for the attorney general's review in accordance with  
18 [section 11].

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

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

**Commented [AG18]:** From PD 02 - may be segregated for voting if the committee prefers separate bill drafts.

**Commented [AG19]:** Shorted from 14 to 7 for this type of petition due to 6 month filing deadline per May committee discussion.

**Commented [AG20]:** 3 days/ 6 days consistent with OBPP discussion, modified from 10 days for other types of petitions

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1 return the fiscal note pursuant to subsection (5), the attorney general shall complete the requirements set forth  
2 in [section 11] within 17 days of the receipt of the proposed statutory referendum from the secretary of state.

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

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

8 (b) finds that the proposed statutory referendum is legally sufficient, the secretary of state shall  
9 immediately send to the person submitting the sample petition form and other materials required by [section  
10 14].

11  
12 **NEW SECTION. Section 7. Constitutional initiative process and procedure.** (1) A proponent of a  
13 constitutional initiative shall submit the text of the proposed constitutional initiative to the secretary of state  
14 together with draft ballot statements. The secretary of state shall forward a copy of the text of the proposed  
15 constitutional initiative and ballot statements to the legislative services division for review in accordance with  
16 [section 10].

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

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

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

**Commented [AG21]:** 11 + amount of days for fiscal note to be returned consistent with AG discussion, eg. 14 / 17 days

Modified from 30 days for other types of petitions

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

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

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

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

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

12 (b) finds that the proposed constitutional initiative is legally sufficient, the secretary of state shall  
13 immediately send to the person submitting the sample petition form and other materials required by [section  
14 14].

15  
16 **NEW SECTION. Section 8. Constitutional convention initiative process and procedure.** (1) A  
17 proponent of a constitutional convention initiative shall submit the text of the proposed constitutional convention  
18 initiative to the secretary of state together with draft ballot statements. The secretary of state shall forward a  
19 copy of the text of the proposed constitutional convention initiative and ballot statements to the legislative  
20 services division for review in accordance with [section 10].

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

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



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

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

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

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

13 (a) finds that the proposed constitutional convention initiative is not legally sufficient, the secretary of  
14 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 state  
18 shall immediately send to the person submitting the sample petition form and other materials required by  
19 [section 14].  
20

21 **NEW SECTION. Section 9. Statewide referendum referred by the legislature -- process and**

22 **procedure.** (1) A statewide referendum referred to a vote of the people by the legislature must comply with the  
23 requirements of 5-4-102.

Commented [AG22]: Essentially added as a cross reference

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

Commented [AG23]: same

26 (3) (a) Upon receipt of a statewide referendum proposed by the legislature from the secretary of state,  
27 the attorney general shall prepare and forward to the secretary of state, within 30 days, ballot statements that  
28 comply with [section 2] and [section 3], except that the attorney general may not prepare a statement of

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1 purpose and implication if the statement has been provided by the legislature.

**Commented [AG24]:** From 13-27-315 (to be repealed for reorganization)

2 (b) When preparing a ballot statement pursuant to this section, the attorney general shall endeavor to

3 seek out parties on both sides of the issue and obtain their advice.

**Commented [AG25]:** From 13-27-312 reference in 13-27-315 (to be repealed for reorganization)

4  
5 **NEW SECTION. Section 10. Review by legislative services division.** (1) Upon receipt from the  
6 secretary of state of a statutory initiative, constitutional initiative, constitutional convention initiative, or statutory  
7 referendum as provided in [this part], the legislative services division staff shall review the text and statements  
8 for clarity, consistency, and conformity with the most recent edition of the bill drafting manual furnished by the  
9 legislative services division, the requirements of [this part], and any other factors that the staff considers when  
10 drafting proposed legislation.

**Commented [AG26]:** From 13-27-202 (to be repealed for reorganization)

11 (2) The legislative services division staff shall recommend in writing to the proponent revisions to the  
12 text and revisions to the statements to make them consistent with any recommendations for change to the text  
13 and the requirements of [this part] or state that no revisions are recommended.

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

17 (3) The legislative services division shall furnish a copy of the correspondence provided for in  
18 subsection (2) to the secretary of state, who shall make a copy of the correspondence available to any person  
19 upon request.

20  
21 **NEW SECTION. Section 11. Review by attorney general.** (1) Upon receipt of a proposed statutory  
22 initiative, constitutional initiative, constitutional convention initiative, or statutory referendum and the proposal's  
23 ballot statements from the office of the secretary of state as provided in [this part], the attorney general shall  
24 examine the proposal, review the proposal for legal sufficiency as provided in subsection (2), review the ballot  
25 statements if required by subsection (3), order a fiscal note and prepare a fiscal statement if required by  
26 subsection (4), and determine if the proposal conflicts with other issues that may appear on the ballot at the  
27 same election as provided in subsection (5).

**Commented [AG27]:** From 13-27-312  
Subsection (1) added for clarity

28 (2) The attorney general shall examine the proposal received pursuant to subsection (1) of this section,

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1 prepare an opinion as to the proposal's legal sufficiency, and forward the opinion to the secretary of state.

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

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

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

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

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

15 (4) If the proposal has an effect on the revenue, expenditures, or fiscal liability of the state, the attorney  
16 general shall order a fiscal note, and the budget director shall prepare the fiscal note as provided in [section  
17 13]. If the fiscal note indicates a fiscal impact, the attorney general shall prepare a fiscal statement of no more  
18 than 50 words and forward it to the secretary of state. The statement must be used on the proposal's petition  
19 and on the ballot if the issue is placed on the ballot.

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

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

26  
27 **NEW SECTION. Section 12. Preparation of fiscal note.** (1) If the attorney general orders a fiscal  
28 note for a statewide ballot issue pursuant to the requirements of [this chapter], the budget director, in

Commented [AG28]: Added for clarity

Commented [AG29]: Added for cross reference

Commented [AG30]: Added for clarity

Commented [AG31]: From 13-27-312(3) (to be repealed for reorganization)

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1 cooperation with the agency or agencies affected by the statewide ballot issue, shall prepare the fiscal note.

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

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

6

7 **NEW SECTION. Section 13. Review by legislative committee.** (1) If the attorney general approves  
8 a proposed statutory initiative as provided in [this chapter], the secretary of state shall provide the executive  
9 director of the legislative services division a copy of the final text of the proposed statutory initiative and ballot  
10 statements. The executive director shall provide the information to the appropriate interim committee for review  
11 in accordance with 5-5-215. If questions arise regarding which interim committee has jurisdiction over the  
12 matter, the executive director shall direct the review to the legislative council in accordance with 5-11-105.

**Commented [AG32]:** From 13-27-202 (to be repealed for reorganization)

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

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

**Commented [AG33]:** revised wording for clarity

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

**Commented [AG34]:** added

20 (3) (a) The executive director shall provide written correspondence to the secretary of state providing  
21 the name of legislative council or the interim committee that voted on the proposal, the date of the vote, and the  
22 outcome of the vote conducted in accordance with this section.

**Commented [AG35]:** Revised from admin committee b/c only leg council is authorized admin committee. Revising to take out reference to admin committee and just use name of leg council.

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

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

**Commented [AG36]:** From 13-27-312 (to be repealed for reorganization)

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

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

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

12  
13 **NEW SECTION. Section 15. Circulation of petitions -- limitation.** Petitions may not be circulated  
14 for the purpose of signature gathering more than 1 year prior to the final date for filing the signed petition with  
15 the county election administrator.

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

20  
21 **Section 17.** Section 5-5-215, MCA, is amended to read:

22 **"5-5-215. Duties of interim committees.** (1) Each interim committee shall:

- 23 (a) review administrative rules within its jurisdiction;  
24 (b) subject to 5-5-217(3), conduct interim studies as assigned;  
25 (c) monitor the operation of assigned executive branch agencies with specific attention to the

26 following:

- 27 (i) identification of issues likely to require future legislative attention;  
28 (ii) opportunities to improve existing law through the analysis of problems experienced with the

**Commented [AG37]:** From 13-27-202 (to be repealed for reorganization)

**Commented [AG38]:** From 13-27-202 (to be repealed for reorganization)

**Commented [AG39]:** From 13-27-202 (to be repealed for reorganization)

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1 application of the law by an agency; and

2 (iii) experiences of the state's citizens with the operation of an agency that may be amenable to  
3 improvement through legislative action;

4 (d) review, if requested by any member of the interim committee, the statutorily established advisory  
5 councils and required reports of assigned agencies to make recommendations to the next legislature on  
6 retention or elimination of any advisory council or required reports pursuant to 5-11-210;

7 (e) review proposed legislation of assigned agencies or entities as provided in the joint legislative  
8 rules;

9 (f) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to  
10 existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate  
11 completion of its work; and

12 (g) review proposed ballot-statutory initiatives as defined in [section 1] within the interim committee's  
13 subject area and vote to either support or not support the placement of the text of an-the statutory initiative on  
14 the ballot in accordance with 13-27-202[section 13].

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

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

19

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

21 **"5-11-105. Powers and duties of council.** (1) The legislative council shall:

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

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

28 (c) with the concurrence of the legislative audit committee and the legislative finance committee,

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1 adopt rules governing personnel management of branch employees, other than those of the office of consumer  
2 counsel;

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

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

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

9 (g) review proposed ~~ballot-statutory~~ initiatives as defined in [section 1] and vote to either support or  
10 not support the placement of the text of ~~an-the statutory~~ initiative on the ballot in accordance with ~~13-27-~~  
11 ~~202[section13]~~; and

12 (h) perform other duties assigned by law.

13 (2) If a question of statewide importance arises when the legislature is not in session and a legislative  
14 interim committee has not been assigned to consider the question, the legislative council shall assign the  
15 question to an appropriate interim committee, as provided in 5-5-202, or to the appropriate statutorily created  
16 committee."

17  
18 **Section 19.** Section 7-5-132, MCA, is amended to read:

19 **"7-5-132. Procedure for initiative or referendum election.** (1) The electors of a local government  
20 may, by petition, request an election on whether to enact, repeal, or amend an ordinance. The form of the  
21 petition must be approved by the county election administrator. A petition signed by at least 15% of the local  
22 government's qualified electors is sufficient to require an election.

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

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

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

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

4 (a) embrace only a single comprehensive subject;

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

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

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

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

14 (6) If a majority of those voting on the question approve the proposal, it becomes effective when the  
15 election results are officially declared, unless otherwise stated in the proposal."  
16

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

18 **"7-7-2224. Form and contents of petition.** (1) Every petition for the calling of an election to vote  
19 upon the question of issuing county bonds shall plainly and clearly state the purpose or purposes for which the  
20 proposed bonds are to be issued and shall contain an estimate of the amount necessary to be issued for such  
21 purpose or purposes. There may be a separate petition for each purpose, or two or more purposes may be  
22 combined in one petition if each purpose, with an estimate of the amount of bonds necessary to be issued  
23 therefor, is separately stated in the petition.

24 (2) The petition shall be in the form ~~provided in Title 13, chapter 27 prescribed in 13-27-201 and 13-~~  
25 ~~27-204."~~

26  
27 **Section 21.** Section 7-14-204, MCA, is amended to read:

28 **"7-14-204. Details relating to petition.** The petition under 7-14-203 must include a map showing the

**Commented [AG40]:** Unclear exactly what the chapter reference is meant to refer to in the petition form as most of it is specific to the statewide ballot issues other than formatting. A new section specific to local government initiatives/referendum formatting may be ideal, rather than the reference to Title 13, chapter 27, though that may be beyond the scope of this bill draft.

**Commented [AG41]:** As above



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1 limits of the proposed district or the area to be added to an existing district and must be in the form ~~provided in~~  
2 ~~Title 13, chapter 27, prescribed in 13-27-201 and 13-27-204.~~"

Commented [AG42]: As above

3  
4 **Section 22.** Section 13-27-102, MCA, is amended to read:

5 **"13-27-102. Who may petition and gather signatures.** (1) A petition ~~for the initiative, the~~  
6 ~~referendum, or to call a constitutional convention~~ may be signed only by a qualified elector of the state of  
7 Montana.

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

- 10 (a) must be a resident, as provided in 1-1-215, of the state of Montana; and  
11 (b) may not be paid anything of value based upon the number of signatures gathered."

12  
13 **Section 23.** Section 13-27-103, MCA, is amended to read:

14 **"13-27-103. Sufficiency of signature.** A signature for a petition may not be counted unless the  
15 elector has signed in substantially the same manner as on the voter registration form. If the elector is registered  
16 with a first and middle name, the use of an initial instead of either the first or middle name, but not both names,  
17 need not disqualify the signature. The signature may be counted so long as the signature, taken as a whole,  
18 bears sufficient similarity to the signature on the registration form as to provide reasonable certainty of its  
19 authenticity."

20  
21 **Section 24.** Section 13-27-105, MCA, is amended to read:

22 **"13-27-105. Effective date of statewide initiative and referendum issues.** (1) Unless the petition  
23 ~~placing an initiative issue on the ballot~~ states otherwise, ~~an a statutory initiative issue, other than a~~  
24 ~~constitutional amendment or constitutional convention initiative~~ approved by the people is effective on October  
25 1 following approval. ~~If the issue a statutory initiative~~ delegates rulemaking authority, it is effective no sooner  
26 than October 1 following approval.

27 (2) A constitutional ~~amendment proposed by initiative or by the legislature and initiative or~~  
28 constitutional referendum that is approved by the people is effective on July 1 following approval unless the

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1 amendment provides otherwise.

2 (3) Unless specifically provided by the legislature in an act referred by it to the people or until  
3 suspended by a petition signed by at least 15% of the qualified electors in a majority of the legislative  
4 representative districts, an act referred to the people is in effect as provided by law until it is approved or  
5 rejected at the election. An act that is rejected is repealed effective the date the result of the canvass is filed by  
6 the secretary of state under 13-27-503. An act referred to the people that was in effect at the time of the  
7 election and is approved by the people remains in effect. An act that was suspended by a petition and is  
8 approved by the people is effective the date the result of the canvass is filed by the secretary of state under 13-  
9 27-503. An act referred by the legislature that contains an effective date following the election becomes  
10 effective on that date if approved by the people. An act that provides no effective date and whose substantive  
11 provisions were delayed by the legislature pending approval at an election and that is approved is effective  
12 October 1 following the election."  
13

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

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

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

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

25 (2) (a) Except as provided in this section, a person who employs a paid signature gatherer shall file with  
26 the commissioner reports containing those matters required by Title 13, chapter 37, part 2, for a political  
27 committee organized to support or oppose a ballot issue or for an independent committee that receives  
28 contributions and makes expenditures in connection with a ballot issue, as applicable. If a person who employs

Commented [AG43]: Consolidates different provision relating to signature gatherers into 1 section

Commented [AG44]: This subsection is from 13-27-202 (to be repealed for reorganization)

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1 a paid signature gatherer is required by Title 13, chapter 37, part 2, to file a report pursuant to those provisions,  
2 the person need not file a duplicate report pursuant to this section, but shall report the matter required by  
3 subsection (2) as part of that report. ~~As used in this section, "a person who employs a paid signature gatherer"~~

4 ~~means a political party, political committee, or other person seeking to place a ballot issue before the electors~~  
5 ~~and does not mean an individual who is part of the same signature gathering company, partnership, or other~~  
6 ~~business organization that directly hires, supervises, and pays an individual who is a signature gatherer.~~

Commented [AG45]: Moved below into definitions

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

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

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

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

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

Commented [AG46]: From 13-27-113 (to be repealed)

20 (5) ~~As used in this section, unless otherwise indicated by the context, the following definitions apply:~~

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

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

24 (c) ~~"Person" has the meaning provided in 13-1-101, but does not include a candidate and includes a~~  
25 ~~political committee.]~~

Commented [AG47]: From 13-27-111 (to be repealed in order to create definitions section for the chapter)

26 (d) ~~"Person who employs a paid signature gatherer" means a political party, political committee, or~~  
27 ~~other person seeking to place a ballot issue before the electors and does not mean an individual who is part of~~  
28 ~~the same signature gathering company, partnership, or other business organization that directly hires.~~

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1 ~~supervises, and pays an individual who is a signature gatherer.~~

Commented [AG48]: From above in same section

2 (d) "Signature gatherer" means an individual who collects signatures on a petition."

Commented [AG49]: From 13-27-111 (to be repealed in order to create definitions section for the chapter)

3  
4 **Section 26.** Section 13-27-201, MCA, is amended to read:

5 **"13-27-201. Form of petition generally.** (1) A petition ~~for the initiative, for the referendum, or to call a~~  
6 ~~constitutional convention~~ must be substantially in the form provided by this chapter. Clerical or technical errors  
7 that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition  
8 void.

9 (2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition  
10 may be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines  
11 must be printed the title of the statute or constitutional amendment proposed or the issue to be referred or a  
12 statement that the petition is for the purpose of calling a constitutional convention. If signature lines are printed  
13 on both the front and back of a petition sheet, the information required above must appear on both the front and  
14 back of the sheet. The complete text of the issue proposed or referred must be attached to or contained within  
15 each signature sheet if sheets are circulated separately. The text of the issue must be in the bill form provided  
16 in the most recent edition of the bill drafting manual furnished by the legislative services division. If sheets are  
17 circulated in sections, the complete text of the issue must be attached to each section.

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

21  
22 ~~Section 27, Section 20.~~ Section 13-27-204, MCA, is amended to read:

23 **"13-27-204. Petition for statutory initiative.** (1) The following, including the language provided for in  
24 subsection (2)(b), is substantially the form for a petition calling for a vote to enact a ~~law by statutory~~ initiative:

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

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

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

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

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

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

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

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

13 (e)

14 **WARNING**

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

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

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

25 (b)

26 **WARNING**

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

**Commented [AG50]:** This is superfluous, the statement of purpose and implication becomes the title, above, pursuant to existing statute

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

7

8 ~~Section 28, Section 21.~~ Section 13-27-205, MCA, is amended to read:

9 "**13-27-205. Petition for statutory referendum.** (1) The following is substantially the form for a  
10 petition calling for approval or rejection of an act of the legislature by ~~the statutory~~ referendum:

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

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

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

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

19 ~~[(Statement of purpose and implication written pursuant to 13-27-312)]~~

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

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

24 (d)

25 WARNING

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

**Commented [AG51]:** This is superfluous, the statement of purpose and implication becomes the title, above, pursuant to existing statute

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

4 (2) Numbered lines must follow the heading. Each numbered line must contain spaces for the  
5 signature, date, residence address, legislative representative district number, and printed last name and first  
6 and middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office  
7 address or the signer's home telephone number. An address provided on a petition by the signer that differs  
8 from the signer's address as shown on the signer's voter registration form may not be used as the only means  
9 to disqualify the signature of that petition signer."  
10

11 ~~Section 29, Section 22.~~ Section 13-27-206, MCA, is amended to read:

12 "13-27-206. ~~Petition for initiative for~~ constitutional convention ~~initiative.~~ (1) The following is  
13 substantially the form for a petition ~~to direct the secretary of state to submit to the qualified voters the question~~  
14 ~~of whether there will be a constitutional convention for a constitutional convention initiative:~~

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

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

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

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

24 ~~[Statement of purpose and implication written pursuant to 13-27-312]~~ \_\_\_\_\_

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

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

28 (d)

**Commented [AG52]:** This is superfluous, the statement of purpose and implication becomes the title, above, pursuant to existing statute

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1           WARNING

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

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

8           (2) Numbered lines must follow the heading. Each numbered line must also contain spaces for the  
9 signature, residence address, legislative representative district number, and printed last name and first and  
10 middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office  
11 address or the signer's home telephone number. An address provided on a petition by the signer that differs  
12 from the signer's address as shown on the signer's voter registration form may not be used as the only means  
13 to disqualify the signature of that petition signer."  
14

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

16           "**13-27-207. Petition for ~~constitutional initiative for constitutional amendment.~~** (1) The following  
17 is substantially the form for a petition for ~~an a constitutional initiative to amend the constitution:~~

18           PETITION TO PLACE CONSTITUTIONAL AMENDMENT NO. \_\_\_\_ ON THE ELECTION BALLOT

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

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

24           (Title of the proposed constitutional ~~amendment initiative written pursuant to 13-27-312 in conformity~~  
25 ~~with [section 2]~~)

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

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

28           (c) Voters are urged to read the complete text of the constitutional amendment, which appears (on the

**Commented [AG53]:** I've left the rest of the petition language for people to read/understand in tact as a "constitutional amendment" rather than the "constitutional initiative" term of art for statutory purposes of this chapter

**Commented [AG54]:** This is superfluous, the statement of purpose and implication becomes the title, above, pursuant to existing statute



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1 reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the  
2 constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

3 (d)

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

17

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

19 **"13-27-208. Petitions to be made available in each county election administrator's office.** ~~Upon~~  
20 ~~final approval of a proposed ballot issue as provided in 13-27-202~~When the secretary of state sends a sample  
21 ~~petition form to the petitioner pursuant to [section 14],~~ the secretary of state shall forward a copy of the petition,  
22 along with signature sheets, to the election administrator of each county. The election administrator shall make  
23 a copy of each approved petition available for reading in the administrator's office during business hours in an  
24 election year until the petitions are submitted under 13-27-301. The secretary of state may charge the person  
25 who submitted the proposed ballot issue a fee, which must be set and deposited in accordance with 2-15-405."

26

27 **Section 32.** Section 13-27-209, MCA, is amended to read:

28 **"13-27-209. Issues referred by legislature.** The secretary of state shall transmit ~~a copy of an act~~

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1 ~~referred to the people or a constitutional amendment proposed by the legislature~~ to the attorney general a copy  
2 of a statewide referendum referred by the legislature no later than 6 months before the election at which the  
3 issue will be voted on by the people."  
4

5 **Section 33.** Section 13-27-210, MCA, is amended to read:

6 **"13-27-210. Physical prevention of obtaining signatures or physical intimidation of signature**  
7 **gatherers prohibited.** A person may not knowingly or purposefully physically prevent an individual from  
8 obtaining signatures or attempting to obtain signatures on a petition for a statewide ballot issue or physically  
9 intimidate another individual when that individual is obtaining or attempting to obtain signatures on a petition for  
10 a statewide ballot issue. A person who violates this section is guilty of a misdemeanor and upon conviction shall  
11 be punished by a fine of not more than \$500, by imprisonment for not more than 90 days, or by both a fine and  
12 imprisonment."  
13

14 **Section 34.** Section 13-27-211, MCA, is amended to read:

15 **"13-27-211. Petitions for initiative -- requirements and limitations.** (1) In accordance with Article  
16 III, section 4, of the Montana constitution, the text of ~~an a~~ statutory initiative may not provide for the  
17 appropriation of revenue.  
18 (2) For the purposes of this section, "appropriation" includes but is not limited to the act of designating  
19 or setting aside budgetary authority or directly or indirectly incurring a financial obligation with the expectation  
20 that a certain amount of money will be expended or directed for a specific use or purpose. The term also  
21 includes increasing or expanding eligibility to a government program."  
22

23 **Section 35.** Section 13-27-301, MCA, is amended to read:

24 **"13-27-301. Submission of petition sheets -- withdrawal of signatures.** (1) Signed sheets or  
25 sections of petitions with original signatures must be submitted to the official responsible for registration of  
26 electors in the county in which the signatures were obtained no sooner than 9 months and no later than 4  
27 weeks before the final date for filing the petition with the secretary of state.

28 (2) If it is impractical to submit signed sheets or sections of petitions with original signatures by the

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1 deadline provided in subsection (1), a copy or facsimile may be submitted to the proper county official by the  
2 deadline. Signed sheets or sections of petitions with original signatures must be submitted within 7 calendar  
3 days after the deadline. Failure to submit signed sheets or sections of petitions with original signatures within 7  
4 calendar days will invalidate the signed sheets or sections submitted by copy or facsimile.

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

9

10 **Section 36.** Section 13-27-303, MCA, is amended to read:

11 **"13-27-303. Verification of signatures by county official -- allocating voters following**  
12 **reapportionment -- duplicate signatures.** (1) Except as required by 13-27-104, within 4 weeks after receiving  
13 the sheets or sections of a petition, the county official shall check the names of all signers to verify they are  
14 registered electors of the county. In addition, the official shall randomly select signatures on each sheet or  
15 section and compare them with the signatures of the electors as they appear in the registration records of the  
16 office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered  
17 electors on the sheet or section may be certified to the secretary of state without further comparison of  
18 signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet  
19 or section must be compared with the signatures in the registration records of the office.

20 (2) For the purpose of allocating the signatures of voters among the several legislative representative  
21 districts of the state as required to certify a petition for a statutory referendum or a ~~call of a~~ constitutional  
22 convention referendum under the provisions of this chapter following the filing of a districting and apportionment  
23 plan under 5-1-111 and before the first gubernatorial election following the filing of the plan, the new districts  
24 must be used with the number of signatures needed for each legislative representative district being the total  
25 votes cast for governor in the last gubernatorial election divided by the number of legislative representative  
26 districts.

27 (3) Upon discovery of fraudulent signatures or duplicate signatures of an elector on any one issue, the  
28 election administrator may submit the name of the elector or the signature gatherer, or both, to the county

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1 attorney to be investigated under the provisions of 13-27-106 and 13-35-207."

2

3 **Section 37.** Section 13-27-304, MCA, is amended to read:

4 **"13-27-304. County official to forward verified sheets.** The county official verifying the number of  
5 registered electors signing the petition shall forward it to the secretary of state by certified mail with a certificate  
6 in substantially the following form attached:

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

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

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

15 Seal \_\_\_\_\_ (Title)"

16

17 **Section 38.** Section 13-27-308, MCA, is amended to read:

18 **"13-27-308. Certification of petition to governor.** When a petition ~~for referendum, initiative,~~  
19 ~~constitutional convention, or constitutional amendment~~ containing a sufficient number of verified signatures has  
20 been filed with the secretary of state within the time required by the constitution or by law, the secretary of state  
21 shall immediately certify to the governor that the completed petition qualifies for the ballot."

22

23 **Section 39.** Section 13-27-311, MCA, is amended to read:

24 **"13-27-311. Publication of proposed constitutional amendments.** (1) If a constitutional  
25 ~~amendment proposed by~~ initiative is ~~submitted referred~~ to the people, the secretary of state shall have the  
26 proposed ~~amendment constitutional initiative~~ published in full twice each month for 2 months prior to the  
27 election at which it is to be voted upon by the people in not less than one newspaper of general circulation in  
28 each county.

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

4 (b) The ballot statements reviewed or prepared by the attorney general for the amendment, as  
5 described in ~~13-27-312 or 13-27-315~~ [\[section 9\]](#) or [\[section 11\]](#), are sufficient for the publication allowed by this  
6 subsection (2) and should be made at least twice each month for 2 months prior to the election.

7 (c) The secretary of state shall select the method of notification that the secretary of state believes is  
8 best suited to reach the largest number of potential electors."  
9

10 **Section 40.** Section 13-27-316, MCA, is amended to read:

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

18 (2) If the opponents of a [statewide](#) ballot issue believe that the petitioner ballot statements approved  
19 by the attorney general do not satisfy the requirements of ~~13-27-312~~ [\[section 2\]](#) or [\[section 3\]](#) or believe that the  
20 attorney general was incorrect in determining that the petition was legally sufficient, they may, within 10 days of  
21 the date of certification to the governor that the completed petition has been officially filed, file an original  
22 proceeding in the supreme court challenging the adequacy of the statement or the attorney general's  
23 determination and requesting the court to alter the statement or overrule the attorney general's determination  
24 concerning the legal sufficiency of the petition. The attorney general shall respond to a complaint within 5 days.

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

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

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1 requirements of ~~13-27-312~~[\[section 2\]](#) and [\[section 3\]](#).

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

7 (ii) If the court decides that the ballot statements do not meet the requirements of ~~13-27-312~~[\[section 2\]](#)  
8 or [\[section 3\]](#), it may order the attorney general to revise the ballot statements within 5 days or certify to the  
9 secretary of state ~~a statement~~ballot statements that the court determines will meet the requirements of ~~13-27-~~  
10 ~~312~~[\[section 2\]](#) and [\[section 3\]](#). A ballot statement revised by the attorney general pursuant to the court's order  
11 or certified by the court must be placed on the petition for circulation and on the official ballot.

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

17 (iv) If the court decides that the attorney general's legal deficiency determination is incorrect and that a  
18 proposed statewide ballot issue complies with statutory and constitutional requirements governing submission  
19 of the issue to the electors, the attorney general shall prepare ballot statements ~~pursuant to 13-27-312~~that  
20 comply with [\[section 2\]](#) and [\[section 3\]](#) and forward the statements to the secretary of state within 5 days of the  
21 court's decision.

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

26 (5) An original proceeding in the supreme court under this section is the exclusive remedy for a  
27 challenge to the petitioner's ballot statements, as approved by the attorney general, or the attorney general's  
28 legal sufficiency determination. A statewide ballot issue may not be invalidated under this section after the

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1 secretary of state has certified the ballot under 13-12-201.

2 (6) This section does not limit the right to challenge a constitutional defect in the substance of an  
3 issue approved by a vote of the people."  
4

5 **Section 41.** Section 13-27-317, MCA, is amended to read:

6 **"13-27-317. Contest of ballot issue petitions.** (1) Any qualified elector may, within 30 days after the  
7 date on which the issue was certified to the governor, file an action in the district court in the county of  
8 residence of the qualified elector contesting the certification of a statewide ballot issue for illegal petition  
9 signatures or an erroneous or fraudulent count or canvass of petition signatures.

10 (2) If a court finds that illegal petition signatures or an erroneous or fraudulent count or canvass of  
11 petition signatures affected the outcome of the petition process and certification, the secretary of state shall  
12 decertify the contested statewide ballot issue."  
13

14 **Section 42.** Section 13-27-401, MCA, is amended to read:

15 **"13-27-401. Voter information pamphlet.** (1) The secretary of state shall prepare for printing a voter  
16 information pamphlet containing information relevant to the election, including but not limited to the following  
17 information for each statewide ballot issue to be voted on at an election, as applicable:

- 18 (a) ballot title, fiscal statement if applicable, and complete text of the issue;  
19 (b) the form in which the issue will appear on the ballot;  
20 (c) arguments advocating approval and rejection of the issue; and  
21 (d) rebuttal arguments.

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

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

28 (4) The secretary of state may prescribe by rule the format and manner of submission of the

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1 arguments concerning the statewide ballot issue."

2

3 **Section 43.** Section 13-27-402, MCA, is amended to read:

4 **"13-27-402. Committees to prepare arguments for and against statewide ballot issues.** (1) The  
5 arguments advocating approval or rejection of the statewide ballot issue and rebuttal arguments must be  
6 submitted to the secretary of state by committees appointed as provided in this section.

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

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

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

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

16 (b) The president of the senate or the speaker of the house shall appoint the primary bill sponsor to  
17 the committee advocating approval of a legislative act referred to the people ~~by the legislature~~ in a legislative  
18 referendum, a constitutional convention referendum, ~~or to the committee advocating~~ a constitutional  
19 ~~amendment referred by the legislature~~ referendum under subsection (2)(a)(i) or (2)(a)(ii), depending on the  
20 legislative body in which the bill originated. However, if the primary bill sponsor is unable to perform the duties  
21 required by this part due to death, illness, absence, or incapacity or if the primary bill sponsor otherwise  
22 declines to participate as a committee member, the president of the senate or the speaker of the house,  
23 whichever would have otherwise appointed the primary bill sponsor, shall immediately appoint a replacement  
24 pursuant to subsection (2)(a)(i) or (2)(a)(ii) of this section by the deadline established in 13-27-403(1).

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

28 (i) one senator appointed by the president of the senate;

**Commented [AG55]:** Ambiguous, added as arguably is still a legislative act referred to the people by the legislature and doesn't appear to be addressed elsewhere

**Commented [AG56]:** Could arguably include a statutory referendum (leg act referred by petition to the people) but this is clearly meant to be addressed under subsection (4).



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- 1 (ii) one representative appointed by the speaker of the house of representatives; and  
2 (iii) one individual who need not be a member of the legislature, appointed by the first two members.  
3 (b) Whenever possible, the members must be known to have opposed the issue.  
4 (4) The following must be three-member committees and must be appointed by the person submitting

5 the statewide ballot issue to the secretary of state under the provisions of ~~13-27-202~~[section 5], [section 6],  
6 [section 7], or [section 8]:

- 7 (a) the committee advocating approval of a ballot issue proposed by ~~any type of initiative~~  
8 ~~petition~~statutory initiative, constitutional initiative, or constitutional convention initiative; and  
9 (b) the committee advocating rejection of ~~any a~~ legislative act referred to the people by ~~referendum~~  
10 ~~petition~~as proposed by a statutory referendum.

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

16 (6) A person may not be required to serve on any committee under this section, and except for  
17 legislative appointments made by the president of the senate or by the speaker of the house of representatives,  
18 the person making an appointment must have written acceptance of appointment from the appointee. If an  
19 appointment is not made by the required time, the committee members that have been appointed may fill the  
20 vacancy by unanimous written consent up until the deadline for filing the arguments."

21

22 **Section 44.** Section 13-27-403, MCA, is amended to read:

23 **"13-27-403. Appointment to committee.** (1) Except as provided in subsection (2), appointments to  
24 committees advocating approval or rejection of ~~an act referred to the people, a constitutional amendment~~  
25 ~~proposed by the legislature, or a ballot issue referred to the people by referendum petition or proposed by any~~  
26 ~~type of initiative~~ petition a statewide ballot issue must be made no later than 1 week prior to the deadline for  
27 filing arguments on the ballot issue under 13-27-406.

28 (2) Appointments to committees advocating approval or rejection of a ballot issue ~~referred to the~~

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

8 (3) Within 5 days after receiving notice under subsection (2) but not later than 5 days after the  
9 deadline set for appointment of committee members, the secretary of state shall notify the appointees to a  
10 committee appointed pursuant to subsection (1) or (2) by certified mail, with return receipt requested, of the  
11 deadlines for submission of the committee's arguments."  
12

13 **Section 45.** Section 13-27-406, MCA, is amended to read:

14 **"13-27-406. Limitation on length of argument -- time of filing.** An argument advocating approval or  
15 rejection of a statewide ballot issue is limited to a single side of a single 7&#8201;1/2-inch by 10-inch page and  
16 must be filed, in a black-and-white, camera-ready format, with the secretary of state no later than 105 days  
17 before the election at which the issue will be voted on by the people. The argument must consist solely of  
18 written material prepared by the committee and may not consist of pictures, clippings, or other material. The  
19 written material must be prepared in the font and type style required by the secretary of state. With the goal of  
20 achieving readability and uniformity, the secretary of state shall prescribe a commonly used font and type style.  
21 A majority of the committee responsible for preparation shall approve and sign each argument filed. Separate  
22 signed letters of approval of an argument may be filed with the secretary of state by members of a committee if  
23 necessary to meet the filing deadline."  
24

25 **Section 46.** Section 13-27-407, MCA, is amended to read:

26 **"13-27-407. Rebuttal arguments.** The secretary of state shall provide copies of the arguments  
27 advocating approval or rejection of a statewide ballot issue to the members of the adversary committee no later  
28 than 1 day following the filing of both the approval and rejection arguments for the issue. The committees may

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1 prepare rebuttal arguments no longer than one-half the size of the arguments under 13-27-406 that must be  
2 filed, in a black-and-white, camera-ready format, with the secretary of state no later than 10 days after the  
3 deadline for filing the original arguments. The argument must consist solely of written material prepared by the  
4 committee and may not consist of pictures, clippings, or other material. The written material must be prepared  
5 in the font and type style required by the secretary of state. With the goal of achieving readability and  
6 uniformity, the secretary of state shall prescribe a commonly used font and type style. Discussion in the rebuttal  
7 argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument  
8 must be approved and signed by a majority of the committee responsible for its preparation. Separate signed  
9 letters of approval may be submitted in the same manner as for the original arguments."  
10

11 **Section 47.** Section 13-27-409, MCA, is amended to read:

12 **"13-27-409. Fact statement to be supported -- liability for contents of argument.** (1) A factual  
13 statement made in an argument advocating approval or rejection of a statewide ballot issue or in a rebuttal  
14 argument to either of those arguments must be supported by documents filed by the proponents or opponents  
15 with the secretary of state within 2 business days of the date on which the statements are required to be filed  
16 with the secretary of state.

17 (2) Nothing in this chapter relieves an author of any argument from civil or criminal responsibility for  
18 statements contained in an argument printed in the voter information pamphlet."  
19

20 **Section 48.** Section 13-27-410, MCA, is amended to read:

21 **"13-27-410. Printing and distribution of voter information pamphlet.** (1) At least 110 days before  
22 the election, the secretary of state shall arrange with the department of administration by requisition for the  
23 printing and delivery of a voter information pamphlet for all statewide ballot issues. The requisition must include  
24 a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of  
25 state.

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

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1 determining the number of voter pamphlets to be ordered in the requisition.

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

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

11 (5) Ten copies of the voter information pamphlet must be available at each precinct for use by any  
12 voter wishing to read the explanatory information and complete text before voting on the statewide ballot  
13 issues."  
14

15 **Section 49.** Section 13-27-501, MCA, is amended to read:

16 **"13-27-501. Secretary of state to certify ballot form.** (1) The secretary of state shall furnish to the  
17 official of each county responsible for preparation of the ballots, at the same time as the election administrator  
18 certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of  
19 the form in which each statewide ballot issue to be voted on by the people at that election is to appear on the  
20 ballot.

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

22 (a) the number;

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

24 (c) the title;

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

26 (e) the fiscal statement, if applicable;

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

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

Commented [AG57]: Added for clarity

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

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

- 7 (a) an act referred by the legislature;
- 8 (b) an amendment to the constitution proposed by the legislature;
- 9 (c) an act of the legislature referred by referendum petition; or
- 10 (d) a law or constitutional amendment proposed by initiative petition."

11  
12 **Section 50.** Section 13-27-502, MCA, is amended to read:

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

16 (2) All statewide ballot issues must be placed on the same official ballot as the candidates unless the  
17 secretary of state provides the election administrator with specific written approval for separate ballots. The  
18 secretary of state may issue an approval only when the number of statewide ballot issues to be voted on at an  
19 election makes it impractical to print the entire ballot, including the statewide ballot issues, on the same official  
20 ballot as the candidates."

21  
22 **Section 51.** Section 13-27-503, MCA, is amended to read:

23 **"13-27-503. Determination of result of election.** The votes on statewide ballot issues must be  
24 counted, canvassed, and certified in the same manner as votes for candidates are counted, canvassed, and  
25 certified. The abstract of votes on ballot issues must be prepared and returned to the secretary of state in the  
26 manner provided by 13-15-501 for abstract of votes for state officers. At the same time as the votes for state  
27 officers are canvassed, the board of state canvassers shall proceed to canvass the votes given for each  
28 statewide ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and

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1 file in the secretary of state's office a statement of the canvass, giving the number and title of each statewide  
2 ballot issue, the whole number of votes cast in the state for and against each statewide ballot issue, and the  
3 effective date of each statewide ballot issue approved by a majority of those voting on the issue. The secretary  
4 of state shall transmit a certified copy of the statement of the canvass to the governor."

5  
6 **Section 52.** Section 13-27-504, MCA, is amended to read:

7 "**13-27-504. Copy of approved issues to be sent to legislative services division.** The secretary of  
8 state shall send a certified copy of all statewide ballot issues that have been approved by a majority of those  
9 voting on the issue and a copy of the statement of the canvass to the legislative services division at the same  
10 time that a certified copy of the statement of the canvass is transmitted to the governor."

11  
12 **NEW SECTION. SECTION 53. {standard} Repealer.** The following sections of the Montana Code

13 Annotated are repealed:

14 13-27-111. Definitions.

15 13-27-113. Powers and duties of commissioner.

16 13-27-202. Recommendations -- registration by paid signature gatherers -- approval of form required.

17 13-27-312. Review of proposed ballot issue and statements by attorney general -- preparation of fiscal

18 note.

19 13-27-315. Statements by attorney general on issues referred by legislature.

**Commented [AG58]:** The content of these are reorganized into other sections in this draft for clarity.

20  
21 **NEW SECTION. Section 54. Directions to code commissioner.** (1) Sections 13-1-121 and 13--27-

22 316 are intended to be renumbered and codified in Title 13, chapter 2.

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

**Commented [AG59]:** Part intended to be renamed "Preparation and submission of statewide ballot issues" Part 3 intended to be renamed, "Processing after circulation of petitions for signature" Chapter 27 to be renamed Statewide ballot issues"

25  
26 **NEW SECTION. Section 55. {standard} Effective date.** [This act] is effective on passage and

27 approval.

28

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1            **NEW SECTION. Section 56.** **{standard} Saving clause.** [This act] does not affect rights and duties  
2 that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this  
3 act].  
4

5            **NEW SECTION. Section 57.** **Codification instruction.** [Sections 1 through 16] are intended to be  
6 codified as an integral part of Title 13, chapter 27, part 2, and the provisions of Title 13, chapter 27, part 2,  
7 apply to [sections 1 through 16].  
8

9            **NEW SECTION. Section 58.** **Applicability.** (1) [This act] applies to statewide ballot issues submitted  
10 to the secretary of state on or after [the effective date of this act].

11            (2) [This act] applies to ballot issues submitted to the county election administrator for approval of the  
12 form of the petition required by 7-5-132 on or after [the effective date of this act].

13            (3) [This act] applies to a petition prepared pursuant to 7-7-2224 that is filed with the election  
14 administrator under 7-7-2225 on or after [the effective date of this act].  
15

- END -