

IN THE SENATE

MARCH 23, 1991

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 25, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *156*
 2 INTRODUCED BY *Dwight Cushman J. Bush*
J. Brown
 3 BY REQUEST OF THE SECRETARY OF STATE
Becker *Guines* *Ferguson* *Grady*
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 6 CLARIFY THE STATE AND LOCAL REFERENDUM AND INITIATIVE
 7 PETITION PROCESSES; AMENDING SECTIONS 7-1-4130, 7-5-132,
 8 7-5-134, 13-27-202, 13-27-301, 13-27-312, AND 13-27-403,
 9 MCA; AND REPEALING SECTION 7-3-4334, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 7-1-4130, MCA, is amended to read:

13 "7-1-4130. Petition. (1) Whenever a petition is
14 authorized, unless the section authorizing the petition
15 establishes different criteria, it shall be valid if it is
16 signed by 15% of the electors of the municipality and meets
17 the following requirements:

18 (a) contains a statement of the purpose for which it is
19 circulated, sufficient to meet the specific criteria set out
20 in the section authorizing the petition;

21 (b) each signature is followed by the printed name of
22 the signer, the address of the signer's place of residence,
23 and the date of the signing; and

24 (c) the petition contains the date it was first
25 circulated and a statement that all signatures must be

1 collected within 90 days of that date.

2 (2) Unless otherwise provided, all petitions shall be
3 filed with the county election administrator, who shall
4 determine the sufficiency of the signatures. No petition
5 filed after the deadline for filing the petition, if any,
6 shall be considered.

7 (3) Within 10 working days of the date the petition was
8 filed, the county election administrator shall determine the
9 adequacy of the petition.

10 (4) Inadequate petitions shall be returned but may be
11 amended or supplementary signatures may be obtained, and the
12 petition may be refiled prior to the deadline for filing the
13 petition.

14 (5) Within 10 days of its second filing, the county
15 election administrator shall again determine the adequacy of
16 the petition. If it is still determined inadequate, it shall
17 be rejected without prejudice to the filing of a new
18 petition to the same effect.

19 (6) If a petition is determined adequate, the county
20 election administrator shall:

21 (a) certify its adequacy and submit it to the governing
22 body without delay;

23 (b) submit a copy of the petition to the attorney of
24 the municipality.

25 (7) A person may in writing withdraw his signature from



1 a--previously--filed--petition--at--any--time--prior--to--final
2 action--of--the--governing--body;

3 (8)--(a)--The--attorney--for--the--municipality--shall--prepare
4 and--transmit--to--the--governing--body--without--delay--a--concise
5 statement--not--exceeding--100--words;--This--statement--shall
6 express--a--true--and--impartial--explanation--of--the--purpose--of
7 the--proposed--ballot--issue--in--plain;--easily--understood
8 language;--The--statement--may--not--intentionally--be--an--argument
9 and--may--not--intentionally--be--written--so--as--to--create
10 prejudice--for--or--against--the--measure;

11 (b)--At--the--same--time--the--statement--of--purpose--is
12 prepared;--the--attorney--shall--prepare--statements--of--the
13 implications--of--a--vote--for--or--against--a--ballot--issue;--The
14 statements--of--implication--may--be--no--more--than--25--words--each
15 and--shall--be--in--simple;--impartial--language--clearly
16 explaining--the--meaning--of--a--vote--for--and--a--vote--against--the
17 issue;

18 (c)--Prior--to--an--election--or--an--official--action
19 involving--a--petition--issue;--the--governing--body--shall--publish
20 copies--of--the--statement--of--purpose--and--statement--of
21 implications--to--the--procedure--established--in--7-1-4128;

22 (9)--The--secretary--of--state--shall--prepare--and--provide
23 each--municipality--with:

24 (a)--a--standard--petition--form;

25 (b)--sample--petition--forms--for--initiatives;--referendums;

1 and--recall--elections;--and

2 (c)--sample--petition--forms--for--creation--of--districts;

3 (10)--Each--municipality--shall--make--available--to--the
4 public--on--request--sample--petition--forms the petition is
5 subject to 7-5-131 through 7-5-137."

6 **Section 2.** Section 7-5-132, MCA, is amended to read:

7 "7-5-132. Procedure to exercise right of initiative or
8 referendum. (1) The electors may initiate and amend
9 ordinances and require submission of existing ordinances to
10 a vote of the people by petition. If submitted an approved
11 petition containing sufficient signatures is filed prior to
12 the ordinance's effective date, a petition requesting a
13 referendum on the ordinance shall delay the ordinance's
14 effective date until the ordinance is ratified by the
15 electors. A petition requesting a referendum on an emergency
16 ordinance filed within 30 days of its effective date shall
17 suspend the ordinance until ratified by the electors.

18 (2) The governing body may refer existing or proposed
19 ordinances to a vote of the people by resolution.

20 (3) A petition or resolution for initiative or
21 referendum shall:

22 (a) embrace only a single comprehensive subject;

23 (b) set out fully the ordinance sought by petitioners
24 or, in the case of an amendment, set out fully the ordinance
25 sought to be amended and the proposed amendment or, in the

1 case of referendum, set out the ordinance sought to be
2 repealed;

3 (c) be in the form prescribed in Title 13, chapter 27,
4 except as specifically provided in this part; and

5 (d) contain the signatures of 15% of the registered
6 electors of the local government; and

7 (e) contain transition provisions if the measure
8 changes terms of office or forms of government."

9 **Section 3.** Section 7-5-134, MCA, is amended to read:

10 "7-5-134. Signatures -- submission for approval --
11 statement of purpose and implication. (1) In order to
12 determine the number of signatures needed on a petition to
13 meet the percentage requirements of this part, the number of
14 electors shall be the number of individuals registered to
15 vote at the preceding general election for the local
16 government.

17 (2) Before a petition may be circulated for signatures,
18 a sample petition must be submitted in the form in which it
19 will be circulated to the county election administrator for
20 approval as to form. ~~The election administrator shall review~~
21 ~~the sample petition to ensure compliance with 7-5-131 and~~
22 ~~7-5-132.~~

23 (3) The county election administrator shall refer a
24 copy of the sample petition sheet to the attorney for the
25 local government unit ~~for preparation of the ballot~~

1 statement. The local government attorney shall review the
2 sample petition for form and compliance with 7-5-131 and
3 7-5-132 and prepare a concise ballot statement not exceeding
4 100 words. ~~This~~ The ballot statement must be an accurate and
5 impartial explanation of the purpose of the proposed ballot
6 issue in plain, easily understood language. The statement
7 may not be an argument and may not be written so as to
8 create prejudice for or against the issue. The statement
9 prepared pursuant to this subsection, unless altered by
10 court order, must be used as the petition title and the
11 ballot statement if the issue is placed on the ballot.

12 (4) At the time the statement of purpose is prepared,
13 the attorney shall prepare a statement of the implication of
14 a vote for and a statement of the implication of a vote
15 against the ballot issue. Each statement of implication may
16 be no more than 25 words and must be in simple, impartial
17 language that clearly explains the meaning of a vote for or
18 a vote against the issue. Each statement of implication
19 prepared pursuant to this section, unless altered by a court
20 order, is to be used on the petition and the ballot if the
21 issue is placed on the ballot. The statements of implication
22 must be placed beside the diagram provided for marking of
23 the ballot in a manner similar to the following example:

- 24 FOR weekly commission meetings.
25 AGAINST weekly commission meetings.

1 (5) If the petition is rejected as to form, the
 2 election administrator must send written notice and a
 3 statement of the reasons for rejection to the person who
 4 submitted the sample petition within ~~10~~ 21 days after
 5 submission of the sample.

6 (6) If the petition is approved as to form, the
 7 election administrator shall send written notice to the
 8 person who submitted the sample petition within 21 days
 9 after submission of the sample. This notice must include the
 10 ballot statement and the statements of implication prepared
 11 by the local government attorney.

12 (7) All petition signatures must be collected and filed
 13 within 90 days of the date of the notice that the petition
 14 has been approved as to form."

15 **Section 4.** Section 13-27-202, MCA, is amended to read:

16 "13-27-202. Recommendations -- approval of form
 17 required. (1) Before submission of a sample sheet to the
 18 secretary of state pursuant to subsection (3), the following
 19 requirements must be fulfilled:

20 (a) The text of the proposed measure must be submitted
 21 to the legislative council for review.

22 (b) The council staff shall review the text for
 23 clarity, consistency, and any other factors the council
 24 staff considers when drafting proposed legislation.

25 (c) Within 14 days after submission of the text, the

1 council staff shall make to the person submitting the text
 2 written recommendations for changes in the text or a
 3 statement that no changes are recommended.

4 (d) The person submitting the text shall consider any
 5 such recommendations and respond in writing to the council,
 6 accepting, rejecting, or modifying each of the recommended
 7 changes. If no changes are recommended, no response is
 8 required.

9 (2) The legislative council shall furnish a copy of the
 10 correspondence provided for in subsection (1) to the
 11 secretary of state, who shall make a copy thereof available
 12 to any person upon request.

13 (3) Before a petition may be circulated for signatures,
 14 a sample sheet containing the text of the proposed measure
 15 must be submitted to the secretary of state in the form in
 16 which it will be circulated. The sample petition may not be
 17 submitted to the secretary of state more than 1 year prior
 18 to the final date for filing the signed petition with the
 19 secretary of state. The secretary of state shall refer a
 20 copy of the petition sheet to the attorney general for his
 21 approval. The secretary of state and attorney general must
 22 each review the petition for sufficiency as to form and
 23 approve or reject the form of the petition, stating the
 24 reasons for rejection, if any. The secretary of state or the
 25 attorney general may not reject the petition solely because

1 the text contains material not submitted to the legislative
 2 council, unless the material not submitted to the
 3 legislative council is a substantive change not suggested by
 4 the legislative council.

5 (4) The secretary of state shall review the comments
 6 and statements of the attorney general received pursuant to
 7 13-27-312 and make a final decision as to the approval or
 8 rejection of the form of the petition. The secretary of
 9 state shall send written notice to the person who submitted
 10 the petition sheet of the approval or rejection within 28
 11 days after submission of the petition sheet. ~~The secretary~~
 12 ~~of state shall send written~~ If the petition is rejected, the
 13 ~~notice if the petition has been rejected, together with must~~
 14 include reasons for rejection, ~~within 14 days after~~
 15 ~~submission of the petition sheet.~~

16 (5) A petition with technical defects in form may be
 17 approved with the condition that those defects will be
 18 corrected before the petition is circulated for signatures."

19 **Section 5.** Section 13-27-301, MCA, is amended to read:

20 "13-27-301. Submission of petition sheets -- withdrawal
 21 of signatures. (1) Signed sheets or sections of petitions
 22 shall be submitted to the official responsible for
 23 registration of electors in the county in which the
 24 signatures were obtained no sooner than 9 months and no
 25 later than 2 4 weeks before the final date for filing the

1 petition with the secretary of state.

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

9 **Section 6.** Section 13-27-312, MCA, is amended to read:

10 "13-27-312. Review of petition by attorney general --
 11 preparation of statements -- fiscal note. (1) Upon receipt
 12 of a petition from the office of the secretary of state
 13 pursuant to 13-27-202, the attorney general shall examine
 14 the petition as to form and, if the proposed ballot issue
 15 has an effect on the revenues, expenditures, or the fiscal
 16 liability of the state, shall order a fiscal note
 17 incorporating an estimate of such effect, the substance of
 18 which must substantially comply with the provisions of
 19 5-4-205. The budget director, in cooperation with the agency
 20 or agencies affected by the petition, is responsible for
 21 preparing the fiscal note and shall return it within 6 days
 22 unless the attorney general, for good cause shown, extends
 23 the time for completing the fiscal note.

24 (2) If the petition form is approved, the attorney
 25 general ~~shall~~ may endeavor to seek out parties on both sides

1 of the issue and obtain their advice. The attorney general
 2 may--if--he--deems--it--necessary,--appoint--a--five-member
 3 committee-to-recommend-the--statement--of--purpose--and--the
 4 statement--of-the-implications-of-the-measure. The committee
 5 shall-consist-of--two--persons--recommended--by--the--person
 6 filing--the--petition,--two--persons--known--to--oppose--the
 7 measure,--and--one--representative-of-the-attorney-general's
 8 office,--who-is-the-chairman. The committee shall, within--14
 9 days--of--appointment,--meet--and--recommend--by-a-vote-of-a
 10 majority-of-the-committee shall prepare:

11 (a) a statement, not to exceed 100 words, explaining
 12 the purpose of the measure; and

13 (b) statements, not to exceed 25 words each, explaining
 14 the implications of a vote for and a vote against the
 15 measure.

16 {2}--The-attorney-general-may-accept,--reject,--or--modify
 17 the---statements---recommended--by--the--committee. If--the
 18 committee-is-unable-to-recommend-one-or-both-statements,--the
 19 attorney-general-shall-prepare-the-statements.

20 (3) The attorney general shall prepare a fiscal
 21 statement of no more than 50 words if a fiscal note was
 22 prepared for the proposed ballot issue, such statement to be
 23 used on the petition and ballot if the measure is placed on
 24 the ballot.

25 (4) The statement of purpose and the statements of

1 implication must express the true and impartial explanation
 2 of the proposed ballot issue in plain, easily understood
 3 language and may not be arguments or written so as to create
 4 prejudice for or against the measure.

5 (5) The statement of purpose prepared--pursuant--to
 6 subsection-{1}-or-{2}, unless altered by a court under
 7 13-27-316, is the petition title for the measure circulated
 8 by the petition and the ballot title if the measure is
 9 placed on the ballot.

10 (6) The statements of implication shall be placed
 11 beside the diagram provided for marking of the ballot in a
 12 manner similar to the following example:

13 FOR extending the right to vote to persons 18 years
 14 of age

15 AGAINST extending the right to vote to persons 18
 16 years of age

17 (7) If the petition is rejected as to form, the
 18 attorney general shall forward his comments to the secretary
 19 of state within 10 21 days after receipt of the petition by
 20 the attorney general. If the petition is approved as to
 21 form, the attorney general shall forward the statement of
 22 purpose, the statements of implication, and the fiscal
 23 statement, if applicable, to the secretary of state within
 24 21 days after receipt of the petition by the attorney
 25 general."

1 **Section 7.** Section 13-27-403, MCA, is amended to read:

2 "13-27-403. Appointment to committee. (1) Appointments
3 Except as provided in subsection (2), appointments to
4 committees advocating approval or rejection of an act
5 referred to the people, or a constitutional amendment
6 proposed by the legislature, or a ballot measure referred to
7 the people by referendum petition or proposed by any type of
8 initiative petition shall be made no later than 6 months
9 before the election at which the ballot issue will be voted
10 on by the people.

11 (2) Appointments to committees advocating approval or
12 rejection of a ballot measure referred to the people by
13 referendum petition or proposed by any type of initiative
14 petition that is approved less than 7 months before the
15 election at which the ballot issue will be voted on by the
16 people shall be made no later than 30 days after the measure
17 is approved for circulation by the secretary of state. All
18 persons responsible for appointing members to the committee
19 shall submit to the secretary of state the names and
20 addresses of the appointees no later than the date set by
21 this subsection. Such submission must include the written
22 acceptance of appointment from each appointee required by
23 section 13-27-402(6).

24 (3) All appointees to a committee pursuant to
25 subsection (1) must be notified by the secretary of state by

1 certified mail, with return receipt requested, no later than
2 5 days after the deadline set for appointment of committee
3 members, of the deadlines for submission of the committee's
4 arguments.

5 (4) All appointees to a committee pursuant to
6 subsection (2) must be notified by the secretary of state by
7 certified mail, with return receipt requested, no later than
8 35 days after the petition has been approved for
9 circulation, of the deadlines for submission of the
10 committee's arguments.

11 (5) Committees appointed under subsections (2)(b), (4),
12 and (5) of 13-27-402 must be vacated and have no further
13 obligation if the ballot measure for which they were
14 appointed fails to receive sufficient signatures to place it
15 on the ballot. The secretary of state shall notify the
16 committee members of the failure of a ballot measure to
17 receive sufficient signatures no later than 3 days after the
18 filing deadline set in 13-27-104."

19 NEW SECTION. Section 8. Repealer. Section 7-3-4334,
20 MCA, is repealed.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 156

INTRODUCED BY DOHERTY, COCCHIARELLA, T. BECK, J. BROWN,
BECKER, SQUIRES, JERGESON, GRADY
BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
CLARIFY THE STATE AND LOCAL REFERENDUM AND INITIATIVE
PETITION PROCESSES; AMENDING SECTIONS 7-1-4130, 7-5-132,
7-5-134, 13-27-104, 13-27-202, 13-27-301, 13-27-312, AND
13-27-403, MCA; AND REPEALING SECTION 7-3-4334, MCA."

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

Section 1. Section 7-1-4130, MCA, is amended to read:

"7-1-4130. Petition. (1) Whenever a petition is authorized, unless the section authorizing the petition establishes different criteria, it shall be valid if it is signed by 15% of the electors of the municipality and meets the following requirements:

(a) contains a statement of the purpose for which it is circulated, sufficient to meet the specific criteria set out in the section authorizing the petition;

(b) each signature is followed by the printed name of the signer, the address of the signer's place of residence, and the date of the signing; and

(c) the petition contains the date it was first

circulated and a statement that all signatures must be collected within 90 days of that date:

(2) Unless otherwise provided, all petitions shall be filed with the county election administrator, who shall determine the sufficiency of the signatures. No petition filed after the deadline for filing the petition, if any, shall be considered;

(3) Within 10 working days of the date the petition was filed, the county election administrator shall determine the adequacy of the petition;

(4) Inadequate petitions shall be returned but may be amended or supplementary signatures may be obtained, and the petition may be refiled prior to the deadline for filing the petition;

(5) Within 10 days of its second filing, the county election administrator shall again determine the adequacy of the petition. If it is still determined inadequate, it shall be rejected without prejudice to the filing of a new petition to the same effect;

(6) If a petition is determined adequate, the county election administrator shall:

(a) certify its adequacy and submit it to the governing body without delay;

(b) submit a copy of the petition to the attorney of the municipality;

SECOND READING

1 ~~(7) A person may in writing withdraw his signature from~~
2 ~~a previously filed petition at any time prior to final~~
3 ~~action of the governing body.~~

4 ~~(8) (a) The attorney for the municipality shall prepare~~
5 ~~and transmit to the governing body without delay a concise~~
6 ~~statement not exceeding 100 words. This statement shall~~
7 ~~express a true and impartial explanation of the purpose of~~
8 ~~the proposed ballot issue in plain, easily understood~~
9 ~~language. The statement may not intentionally be an argument~~
10 ~~and may not intentionally be written so as to create~~
11 ~~prejudice for or against the measure.~~

12 ~~(b) At the same time the statement of purpose is~~
13 ~~prepared, the attorney shall prepare statements of the~~
14 ~~implications of a vote for or against a ballot issue. The~~
15 ~~statements of implication may be no more than 25 words each~~
16 ~~and shall be in simple, impartial language clearly~~
17 ~~explaining the meaning of a vote for and a vote against the~~
18 ~~issue.~~

19 ~~(c) Prior to an election or an official action~~
20 ~~involving a petition issue, the governing body shall publish~~
21 ~~copies of the statement of purpose and statement of~~
22 ~~implications to the procedure established in 7-1-4128.~~

23 ~~(9) The secretary of state shall prepare and provide~~
24 ~~each municipality with:~~

25 ~~(a) a standard petition form;~~

1 ~~(b) sample petition forms for initiatives, referendums,~~
2 ~~and recall elections; and~~

3 ~~(c) sample petition forms for creation of districts;~~

4 ~~(10) Each municipality shall make available to the~~
5 ~~public on request sample petition forms the petition is~~
6 ~~subject to 7-5-131 through 7-5-137."~~

7 **Section 2.** Section 7-5-132, MCA, is amended to read:

8 "7-5-132. Procedure to exercise right of initiative or
9 referendum. (1) The electors may initiate and amend
10 ordinances and require submission of existing ordinances to
11 a vote of the people by petition. If submitted an approved
12 petition containing sufficient signatures is filed prior to
13 the ordinance's effective date, a petition requesting a
14 referendum on the ordinance shall delay the ordinance's
15 effective date until the ordinance is ratified by the
16 electors. A petition requesting a referendum on an emergency
17 ordinance filed within 30 days of its effective date shall
18 suspend the ordinance until ratified by the electors.

19 (2) The governing body may refer existing or proposed
20 ordinances to a vote of the people by resolution.

21 (3) A petition or resolution for initiative or
22 referendum shall:

23 (a) embrace only a single comprehensive subject;

24 (b) set out fully the ordinance sought by petitioners
25 or, in the case of an amendment, set out fully the ordinance

1 sought to be amended and the proposed amendment or, in the
2 case of referendum, set out the ordinance sought to be
3 repealed;

4 (c) be in the form prescribed in Title 13, chapter 27,
5 except as specifically provided in this part; and

6 (d) contain the signatures of 15% of the registered
7 electors of the local government; and

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

10 **Section 3.** Section 7-5-134, MCA, is amended to read:

11 "7-5-134. Signatures -- submission for approval --
12 statement of purpose and implication. (1) In order to
13 determine the number of signatures needed on a petition to
14 meet the percentage requirements of this part, the number of
15 electors shall be the number of individuals registered to
16 vote at the preceding general election for the local
17 government.

18 (2) Before a petition may be circulated for signatures,
19 a sample petition must be submitted in the form in which it
20 will be circulated to the county election administrator for
21 approval as to form. ~~The election administrator shall review~~
22 ~~the sample petition to ensure compliance with 7-5-131 and~~
23 ~~7-5-132.~~

24 (3) The county election administrator shall refer a
25 copy of the sample petition sheet to the attorney for the

1 local government unit ~~for preparation of the ballot~~
2 ~~statement.~~ The local government attorney shall review the
3 sample petition for form and compliance with 7-5-131 and
4 7-5-132 and prepare a concise ballot statement not exceeding
5 100 words. ~~This~~ The ballot statement must be an accurate and
6 impartial explanation of the purpose of the proposed ballot
7 issue in plain, easily understood language. The statement
8 may not be an argument and may not be written so as to
9 create prejudice for or against the issue. The statement
10 prepared pursuant to this subsection, unless altered by
11 court order, must be used as the petition title and the
12 ballot statement if the issue is placed on the ballot.

13 (4) At the time the statement of purpose is prepared,
14 the attorney shall prepare a statement of the implication of
15 a vote for and a statement of the implication of a vote
16 against the ballot issue. Each statement of implication may
17 be no more than 25 words and must be in simple, impartial
18 language that clearly explains the meaning of a vote for or
19 a vote against the issue. Each statement of implication
20 prepared pursuant to this section, unless altered by a court
21 order, is to be used on the petition and the ballot if the
22 issue is placed on the ballot. The statements of implication
23 must be placed beside the diagram provided for marking of
24 the ballot in a manner similar to the following example:

25 FOR weekly commission meetings.

1 AGAINST weekly commission meetings.

2 (5) If the petition is rejected as to form, the
3 election administrator must send written notice and a
4 statement of the reasons for rejection to the person who
5 submitted the sample petition within ~~10~~ 21 days after
6 submission of the sample.

7 (6) If the petition is approved as to form, the
8 election administrator shall send written notice to the
9 person who submitted the sample petition within 21 days
10 after submission of the sample. This notice must include the
11 ballot statement and the statements of implication prepared
12 by the local government attorney.

13 (7) All petition signatures must be collected and filed
14 within 90 days of the date of the notice that the petition
15 has been approved as to form."

16 **SECTION 4. SECTION 13-27-104, MCA, IS AMENDED TO READ:**

17 "13-27-104. Time for filing. Unless a specific time for
18 filing is provided in the constitution, all petitions filed
19 with the secretary of state, certified as provided by law,
20 must be received before 5 p.m. of the ~~second~~ third Friday of
21 the fourth month prior to the election at which they are to
22 be voted upon by the people."

23 **Section 5. Section 13-27-202, MCA, is amended to read:**

24 "13-27-202. Recommendations -- approval of form
25 required. (1) Before submission of a sample sheet to the

1 secretary of state pursuant to subsection (3), the following
2 requirements must be fulfilled:

3 (a) The text of the proposed measure must be submitted
4 to the legislative council for review.

5 (b) The council staff shall review the text for
6 clarity, consistency, and any other factors the council
7 staff considers when drafting proposed legislation.

8 (c) Within 14 days after submission of the text, the
9 council staff shall make to the person submitting the text
10 written recommendations for changes in the text or a
11 statement that no changes are recommended.

12 (d) The person submitting the text shall consider any
13 such recommendations and respond in writing to the council,
14 accepting, rejecting, or modifying each of the recommended
15 changes. If no changes are recommended, no response is
16 required.

17 (2) The legislative council shall furnish a copy of the
18 correspondence provided for in subsection (1) to the
19 secretary of state, who shall make a copy thereof available
20 to any person upon request.

21 (3) Before a petition may be circulated for signatures,
22 a sample sheet containing the text of the proposed measure
23 must be submitted to the secretary of state in the form in
24 which it will be circulated. The sample petition may not be
25 submitted to the secretary of state more than 1 year prior

1 to the final date for filing the signed petition with the
 2 secretary of state. The secretary of state shall refer a
 3 copy of the petition sheet to the attorney general for his
 4 approval. The secretary of state and attorney general must
 5 each review the petition for sufficiency as to form and
 6 approve or reject the form of the petition, stating the
 7 reasons for rejection, if any. The secretary of state or the
 8 attorney general may not reject the petition solely because
 9 the text contains material not submitted to the legislative
 10 council, unless the material not submitted to the
 11 legislative council is a substantive change not suggested by
 12 the legislative council.

13 (4) The secretary of state shall review the comments
 14 and statements of the attorney general received pursuant to
 15 13-27-312 and make a final decision as to the approval or
 16 rejection of the form of the petition. The secretary of
 17 state shall send written notice to the person who submitted
 18 the petition sheet of the approval or rejection within 28
 19 days after submission of the petition sheet. ~~The secretary~~
 20 ~~of state shall send written~~ If the petition is rejected, the
 21 ~~notice if the petition has been rejected, together with~~ must
 22 include reasons for rejection, ~~within 14 days after~~
 23 ~~submission of the petition sheet.~~

24 (5) A petition with technical defects in form may be
 25 approved with the condition that those defects will be

1 corrected before the petition is circulated for signatures.
 2 (6) THE SECRETARY OF STATE SHALL UPON REQUEST PROVIDE
 3 THE PERSON SUBMITTING THE PETITION WITH A SAMPLE PETITION
 4 FORM, INCLUDING THE TEXT OF THE PROPOSED MEASURE, THE
 5 STATEMENT OF PURPOSE, AND THE STATEMENTS OF IMPLICATIONS,
 6 ALL AS APPROVED BY THE SECRETARY OF STATE AND THE ATTORNEY
 7 GENERAL. THE PETITION MAY BE CIRCULATED IN THE FORM OF THE
 8 SAMPLE PREPARED BY THE SECRETARY OF STATE."

9 **Section 6.** Section 13-27-301, MCA, is amended to read:

10 "13-27-301. Submission of petition sheets -- withdrawal
 11 of signatures. (1) Signed sheets or sections of petitions
 12 shall be submitted to the official responsible for
 13 registration of electors in the county in which the
 14 signatures were obtained no sooner than 9 months and no
 15 later than ~~2 4~~ 3 weeks before the final date for filing the
 16 petition with the secretary of state.

17 (2) Signatures may be withdrawn from a petition for
 18 constitutional amendment, constitutional convention,
 19 initiative, or referendum up to the time of final submission
 20 of petition sheets as provided in subsection (1). The
 21 secretary of state shall prescribe the form to be used by an
 22 elector desiring to have his signature withdrawn from a
 23 petition."

24 **Section 7.** Section 13-27-312, MCA, is amended to read:

25 "13-27-312. Review of petition by attorney general --

1 preparation of statements -- fiscal note. (1) Upon receipt
 2 of a petition from the office of the secretary of state
 3 pursuant to 13-27-202, the attorney general shall examine
 4 the petition as to form and, if the proposed ballot issue
 5 has an effect on the revenues, expenditures, or the fiscal
 6 liability of the state, shall order a fiscal note
 7 incorporating an estimate of such effect, the substance of
 8 which must substantially comply with the provisions of
 9 5-4-205. The budget director, in cooperation with the agency
 10 or agencies affected by the petition, is responsible for
 11 preparing the fiscal note and shall return it within 6 days
 12 unless the attorney general, for good cause shown, extends
 13 the time for completing the fiscal note.

14 (2) If the petition form is approved, the attorney
 15 general shall may endeavor to seek out parties on both sides
 16 of the issue and obtain their advice. The attorney general
 17 may, ~~if he deems it necessary, appoint a five-member~~
 18 ~~committee to recommend the statement of purpose and the~~
 19 ~~statement of the implications of the measure. The committee~~
 20 ~~shall consist of two persons recommended by the person~~
 21 ~~filing the petition, two persons known to oppose the~~
 22 ~~measure, and one representative of the attorney general's~~
 23 ~~office, who is the chairman. The committee shall, within 14~~
 24 ~~days of appointment, meet and recommend by a vote of a~~
 25 majority of the committee shall prepare:

1 (a) a statement, not to exceed 100 words, explaining
 2 the purpose of the measure; and

3 (b) statements, not to exceed 25 words each, explaining
 4 the implications of a vote for and a vote against the
 5 measure.

6 ~~{2}--The attorney general may accept, reject, or modify~~
 7 ~~the statements recommended by the committee. If the~~
 8 ~~committee is unable to recommend one or both statements, the~~
 9 ~~attorney general shall prepare the statements.~~

10 (3) The attorney general shall prepare a fiscal
 11 statement of no more than 50 words if a fiscal note was
 12 prepared for the proposed ballot issue, such statement to be
 13 used on the petition and ballot if the measure is placed on
 14 the ballot.

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

20 (5) The statement of purpose prepared pursuant to
 21 subsection {1} or {2}, unless altered by a court under
 22 13-27-316, is the petition title for the measure circulated
 23 by the petition and the ballot title if the measure is
 24 placed on the ballot.

25 (6) The statements of implication shall be placed

1 beside the diagram provided for marking of the ballot in a
2 manner similar to the following example:

- 3 FOR extending the right to vote to persons 18 years
4 of age
5 AGAINST extending the right to vote to persons 18
6 years of age

7 (7) If the petition is rejected as to form, the
8 attorney general shall forward his comments to the secretary
9 of state within 10 21 days after receipt of the petition by
10 the attorney general. If the petition is approved as to
11 form, the attorney general shall forward the statement of
12 purpose, the statements of implication, and the fiscal
13 statement, if applicable, to the secretary of state within
14 21 days after receipt of the petition by the attorney
15 general."

16 **Section 8.** Section 13-27-403, MCA, is amended to read:

17 "13-27-403. **Appointment to committee.** (1) Appointments
18 Except as provided in subsection (2), appointments to
19 committees advocating approval or rejection of an act
20 referred to the people, or a constitutional amendment
21 proposed by the legislature, or a ballot measure referred to
22 the people by referendum petition or proposed by any type of
23 initiative petition shall be made no later than 6 months
24 before the election at which the ballot issue will be voted
25 on by the people.

1 (2) Appointments to committees advocating approval or
2 rejection of a ballot measure referred to the people by
3 referendum petition or proposed by any type of initiative
4 petition that is approved less than 7 months before the
5 election at which the ballot issue will be voted on by the
6 people shall be made no later than 30 days after the measure
7 is approved for circulation by the secretary of state. All
8 persons responsible for appointing members to the committee
9 shall submit to the secretary of state the names and
10 addresses of the appointees no later than the date set by
11 this subsection. Such submission must include the written
12 acceptance of appointment from each appointee required by
13 section 13-27-402(6).

14 (3) All appointees to a committee pursuant to
15 subsection (1) must be notified by the secretary of state by
16 certified mail, with return receipt requested, no later than
17 5 days after the deadline set for appointment of committee
18 members, of the deadlines for submission of the committee's
19 arguments.

20 (4) All appointees to a committee pursuant to
21 subsection (2) must be notified by the secretary of state by
22 certified mail, with return receipt requested, no later than
23 35 days after the petition has been approved for
24 circulation, of the deadlines for submission of the
25 committee's arguments.

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1 (5) Committees appointed under subsections (2)(b), (4),
2 and (5) of 13-27-402 must be vacated and have no further
3 obligation if the ballot measure for which they were
4 appointed fails to receive sufficient signatures to place it
5 on the ballot. The secretary of state shall notify the
6 committee members of the failure of a ballot measure to
7 receive sufficient signatures no later than 3 days after the
8 filing deadline set in 13-27-104."

9 NEW SECTION. **Section 9.** Repealer. Section 7-3-4334,
10 MCA, is repealed.

-End-

1 SENATE BILL NO. 156

2 INTRODUCED BY DOHERTY, COCCHIARELLA, T. BECK, J. BROWN,

3 BECKER, SQUIRES, JERGESON, GRADY

4 BY REQUEST OF THE SECRETARY OF STATE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
7 CLARIFY THE STATE AND LOCAL REFERENDUM AND INITIATIVE
8 PETITION PROCESSES; AMENDING SECTIONS 7-1-4130, 7-5-132,
9 7-5-134, 13-27-104, 13-27-202, 13-27-301, 13-27-312, AND
10 13-27-403, MCA; AND REPEALING SECTION 7-3-4334, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:13 **Section 1.** Section 7-1-4130, MCA, is amended to read:

14 "7-1-4130. Petition. (i) Whenever a petition is
15 authorized, unless the section authorizing the petition
16 establishes different criteria, it shall be valid if it is
17 signed by 15% of the electors of the municipality and meets
18 the following requirements:

19 (a) contains a statement of the purpose for which it is
20 circulated, sufficient to meet the specific criteria set out
21 in the section authorizing the petition;

22 (b) each signature is followed by the printed name of
23 the signer, the address of the signer's place of residence,
24 and the date of the signing; and

25 (c) the petition contains the date it was first

1 circulated and a statement that all signatures must be
2 collected within 90 days of that date.

3 (2) Unless otherwise provided, all petitions shall be
4 filed with the county election administrator, who shall
5 determine the sufficiency of the signatures. No petition
6 filed after the deadline for filing the petition, if any,
7 shall be considered.

8 (3) Within 10 working days of the date the petition was
9 filed, the county election administrator shall determine the
10 adequacy of the petition.

11 (4) Inadequate petitions shall be returned but may be
12 amended or supplementary signatures may be obtained, and the
13 petition may be refiled prior to the deadline for filing the
14 petition.

15 (5) Within 10 days of its second filing, the county
16 election administrator shall again determine the adequacy of
17 the petition. If it is still determined inadequate, it shall
18 be rejected without prejudice to the filing of a new
19 petition to the same effect.

20 (6) If a petition is determined adequate, the county
21 election administrator shall:

22 (a) certify its adequacy and submit it to the governing
23 body without delay;

24 (b) submit a copy of the petition to the attorney of
25 the municipality.

THIRD READING

1 ~~{7}--A person may in writing withdraw his signature from~~
 2 ~~a--previously--filed--petition--at--any--time--prior--to--final~~
 3 ~~action--of--the--governing--body--;~~

4 ~~{8}--(a)--The attorney for the municipality shall prepare~~
 5 ~~and transmit to the governing body without delay a--concise~~
 6 ~~statement--not--exceeding--100--words--;--This statement shall~~
 7 ~~express a true and impartial explanation of the--purpose--of~~
 8 ~~the--proposed--ballot--issue--in--plain--easily--understood~~
 9 ~~language--;--The statement may not intentionally be an argument~~
 10 ~~and--may--not--intentionally--be--written--so--as--to--create~~
 11 ~~prejudice for or against the measure--;~~

12 ~~{b}--At the same time the statement of purpose is~~
 13 ~~prepared,--the attorney shall prepare statements of the~~
 14 ~~implications of a vote for or against a ballot issue--;--The~~
 15 ~~statements--of implication may be no more than 25 words each~~
 16 ~~and--shall--be--in--simple,--impartial--language--clearly~~
 17 ~~explaining--the meaning of a vote for and a vote against the~~
 18 ~~issue--;~~

19 ~~{c}--Prior to an election or an official action~~
 20 ~~involving a petition issue, the governing body shall publish~~
 21 ~~copies--of--the--statement--of--purpose--and--statement--of~~
 22 ~~implications to the procedure established in 7-1-4120--;~~

23 ~~{9}--The secretary of state shall prepare and provide~~
 24 ~~each municipality with:~~

25 ~~{a)--a standard petition form;~~

1 ~~{b)--sample petition forms for initiatives, referendums,~~
 2 ~~and recall elections, and~~

3 ~~{c)--sample petition forms for creation of districts--;~~

4 ~~{10}--Each municipality shall make available to the~~
 5 ~~public on request sample petition forms the petition is~~
 6 ~~subject to 7-5-131 through 7-5-137.~~"

7 **Section 2.** Section 7-5-132, MCA, is amended to read:

8 "7-5-132. Procedure to exercise right of initiative or
 9 referendum. (1) The electors may initiate and amend
 10 ordinances and require submission of existing ordinances to
 11 a vote of the people by petition. If submitted an approved
 12 petition containing sufficient signatures is filed prior to
 13 the ordinance's effective date, a petition requesting a
 14 referendum on the ordinance shall delay the ordinance's
 15 effective date until the ordinance is ratified by the
 16 electors. A petition requesting a referendum on an emergency
 17 ordinance filed within 30 days of its effective date shall
 18 suspend the ordinance until ratified by the electors.

19 (2) The governing body may refer existing or proposed
 20 ordinances to a vote of the people by resolution.

21 (3) A petition or resolution for initiative or
 22 referendum shall:

23 (a) embrace only a single comprehensive subject;

24 (b) set out fully the ordinance sought by petitioners
 25 or, in the case of an amendment, set out fully the ordinance

1 sought to be amended and the proposed amendment or, in the
2 case of referendum, set out the ordinance sought to be
3 repealed;

4 (c) be in the form prescribed in Title 13, chapter 27,
5 except as specifically provided in this part; and

6 (d) contain the signatures of 15% of the registered
7 electors of the local government; and

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

10 **Section 3.** Section 7-5-134, MCA, is amended to read:

11 "7-5-134. Signatures -- submission for approval --
12 statement of purpose and implication. (1) In order to
13 determine the number of signatures needed on a petition to
14 meet the percentage requirements of this part, the number of
15 electors shall be the number of individuals registered to
16 vote at the preceding general election for the local
17 government.

18 (2) Before a petition may be circulated for signatures,
19 a sample petition must be submitted in the form in which it
20 will be circulated to the county election administrator for
21 approval as to form. ~~The election administrator shall review~~
22 ~~the sample petition to ensure compliance with 7-5-131 and~~
23 ~~7-5-132.~~

24 (3) The county election administrator shall refer a
25 copy of the sample petition sheet to the attorney for the

1 local government unit ~~for--preparation--of--the--ballot~~
2 ~~statement.~~ The local government attorney shall review the
3 sample petition for form and compliance with 7-5-131 and
4 7-5-132 and prepare a concise ballot statement not exceeding
5 100 words. ~~This~~ The ballot statement must be an accurate and
6 impartial explanation of the purpose of the proposed ballot
7 issue in plain, easily understood language. The statement
8 may not be an argument and may not be written so as to
9 create prejudice for or against the issue. The statement
10 prepared pursuant to this subsection, unless altered by
11 court order, must be used as the petition title and the
12 ballot statement if the issue is placed on the ballot.

13 (4) At the time the statement of purpose is prepared,
14 the attorney shall prepare a statement of the implication of
15 a vote for and a statement of the implication of a vote
16 against the ballot issue. Each statement of implication may
17 be no more than 25 words and must be in simple, impartial
18 language that clearly explains the meaning of a vote for or
19 a vote against the issue. Each statement of implication
20 prepared pursuant to this section, unless altered by a court
21 order, is to be used on the petition and the ballot if the
22 issue is placed on the ballot. The statements of implication
23 must be placed beside the diagram provided for marking of
24 the ballot in a manner similar to the following example:

25 FOR weekly commission meetings.

AGAINST weekly commission meetings.

(5) If the petition is rejected as to form, the election administrator must send written notice and a statement of the reasons for rejection to the person who submitted the sample petition within ~~10~~ 21 days after submission of the sample.

(6) If the petition is approved as to form, the election administrator shall send written notice to the person who submitted the sample petition within 21 days after submission of the sample. This notice must include the ballot statement and the statements of implication prepared by the local government attorney.

(7) All petition signatures must be collected and filed within 90 days of the date of the notice that the petition has been approved as to form."

SECTION 4. SECTION 13-27-104, MCA, IS AMENDED TO READ:

"13-27-104. **Time for filing.** Unless a specific time for filing is provided in the constitution, all petitions filed with the secretary of state, certified as provided by law, must be received before 5 p.m. of the second third Friday of the fourth month prior to the election at which they are to be voted upon by the people."

Section 5. Section 13-27-202, MCA, is amended to read:

"13-27-202. **Recommendations** -- approval of form required. (1) Before submission of a sample sheet to the

secretary of state pursuant to subsection (3), the following requirements must be fulfilled:

(a) The text of the proposed measure must be submitted to the legislative council for review.

(b) The council staff shall review the text for clarity, consistency, and any other factors the council staff considers when drafting proposed legislation.

(c) Within 14 days after submission of the text, the council staff shall make to the person submitting the text written recommendations for changes in the text or a statement that no changes are recommended.

(d) The person submitting the text shall consider any such recommendations and respond in writing to the council, accepting, rejecting, or modifying each of the recommended changes. If no changes are recommended, no response is required.

(2) The legislative council shall furnish a copy of the correspondence provided for in subsection (1) to the secretary of state, who shall make a copy thereof available to any person upon request.

(3) Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the secretary of state in the form in which it will be circulated. The sample petition may not be submitted to the secretary of state more than 1 year prior

1 to the final date for filing the signed petition with the
 2 secretary of state. The secretary of state shall refer a
 3 copy of the petition sheet to the attorney general for his
 4 approval. The secretary of state and attorney general must
 5 each review the petition for sufficiency as to form and
 6 approve or reject the form of the petition, stating the
 7 reasons for rejection, if any. The secretary of state or the
 8 attorney general may not reject the petition solely because
 9 the text contains material not submitted to the legislative
 10 council, unless the material not submitted to the
 11 legislative council is a substantive change not suggested by
 12 the legislative council.

13 (4) The secretary of state shall review the comments
 14 and statements of the attorney general received pursuant to
 15 13-27-312 and make a final decision as to the approval or
 16 rejection of the form of the petition. The secretary of
 17 state shall send written notice to the person who submitted
 18 the petition sheet of the approval or rejection within 28
 19 days after submission of the petition sheet. ~~The--secretary~~
 20 ~~of-state-shall-send-written~~ If the petition is rejected, the
 21 ~~notice if-the-petition-has-been-rejected7-together-with~~ must
 22 include reasons for rejection~~7--within--14--days--after~~
 23 ~~submission-of-the-petition-sheet.~~

24 (5) A petition with technical defects in form may be
 25 approved with the condition that those defects will be

1 corrected before the petition is circulated for signatures.

2 (6) THE SECRETARY OF STATE SHALL UPON REQUEST PROVIDE
 3 THE PERSON SUBMITTING THE PETITION WITH A SAMPLE PETITION
 4 FORM, INCLUDING THE TEXT OF THE PROPOSED MEASURE, THE
 5 STATEMENT OF PURPOSE, AND THE STATEMENTS OF IMPLICATIONS,
 6 ALL AS APPROVED BY THE SECRETARY OF STATE AND THE ATTORNEY
 7 GENERAL. THE PETITION MAY BE CIRCULATED IN THE FORM OF THE
 8 SAMPLE PREPARED BY THE SECRETARY OF STATE."

9 **Section 6.** Section 13-27-301, MCA, is amended to read:

10 "13-27-301. Submission of petition sheets -- withdrawal
 11 of signatures. (1) Signed sheets or sections of petitions
 12 shall be submitted to the official responsible for
 13 registration of electors in the county in which the
 14 signatures were obtained no sooner than 9 months and no
 15 later than ~~2~~ 4 ~~3~~ weeks before the final date for filing the
 16 petition with the secretary of state.

17 (2) Signatures may be withdrawn from a petition for
 18 constitutional amendment, constitutional convention,
 19 initiative, or referendum up to the time of final submission
 20 of petition sheets as provided in subsection (1). The
 21 secretary of state shall prescribe the form to be used by an
 22 elector desiring to have his signature withdrawn from a
 23 petition."

24 **Section 7.** Section 13-27-312, MCA, is amended to read:

25 "13-27-312. Review of petition by attorney general --

1 preparation of statements -- fiscal note. (1) Upon receipt
 2 of a petition from the office of the secretary of state
 3 pursuant to 13-27-202, the attorney general shall examine
 4 the petition as to form and, if the proposed ballot issue
 5 has an effect on the revenues, expenditures, or the fiscal
 6 liability of the state, shall order a fiscal note
 7 incorporating an estimate of such effect, the substance of
 8 which must substantially comply with the provisions of
 9 5-4-205. The budget director, in cooperation with the agency
 10 or agencies affected by the petition, is responsible for
 11 preparing the fiscal note and shall return it within 6 days
 12 unless the attorney general, for good cause shown, extends
 13 the time for completing the fiscal note.

14 (2) If the petition form is approved, the attorney
 15 general ~~shall~~ may SHALL endeavor to seek out parties on both
 16 sides of the issue and obtain their advice. The attorney
 17 general ~~may, if he deems it necessary, appoint a five-member~~
 18 ~~committee to recommend the statement of purpose and the~~
 19 ~~statement of the implications of the measure. The committee~~
 20 ~~shall consist of two persons recommended by the person~~
 21 ~~filing the petition, two persons known to oppose the~~
 22 ~~measure, and one representative of the attorney general's~~
 23 ~~office, who is the chairman. The committee shall, within 14~~
 24 ~~days of appointment, meet and recommend by a vote of a~~
 25 majority of the committee shall prepare:

1 (a) a statement, not to exceed 100 words, explaining
 2 the purpose of the measure; and

3 (b) statements, not to exceed 25 words each, explaining
 4 the implications of a vote for and a vote against the
 5 measure.

6 ~~{2}--The--attorney-general--may--accept,--reject,--or--modify~~
 7 ~~the--statements--recommended--by--the--committee,--if--the~~
 8 ~~committee--is--unable--to--recommend--one--or--both--statements,--the~~
 9 ~~attorney-general--shall--prepare--the--statements.~~

10 (3) The attorney general shall prepare a fiscal
 11 statement of no more than 50 words if a fiscal note was
 12 prepared for the proposed ballot issue, such statement to be
 13 used on the petition and ballot if the measure is placed on
 14 the ballot.

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

20 (5) The statement of purpose ~~prepared pursuant to~~
 21 ~~subsection (1) or (2), unless altered by a court under~~
 22 13-27-316, is the petition title for the measure circulated
 23 by the petition and the ballot title if the measure is
 24 placed on the ballot.

25 (6) The statements of implication shall be placed

1 beside the diagram provided for marking of the ballot in a
2 manner similar to the following example:

3 FOR extending the right to vote to persons 18 years
4 of age
5 AGAINST extending the right to vote to persons 18
6 years of age

7 (7) If the petition is rejected as to form, the
8 attorney general shall forward his comments to the secretary
9 of state within ~~10~~ 21 days after receipt of the petition by
10 the attorney general. If the petition is approved as to
11 form, the attorney general shall forward the statement of
12 purpose, the statements of implication, and the fiscal
13 statement, if applicable, to the secretary of state within
14 21 days after receipt of the petition by the attorney
15 general."

16 **Section 8.** Section 13-27-403, MCA, is amended to read:

17 "13-27-403. Appointment to committee. (1) ~~Appointments~~
18 Except as provided in subsection (2), appointments to
19 committees advocating approval or rejection of an act
20 referred to the people, ~~or~~ a constitutional amendment
21 proposed by the legislature, or a ballot measure referred to
22 the people by referendum petition or proposed by any type of
23 initiative petition shall be made no later than 6 months
24 before the election at which the ballot issue will be voted
25 on by the people.

1 (2) Appointments to committees advocating approval or
2 rejection of a ballot measure referred to the people by
3 referendum petition or proposed by any type of initiative
4 petition that is approved less than 7 months before the
5 election at which the ballot issue will be voted on by the
6 people shall be made no later than 30 days after the measure
7 is approved for circulation by the secretary of state. All
8 persons responsible for appointing members to the committee
9 shall submit to the secretary of state the names and
10 addresses of the appointees no later than the date set by
11 this subsection. Such submission must include the written
12 acceptance of appointment from each appointee required by
13 section 13-27-402(6).

14 (3) All appointees to a committee pursuant to
15 subsection (1) must be notified by the secretary of state by
16 certified mail, with return receipt requested, no later than
17 5 days after the deadline set for appointment of committee
18 members, of the deadlines for submission of the committee's
19 arguments.

20 (4) All appointees to a committee pursuant to
21 subsection (2) must be notified by the secretary of state by
22 certified mail, with return receipt requested, no later than
23 35 days after the petition has been approved for
24 circulation, of the deadlines for submission of the
25 committee's arguments.

1 (5) Committees appointed under subsections (2)(b), (4),
2 and (5) of 13-27-402 must be vacated and have no further
3 obligation if the ballot measure for which they were
4 appointed fails to receive sufficient signatures to place it
5 on the ballot. The secretary of state shall notify the
6 committee members of the failure of a ballot measure to
7 receive sufficient signatures no later than 3 days after the
8 filing deadline set in 13-27-104."

9 NEW SECTION. **Section 9.** Repealer. Section 7-3-4334,
10 MCA, is repealed.

-End-

HOUSE STANDING COMMITTEE REPORT

March 13, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 156 (third reading copy -- blue) be concurred in as amended .

Signed: _____



Jan Brown, Chairman

Carried by: Rep. Squires

And, that such amendments read:

1. Page 10, line 15.

Following: "4"

Strike: "3"

Insert: "4"

2. Page 13, line 2.

Following: "similar to"

Insert: "but not limited to"

SB 156

HOUSE

SENATE BILL NO. 156

INTRODUCED BY DOHERTY, COCCHIARELLA, T. BECK, J. BROWN,
BECKER, SQUIRES, JERGESON, GRADY
BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
CLARIFY THE STATE AND LOCAL REFERENDUM AND INITIATIVE
PETITION PROCESSES; AMENDING SECTIONS 7-1-4130, 7-5-132,
7-5-134, 13-27-104, 13-27-202, 13-27-301, 13-27-312, AND
13-27-403, MCA; AND REPEALING SECTION 7-3-4334, MCA."

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

Section 1. Section 7-1-4130, MCA, is amended to read:

"7-1-4130. Petition. (1) Whenever a petition is
authorized, unless the section authorizing the petition
establishes different criteria, it shall be valid if it is
signed by 15% of the electors of the municipality and meets
the following requirements:

(a) contains a statement of the purpose for which it is
circulated; sufficient to meet the specific criteria set out
in the section authorizing the petition;

(b) each signature is followed by the printed name of
the signer, the address of the signer's place of residence,
and the date of the signing; and

(c) the petition contains the date it was first

circulated and a statement that all signatures must be
collected within 90 days of that date;

(2) Unless otherwise provided, all petitions shall be
filed with the county election administrator, who shall
determine the sufficiency of the signatures. No petition
filed after the deadline for filing the petition, if any,
shall be considered;

(3) Within 10 working days of the date the petition was
filed, the county election administrator shall determine the
adequacy of the petition;

(4) Inadequate petitions shall be returned but may be
amended or supplementary signatures may be obtained, and the
petition may be refiled prior to the deadline for filing the
petition;

(5) Within 10 days of its second filing, the county
election administrator shall again determine the adequacy of
the petition. If it is still determined inadequate, it shall
be rejected without prejudice to the filing of a new
petition to the same effect;

(6) If a petition is determined adequate, the county
election administrator shall:

(a) certify its adequacy and submit it to the governing
body without delay;

(b) submit a copy of the petition to the attorney of
the municipality;



1 ~~(7) A person may in writing withdraw his signature from~~
2 ~~a previously filed petition at any time prior to final~~
3 ~~action of the governing body.~~

4 ~~(8) (a) The attorney for the municipality shall prepare~~
5 ~~and transmit to the governing body without delay a concise~~
6 ~~statement not exceeding 100 words. This statement shall~~
7 ~~express a true and impartial explanation of the purpose of~~
8 ~~the proposed ballot issue in plain, easily understood~~
9 ~~language. The statement may not intentionally be an argument~~
10 ~~and may not intentionally be written so as to create~~
11 ~~prejudice for or against the measure.~~

12 ~~(b) At the same time the statement of purpose is~~
13 ~~prepared, the attorney shall prepare statements of the~~
14 ~~implications of a vote for or against a ballot issue. The~~
15 ~~statements of implication may be no more than 25 words each~~
16 ~~and shall be in simple, impartial language clearly~~
17 ~~explaining the meaning of a vote for and a vote against the~~
18 ~~issue.~~

19 ~~(c) Prior to an election or an official action~~
20 ~~involving a petition issue, the governing body shall publish~~
21 ~~copies of the statement of purpose and statement of~~
22 ~~implications to the procedure established in 7-1-4120.~~

23 ~~(9) The secretary of state shall prepare and provide~~
24 ~~each municipality with:~~

25 ~~(a) a standard petition form;~~

1 ~~(b) sample petition forms for initiatives, referendums,~~
2 ~~and recall elections; and~~

3 ~~(c) sample petition forms for creation of districts.~~
4 ~~(10) Each municipality shall make available to the~~
5 ~~public on request sample petition forms the petition is~~
6 ~~subject to 7-5-131 through 7-5-137.~~

7 **Section 2.** Section 7-5-132, MCA, is amended to read:

8 "7-5-132. Procedure to exercise right of initiative or
9 referendum. (1) The electors may initiate and amend
10 ordinances and require submission of existing ordinances to
11 a vote of the people by petition. If submitted an approved
12 petition containing sufficient signatures is filed prior to
13 the ordinance's effective date, a petition requesting a
14 referendum on the ordinance shall delay the ordinance's
15 effective date until the ordinance is ratified by the
16 electors. A petition requesting a referendum on an emergency
17 ordinance filed within 30 days of its effective date shall
18 suspend the ordinance until ratified by the electors.

19 (2) The governing body may refer existing or proposed
20 ordinances to a vote of the people by resolution.

21 (3) A petition or resolution for initiative or
22 referendum shall:

23 (a) embrace only a single comprehensive subject;

24 (b) set out fully the ordinance sought by petitioners
25 or, in the case of an amendment, set out fully the ordinance

1 sought to be amended and the proposed amendment or, in the
2 case of referendum, set out the ordinance sought to be
3 repealed;

4 (c) be in the form prescribed in Title 13, chapter 27,
5 except as specifically provided in this part; and

6 (d) contain the signatures of 15% of the registered
7 electors of the local government; and

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

10 **Section 3.** Section 7-5-134, MCA, is amended to read:

11 "7-5-134. Signatures -- submission for approval --
12 statement of purpose and implication. (1) In order to
13 determine the number of signatures needed on a petition to
14 meet the percentage requirements of this part, the number of
15 electors shall be the number of individuals registered to
16 vote at the preceding general election for the local
17 government.

18 (2) Before a petition may be circulated for signatures,
19 a sample petition must be submitted in the form in which it
20 will be circulated to the county election administrator for
21 approval as to form. ~~The election administrator shall review~~
22 ~~the sample petition to ensure compliance with 7-5-131 and~~
23 ~~7-5-132.~~

24 (3) The county election administrator shall refer a
25 copy of the sample petition sheet to the attorney for the

1 local government unit ~~for--preparation--of--the--ballot~~
2 ~~statement.~~ The local government attorney shall review the
3 sample petition for form and compliance with 7-5-131 and
4 7-5-132 and prepare a concise ballot statement not exceeding
5 100 words. ~~This~~ The ballot statement must be an accurate and
6 impartial explanation of the purpose of the proposed ballot
7 issue in plain, easily understood language. The statement
8 may not be an argument and may not be written so as to
9 create prejudice for or against the issue. The statement
10 prepared pursuant to this subsection, unless altered by
11 court order, must be used as the petition title and the
12 ballot statement if the issue is placed on the ballot.

13 (4) At the time the statement of purpose is prepared,
14 the attorney shall prepare a statement of the implication of
15 a vote for and a statement of the implication of a vote
16 against the ballot issue. Each statement of implication may
17 be no more than 25 words and must be in simple, impartial
18 language that clearly explains the meaning of a vote for or
19 a vote against the issue. Each statement of implication
20 prepared pursuant to this section, unless altered by a court
21 order, is to be used on the petition and the ballot if the
22 issue is placed on the ballot. The statements of implication
23 must be placed beside the diagram provided for marking of
24 the ballot in a manner similar to the following example:

25 FOR weekly commission meetings.

1 AGAINST weekly commission meetings.

2 (5) If the petition is rejected as to form, the
3 election administrator must send written notice and a
4 statement of the reasons for rejection to the person who
5 submitted the sample petition within \pm 21 days after
6 submission of the sample.

7 (6) If the petition is approved as to form, the
8 election administrator shall send written notice to the
9 person who submitted the sample petition within 21 days
10 after submission of the sample. This notice must include the
11 ballot statement and the statements of implication prepared
12 by the local government attorney.

13 (7) All petition signatures must be collected and filed
14 within 90 days of the date of the notice that the petition
15 has been approved as to form."

16 **SECTION 4. SECTION 13-27-104, MCA, IS AMENDED TO READ:**

17 "13-27-104. Time for filing. Unless a specific time for
18 filing is provided in the constitution, all petitions filed
19 with the secretary of state, certified as provided by law,
20 must be received before 5 p.m. of the second third Friday of
21 the fourth month prior to the election at which they are to
22 be voted upon by the people."

23 **Section 5. Section 13-27-202, MCA, is amended to read:**

24 "13-27-202. Recommendations -- approval of form
25 required. (1) Before submission of a sample sheet to the

1 secretary of state pursuant to subsection (3), the following
2 requirements must be fulfilled:

3 (a) The text of the proposed measure must be submitted
4 to the legislative council for review.

5 (b) The council staff shall review the text for
6 clarity, consistency, and any other factors the council
7 staff considers when drafting proposed legislation.

8 (c) Within 14 days after submission of the text, the
9 council staff shall make to the person submitting the text
10 written recommendations for changes in the text or a
11 statement that no changes are recommended.

12 (d) The person submitting the text shall consider any
13 such recommendations and respond in writing to the council,
14 accepting, rejecting, or modifying each of the recommended
15 changes. If no changes are recommended, no response is
16 required.

17 (2) The legislative council shall furnish a copy of the
18 correspondence provided for in subsection (1) to the
19 secretary of state, who shall make a copy thereof available
20 to any person upon request.

21 (3) Before a petition may be circulated for signatures,
22 a sample sheet containing the text of the proposed measure
23 must be submitted to the secretary of state in the form in
24 which it will be circulated. The sample petition may not be
25 submitted to the secretary of state more than 1 year prior

1 to the final date for filing the signed petition with the
 2 secretary of state. The secretary of state shall refer a
 3 copy of the petition sheet to the attorney general for his
 4 approval. The secretary of state and attorney general must
 5 each review the petition for sufficiency as to form and
 6 approve or reject the form of the petition, stating the
 7 reasons for rejection, if any. The secretary of state or the
 8 attorney general may not reject the petition solely because
 9 the text contains material not submitted to the legislative
 10 council, unless the material not submitted to the
 11 legislative council is a substantive change not suggested by
 12 the legislative council.

13 (4) The secretary of state shall review the comments
 14 and statements of the attorney general received pursuant to
 15 13-27-312 and make a final decision as to the approval or
 16 rejection of the form of the petition. The secretary of
 17 state shall send written notice to the person who submitted
 18 the petition sheet of the approval or rejection within 28
 19 days after submission of the petition sheet. ~~The--secretary~~
 20 ~~of-state-shall-send-written~~ If the petition is rejected, the
 21 ~~notice if-the-petition-has-been-rejected,-together-with~~ must
 22 include reasons for rejection, ~~--within--14--days--after~~
 23 ~~submission-of-the-petition-sheet.~~

24 (5) A petition with technical defects in form may be
 25 approved with the condition that those defects will be

1 corrected before the petition is circulated for signatures.
 2 (6) THE SECRETARY OF STATE SHALL UPON REQUEST PROVIDE
 3 THE PERSON SUBMITTING THE PETITION WITH A SAMPLE PETITION
 4 FORM, INCLUDING THE TEXT OF THE PROPOSED MEASURE, THE
 5 STATEMENT OF PURPOSE, AND THE STATEMENTS OF IMPLICATIONS,
 6 ALL AS APPROVED BY THE SECRETARY OF STATE AND THE ATTORNEY
 7 GENERAL. THE PETITION MAY BE CIRCULATED IN THE FORM OF THE
 8 SAMPLE PREPARED BY THE SECRETARY OF STATE."

9 **Section 6.** Section 13-27-301, MCA, is amended to read:
 10 "13-27-301. Submission of petition sheets -- withdrawal
 11 of signatures. (1) Signed sheets or sections of petitions
 12 shall be submitted to the official responsible for
 13 registration of electors in the county in which the
 14 signatures were obtained no sooner than 9 months and no
 15 later than ~~2~~ 4 ~~3~~ 4 weeks before the final date for filing
 16 the petition with the secretary of state.

17 (2) Signatures may be withdrawn from a petition for
 18 constitutional amendment, constitutional convention,
 19 initiative, or referendum up to the time of final submission
 20 of petition sheets as provided in subsection (1). The
 21 secretary of state shall prescribe the form to be used by an
 22 elector desiring to have his signature withdrawn from a
 23 petition."

24 **Section 7.** Section 13-27-312, MCA, is amended to read:
 25 "13-27-312. Review of petition by attorney general --

1 preparation of statements -- fiscal note. (1) Upon receipt
 2 of a petition from the office of the secretary of state
 3 pursuant to 13-27-202, the attorney general shall examine
 4 the petition as to form and, if the proposed ballot issue
 5 has an effect on the revenues, expenditures, or the fiscal
 6 liability of the state, shall order a fiscal note
 7 incorporating an estimate of such effect, the substance of
 8 which must substantially comply with the provisions of
 9 5-4-205. The budget director, in cooperation with the agency
 10 or agencies affected by the petition, is responsible for
 11 preparing the fiscal note and shall return it within 6 days
 12 unless the attorney general, for good cause shown, extends
 13 the time for completing the fiscal note.

14 (2) If the petition form is approved, the attorney
 15 general shall ~~may~~ SHALL endeavor to seek out parties on both
 16 sides of the issue and obtain their advice. The attorney
 17 general ~~may, if he deems it necessary, appoint a five-member~~
 18 ~~committee to recommend the statement of purpose and the~~
 19 ~~statement of the implications of the measure. The committee~~
 20 ~~shall consist of two persons recommended by the person~~
 21 ~~filing the petition, two persons known to oppose the~~
 22 ~~measure, and one representative of the attorney general's~~
 23 ~~office, who is the chairman. The committee shall, within 14~~
 24 ~~days of appointment, meet and recommend by a vote of a~~
 25 majority of the committee shall prepare:

1 (a) a statement, not to exceed 100 words, explaining
 2 the purpose of the measure; and

3 (b) statements, not to exceed 25 words each, explaining
 4 the implications of a vote for and a vote against the
 5 measure.

6 ~~{2}--The attorney general may accept, reject, or modify~~
 7 ~~the statements recommended by the committee. If the~~
 8 ~~committee is unable to recommend one or both statements, the~~
 9 ~~attorney general shall prepare the statements.~~

10 (3) The attorney general shall prepare a fiscal
 11 statement of no more than 50 words if a fiscal note was
 12 prepared for the proposed ballot issue, such statement to be
 13 used on the petition and ballot if the measure is placed on
 14 the ballot.

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

20 (5) The statement of purpose ~~prepared pursuant to~~
 21 ~~subsection {1} or {2}, unless altered by a court under~~
 22 13-27-316, is the petition title for the measure circulated
 23 by the petition and the ballot title if the measure is
 24 placed on the ballot.

25 (6) The statements of implication shall be placed

1 beside the diagram provided for marking of the ballot in a
2 manner similar to BUT NOT LIMITED TO the following example:

3 FOR extending the right to vote to persons 18 years
4 of age

5 AGAINST extending the right to vote to persons 18
6 years of age

7 (7) If the petition is rejected as to form, the
8 attorney general shall forward his comments to the secretary
9 of state within ~~10~~ 21 days after receipt of the petition by
10 the attorney general. If the petition is approved as to
11 form, the attorney general shall forward the statement of
12 purpose, the statements of implication, and the fiscal
13 statement, if applicable, to the secretary of state within
14 21 days after receipt of the petition by the attorney
15 general."

16 **Section 8.** Section 13-27-403, MCA, is amended to read:

17 **"13-27-403. Appointment to committee.** (1) Appointments
18 Except as provided in subsection (2), appointments to
19 committees advocating approval or rejection of an act
20 referred to the people, or a constitutional amendment
21 proposed by the legislature, or a ballot measure referred to
22 the people by referendum petition or proposed by any type of
23 initiative petition shall be made no later than 6 months
24 before the election at which the ballot issue will be voted
25 on by the people.

1 (2) Appointments to committees advocating approval or
2 rejection of a ballot measure referred to the people by
3 referendum petition or proposed by any type of initiative
4 petition that is approved less than 7 months before the
5 election at which the ballot issue will be voted on by the
6 people shall be made no later than 30 days after the measure
7 is approved for circulation by the secretary of state. All
8 persons responsible for appointing members to the committee
9 shall submit to the secretary of state the names and
10 addresses of the appointees no later than the date set by
11 this subsection. Such submission must include the written
12 acceptance of appointment from each appointee required by
13 section 13-27-402(6).

14 (3) All appointees to a committee pursuant to
15 subsection (1) must be notified by the secretary of state by
16 certified mail, with return receipt requested, no later than
17 5 days after the deadline set for appointment of committee
18 members, of the deadlines for submission of the committee's
19 arguments.

20 (4) All appointees to a committee pursuant to
21 subsection (2) must be notified by the secretary of state by
22 certified mail, with return receipt requested, no later than
23 35 days after the petition has been approved for
24 circulation, of the deadlines for submission of the
25 committee's arguments.

1 (5) Committees appointed under subsections (2)(b), (4),
2 and (5) of 13-27-402 must be vacated and have no further
3 obligation if the ballot measure for which they were
4 appointed fails to receive sufficient signatures to place it
5 on the ballot. The secretary of state shall notify the
6 committee members of the failure of a ballot measure to
7 receive sufficient signatures no later than 3 days after the
8 filing deadline set in 13-27-104."

9 NEW SECTION. **Section 9.** Repealer. Section 7-3-4334,
10 MCA, is repealed.

-End-