1 Senate BILL NO. 321
2 INTRODUCED BY Mallher Hallford Story Blaybook
3

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT BALLOTS CONCERNING A SPECIAL SESSION SHALL BE KEPT SECRET FOR A SPECIFIED TIME; AMENDING SECTION 43-323, R.C.M. 1947."

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

9 Section 1. Section 43-323, R.C.M. 1947, is amended to 10 read as follows:

*43-323. Legislative call of immediate special session. When ten (10) legislators consider an immediate special session necessary, they may request the secretary of state to notify each legislator by the fastest available means. The notification shall include the names of the legislators making the request, the conditions which necessitate the call, and the proposed date and time of convening. Each legislator shall send a letter to the secretary of state approving or rejecting the call for a special session. The letter is a legal ballot. The secretary of state shall keep the ballots secret for thirty (30) days following the notification of all legislators or until all legislators have voted, whichever occurs first.

-End-

LC 1255

Approved By Comm. on Leg. Admin.

| 1 | SENATE BILL NO. 321 |
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| 2 | INTRODUCED BY MCOMBER, HAZELBAKER, STORY, BLAYLOCK |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT SALLOTS |
| 5 | CONCERNING A SPECIAL SESSION SHALL BE KEPT SECRET FOR A |
| б | SPECIFIED TIME; AMENDING SHOTION SECTIONS 43-322 AND 43-323, |
| 7 | R.C.M. 1947." |
| 8 | |
| ò | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 10 | SECTION 1. SECTION 43-322, R.C.M. 1947, IS AMENDED TO |
| 11 | READ AS FOLLOWS: |
| 12 | "43-322. Legislators' ballots to vote on special |
| 13 | session. Within five (5) days after receiving a request, the |
| 14 | secretary of state shall send to all legislators by |
| 15 | certified mail a ballot which contains: |
| 16 | (1) the names of the legislators making the request; |
| 17 | (2) the reasons for calling the special session; |
| 18 | (3) the purposes of the special session; |
| 19 | (4) the requested convening date and time of the |
| 20 | special session; |
| 21 | (5) the date by which legislators must return the |
| 1.2 | ballot which may not be more than thirty (30) days after the |
| 23 | race of the mailing of the ballots; and |
| 24 | (6) a stamped return envelope. |
| | The secretary of state shall keep the ballots secret |

| | • |
|----|--|
| 1 | until all legislators have voted or until the day after the |
| 2 | date set for return of the ballots, whichever occurs first. |
| 3 | Section 2. Section 43-323, R.C.M. 1947, is amended to |
| 4 | read as follows: |
| 5 | *43-323. Legislative call of immediate special |
| 6 | session. When ten (10) legislators consider an immediate |
| 7 | special session necessary, they may request the secretary of |
| 8 | state to notify each legislator by the fastest available |
| 9 | means. The notification shall include the names of the |
| 10 | legislators making the request, the conditions which |
| 11 | necessitate the call, and the proposed date and time of |
| 12 | convening. Each legislator shall send a letter to the |
| 13 | secretary of state approving or rejecting the call for a |
| 14 | special session. The letter is a legal ballot. The |
| 15 | secretary of state shall keep the ballots secret for thirty |
| 16 | (30) days following the notification of all legislators or |
| 17 | until all legislators have voted, whichever occurs first." |
| | -End- |

SB 0321/03

SB 0321/03

25

| 1 | SENATE BILL NO. 321 |
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| 2 | INTRODUCED BY MCOMBER, HAZELBAKER, STORY, BLAYLOCK |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT BALLOTS |
| 5 | CONCERNING A SPECIAL SESSION SHALF BE KEPT SECRET FOR A |
| 6 | SPECIFIED TIME; AMENDING SECTION SECTIONS SECTION 43-322; |
| 7 | AND REPEALING SECTION 43-323, R.C.M. 1947.* |
| 8 | |
| 9 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 10 | SECTION 1. SECTION 43-322, R.C.M. 1947, IS AMENDED TO |
| 11 | READ AS FOLLOWS: |
| 12 | "43-322. Legislators' ballot to vote on special |
| 1.3 | session. Within five (5) days after receiving a request, the |
| 14 | secretary of state shall send to all legislators by |
| 15 | certified mail a ballot which contains: |
| 16 | (1) the names of the legislators making the request; |
| 17 | (2) the reasons for calling the special session; |
| 18 | (3) the purposes of the special session; |
| 19 | (4) the requested convening date and time of the |
| 20 | special session; |
| 21 | (5) the date by which legislators must return the |
| 22 | ballot which may not be more than thirty (30) days after the |
| 23 | date of the mailing of the ballots; and |
| 24 | (6) a stamped return envelope. |

The secretary of state small keep the ballots secret

| 1 | until all legislators have voted or until the day after the |
|----|--|
| 2 | date set for return of the ballots, whichever occurs first. |
| 3 | Section-2:Section-43-3237-R:C:M:-19477-is-amendedto |
| 4 | read-as-follows: |
| 5 | #43-323Legislativecallofimmediatespecia |
| 6 | sessionWhen-ten-(10)-legislatorsconsideranimmediat |
| 7 | special-session-necessary;-they-may-request-the-secretary-e |
| 8 | statetonotifyeachlegislator-by-the-fastest-availabl |
| 9 | means:- Whe-notificationshallincludethenamesofth |
| 10 | legislaters making the requesty the conditions whic |
| 11 | necessitate-the-cally-and-theproposeddateandtimeo |
| 12 | conveningBachlegislatorshallsendaletterto-th |
| 13 | secretary-of-state-approving-or-rejectingthecallfor |
| 14 | specialsession; Theletterisalegalballot; Th |
| 15 | sceretary-of-state-shall-keep-the-ballots-secret-forthirt |
| 16 | (30)daysfollowing-the-notification-of-all-legislators-c |
| 17 | until-all-legislators-have-voted; -whichever-occurs-first; # |
| 18 | SECTION 2. SECTION 43-323, R.C.M. 1947, IS REPEALED. |
| | -End- |
| | - <u>pnu</u> - |

SB 321

SB 0321/03 44th Legislature

| 1 | SENATE BILL NO. 321 |
|----|--|
| 2 | INTRODUCED BY MCOMBER, MAZELBAKER, STORY, BLAYLOCK |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT BALLOTS |
| 5 | CONCERNING A SPECIAL SESSION SHALL BE KEPT SECRET FOR A |
| 6 | SPECIFIED TIME; AMENDING SECTION SECTION 43-322; |
| 7 | AND REPEALING SECTION 43-323, R.C.H. 1947." |
| 8 | • |
| 9 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 10 | SECTION 1. SECTION 43-322, R.C.M. 1947, IS AMENDED TO |
| 11 | READ AS FOLLOWS: |
| 12 | "43-322. Legislators' ballot to vote on special |
| 13 | session. Within five (5) days after receiving a request, the |
| 14 | secretary of state shall send to all legislators by |
| 15 | certified mail a ballot which contains: |
| 16 | the names of the legislators making the request; |
| 17 | (2) the reasons for calling the special session; |
| 18 | (3) the purposes of the special session; |
| 19 | (4) the requested convening date and time of the |
| 20 | special session; |
| 21 | (5) the date by which legislators must return the |
| 22 | ballot which may not be more than thirty (30) days after the |

date of the mailing of the ballots; and

(6) a stamped return envelope.

The secretary of state shall keep the ballots secret

REFERENCE BILL

23

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25

| 1 | until all legislators have voted or until the day after the |
|----|---|
| 2 | date set for return of the ballots, whichever occurs first. |
| 3 | Jection-<u>2</u>Section-43-323R-C-M1947-is-amendedte |
| 4 | read-as-follows: |
| 5 | 443-323:begislativecallofimmediatesyecia |
| 6 | session:incn-ten-(10)-legislatorsconsideranimmediate |
| 7 | special-session-necessary,-they-may-request-the-secretary-of |
| 8 | statetonotifyeachlegislator-by-the-fastest-available |
| 9 | means,-The-notificationshallincludethenamesofthe |
| 10 | legislatorsmakingtherequest;theconditionswhich |
| 11 | necessitate-the-cally-and-theproposeddateandtimee- |
| 12 | convening:Eachlegislatorshallsendaletterto-the |
| 13 | secretary-of-state-approving-or-rejectingthecallfore |
| 14 | specialsession:Theletterisalegalballot: <u>The</u> |
| 15 | secretary-of-state-shall-keep-the-ballots-secret-forthirty |
| 16 | (30)daysfollowing-the-notification-of-all-legislators-or |
| 17 | until-all-legislators-have-voted;-whichever-occurs-first;" |
| 18 | SECTION 2. SECTION 43-323, R.C.M. 1947, IS REPEALED. |
| | -End- |

SB 0321/03