

SENATE BILL NO. 72

INTRODUCED BY GALT, HAZELBAKER, TVEIT,
KOLSTAD, S. BROWN, THOMAS, TOWE, HAPPERMAN

IN THE SENATE

January 7, 1981	Introduced and referred to Committee on State Administration.
January 13, 1981	Committee recommend bill do pass. Report adopted.
January 14, 1981	Bill printed and placed on members' desks.
January 15, 1981	Second reading, do pass.
January 16, 1981	Considered correctly engrossed.
January 17, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

January 19, 1981	Introduced and referred to Committee on State Administration.
March 6, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 9, 1981	Second reading, concurred in.
March 12, 1981	Third reading, concurred in as amended. Ayes, 94; Noes, 2.

IN THE SENATE

March 13, 1981	Returned from House with amendments.
March 16, 1981	On motion, consideration be passed for the day.

March 17, 1981	Second reading, amendments not concurred in. On motion Free Conference Committee requested and appointed.
March 23, 1981	Free Conference Committee reported.
March 24, 1981	On motion, consideration be passed for the day.
March 25, 1981	Second reading, Free Conference Committee report adopted.
March 27, 1981	Third reading, Free Conference Committee report adopted. Ayes, 48; Noes, 0.

IN THE HOUSE

March 31, 1981	Free Conference Committee report adopted.
April 1, 1981	Sent to enrolling. Reported correctly enrolled.

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INTRODUCED BY *Senate* BILL NO. *72*
Jeff Nallak Hoffmann, Trust
Kulstad *STEVE BROWN Thomas Flaw*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A FISCAL NOTE AND STATEMENT ACCOMPANY CERTAIN INITIATIVE PETITIONS AND BALLOTS; PERMITTING COURT REVIEW OF THE FISCAL STATEMENT; AND PROVIDING FOR INCLUSION OF THE STATEMENT IN THE VOTER INFORMATION PAMPHLET; AMENDING SECTIONS 13-27-312, 13-27-316, AND 13-27-401, MCA."

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

Section 1. Section 13-27-312, MCA, is amended to read:

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

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~~the time for completing the fiscal note.~~ If the petition form is approved, the attorney general shall prepare and transmit to the secretary of state a concise statement not exceeding 100 words. This statement shall express a true and impartial explanation of the purpose of the proposed ballot issue in plain, easily understood language. The statement may not be an argument and may not be written so as to create prejudice for or against the measure. The statement prepared pursuant to this subsection, unless altered by a court under 13-27-316, is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot.

(2) At the same time the statement of purpose is prepared, the attorney general shall prepare statements of the implication of a vote for or against a ballot issue and a fiscal statement of no more than 25 words if a fiscal note was prepared for the proposed ballot issue. The statements of implication may be no more than 25 words each and shall be in simple, impartial language clearly explaining the meaning of a vote for and a vote against the issue. The statements of implication and fiscal statement prepared pursuant to this section, unless altered by a court under 13-27-316, are the statements to be used on the petition and the ballot if the measure is placed on the ballot. The statements of implication shall be placed beside the diagram

1 provided for marking of the ballot in a manner similar to
2 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 (3) If the petition is rejected as to form, the
8 attorney general shall forward his comments to the secretary
9 of state within 10 days after receipt of the petition by the
10 attorney general. If the petition is approved as to form,
11 the attorney general shall forward the statement of purpose,
12 and the statements of implication, and the fiscal statement
13 if applicable to the secretary of state within 21 days after
14 receipt of the petition by the attorney general."

15 Section 2. Section 13-27-316, MCA, is amended to read:
16 "13-27-316. Court review of attorney general
17 statements. (1) If the proponents of a ballot measure
18 believe that the statement of purpose, or the statements of
19 implication of a vote, or the fiscal statement formulated by
20 the attorney general pursuant to 13-27-312 do not satisfy
21 the requirements of 13-27-312, they may, within 10 days of
22 receipt of the notice from the secretary of state provided
23 for in 13-27-202, file an action in the district court in
24 and for the county of Lewis and Clark challenging the
25 adequacy of the statement and requesting the court to alter

1 the statement.

2 (2) If the opponents of a ballot measure believe that
3 the statement of purpose, or the statements of implication
4 of a vote, or the fiscal statement formulated by the
5 attorney general pursuant to 13-27-312 do not satisfy the
6 requirements of 13-27-312, they may, within 10 days of the
7 date of certification to the governor that the completed
8 petition has been officially filed, file an action in the
9 district court in and for the county of Lewis and Clark
10 challenging the adequacy of the statement and requesting the
11 court to alter the statement.

12 (3) (a) Notice shall be served upon the secretary of
13 state and upon the attorney general. The action takes
14 precedence over other cases and matters in the district
15 court. The court shall examine the proposed measure and the
16 challenged statement and shall as soon as possible render a
17 decision and certify to the secretary of state a statement
18 which the court determines will meet the requirements of
19 13-27-312.

20 (b) A statement certified by the court shall be placed
21 on the petition for circulation and on the official ballot.

22 (4) A copy of the petition in final form must be filed
23 in the office of the secretary of state by the proponents.

24 (5) Any party may appeal the order of the district
25 court to the Montana supreme court by filing a notice of

1 appeal within 5 days of the date of the order of the
2 district court."

3 Section 3. Section 13-27-401, MCA, is amended to read:

4 "13-27-401. Voter information pamphlet. (1) The
5 secretary of state shall prepare for printing a voter
6 information pamphlet containing the following information
7 for each ballot issue to be voted on at an election, as
8 applicable:

9 (a) ballot title, fiscal statement if applicable, and
10 complete text of the issue;

11 (b) the form in which the issue will appear on the
12 ballot;

13 (c) arguments advocating approval and rejection of the
14 issue; and

15 (d) rebuttal arguments.

16 (2) The pamphlet shall also contain a notice advising
17 the recipient where additional copies of the pamphlet may be
18 obtained.

19 (3) Whenever more than one ballot issue is to be voted
20 on at a single election, the secretary of state may publish
21 a single pamphlet for all of the ballot issues. The
22 secretary of state may arrange the information in the order
23 which seems most appropriate, but the information for all
24 issues in the pamphlet shall be presented in the same
25 order."

-End-

-5-

SB 73

Approved by Committee
on State Administration

1 *Senate* BILL NO. *72*
2 INTRODUCED BY *Sen. Walter Hoffmann, Trust*
3 *Kulstad* *Steve Brown* *Thomas* *Floro*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A FISCAL
5 NOTE AND STATEMENT ACCOMPANY CERTAIN INITIATIVE PETITIONS
6 AND BALLOTS; PERMITTING COURT REVIEW OF THE FISCAL
7 STATEMENT; AND PROVIDING FOR INCLUSION OF THE STATEMENT IN
8 THE VOTER INFORMATION PAMPHLET; AMENDING SECTIONS 13-27-312,
9 13-27-316, AND 13-27-401, MCA."

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12 Section 1. Section 13-27-312, MCA, is amended to read:

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

1 the time for completing the fiscal note. If the petition
2 form is approved, the attorney general shall prepare and
3 transmit to the secretary of state a concise statement not
4 exceeding 100 words. This statement shall express a true 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 measure. The statement
9 prepared pursuant to this subsection, unless altered by a
10 court under 13-27-316, is the petition title for the measure
11 circulated by the petition and the ballot title if the
12 measure is placed on the ballot.

13 (2) At the same time the statement of purpose is
14 prepared, the attorney general shall prepare statements of
15 the implication of a vote for or against a ballot issue and
16 a fiscal statement of no more than 25 words if a fiscal note
17 was prepared for the proposed ballot issue. The statements
18 of implication may be no more than 25 words each and shall
19 be in simple, impartial language clearly explaining the
20 meaning of a vote for and a vote against the issue. The
21 statements of implication and fiscal statement prepared
22 pursuant to this section, unless altered by a court under
23 13-27-316, are the statements to be used on the petition and
24 the ballot if the measure is placed on the ballot. The
25 statements of implication shall be placed beside the diagram

SB 72

1 provided for marking of the ballot in a manner similar to
2 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 (3) If the petition is rejected as to form, the
8 attorney general shall forward his comments to the secretary
9 of state within 10 days after receipt of the petition by the
10 attorney general. If the petition is approved as to form,
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12 and the statements of implication, and the fiscal statement
13 if applicable to the secretary of state within 21 days after
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15 Section 2. Section 13-27-316, MCA, is amended to read:

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17 statements. (1) If the proponents of a ballot measure
18 believe that the statement of purpose, or the statements of
19 implication of a vote, or the fiscal statement formulated by
20 the attorney general pursuant to 13-27-312 do not satisfy
21 the requirements of 13-27-312, they may, within 10 days of
22 receipt of the notice from the secretary of state provided
23 for in 13-27-202, file an action in the district court in
24 and for the county of Lewis and Clark challenging the
25 adequacy of the statement and requesting the court to alter

1 the statement.

2 (2) If the opponents of a ballot measure believe that
3 the statement of purpose, or the statements of implication
4 of a vote, or the fiscal statement formulated by the
5 attorney general pursuant to 13-27-312 do not satisfy the
6 requirements of 13-27-312, they may, within 10 days of the
7 date of certification to the governor that the completed
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11 court to alter the statement.

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13 state and upon the attorney general. The action takes
14 precedence over other cases and matters in the district
15 court. The court shall examine the proposed measure and the
16 challenged statement and shall as soon as possible render a
17 decision and certify to the secretary of state a statement
18 which the court determines will meet the requirements of
19 13-27-312.

20 (b) A statement certified by the court shall be placed
21 on the petition for circulation and on the official ballot.

22 (4) A copy of the petition in final form must be filed
23 in the office of the secretary of state by the proponents.

24 (5) Any party may appeal the order of the district
25 court to the Montana supreme court by filing a notice of

1 appeal within 5 days of the date of the order of the
2 district court."

3 Section 3. Section 13-27-401, MCA, is amended to read:

4 "13-27-401. Voter information pamphlet. (1) The
5 secretary of state shall prepare for printing a voter
6 information pamphlet containing the following information
7 for each ballot issue to be voted on at an election, as
8 applicable:

9 (a) ballot title, fiscal statement if applicable, and
10 complete text of the issue;

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12 ballot;

13 (c) arguments advocating approval and rejection of the
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15 (d) rebuttal arguments.

16 (2) The pamphlet shall also contain a notice advising
17 the recipient where additional copies of the pamphlet may be
18 obtained.

19 (3) Whenever more than one ballot issue is to be voted
20 on at a single election, the secretary of state may publish
21 a single pamphlet for all of the ballot issues. The
22 secretary of state may arrange the information in the order
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24 issues in the pamphlet shall be presented in the same
25 order."

-End-

SB 72

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 2 INTRODUCED BY *Sen. Wallace Hoffmann, Trust*
 3 *Kulstad* *Steve Brown* *Thomas* *Plaw*

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 18 liability of the state, shall order a fiscal note
 19 incorporating an estimate of such effect, the substance of
 20 which must substantially comply with the provisions of
 21 5-4-205. The budget director, in cooperation with the agency
 22 or agencies affected by the petition, is responsible for
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6 requirements of 13-27-312, they may, within 10 days of the
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9 (a) ballot title, fiscal statement if applicable, and
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11 (b) the form in which the issue will appear on the
12 ballot;

13 (c) arguments advocating approval and rejection of the
14 issue; and

15 (d) rebuttal arguments.

16 (2) The pamphlet shall also contain a notice advising
17 the recipient where additional copies of the pamphlet may be
18 obtained.

19 (3) Whenever more than one ballot issue is to be voted
20 on at a single election, the secretary of state may publish
21 a single pamphlet for all of the ballot issues. The
22 secretary of state may arrange the information in the order
23 which seems most appropriate, but the information for all
24 issues in the pamphlet shall be presented in the same
25 order."

-End-

-5-

SB 72

1 SENATE BILL NO. 72

2 INTRODUCED BY GALT, HAZELBAKER, TVEIT,

3 KJLSTAD, S. BROWN, THOMAS, TOWE, HAFFERMAN

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A FISCAL
6 NOTE AND STATEMENT ACCOMPANY CERTAIN ~~INITIATIVE~~ BALLOT ISSUE
7 PETITIONS AND BALLOTS; PERMITTING COURT REVIEW OF ~~THE~~
8 CERTAIN FISCAL STATEMENT STATEMENTS; AND PROVIDING FOR
9 INCLUSION OF THE STATEMENT IN THE VOTER INFORMATION
10 PAMPHLET; AMENDING SECTIONS 13-27-312, 13-27-315, 13-27-316,
11 AND 13-27-401, AND 13-27-501, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 13-27-312, MCA, is amended to read:
15 "13-27-312. Review of petition by attorney general --
16 preparation of statement and fiscal note. (1) Upon receipt
17 of a petition from the office of the secretary of state
18 pursuant to 13-27-202, the attorney general shall examine
19 the petition as to form and, if the proposed ballot issue
20 has an effect on the revenues, expenditures, or the fiscal
21 liability of the state, shall order a fiscal note
22 incorporating an estimate of such effect, the substance of
23 which must substantially comply with the provisions of
24 5-4-205. The budget director, in cooperation with the agency
25 or agencies affected by the petition, is responsible for

1 preparing the fiscal note and shall return it within 6 days
2 unless the attorney general, for good cause shown, extends
3 the time for completing the fiscal note. If the petition
4 form is approved, the attorney general shall prepare and
5 transmit to the secretary of state a concise statement not
6 exceeding 100 words. This statement shall express a true and
7 impartial explanation of the purpose of the proposed ballot
8 issue in plain, easily understood language. The statement
9 may not be an argument and may not be written so as to
10 create prejudice for or against the measure. The statement
11 prepared pursuant to this subsection, unless altered by a
12 court under 13-27-316, is the petition title for the measure
13 circulated by the petition and the ballot title if the
14 measure is placed on the ballot.

15 (2) At the same time the statement of purpose is
16 prepared, the attorney general shall prepare statements of
17 the implication of a vote for or against a ballot issue and
18 a fiscal statement of no more than 25 words if a fiscal note
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20 of implication may be no more than 25 words each and shall
21 be in simple, impartial language clearly explaining the
22 meaning of a vote for and a vote against the issue. The
23 statements of implication and fiscal statement prepared
24 pursuant to this section, unless altered by a court under
25 13-27-316, are the statements to be used on the petition and

1 the ballot if the measure is placed on the ballot. The
 2 statements of implication shall be placed beside the diagram
 3 provided for marking of the ballot in a manner similar to
 4 the following example:

- 5 FOR extending the right to vote to persons 18 years
 6 of age
 7 AGAINST extending the right to vote to persons 18
 8 years of age

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

17 SECTION 2. SECTION 13-27-315, MCA, IS AMENDED TO READ:
 18 "13-27-315. Statements by attorney general on issues
 19 referred by legislature. (1) Upon receipt of a copy of a
 20 ballot form under 13-27-310(2) for an issue proposed by the
 21 legislature, the attorney general shall order a fiscal note
 22 as provided in 13-27-312(1) if the issue has an effect on
 23 the revenues, expenditures, or the fiscal liability of the
 24 state. At the same time the explanatory statement is
 25 prepared under subsection (2), the attorney general shall

1 prepare a fiscal statement of no more than 25 words to be
 2 forwarded to the secretary of state at the same time as the
 3 explanatory statement.

4 (2) At the same time the attorney general, pursuant
 5 to 13-27-313, informs the secretary of state of the approval
 6 or rejection of a ballot form for an issue proposed by the
 7 legislature, the attorney general shall forward to the
 8 secretary of state a statement, not exceeding 100 words,
 9 expressing a true and impartial explanation of the purpose
 10 of the measure in plain, easily understood language. The
 11 statement may not be an argument and may not be written to
 12 create a prejudice for or against the issue. The statement
 13 prepared under this section is known as the attorney
 14 general's explanatory statement.

15 (3) If statements of the implication of a vote for
 16 or against a ballot issue have not been provided by the
 17 legislature, the attorney general shall prepare the
 18 statements. Requirements for statements of implication for
 19 ballot issues referred by the legislature are the same as
 20 those provided in 13-27-312 for other ballot issues.
 21 Statements of implication prepared by the attorney general
 22 must be returned to the secretary of state no later than the
 23 time specified for approval of the ballot form."

24 Section 3. Section 13-27-316, MCA, is amended to read:
 25 "13-27-316. Court review of attorney general

1 statements. (1) If the proponents of a ballot measure
 2 believe that the statement of purpose, or the statements of
 3 implication of a vote, or the fiscal statement formulated by
 4 the attorney general pursuant to 13-27-312 do not satisfy
 5 the requirements of 13-27-312, they may, within 10 days of
 6 receipt of the notice from the secretary of state provided
 7 for in 13-27-202, file an action in the district court in
 8 and for the county of Lewis and Clark challenging the
 9 adequacy of the statement and requesting the court to alter
 10 the statement.

11 (2) If the opponents of a ballot measure believe that
 12 the statement of purpose, or the statements of implication
 13 of a vote, or the fiscal statement formulated by the
 14 attorney general pursuant to 13-27-312 do not satisfy the
 15 requirements of 13-27-312, they may, within 10 days of the
 16 date of certification to the governor that the completed
 17 petition has been officially filed, file an action in the
 18 district court in and for the county of Lewis and Clark
 19 challenging the adequacy of the statement and requesting the
 20 court to alter the statement.

21 (3) (a) Notice shall be served upon the secretary of
 22 state and upon the attorney general. The action takes
 23 precedence over other cases and matters in the district
 24 court. The court shall examine the proposed measure and the
 25 challenged statement and shall as soon as possible render a

1 decision and certify to the secretary of state a statement
 2 which the court determines will meet the requirements of
 3 13-27-312.

4 (b) A statement certified by the court shall be placed
 5 on the petition for circulation and on the official ballot.

6 (4) A copy of the petition in final form must be filed
 7 in the office of the secretary of state by the proponents.

8 (5) Any party may appeal the order of the district
 9 court to the Montana supreme court by filing a notice of
 10 appeal within 5 days of the date of the order of the
 11 district court."

12 Section 4. Section 13-27-401, MCA, is amended to read:

13 "13-27-401. Voter information pamphlet. (1) The
 14 secretary of state shall prepare for printing a voter
 15 information pamphlet containing the following information
 16 for each ballot issue to be voted on at an election, as
 17 applicable:

18 (a) ballot title, fiscal statement if applicable, and
 19 complete text of the issue;

20 (b) the form in which the issue will appear on the
 21 ballot;

22 (c) arguments advocating approval and rejection of the
 23 issue; and

24 (d) rebuttal arguments.

25 (2) The pamphlet shall also contain a notice advising

1 the recipient where additional copies of the pamphlet may be
2 obtained.

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

10 SECTION 5. SECTION 13-27-501, MCA, IS AMENDED TO READ:

11 "13-27-501. Secretary of state to certify ballot form.

12 The secretary of state shall furnish to the official of each
13 county responsible for preparation and printing of the
14 ballots, at the same time as he certifies the names of the
15 persons who are candidates for offices to be filled at the
16 election, a certified copy of the form in which each ballot
17 issue to be voted on by the people at that election is to
18 appear on the ballot. Unless otherwise provided in the
19 legislative act or petition placing the issue on the ballot,
20 the secretary of state shall list for each issue the number,
21 the method of placement on the ballot, the title, the
22 attorney general's explanatory statement, if applicable, the
23 fiscal statement, if applicable, and the statements of the
24 implication of a vote for or against the issue that are to
25 be placed beside the diagram for marking the ballot. The

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

8 (1) an act referred by the legislature;

9 (2) an amendment to the constitution proposed by the

10 legislature;

11 (3) an act of the legislature referred by referendum
12 petition; or

13 (4) a law or constitutional amendment proposed by
14 initiative petition."

-End-

SENATE BILL NO. 72

INTRODUCED BY GALT, HAZELBAKER, TVEIT,
KOLSTAD, S. BROWN, THOMAS, TONE, HAFFERMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A FISCAL
NOTE AND STATEMENT ACCOMPANY CERTAIN ~~INITIATIVE~~ BALLOT ISSUE
PETITIONS AND BALLOTS; PERMITTING COURT REVIEW OF ~~THE~~
CERTAIN FISCAL STATEMENT STATEMENTS; AND PROVIDING FOR
INCLUSION OF THE STATEMENT IN THE VOTER INFORMATION
PAMPHLET; AMENDING SECTIONS 13-27-312, 13-27-315, 13-27-316,
AND 13-27-401, AND 13-27-501, MCA."

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

Section 1. Section 13-27-312, MCA, is amended to read:

"13-27-312. Review of petition by attorney general --
preparation of statement and fiscal note. (1) Upon receipt
of a petition from the office of the secretary of state
pursuant to 13-27-202, the attorney general shall examine
the petition as to form and, if the proposed ballot issue
has an effect on the revenues, expenditures, or the fiscal
liability of the state, shall order a fiscal note
incorporating an estimate of such effect, the substance of
which must substantially comply with the provisions of
5-4-205. The budget director, in cooperation with the agency
or agencies affected by the petition, is responsible for

preparing the fiscal note and shall return it within 6 days
unless the attorney general, for good cause shown, extends
the time for completing the fiscal note. If the petition
form is approved, the attorney general shall prepare and
transmit to the secretary of state a concise statement not
exceeding 100 words. This statement shall express a true and
impartial explanation of the purpose of the proposed ballot
issue in plain, easily understood language. The statement
may not be an argument and may not be written so as to
create prejudice for or against the measure. The statement
prepared pursuant to this subsection, unless altered by a
court under 13-27-316, is the petition title for the measure
circulated by the petition and the ballot title if the
measure is placed on the ballot.

(2) At the same time the statement of purpose is
prepared, the attorney general shall prepare statements of
the implication of a vote for or against a ballot issue and
a fiscal statement of no more than 25 50 words if a fiscal
note was prepared for the proposed ballot issue. The
statements of implication may be no more than 25 50 words
each and shall be in simple, impartial language clearly
explaining the meaning of a vote for and a vote against the
issue. The statements of implication and fiscal statement
prepared pursuant to this section, unless altered by a court
under 13-27-316, are the statements to be used on the

1 petition and the ballot if the measure is placed on the
2 ballot. The statements of implication shall be placed
3 beside the diagram provided for marking of the ballot in a
4 manner similar to the following example:

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

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

17 SECTION 2. SECTION 13-27-315, MCA, IS AMENDED TO READ:
18 "13-27-315. Statements by attorney general on issues
19 referred by legislature. (1) Upon receipt of a copy of a
20 ballot form under 13-27-310(2) for an issue proposed by the
21 legislature, the attorney general shall order a fiscal note
22 as provided in 13-27-312(1) if the issue has an effect on
23 the revenues, expenditures, or the fiscal liability of the
24 state. At the same time the explanatory statement is
25 prepared under subsection (2), the attorney general shall

1 prepare a fiscal statement of no more than 25 50 words to be
2 forwarded to the secretary of state at the same time as the
3 explanatory statement.

4 ~~(1)~~(2) At the same time the attorney general, pursuant
5 to 13-27-313, informs the secretary of state of the approval
6 or rejection of a ballot form for an issue proposed by the
7 legislature, the attorney general shall forward to the
8 secretary of state a statement, not exceeding 100 words,
9 expressing a true and impartial explanation of the purpose
10 of the measure in plain, easily understood language. The
11 statement may not be an argument and may not be written to
12 create a prejudice for or against the issue. The statement
13 prepared under this section is known as the attorney
14 general's explanatory statement.

15 ~~(2)~~(3) If statements of the implication of a vote for
16 or against a ballot issue have not been provided by the
17 legislature, the attorney general shall prepare the
18 statements. Requirements for statements of implication for
19 ballot issues referred by the legislature are the same as
20 those provided in 13-27-312 for other ballot issues.
21 Statements of implication prepared by the attorney general
22 must be returned to the secretary of state no later than the
23 time specified for approval of the ballot form."

24 Section 3. Section 13-27-316, MCA, is amended to read:
25 "13-27-316. Court review of attorney general

1 statements. (1) If the proponents of a ballot measure
 2 believe that the statement of purpose, or the statements of
 3 implication of a vote, or the fiscal statement formulated by
 4 the attorney general pursuant to 13-27-312 do not satisfy
 5 the requirements of 13-27-312, they may, within 10 days of
 6 receipt of the notice from the secretary of state provided
 7 for in 13-27-202, file an action in the district court in
 8 and for the county of Lewis and Clark challenging the
 9 adequacy of the statement and requesting the court to alter
 10 the statement.

11 (2) If the opponents of a ballot measure believe that
 12 the statement of purpose, or the statements of implication
 13 of a vote, or the fiscal statement formulated by the
 14 attorney general pursuant to 13-27-312 do not satisfy the
 15 requirements of 13-27-312, they may, within 10 days of the
 16 date of certification to the governor that the completed
 17 petition has been officially filed, file an action in the
 18 district court in and for the county of Lewis and Clark
 19 challenging the adequacy of the statement and requesting the
 20 court to alter the statement.

21 (3) (a) Notice shall be served upon the secretary of
 22 state and upon the attorney general. The action takes
 23 precedence over other cases and matters in the district
 24 court. The court shall examine the proposed measure and the
 25 challenged statement and shall as soon as possible render a

1 decision and certify to the secretary of state a statement
 2 which the court determines will meet the requirements of
 3 13-27-312.

4 (b) A statement certified by the court shall be placed
 5 on the petition for circulation and on the official ballot.

6 (4) A copy of the petition in final form must be filed
 7 in the office of the secretary of state by the proponents.

8 (5) Any party may appeal the order of the district
 9 court to the Montana supreme court by filing a notice of
 10 appeal within 5 days of the date of the order of the
 11 district court."

12 Section 4. Section 13-27-401, MCA, is amended to read:

13 "13-27-401. Voter information pamphlet. (1) The
 14 secretary of state shall prepare for printing a voter
 15 information pamphlet containing the following information
 16 for each ballot issue to be voted on at an election, as
 17 applicable:

18 (a) ballot title, fiscal statement if applicable, and
 19 complete text of the issue;

20 (b) the form in which the issue will appear on the
 21 ballot;

22 (c) arguments advocating approval and rejection of the
 23 issue; and

24 (d) rebuttal arguments.

25 (2) The pamphlet shall also contain a notice advising

1 the recipient where additional copies of the pamphlet may be
2 obtained.

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

10 SECTION 5. SECTION 13-27-501, MCA, IS AMENDED TO READ:

11 "13-27-501. Secretary of state to certify ballot form.
12 The secretary of state shall furnish to the official of each
13 county responsible for preparation and printing of the
14 ballots, at the same time as he certifies the names of the
15 persons who are candidates for offices to be filled at the
16 election, a certified copy of the form in which each ballot
17 issue to be voted on by the people at that election is to
18 appear on the ballot. Unless otherwise provided in the
19 legislative act or petition placing the issue on the ballot,
20 the secretary of state shall list for each issue the number,
21 the method of placement on the ballot, the title, the
22 attorney general's explanatory statement, if applicable, the
23 fiscal statement, if applicable, and the statements of the
24 implication of a vote for or against the issue that are to
25 be placed beside the diagram for marking the ballot. The

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

- 8 (1) an act referred by the legislature;
9 (2) an amendment to the constitution proposed by the
10 legislature;
11 (3) an act of the legislature referred by referendum
12 petition; or
13 (4) a law or constitutional amendment proposed by
14 initiative petition."

-End-

HOUSE STATE ADMINISTRATION COMMITTEE

AMENDMENTS-SENATE BILL 72

1. Title, line 5.
Following: "CERTAIN"
Strike: "INITIATIVE"
Insert: "BALLOT ISSUE"

2. Title, line 6.
Following: "OF"
Strike: "THE"
Insert: "CERTAIN"

3. Title, line 7.
Following: line 6
Strike: "STATEMENT"
Insert: "STATEMENTS"

4. Title, line 8.
Following: "13-27-312,"
Insert: "13-27-315,"

5. Title, line 9.
Following: "13-27-316,"
Strike: "AND"
Following: "13-27-401,"
Insert: "AND 13-27-501,"

6. Page 3.
Following: line 14
Insert: "Section 2. Section 13-27-315, MCA, is amended
to read:

"13-27-315. Statements by attorney general on issues referred by legislature. (1) Upon receipt of a copy of a ballot form under 13-27-310(2) for an issue proposed by the legislature, the attorney general shall order a fiscal note as provided in 13-27-312(1) if the issue has an effect on the revenues, expenditures, or the fiscal liability of the state. At the same time the explanatory statement is prepared under subsection (2), the attorney general shall prepare a fiscal statement of no more than 25 words to be forwarded to the secretary of state at the same time as the explanatory statement.

{1} (2) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The statement may not be an argument and may not be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

AMENDMENTS-SENATE BILL 72 (cont.)

{2} (3) If statements of the implication of a vote for or against a ballot issue have not been provided by the legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the time specified for approval of the ballot form."

Renumber: subsequent sections

7. Page 5.

Following: line 25

Insert: "Section 5. Section 13-27-501, MCA, is amended to read:

"13-27-501. Secretary of state to certify ballot form. The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certified the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot. Unless otherwise provided in the legislative act or petition placing the issue on the ballot, the secretary of state shall list for each issue the number, the method of placement on the ballot, the title, the attorney general's explanatory statement, if applicable, the fiscal statement, if applicable, and the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot. The secretary of state shall use for each ballot issue the title of the legislative act or legislative constitutional proposal or the title provided by the attorney general or district court. Following the number of the ballot issue, the secretary of state shall include one of the following statements to identify why the issue has been placed on the ballot:

- (1) an act referred by the legislature;
- (2) an amendment to the constitution proposed by the legislature;
- (3) an act of the legislature referred by referendum petition; or
- (4) a law or constitutional amendment proposed by initiative petition."