

Senate Bill 235

In The Senate

January 22, 1981	Introduced and referred to Committee on State Administration.
February 18, 1981	Committee recommend bill do pass as amended.
February 19, 1981	Bill printed and placed on members' desks.
February 20, 1981	Second reading do pass.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading passed.

In The House

March 2, 1981	Introduced and referred to Committee on State Administration.
April 23, 1981	Died in Committee.

1 *Steve Hoffman* BILL NO. 235
 2 INTRODUCED BY *Steve Hoffman, Governor Kalstad*
 3 *Steve Hoffman*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT THE
 5 LEGISLATIVE COUNCIL, RATHER THAN THE ATTORNEY GENERAL,
 6 PREPARE BALLOT ISSUE STATEMENTS OF EXPLANATION AND OF
 7 IMPLICATION; AMENDING SECTIONS 13-27-202, 13-27-311,
 8 13-27-312, 13-27-315, AND 13-27-316, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 13-27-202, MCA, is amended to read:

12 "13-27-202. Approval of form required. (1) Before a
 13 petition may be circulated for signatures, a sample sheet
 14 must be submitted to the secretary of state in the form in
 15 which it will be circulated. The sample petition may not be
 16 submitted to the secretary of state more than 1 year prior
 17 to the final date for filing the signed petition with the
 18 secretary of state. The secretary of state shall refer a
 19 copy of the petition sheet to the attorney general for his
 20 approval. The secretary of state and attorney general must
 21 each review the petition for sufficiency as to form and
 22 approve or reject the form of the petition, stating the
 23 reasons for rejection, if any.

24 (2) The secretary of state shall review the comments
 25 and statements of the attorney-general legislative council

1 received pursuant to 13-27-312 and make a final decision as
 2 to the approval or rejection of the form of the petition.
 3 The secretary of state shall send written notice to the
 4 person who submitted the petition sheet of the approval
 5 within 28 days after submission of the petition sheet. The
 6 secretary of state shall send written notice if the petition
 7 has been rejected together with reasons for rejection within
 8 14 days after submission of the petition sheet."

9 Section 2. Section 13-27-311, MCA, is amended to read:

10 "13-27-311. Publication of proposed constitutional
 11 amendments. (1) If a proposed constitutional amendment or
 12 amendments are submitted to the people, the secretary of
 13 state shall have the proposed amendment or amendments
 14 published in full twice each month for 2 months previous to
 15 the election at which they are to be voted upon by the
 16 people, in not less than one newspaper of general
 17 circulation in each county.

18 (2) The secretary of state may arrange for newspaper,
 19 radio, or television publication of proposed constitutional
 20 amendments in each county. A summary of the amendment as
 21 provided by the attorney-general legislative council, as
 22 described in 13-27-312 or 13-27-315, would suffice for the
 23 publication required by this section and should be made at
 24 least twice each month for 2 months previous to the
 25 election."

1 Section 3. Section 13-27-312, MCA, is amended to read:

2 "13-27-312. Review of petition by attorney general --
3 preparation of statement. (1) Upon receipt of a petition
4 from the office of the secretary of state pursuant to
5 13-27-202, the attorney general shall examine the petition
6 as to form. If the petition form is approved, the attorney
7 general shall forward the petition to the legislative
8 council. The legislative council shall prepare and transmit
9 to the secretary of state a concise statement not exceeding
10 100 words. This statement shall express a true and impartial
11 explanation of the purpose of the proposed ballot issue in
12 plain, easily understood language. The statement may not be
13 an argument and may not be written so as to create prejudice
14 for or against the measure. The statement prepared pursuant
15 to this subsection, unless altered by a court under
16 13-27-316, is the petition title for the measure circulated
17 by the petition and the ballot title if the measure is
18 placed on the ballot.

19 (2) At the same time the statement of purpose is
20 prepared, the ~~attorney--general~~ legislative council shall
21 prepare statements of the implication of a vote for or
22 against a ballot issue. The statements of implication may be
23 no more than 25 words each and shall be in simple, impartial
24 language clearly explaining the meaning of a vote for and a
25 vote against the issue. The statements of implication

1 prepared pursuant to this section, unless altered by a court
2 under 13-27-316, are the statements to be used on the
3 petition and the ballot if the measure is placed on the
4 ballot. The statements of implication shall be placed
5 beside the diagram provided for marking of the ballot in a
6 manner similar to the following example:

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

9 AGAINST extending the right to vote to persons 18
10 years of age

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

19 Section 4. Section 13-27-315, MCA, is amended to read:

20 "13-27-315. Statements by ~~attorney--general~~ legislative
21 council on issues referred by legislature. (1) At the same
22 time the attorney general, pursuant to 13-27-313, informs
23 the secretary of state of the approval or rejection of a
24 ballot form for an issue proposed by the legislature, the
25 ~~attorney--general~~ legislative council shall forward to the

1 secretary of state a statement, not exceeding 100 words,
 2 expressing a true and impartial explanation of the purpose
 3 of the measure in plain, easily understood language. The
 4 statement may not be an argument and may not be written to
 5 create a prejudice for or against the issue. The statement
 6 prepared under this section is known as the attorney
 7 general's legislative council's explanatory statement.

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

18 Section 5. Section 13-27-316, MCA, is amended to read:

19 "13-27-316. Court review of attorney-general
 20 legislative council statements. (1) If the proponents of a
 21 ballot measure believe that the statement of purpose or the
 22 statements of implication of a vote formulated by the
 23 attorney-general legislative council pursuant to 13-27-312
 24 do not satisfy the requirements of 13-27-312, they may,
 25 within 10 days of receipt of the notice from the secretary

1 of state provided for in 13-27-202, file an action in the
 2 district court in and for the county of Lewis and Clark
 3 challenging the adequacy of the statement and requesting the
 4 court to alter the statement.

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

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

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

25 (4) A copy of the petition in final form must be filed

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1 in the office of the secretary of state by the proponents.
2 (5) Any party may appeal the order of the district
3 court to the Montana supreme court by filing a notice of
4 appeal within 5 days of the date of the order of the
5 district court."

-End-

Approved by Committee
on State Administration

1 SENATE BILL NO. 235
2 INTRODUCED BY GALT, GRAHAM, GOODOVER,
3 KDLSTAD, STORY, HAFFERMAN
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT THE
6 LEGISLATIVE COUNCIL, RATHER THAN THE ATTORNEY GENERAL,
7 PREPARE BALLOT ISSUE STATEMENTS OF EXPLANATION PURPOSE AND
8 OF IMPLICATION; AMENDING SECTIONS 13-27-202, 13-27-311,
9 13-27-312, 13-27-315, AND 13-27-316, MCA."
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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 13-27-202, MCA, is amended to read:
13 "13-27-202. Approval of form required. (1) Before a
14 petition may be circulated for signatures, a sample sheet
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.
25 (2) The secretary of state shall review the comments

1 and statements of the attorney-general legislative council
2 received pursuant to 13-27-312 and make a final decision as
3 to the approval or rejection of the form of the petition.
4 The secretary of state shall send written notice to the
5 person who submitted the petition sheet of the approval
6 within 28 days after submission of the petition sheet. The
7 secretary of state shall send written notice if the petition
8 has been rejected together with reasons for rejection within
9 14 days after submission of the petition sheet."
10 Section 2. Section 13-27-311, MCA, is amended to read:
11 "13-27-311. Publication of proposed constitutional
12 amendments. (1) If a proposed constitutional amendment or
13 amendments are submitted to the people, the secretary of
14 state shall have the proposed amendment or amendments
15 published in full twice each month for 2 months previous to
16 the election at which they are to be voted upon by the
17 people, in not less than one newspaper of general
18 circulation in each county.
19 (2) The secretary of state may arrange for newspaper,
20 radio, or television publication of proposed constitutional
21 amendments in each county. A summary of the amendment as
22 provided by the attorney--general legislative council, as
23 described in 13-27-312 or 13-27-315, would suffice for the
24 publication required by this section and should be made at
25 least twice each month for 2 months previous to the

1 election."

2 Section 3. Section 13-27-312, MCA, is amended to read:

3 "13-27-312. Review of petition by attorney general --
4 preparation of statement. (1) Upon receipt of a petition
5 from the office of the secretary of state pursuant to
6 13-27-202, the attorney general shall examine the petition
7 as to form. If the petition form is approved, the attorney
8 general shall forward the petition to the legislative
9 council. The legislative council shall prepare and transmit
10 to the secretary of state a concise statement not exceeding
11 100 words. This statement shall express a true and impartial
12 explanation of the purpose of the proposed ballot issue in
13 plain, easily understood language. The statement may not be
14 an argument and may not be written so as to create prejudice
15 for or against the measure. The statement prepared pursuant
16 to this subsection, unless altered by a court under
17 13-27-316, is the petition title for the measure circulated
18 by the petition and the ballot title if the measure is
19 placed on the ballot.

20 (2) At the same time the statement of purpose is
21 prepared, the ~~attorney-general~~ legislative council shall
22 prepare statements of the implication of a vote for or
23 against a ballot issue. The statements of implication may be
24 no more than 25 words each and shall be in simple, impartial
25 language clearly explaining the meaning of a vote for and a

1 vote against the issue. The statements of implication
2 prepared pursuant to this section, unless altered by a court
3 under 13-27-316, are the statements to be used on the
4 petition and the ballot if the measure is placed on the
5 ballot. The statements of implication shall be placed
6 beside the diagram provided for marking of the ballot in a
7 manner similar to the following example:

8 FOR extending the right to vote to persons 18 years
9 of age
10 AGAINST extending the right to vote to persons 18
11 years of age

12 (3) If the petition is rejected as to form, the
13 attorney general shall forward his comments to the secretary
14 of state within 10 days after receipt of the petition by the
15 attorney general. If the petition is approved as to form,
16 the attorney general shall forward the PETITION TO THE
17 LEGISLATIVE COUNCIL WITHIN 10 DAYS AFTER RECEIPT OF THE
18 PETITION BY THE ATTORNEY GENERAL. THE LEGISLATIVE COUNCIL
19 SHALL FORWARD THE statement of purpose ~~and the statements of~~
20 ~~implication~~ to the secretary of state within ~~21~~ 11 days
21 after receipt of the petition by FROM the attorney general."

22 Section 4. Section 13-27-315, MCA, is amended to read:

23 "13-27-315. Statements by ~~attorney-general~~ legislative
24 council on issues referred by legislature. (1) At the same
25 time the attorney general, pursuant to 13-27-313, informs

1 the secretary of state of the approval or rejection of a
 2 ballot form for an issue proposed by the legislature, the
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 4 secretary of state a statement, not exceeding 100 words,
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 7 statement may not be an argument and may not be written to
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 9 prepared under this section is known as the ~~attorney~~
 10 ~~general's~~ legislative council's explanatory statement.

11 (2) If statements of the implication of a vote for or
 12 against a ballot issue have not been provided by the
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 19 secretary of state no later than the time specified for
 20 approval of the ballot form."

21 Section 5. Section 13-27-316, MCA, is amended to read:

22 "13-27-316. Court review of ~~attorney--~~~~general~~
 23 legislative council statements. (1) If the proponents of a
 24 ballot measure believe that the statement of purpose or the
 25 statements of implication of a vote formulated by the

1 ~~attorney--general~~ legislative council pursuant to 13-27-312
 2 do not satisfy the requirements of 13-27-312, they may,
 3 within 10 days of receipt of the notice from the secretary
 4 of state provided for in 13-27-202, file an action in the
 5 district court in and for the county of Lewis and Clark
 6 challenging the adequacy of the statement and requesting the
 7 court to alter the statement.

8 (2) If the opponents of a ballot measure believe that
 9 the statement of purpose or the statements of implication of
 10 a vote formulated by the ~~attorney--general~~ legislative
 11 council pursuant to 13-27-312 do not satisfy the
 12 requirements of 13-27-312, they may, within 10 days of the
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4 in the office of the secretary of state by the proponents.

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 2 do not satisfy the requirements of 13-27-312, they may,
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 5 district court in and for the county of Lewis and Clark
 6 challenging the adequacy of the statement and requesting the
 7 court to alter the statement.

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 10 a vote formulated by the attorney--general legislative
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2 on the petition for circulation and on the official ballot.

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6 court to the Montana supreme court by filing a notice of
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