

SENATE BILL NO. 230

INTRODUCED BY MCCALLUM BY REQUEST

IN THE SENATE

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| January 20, 1983 | Introduced and referred to Committee on State Administration. |
| January 31, 1983 | Committee recommend bill do pass as amended. Report adopted. |
| February 1, 1983 | Bill printed and placed on members' desks. |
| February 2, 1983 | Second reading, do pass. |
| February 3, 1983 | Correctly engrossed. |
| February 4, 1983 | Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House. |

IN THE HOUSE

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| February 5, 1983 | Introduced and referred to Committee on State Administration. |
| March 3, 1983 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 5, 1983 | Second reading, concurred in. |
| March 7, 1983 | Third reading, concurred in. |

IN THE SENATE

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| March 8, 1983 | Returned to Senate with amendments. |
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March 9, 1983

Second reading,
amendments concurred in.

March 10, 1983

Third reading, amendments
concurred in. Ayes, 47;
Noes, 0.

Sent to enrolling.

Reported correctly
enrolled.

Spate BILL NO. *230*

INTRODUCED BY *McBathum by request*

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO RECALL PETITIONS; AMENDING SECTIONS 2-16-613, 2-16-620, AND 2-16-621, MCA."

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

Section 1. Section 2-16-613, MCA, is amended to read:

"2-16-613. Limitations on recall petitions. (1) A recall petition may not name more than one officer to be recalled.

(2) No recall petition shall be filed against an officer may be approved for circulation as required in 2-16-617(3) until he has held office for 2 months.

(3) No recall petition may be filed against an officer for whom a recall election has been held for a period of 2 years during his term of office unless the state or political subdivision or subdivisions financing such recall election is first reimbursed for all expenses of the preceding recall election."

Section 2. Section 2-16-620, MCA, is amended to read:

"2-16-620. County clerk to verify signatures == procedure for challenge. (1) The county clerk in each county in which such a petition is signed shall verify and compare

the signatures of the electors in such county with ~~registration--signatures--on--file--in--such--clerk's--office in the manner prescribed in 13-27-303~~ and, if satisfied the signatures are genuine, certify that fact to the officer with whom the recall petition is to be filed, in substantially the following form:

To the Honorable, Secretary of State of the State of Montana (or name and title of other officer):

I,, (title) of County certify that I have compared the signatures on sheets (specifying number of sheets) of the petition for recall No. attached ~~with the signatures of the registered voters as they appear upon the registration records of my office,~~ in the manner prescribed by law, and I believe (number) signatures are valid for the purpose of the petition. I further certify that the affidavit of the circulator of the (sheet) (section) of the petition is attached and that the post-office address is completed for each valid signature.

Signed: (Date) (Signature)

Seal (Title)

(2) A registered elector of a county having reason to believe that signatures on a petition, which were not among those actually compared with signatures in the registration records of the county, are not genuine may file a sworn

INTRODUCED BILL

1 statement or affirmation of his belief and a request for
 2 comparison of those signatures he believes are not genuine
 3 with the county official certifying the sheet or section of
 4 the petition. If any of the challenged signatures are not
 5 genuine, the county official must compare all signatures on
 6 that sheet or section and issue an amended certificate to
 7 the officer with whom the recall petition is to be filed,
 8 not more than 20 days after the challenge is filed, giving
 9 the correct number of valid signatures.

10 ~~(2)(3)~~ Every ~~such~~ Such certificate ~~shall be~~ is prima
 11 facie evidence of the facts stated therein ~~and of the~~
 12 ~~qualifications of the registered voters whose signatures are~~
 13 ~~certified,~~ and the secretary of state or other officer
 14 receiving the recall petition ~~shall~~ may consider and count
 15 only such signatures as are certified, ~~provided--that~~
 16 ~~However,~~ the officer with whom the recall petition is filed
 17 shall consider and count any remaining signatures of the
 18 registered voters which prove to be genuine, and such
 19 signatures shall be considered and counted if they are
 20 attested to in the manner and form as provided for
 21 initiative and referendum petitions.

22 ~~(3)(4)~~ The county clerk may not retain any petition ~~or~~
 23 ~~any part of it~~ for more than ~~15~~ 20 days following the
 24 receipt of the petition. The county clerk may not retain
 25 any portion of a petition for more than 20 days following

1 the receipt of that portion. At the expiration of such
 2 period the county clerk shall certify the valid signatures
 3 on the petition or on any portion of the petition and
 4 deliver the same to the person with whom the petition is
 5 required to be filed."

6 Section 3. Section 2-16-621, MCA, is amended to read:
 7 "2-16-621. Notification to officer -- statement of
 8 justification. Upon filing the petition or a portion of the
 9 petition containing the number of valid signatures required
 10 under 2-16-614, the official with whom it is filed shall
 11 immediately give written notice to the officer named in the
 12 petition. The notice shall state that a recall petition has
 13 been filed, shall set forth the reasons contained therein,
 14 and shall notify the officer named in the recall petition
 15 that he has the right to prepare and have printed on the
 16 ballot a statement containing not more than 200 words giving
 17 reasons why he should not be recalled. No such statement of
 18 justification shall be printed on the ballot unless it is
 19 delivered to the filing official within 10 days of the date
 20 notice is given."

-End-

Approved by Committee
on State Administration

SENATE BILL NO. 230
INTRODUCED BY MCCALLUM BY REQUEST

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS
RELATING TO RECALL PETITIONS; AMENDING SECTIONS 2-16-613,
2-16-620, AND 2-16-621, MCA."

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

Section 1. Section 2-16-613, MCA, is amended to read:

"2-16-613. Limitations on recall petitions. (1) A
recall petition may not name more than one officer to be
recalled.

(2) No recall petition shall be filed against an
officer ~~may be approved for circulation, as required in~~
~~2-16-617(3),~~ until he has held office for 2 months.

(3) No recall petition may be filed against an officer
for whom a recall election has been held for a period of 2
years during his term of office unless the state or
political subdivision or subdivisions financing such recall
election is first reimbursed for all expenses of the
preceding recall election."

Section 2. Section 2-16-620, MCA, is amended to read:

"2-16-620. County clerk to verify signatures ==
~~procedure for challenge.~~ (1) The county clerk in each county
in which such a petition is signed shall ~~verify and~~ compare

the signatures of the ~~EACH PERSON WHO HAS SIGNED THE~~
~~PETITION TO ASSURE THAT THEY ARE~~ electors in such county
~~with registration signatures on file in such clerk's office~~
~~in the manner prescribed in 2-16-27-303~~ and, if satisfied the
signatures are genuine, certify that fact to the officer
with whom the recall petition is to be filed, in
substantially the following form:

To the Honorable, Secretary of State of
the State of Montana (or name and title of other officer):

I,, (title) of County
certify that I have compared the signatures on sheets
(specifying number of sheets) of the petition for recall No.
..... attached ~~with the signatures of the registered voters~~
~~as they appear upon the registration records of my office,~~
~~in the manner prescribed by law,~~ and I believe
(number) signatures are valid for the purpose of the
petition. I further certify that the affidavit of the
circulator of the (sheet) (section) of the petition is
attached and that the post-office address is completed for
each valid signature.

Signed: (Date) (Signature)

Seal (Title)

~~(2) A registered elector of a county having reason to~~
~~believe that signatures on a petition, which were not among~~
~~those actually compared with signatures in the registration~~

1 ~~records of the county, are not genuine, may file a sworn~~
 2 ~~statement or affirmation of his belief and a request for~~
 3 ~~comparison of those signatures he believes are not genuine~~
 4 ~~with the county official certifying the sheet or section of~~
 5 ~~the petition. If any of the challenged signatures are not~~
 6 ~~genuine, the county official must compare all signatures on~~
 7 ~~that sheet or section and issue an amended certificate to~~
 8 ~~the officer with whom the recall petition is to be filed,~~
 9 ~~not more than 20 days after the challenge is filed, giving~~
 10 ~~the correct number of valid signatures.~~

11 ~~(2)(3) Every--such~~ Such certificate shall be ~~is~~ prima
 12 ~~facie evidence of the facts stated therein and--of--the~~
 13 ~~qualifications of the registered voters whose signatures are~~
 14 ~~certified, and the secretary of state or other officer~~
 15 ~~receiving the recall petition shall may consider and count~~
 16 ~~only such signatures as are certified, provided--that~~
 17 ~~However,~~ the officer with whom the recall petition is filed
 18 shall consider and count any remaining signatures of the
 19 registered voters which prove to be genuine, and such
 20 signatures shall be considered and counted if they are
 21 attested to in the manner and form as provided for
 22 initiative and referendum petitions.

23 ~~(3)(4) The county clerk may not retain any petition or~~
 24 ~~any--part--of--it for more than 25 20 30 days following the~~
 25 ~~receipt of the petition. The county clerk may not retain~~

1 ~~any portion of a petition for more than 20 30 days following~~
 2 ~~the receipt of that portion.~~ At the expiration of such
 3 period the county clerk shall ~~certify the valid signatures~~
 4 ~~on the petition or on any portion of the petition and~~
 5 deliver the same to the person with whom the petition is
 6 required to be filed."

7 Section 3. Section 2-16-621, MCA, is amended to read:
 8 "2-16-621. Notification to officer -- statement of
 9 justification. Upon filing the petition ~~or a portion of the~~
 10 ~~petition containing the number of valid signatures required~~
 11 ~~under 2-16-614,~~ the official with whom it is filed shall
 12 immediately give written notice to the officer named in the
 13 petition. The notice shall state that a recall petition has
 14 been filed, shall set forth the reasons contained therein,
 15 and shall notify the officer named in the recall petition
 16 that he has the right to prepare and have printed on the
 17 ballot a statement containing not more than 200 words giving
 18 reasons why he should not be recalled. No such statement of
 19 justification shall be printed on the ballot unless it is
 20 delivered to the filing official within 10 days of the date
 21 notice is given."

-End-

SENATE BILL NO. 230

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Section 1. Section 2-16-613, MCA, is amended to read:

"2-16-613. Limitations on recall petitions. (1) A recall petition may not name more than one officer to be recalled.

(2) No recall petition shall be filed against an officer ~~may be approved for circulation as required in 2-16-617(3)~~ until he has held office for 2 months.

(3) No recall petition may be filed against an officer for whom a recall election has been held for a period of 2 years during his term of office unless the state or political subdivision or subdivisions financing such recall election is first reimbursed for all expenses of the preceding recall election."

Section 2. Section 2-16-620, MCA, is amended to read:

"2-16-620. County clerk to verify signatures ~~== procedure for challenge.~~ (1) The county clerk in each county in which such a petition is signed shall ~~verify and compare~~

the signatures of the EACH PERSON WHO HAS SIGNED THE PETITION TO ASSURE THAT THEY ARE electors in such county with ~~registration signatures on file in such clerk's office in the manner prescribed in 2-27-393~~ and, if satisfied the signatures are genuine, certify that fact to the officer with whom the recall petition is to be filed, in substantially the following form:

To the Honorable, Secretary of State of the State of Montana (or name and title of other officer):

I,, (title) of County certify that I have compared the signatures on sheets (specifying number of sheets) of the petition for recall No. attached with the signatures of the registered voters as they appear upon the registration records of my office, in the manner prescribed by law, and I believe (number) signatures are valid for the purpose of the petition. I further certify that the affidavit of the circulator of the (sheet) (section) of the petition is attached and that the post-office address is completed for each valid signature.

Signed: (Date) (Signature)

Seal (Title)

(2) A registered elector of a county having reason to believe that signatures on a petition, which were not among those actually compared with signatures in the registration

1 ~~records of the county, are not genuine may file a sworn~~
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 8 ~~the officer with whom the recall petition is to be filed,~~
 9 ~~not more than 20 days after the challenge is filed, giving~~
 10 ~~the correct number of valid signatures.~~

11 ~~{2}{3}~~ Every--such ~~Such~~ certificate shall be is prima
 12 facie evidence of the facts stated therein and--of--the
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 19 justification shall be printed on the ballot unless it is
 20 delivered to the filing official within 10 days of the date
 21 notice is given."

-End-

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE
MARCH 2, 1983
AMENDMENTS TO SENATE BILL 230
THIRD READING - BLUE COPY

1. Page 1, line 23 and 24.

Strike: "==" on line 23 through "challenge" on line 24

2. Page 2, line 2.

Strike: "THEY" through "electors"

Insert: "he is an elector"

3. Page 2, line 23 through line 10 on page 3

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

4. Page 3, line 23.

Following: "any"

Insert: "portion of a"

5. Page 3, line 25 through line 2 on page 4.

Strike: "the" on line 25 through "of" on page 4, line 2

6. Page 4, line 4.

Following: line 3

Strike: "on the petition or"

Following: "or on"

Strike: "any"

Insert: "that"

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"2-16-620. County clerk to verify signatures ~~==~~
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in which such a petition is signed shall verify and compare

the signatures of the EACH PERSON WHO HAS SIGNED THE
PETITION TO ASSURE THAT THEY ARE ~~electors~~ HE IS AN ELECTOR
in such county with ~~registration signatures on file in such~~
~~clerk's office in the manner prescribed in 2-27-302~~ and, if
satisfied the signatures are genuine, certify that fact to
the officer with whom the recall petition is to be filed, in
substantially the following form:

To the Honorable, Secretary of State of
the State of Montana (or name and title of other officer):

I, (title) of County
certify that I have compared the signatures on sheets
(specifying number of sheets) of the petition for recall No.
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~~as they appear upon the registration records of my office,~~
in the manner prescribed by law, and I believe
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petition. I further certify that the affidavit of the
circulator of the (sheet) (section) of the petition is
attached and that the post-office address is completed for
each valid signature.

Signed: (Date) (Signature)

Seal (Title)

~~(2) A registered elector of a county having reason to~~
~~believe that signatures on a petition which were not among~~
~~those actually compared with signatures in the registration~~

~~records of the county are not genuine may file a sworn statement or affirmation of his belief and a request for comparison of those signatures he believes are not genuine with the county official certifying the sheet or section of the petition. If any of the challenged signatures are not genuine the county official must compare all signatures on that sheet or section and issue an amended certificate to the officer with whom the recall petition is to be filed, not more than 28 days after the challenge is filed giving the correct number of valid signatures.~~

~~(2)(2)(2)~~ Every such certificate shall be ~~is~~ prima facie evidence of the facts stated therein and of the qualifications of the registered voters whose signatures are certified, and the secretary of state or other officer receiving the recall petition shall ~~may~~ consider and count only such signatures as are certified, provided that ~~however,~~ the officer with whom the recall petition is filed shall consider and count any remaining signatures of the registered voters which prove to be genuine, and such signatures shall be considered and counted if they are attested to in the manner and form as provided for initiative and referendum petitions.

~~(3)(3)(3)~~ The county clerk may not retain any ~~portion~~ ~~of a~~ petition or any part of it for more than ~~15~~ ~~28~~ ~~30~~ days following the receipt of the petition. ~~The county clerk may~~

~~not retain any portion of a petition for more than 28 30 days following the receipt of that portion.~~ At the expiration of such period the county clerk shall ~~certify the valid signatures on the petition or on any IHA1 portion of the petition and~~ deliver the same to the person with whom the petition is required to be filed."

Section 3. Section 2-16-621, MCA, is amended to read:

"2-16-621. Notification to officer -- statement of justification. Upon filing the petition ~~or a portion of the petition containing the number of valid signatures required~~ under 2-16-614, the official with whom it is filed shall immediately give written notice to the officer named in the petition. The notice shall state that a recall petition has been filed, shall set forth the reasons contained therein, and shall notify the officer named in the recall petition that he has the right to prepare and have printed on the ballot a statement containing not more than 200 words giving reasons why he should not be recalled. No such statement of justification shall be printed on the ballot unless it is delivered to the filing official within 10 days of the date notice is given."

-End-