SENATE BILL NO. 230

INTRODUCED BY MCCALLUM BY REQUEST

IN THE SENATE

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	
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.
	TN THE SENATE	

IN THE SENATE

March 8, 1983

Returned to Senate with amendments.

March 9, 1983

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March 10, 1983

Second reading, amendments concurred in.

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

Sent to enrolling.

Reported correctly enrolled.

INTRODUCED BY Maballen by request 1 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS

5 RELATING TO RECALL PETITIONS; AMENDING SECTIONS 2-16-613, ٨ 2-16-620. AND 2-16-621. MCA."

7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 2-16-613, MCA, is amended to read: #2-16-613. Limitations on recall petitions. (1) A 10 recal) petition may not name more than one officer to be 11 12 recalled.

(2) No recall petition shall-be-filed against an 13 officer may be approved for circulation, as required in 14 15 2-16-617(3) until he has held office for 2 months.

16 (3) No recall petition may be filed against an officer 17 for whom a recall election has been held for a period of 2 years during his term of office unless the state or 18 political subdivision or subdivisions financing such recall 19 election is first reimbursed for all expenses of the 20 preceding recall election." 21

Section 2. Section 2-16-620, MCA, is amended to read: 22 23 #2-16-620. County clerk to verify signatures ____ procedure for challenge. (1) The county clerk in each county 24 in which such a petition is signed shall verify and compare 25

1 the signatures of the electors in such county with 2 registration--signatures--on--file-in-such-clerk*s-office in the manner prescribed in 13-27-303 and, if satisfied the 3 signatures are genuine, certify that fact to the officer 4 5 with whom the recall petition is to be filed, in substantially the following form: 6

7 the State of Montana (or name and title of other officer): 8 I, (title) of County 9 10 certify that I have compared the signatures on sheets 11 (specifying number of sheets) of the petition for recall No. 12 attached with-the-signatures-of-the-registered-voters 13 as-they-appear-upon-the-registration-records-of--my--office, 14 in the manner prescribed by law, and I believe 15 (number) signatures are valid for the purpose of the petition. I further certify that the affidavit of the 16 circulator of the (sheet) (section) of the petition is 17 18 attached and that the post-office address is completed for 19 each valid signature. Signed: (Date) •••••••••••••••• (Signature) 20 21 Seal (Title) 22 (2) A registered elector of a county having reason to

23 believe that signatures on a petition, which were not among

24 those actually compared with signatures in the registration records of the county, are not genuine may file a sworn 25

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INTRODUCED BILL

LC 2030/01

.1 statement or affirmation of his belief and a request for 2 comparison of those signatures he be) ieves are not denuine 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 aual ifications-of-the-registered-veters-whose-signatures-are 12 certified, and the secretary of state or other officer 13 receiving the recall petition shall may consider and count 14 15 only such signatures as are certifiedy, provided-that However, the officer with whom the recall petition is filed 16 17 shall consider and count any remaining signatures of the registered voters which prove to be genuine, and such 18 19 signatures shall be considered and counted if they are attested to in the manner and form as provided for 20 initiative and referendum petitions. 21

. .

22 (13)(4) The county clerk may not retain any petition or 23 any-port-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

the receipt of that portion. At the expiration of such 1 period the county clerk shall certify the valid signatures 2 on the petition or on any portion of the petition and 3 deliver the same to the person with whom the petition is 4 required to be filed." 5 Section 3. Section 2-16-621, MCA, is amended to read: 6 =2-16-621. Notification to officer --- statement of 7 justification. Upon filing the petition or a portion of the 8 petition containing the number of valid signatures required 9 under 2-16-614, the official with whom it is filed shall 10 immediately give written notice to the officer named in the 11 petition. The notice shall state that a recall petition has 12 been filed, shall set forth the reasons contained therein, 13 and shall notify the officer named in the recall petition 14 that he has the right to prepare and have printed on the 15 ballot a statement containing not more than 200 words giving 16 17 reasons why he should not be recalled. No such statement of justification shall be printed on the ballot unless it is 18 19 delivered to the filing official within 10 days of the date

20 notice is given."

-End-

Approved by Committee on State Administration

1	SENATE BILL NO. 230	1	the signatures of the EACH_PERSON_WHO_HAS_SIGNED_THE
2	INTRODUCED BY MCCALLUM BY REQUEST	2	PEIITION_TO_ASSUBE_THAT_THEY_ABE electors in such county
3		3	with-registration-signatures-on-file-in-such-clark^soffice
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS	4	in <u>::the:songer:prescribed-in-13-27-303</u> and, if satisfied the
5	RELATING TO RECALL PETITIONS; AMENDING SECTIONS 2-16-613,	5	signatures are genuine, certify that fact to the officer
6	2-16-620, AND 2-16-621, MCA."	6	with whom the recall petition is to be filed, in
7		7	substantially the following form:
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	To the Honorable
9	Section 1. Section 2-16-613, MCA, is amended to read:	9	the State of Montana (or name and title of other officer):
10	■2-16-613。 Limitations on recall petitions。 (1) A	10	I, County
11	recall petition may not name more than one officer to be	11	certify that I have compared the signatures on •••••• sheets
12	recalled.	12	(specifying number of sheets) of the petition for recall No.
13	(2) No recall petition shallbefiled against an	13	••••• attached with-the-signatures-of-the-registered-voters
14	officer <u>may be approved for circulations as required in</u>	14	astheyappear-apon-the-registration-records-of-my-office_
15	2-16-617(3), until he has held office for 2 months.	15	in the manner prescribed by law, and I believe
16	(3) No recall petition may be filed against an officer	16	(number) signatures are valid for the purpose of the
17	for whom a recall election has been held for a period of 2	17	petition. I further certify that the affidavit of the
18	years during his term of office unless the state or	18	circulator of the (sheet) (section) of the petition is
19	political subdivision or subdivisions financing such recall	19	attached and that the post-office address is completed for
20	election is first reimbursed for all expenses of the	20	each valid signature.
21	preceding recall election."	21	Signed: (Date) (Signature)
22	Section 2. Section 2-16-620, MCA, is amended to read:	22	Seal (Title)
23	"2-16-620. County clerk to verify signatures	23	<u>[2].A_registered_elector_of_a_county_baving_reason_to</u>
24	procedure_for_challenge+ (1) The county clerk in each county	24	<u>believe_that_signatures_on_a_petitions_which_were_notamong</u>
25	in which such a petition is signed shall <u>verify and</u> compare	25	those actually compared with signatures in the registration

1	records of the county, are not genuine way file a sworn
2	<u>statement_or_affirmation_of_bis_belief_and_a_request_for</u>
3	<u>comparison_of_those_signatures_be_believes_arenotgenuine</u>
4	with the county official certifying the sheet or section of
5	the petition. If any of the challenged signatures are not
6	genvinethe_county_official_must_compare_all_signatures_on
7	<u>that_sheet_or_section_and_issue_an_amended_certificate_to</u>
8	the officer with whom the recall petition is to be filed.
9	not_more_than_20_days_after_the_challenge_is_filed*glving
10	the_correct_number_of_xalid_signatures.
11	[2][3] Every-such <u>Such</u> certificate shall-be <u>is</u> prima
12	facie evidence of the facts stated therein andofthe
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 certifiedy, provided--that 17 However, the officer with whom the recall petition is filed 18 shall consider and count any remaining signatures of the registered voters which prove to be genuines and such 19 signatures shall be considered and counted if they are 20 **Z1** attested to in the manner and form as provided for 22 initiative and referendum petitions.

23 (3)(14) The county clerk may not retain any petition or
 24 ony-port-of--it for more than 15 28 30 days following the
 25 receipt of the petition. The county clerk may not retain

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SB 230

1 any portion of a petition for more than 28.30 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:

"2-16-621. Notification to officer --- statement of 8 9 justification. Upon filing the petition or a portion of the 10 petition containing the number of valid signatures required under__2-16-614, the official with whom it is filed shall 11 12 immediately give written notice to the officer named in the 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 17 ballot a statement containing not more than 200 words giving 18 reasons why he should not be recalled. No such statement of 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." 21

-End-

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SB 230

1	SENATE BILL NO. 230	1	the signatures of the EACH_PERSON_WHO_HAS_SIGNED_THE
2	INTRODUCED BY HCCALLUM BY REQUEST	2	PEIIIION_IO_ASSURE_IHAI_IHEY_ARE electors in such county
3		3	with-registration-signatures-on-file-in-such-elerk#soffice
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS	4	in <u>retherpanner-prescribed-in-13-27-393</u> and, if satisfied the
5	RELATING TO RECALL PETITIONS; AMENDING SECTIONS 2-16-613,	5	signatures are genuine, certify that fact to the officer
6	2-16-620+ AND 2-16-621+ MCA+"	6	with whom the recall petition is to be filed, in
7		7	substantially the following form:
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	To the Honorable
9	Section 1. Section 2~16-613, MCA, is amended to read:	9	the State of Montana (or name and title of other officer):
10	"2-16-613. Limitations on recall petitions. (1) A	10	I, County
11	recall petition may not name more than one officer to be	11	certify that I have compared the signatures on sheets
12	recalled.	12	(specifying number of sheets) of the petition for recall No.
13	(2) No recall petition shall-befiled against an	13	••••• attached with-the-signatures-of-the-registered-voters
14	officer <u>may be approved for circulations as required in</u>	14	astheyappear-upon-the-registration-records-of-my-office.
15	<u>2-16-617(3)</u> until he has held office for 2 months.	15	in_the_manner_prescribed_by_law, and I believe
16	(3) No recall petition may be filed against an officer	16	(number) signatures are valid for the purpose of the
17	for whom a recall election has been held for a period of 2	17	petition. I further certify that the affidavit of the
18	years during his term of office unless the state or	18	circulator of the (sheet) (section) of the petition is
19	political subdivision or subdivisions financing such recall	19	attached and that the post-office address is completed for
20	election is first reimbursed for all expenses of the	20	each valid signature.
21	preceding recall election."	21	Signed: (Date)
Z2	Section 2. Section 2~16-620, MCA, is amended to read:	22	Seal (Title)
23	"2-16-620. County clerk to verify signatures ==	23	[21_A_registered_elector_of_a_county_baving_reason_to
24	<u>procedure_for_challenge</u> . (1) The county clerk in each county	24	<u>belleve_tbat_signatures_on_a_petitionwhich_were_notamong</u>
25	in which such a petition is signed shall <u>verify and</u> compare	25	theseactually_compared_with_signatures_in_the_registration

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SB 230

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1 records of the county are not genuine may file a sworn z statement_or_affirmation_of_his_belief_and_a_request_for 3 comparison of those signatures be believes are not genuine with the county official certifying the sheet or section of 4 5 the petition. If any of the challenged signatures are not 6 penuines __the county official must compare all signatures on 7 that_spect_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 the correct number of valid signatures. 10

(2)(3) Every--such Such certificate shell-be is prima 11 12 facie evidence of the facts stated therein and--of--the 13 aualifications-of-the-registered-voters-whose-signatures-are certified, and the secretary of state or other officer 14 15 receiving the recall petition shall may consider and count 16 only such signatures as are certifiedy, 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 signatures shall be considered and counted if they are 20 21 attested to in the manner and form as provided for 22 initiative and referendum petitions.

23 (3)(1) The county clerk may not retain any petition or
 24 ony-port-of--it for more than 15 20 30 days following the
 25 receipt of the petition. The county clerk may not retain

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1 any portion of a petition for wore than 28 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: "2-16-621. Notification to officer -- statement of 8 9 justification. Upon filing the petition or a portion of the petition containing the number of valid signatures, required 10 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 been filed, shall set forth the reasons contained therein, 14 and shall notify the officer named in the recall petition 15 16 that ne has the right to prepare and have printed on the ballot a statement containing not more than 200 words giving 17 18 reasons why he should not be recalled. No such statement of 19 justification shall be printed on the ballot unless it is delivered to the filing official within 10 days of the date 20 notice is given." 21

-End-

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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" "that" Insert:

SB 0230/03

1	SENATE BILL NO. 230	1	the signatures of the EACH_PERSON_WHO_HAS_SIGNED_IHE
2	INTRODUCED BY MCCALLUM BY REQUEST	2	PEIITION_IQ_ASSUBE_IMAI THEY_ABE efectors HE_IS_AN_ELECTOR
3		3	in such county with-registration-signatures-on-file-insuch
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS	4	elerkts-office <u>in:tba:monner:prescribed-in-13=27-303</u> and, if
5	RELATING TO RECALL PETITIONS; AMENDING SECTIONS 2-16-613,	5	satisfied the signatures are genuine, certify that fact to
6	2-16-620, AND 2-16-621, MCA."	6	the officer with whom the recall petition is to be filed, in
7		7	substantially the following form:
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	To the Honorable
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12	recalled.	12	(specifying number of sheets) of the petition for recall No.
13	[2] No recall petition shall-be-filed against an	13	attached with-the-signatures-of-the-registered-voters
14	officer way be approved for sirculations as required in	14	ostheyappear-upon-the-registration-records-of-my-office_
15	<u>2-16-61713).</u> until he has held office for 2 months.	15	in the manner_prescribed_by_law, and I believe
16	(3) No recall petition may be filed against an officer	16	(number) signatures are valid for the purpose of the
17	for whom a recall election has been held for a period of 2	17	petition. I further certify that the affidavit of the
18	years during his term of office unless the state or	18	circulator of the (sheet) (section) of the petition is
19	political subdivision or subdivisions financing such recall	19	attached and that the post-office address is completed for
20	election is first reimbursed for all expenses of the	20	each valid signature.
21	preceding recall election."	21	Signed: (Date) (Signature)
22	Section 2. Section 2-16-620, MCA, is amended to read:	22	Seal (Title)
23	=Z-16-620. County clerk to verify signatures ==	23	<u> t21==k==registered=s2ector=of=8=teatostertog=reason=to</u>
24	procedure=for=challenge. (1) The county clerk in each county	24	<u>believe_tbot_gigopturgg_op_q_petitiaax_wbisb_were_agtamong</u>
25	in which such a petition is signed shall <u>verify and</u> compare	25	these:_setually_compared_with_signatures_in_the_registration
			•
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records_of_the_county_are_not__genuine__say__file_sa__sworn 1 statement=-or=-offirmation==of==his=belief=and-a=request=for 2 comparison-of-those-signatures_he-believes-are--not--geouine 3 4 with--the-county-pfficial-certifying-the-sheet-prosetion-of 5 the-actitions__lf-any_sf_the-challenged_signatures__are__ant consiner__the-countroofficial-sust_comport_all_signatures.com 6 7 thet-sheet-or-section-ond-tasus-an-seconded_certificate-_to 8 9 ost_more_then_20_dera_ofter_the_challenge_is__filedy___sixing 10 thercorrect-number-of-yalid-sigastares. 1211211 Every--such Such certificate shall--be is 11 12 prima facie evidence of the facts stated therein and-of--the 13 gualifications-of-the-registered-voters-whose-signatures-are certified, and the secretary of state or other officer 14

15 receiving the recall petition shall may consider and count 16 only such signatures as are certifiedy, provided--that 17 Howevers 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)(1) The county clerk may not retain any PORTION
 24 <u>DE_A</u> patition or-any-part-of-it for more than 15 28 30 days
 25 following__the_receipt_of the_petitions The_county-clerk_may

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1 not:retain_any_partion_of:a_petition_far_mare:=then__28::38
2 dsys:==following===the==receipt==of that__partion__ At the
3 expiration of such period the county clerk shall certify_the
4 valid_signatures on:the=petition=or on ony IMAI partion__of
5 the__petition__and deliver the same to the person with whom
6 the petition is 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 <u>petition_containing_the_number_of_valid_signatures_required</u> under_2-16-614, the official with whom it is filed shall 11 immediately give written notice to the officer named in the 12 13 petition. The notice shall state that a recall petition has 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 17 ballot a statement containing not more than 200 words giving 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 21 notice is given."

-End-

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