

SENATE BILL NO. 284

Introduced: 01/25/83

Referred to Committee on State Administration: 01/25/83

Hearing: 01/31/83

Report: 02/08/83, Do Pass, As Amended

On Motion, 2/10/83, Segregated

2nd Reading: 02/11/83

2nd Reading: 2/11/83, Be Indefinitely Postponed
Bill Killed.

1 *Senate* BILL NO. *284*
 2 INTRODUCED BY *Bob Brown Clerk F. H. Hager Secretary*
 3 BY REQUEST OF THE SECRETARY OF STATE *C. Smith, Higgins, Trent, Wallin, Astoria, Hall*
 4 *Wambler, Swaffar, Erickson, Lindtvedt*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 6 INCLUSION OF CANDIDATE INFORMATION IN THE VOTER INFORMATION
 7 PAMPHLET; AMENDING SECTIONS 13-27-401, 13-27-409, AND
 8 13-27-410, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 13-27-401, MCA, is amended to read:
 12 "13-27-401. Voter information pamphlet. (1) Prior to
 13 each general election at which a statewide office is to be
 14 filled or a ballot issue voted on, the secretary of state
 15 shall prepare for printing a voter information pamphlet.
 16 ~~(1)(2) The secretary of state shall prepare for~~
 17 ~~printing a voter information pamphlet containing must~~
 18 ~~contain~~ the following information for each ballot issue to
 19 be voted on ~~at an election~~, as applicable:
 20 (a) ballot title, fiscal statement if applicable, and
 21 complete text of the issue;
 22 (b) the form in which the issue will appear on the
 23 ballot;
 24 (c) arguments advocating approval and rejection of the
 25 issue; and

(d) rebuttal arguments.
 (3) The voter information pamphlet must:
 (a) contain information on each candidate for any of
 the following offices who chooses to be included:
 (i) United States senator;
 (ii) United States representative;
 (iii) governor and lieutenant governor;
 (iv) secretary of state;
 (v) attorney general;
 (vi) state auditor;
 (vii) public service commissioner;
 (viii) state superintendent of public instruction;
 (ix) clerk of the supreme court;
 (x) chief justice of the supreme court; and
 (xi) justice of the supreme court;
 (b) for each candidate for an office listed in
 subsection (3)(a), contain at least the following
 information:
 (i) a photograph taken within the preceding 4 years;
 (ii) the candidate's name and age;
 (iii) the office sought and party affiliation;
 (iv) occupation, including current and past employment;
 (v) current and previous places of residence;
 (vi) length of residence in Montana;
 (vii) educational background; and

(viii) past political involvement;

(c) be arranged so that all information about a particular candidate is contained on a single page and that one page is allotted for each candidate who chooses to be included. For purposes of this section, candidates for the offices of governor and lieutenant governor must be considered as one.

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

(3)(5) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The subject to subsection (3)(c), the secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues and candidates in the pamphlet shall must be presented in the same order uniformly.

(6) The secretary of state may not exclude from the voter information pamphlet any of the information specified in this part for inclusion, except that:

(a) ballot issue arguments or rebuttal arguments may be excluded in the manner and for the reasons specified in 13-27-408;

(b) individual statements of candidacy may be excluded

in the same manner and for the same reasons as provided for rejection of improper arguments in 13-27-408;

(c) information, statements, or arguments that are not submitted by the deadlines provided in this part may be excluded; and

(d) items of information about candidates and statements of candidacy may be excluded at the discretion of the secretary of state for space reasons if they are uniformly excluded for all candidates."

Section 2. Section 13-27-409, MCA, is amended to read:

"13-27-409. Liability for contents of argument or statement. Nothing in this chapter relieves an author of any argument or statement from civil or criminal responsibility for statements contained in an argument or statement printed in the voter information pamphlet."

Section 3. Section 13-27-410, MCA, is amended to read:

"13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the general election at which they will be submitted. The requisition shall include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract shall require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 30 days before the general election ~~at which the ballot issues will be voted on by the people.~~

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing shall take place no later than 2 weeks after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet shall be available at each precinct for use by any voter wishing to read the explanatory information and complete text before

voting on the ballot issues."

NEW SECTION. Section 4. Candidate participation voluntary -- submission of information. (1) Participation in the candidate information section of the voter information pamphlet is voluntary and at the discretion of the candidates specified in 13-27-401.

(2) Candidates who choose to participate shall:

(a) pay a fee as provided in [section 5];

(b) submit information in the form prescribed by the secretary of state, which form shall request at least the information specified in 13-27-401 and a statement of candidacy not to exceed 200 words; and

(c) pay the fee and file the completed form with the secretary of state no later than 5 p.m., 90 days before the election.

(3) Candidate information on forms not completed and filed by the filing deadline may not be included in the voter information pamphlet.

(4) The secretary of state shall by certified mail notify each eligible candidate of the opportunity for inclusion in the voter information pamphlet, the deadline for submission of information, and the fee for participation and shall furnish each with a form for the submission of information.

NEW SECTION. Section 5. Fee for participation in

1 voter information pamphlet. The secretary of state shall by
2 rule establish fees for the participation of candidates in
3 the voter information pamphlet. The fees must be uniform for
4 all candidates and must be reasonably related to the costs
5 of including information on candidates in the voter
6 information pamphlet. Costs to be considered include only
7 those attributable to candidate information and not those
8 attributable to the information regarding ballot issues. The
9 secretary of state shall maintain records sufficient to
10 support the fees established under this section.

11 NEW SECTION. Section 6. Codification instruction.
12 Sections 4 and 5 are intended to be codified as an integral
13 part of Title 13, chapter 27, part 4, and the provisions of
14 Title 13, chapter 27, part 4, apply to sections 4 and 5.

-End-

STATE OF MONTANA

REQUEST NO. 243-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 284 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 284 provides for inclusion of information on candidates for designated offices in the Voter Information Pamphlet and specifies the format for the information.

ASSUMPTIONS:

- 1) Assume 3 candidates for each of the following offices: Western District U.S. Representative, Eastern District U.S. Representative, Governor, Secretary of State, Attorney General, State Auditor, Superintendent of Public Instruction, PSC District 2, PSC District 4 and PSC District 5.
- 2) Assume 3 candidates for each of the open seats on the Supreme Court.
- 3) Assume all candidates choose to participate in the candidate information section.
- 4) Assume a fee for participation of \$1,350.

FISCAL IMPACT:Revenue:

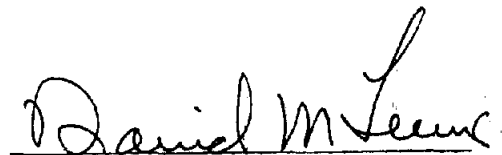
Under Current Law	\$ -0-
Under Proposed Law	45,900
Increase In Revenues	<u>\$45,900</u>

Expenditures:

Under Current Law	\$51,558
Under Proposed Law	97,322
Increase In Expenditures	<u>\$45,764</u>

Net effect In Revenue	<u>\$ 136</u>
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FISCAL NOTE 9:G/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-31-83

1 STATEMENT OF INTENT

2 SENATE BILL 284

3 Senate State Administration Committee

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5 A statement of intent is required for this bill because
6 section 5 would grant the Secretary of State the authority
7 to adopt rules establishing fees for the participation of
8 candidates in the voter information pamphlet. Rules are to
9 be adopted under the Montana Administrative Procedure Act.
10 The rules must be consistent with the requirements of
11 section 5 regarding uniformity for all candidates and fees
12 being reasonably related to costs.

SECOND READING

SB 284

Approved by Committee
on State Administration

SENATE BILL NO. 284

INTRODUCED BY B. BROWN, ECK, FAGG, HAGER, KEATING, C. SMITH,
HOLLIDAY, WINSLOW, SWITZER, TVEIT, WALLIN, ETCHART,
CRIPPEN, PISTORIA, NORDTVEDT, GALT
BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
INCLUSION OF CANDIDATE INFORMATION IN THE VOTER INFORMATION
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printing a voter information pamphlet containing must
contain the following information for each ballot issue to
be voted on at an election, as applicable:

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

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

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

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(3) The voter information pamphlet must:

(a) contain information on each candidate for any of
the following offices who chooses to be included:

(i) United States senator;

(ii) United States representative;

(iii) governor and lieutenant governor;

(iv) secretary of state;

(v) attorney general;

(vi) state auditor;

(vii) public service commissioner;

(viii) state superintendent of public instruction;

(ix) clerk of the supreme court;

(x) chief justice of the supreme court; and

(xi) justice of the supreme court;

(b) for each candidate for an office listed in
subsection (3)(a), the information pamphlet may contain at
least the following information:

(i) a photograph taken within the preceding 4 years;

(ii) the candidate's name and age;

(iii) the office sought and party affiliation, if
APPLICABLE TO THE OFFICE SOUGHT;

(iv) occupation, including current and past employment;

1 (vi) current and previous places of residence;

2 (vii) length of residence in Montana;

3 (viii) educational background; and

4 (ix) past political involvement; AND

5 (IX) A 200-WORD STATEMENT OF CANDIDACY, AS PROVIDED IN

6 [SECTION 4];

7 ~~it be increased so that all information about a~~

8 ~~particular candidate is contained on a single page and that~~

9 ~~one page is allotted for each candidate who chooses to be~~

10 ~~included for purposes of this section; candidates for the~~

11 ~~offices of governor and lieutenant governor must be~~

12 ~~considered as one~~

13 (C) BE ARRANGED SO THAT EACH CANDIDATE EXCEPT THOSE IN

14 SUBSECTION (3)(D) IS ALLOTTED THE SAME AMOUNT OF SPACE, FOR

15 PURPOSES OF THIS SECTION, CANDIDATES FOR THE OFFICES OF

16 GOVERNOR AND LIEUTENANT GOVERNOR SHALL BE CONSIDERED AS ONE.

17 (D) FOR CANDIDATES FOR AN OFFICE LISTED IN SUBSECTION

18 (3)(A) WHO DO NOT SUBMIT THE FEE AND INFORMATION SPECIFIED

19 IN [SECTION 4], CONTAIN:

20 (I) THE CANDIDATE'S NAME AND PARTY AFFILIATION, IF

21 ANY; AND

22 (II) THE FOLLOWING STATEMENT: "CANDIDATE PARTICIPATION

23 IN THIS PAMPHLET IS VOLUNTARY AND REQUIRES PAYMENT OF A

24 SUBSTANTIAL FEE. SOME CANDIDATES DID NOT CHOOSE TO SUBMIT

25 INFORMATION AND PAY THE FEE."

1 (2)(4) The pamphlet shall ~~must~~ also contain a notice

2 advising the recipient where additional copies of the

3 pamphlet may be obtained.

4 (3)(2) ~~Whenever more than one ballot issue is to be~~

5 ~~voted on at a single election, the secretary of state may~~

6 ~~publish a single pamphlet for all of the ballot issues. The~~

7 ~~Subject to subsection (3)(c), the secretary of state may~~

8 arrange the information in the order which seems most

9 appropriate, but the information for all issues and

10 candidates in the pamphlet shall ~~must~~ be presented in the

11 ~~some order uniformly.~~

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13 ~~voter information pamphlet any of the information specified~~

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17 ~~13-27-408;~~

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19 ~~in the same manner and for the same reasons as provided for~~

20 ~~rejection of improper arguments in 13-27-408;~~

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(3) Candidate information on forms not completed and filed by the filing deadline may not be included in the voter information pamphlet.

(4) The secretary of state shall by certified mail notify each eligible candidate of the opportunity for inclusion in the voter information pamphlet, the deadline for submission of information, and the fee for participation and shall furnish each with a form for the submission of information. ~~CANDIDATE NOTIFICATIONS SHALL BE MAILED, POSTAGE PREPAID, TO THE ADDRESS PROVIDED BY THE CANDIDATE ON HIS DECLARATION FOR NOMINATION.~~

NEW SECTION. Section 5. Fee for participation in voter information pamphlet. The secretary of state shall by rule establish fees for the participation of candidates in the voter information pamphlet. The fees must be uniform for all candidates and must be reasonably related to the costs of including information on candidates in the voter

information pamphlet. Costs to be considered include only those attributable to candidate information and not those attributable to the information regarding ballot issues. The secretary of state shall maintain records sufficient to support the fees established under this section.

NEW SECTION. Section 6. Codification Instruction. Sections 4 and 5 are intended to be codified as an integral part of Title 13, chapter 27, part 4, and the provisions of Title 13, chapter 27, part 4, apply to sections 4 and 5.

-End-