

HOUSE BILL NO. 535

1/29 Introduced
1/29 Referred to State Administration
2/08 Hearing
2/09 Adverse Committee Report
2/09 Statement of Intent Attached
2/11 Objection to Adverse Committee Report
2/13 2nd Reading Do Not Pass
2/13 Bill Killed

1 HOUSE BILL NO. 535
 2 INTRODUCTION BY Harold
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 5 INCLUSION OF CANDIDATE INFORMATION IN THE VOTER INFORMATION
 6 PAMPHLET; AMENDING SECTIONS 13-27-401, 13-27-409, AND
 7 13-27-410, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 13-27-401, MCA, is amended to read:
 11 "13-27-401. Voter information pamphlet. (1) Prior to
 12 each general election at which a statewide office is to be
 13 filled or a ballot issue voted on, the secretary of state
 14 shall prepare for printing a voter information pamphlet.
 15 ~~(1)(2)~~ The secretary of state shall prepare for
 16 printing a voter information pamphlet containing must
 17 contain the following information for each ballot issue to
 18 be voted on at an election, as applicable:
 19 (a) ballot title, fiscal statement if applicable, and
 20 complete text of the issue;
 21 (b) the form in which the issue will appear on the
 22 ballot;
 23 (c) arguments advocating approval and rejection of the
 24 issue; and
 25 (d) rebuttal arguments.

1 (3) The voter information pamphlet must:
 2 (a) contain information on each candidate for any of
 3 the following offices who chooses to be included:
 4 (i) United States senator;
 5 (ii) United States representative;
 6 (iii) governor and lieutenant governor;
 7 (iv) secretary of state;
 8 (v) attorney general;
 9 (vi) state auditor;
 10 (vii) public service commissioner;
 11 (viii) state superintendent of public instruction;
 12 (ix) clerk of the supreme court;
 13 (x) chief justice of the supreme court; and
 14 (xi) justice of the supreme court;
 15 (b) for each candidate for an office listed in
 16 subsection (3)(a), contain at least the following
 17 information:
 18 (i) a photograph taken within the preceding 4 years;
 19 (ii) the candidate's name and age;
 20 (iii) the office sought and party affiliation;
 21 (iv) occupation, including current and past employment;
 22 (v) current and previous places of residence;
 23 (vi) length of residence in Montana;
 24 (vii) educational background; and
 25 (viii) past political involvement;

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

7 ~~(2)~~(4) The pamphlet ~~shall~~ must also contain a notice
 8 advising the recipient where additional copies of the
 9 pamphlet may be obtained.

10 ~~(3)~~(5) ~~Whenever more than one ballot issue is to be~~
 11 ~~voted on at a single election, the secretary of state may~~
 12 ~~publish a single pamphlet for all of the ballot issues. The~~
 13 Subject to subsection (3)(c), the secretary of state may
 14 arrange the information in the order which seems most
 15 appropriate, but the information for all issues and
 16 candidates in the pamphlet ~~shall~~ must be presented in the
 17 same order uniformly.

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

21 (a) ballot issue arguments or rebuttal arguments may
 22 be excluded in the manner and for the reasons specified in
 23 13-27-408;

24 (b) individual statements of candidacy may be excluded
 25 in the same manner and for the same reasons as provided for

1 rejection of improper arguments in 13-27-408;

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

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

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

10 "13-27-409. Liability for contents of argument or
 11 statement. Nothing in this chapter relieves an author of any
 12 argument or statement from civil or criminal responsibility
 13 for statements contained in an argument or statement printed
 14 in the voter information pamphlet."

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

16 "13-27-410. Printing and distribution of voter
 17 information pamphlet. (1) The secretary of state shall
 18 arrange with the department of administration by requisition
 19 for the printing and delivery of a voter information
 20 pamphlet ~~for all ballot issues to be submitted to the people~~
 21 at least 90 days before the general election at which they
 22 will be submitted. The requisition shall include a delivery
 23 list providing for shipment of the required number of
 24 pamphlets to each county and to the secretary of state.

25 (2) The secretary of state shall estimate the number

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

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

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

22 (5) Ten copies of the voter information pamphlet shall
 23 be available at each precinct for use by any voter wishing
 24 to read the explanatory information and complete text before
 25 voting on the ballot issues."

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

6 (2) Candidates who choose to participate shall:

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

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

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

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

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

24 NEW SECTION. Section 5. Fee for participation in
 25 voter information pamphlet. The secretary of state shall by

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

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

-End-

49th Legislature

HB 0535/si
COMMITTEE
ON STATE ADMINISTRATION
RECOMMEND DO NOT PASS
OBJECTION RAISED TO
ADVERSE COMMITTEE REPORT

1 STATEMENT OF INTENT

2 HOUSE BILL 535

3 House State Administration Committee

4

5 A statement of intent is required for this bill because
6 section 5 grants the secretary of state the authority to
7 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
HB 535

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2 INTRODUCED BY HANNAH

3
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