

SENATE BILL NO. 163

INTRODUCED BY HARDING

BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE SENATE

January 19, 1985	Introduced and referred to Committee on Local Government.
February 1, 1985	Committee recommend bill do pass. Report adopted.
February 2, 1985	Bill printed and placed on members' desks.
February 4, 1985	Second reading, do pass.
February 5, 1985	Considered correctly engrossed.
February 6, 1985	Third reading, passed. Ayes, 49; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on State Administration.
March 13, 1985	Committee recommend bill be concurrred in. Report adopted.
March 16, 1985	Second reading, concurrred in.
March 18, 1985	Third reading, concurrred in.
	Returned to Senate.

IN THE SENATE

March 18, 1985

Received from House.

March 19, 1985

Sent to enrolling.

Reported correctly enrolled.

1 Senate BILL NO. 163
 2 INTRODUCED BY H. H. H. H.
 3 BY REQUEST OF THE DEPARTMENT
 4 OF COMMERCE
 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT DELETING THE
 7 RESPONSIBILITY OF THE DEPARTMENT OF COMMERCE TO PROVIDE
 8 STANDARD PETITION FORMS AND SAMPLE PETITIONS TO
 9 MUNICIPALITIES; PLACING THE RESPONSIBILITY IN THE SECRETARY
 10 OF STATE; AMENDING SECTION 7-1-4130, MCA."
 11

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

13 Section 1. Section 7-1-4130, MCA, is amended to read:
 14 "7-1-4130. Petition. (1) Whenever a petition is
 15 authorized, unless the section authorizing the petition
 16 establishes different criteria, it shall be valid if it is
 17 signed by 15% of the electors of the municipality and meets
 18 the following requirements:

- 19 (a) contains a statement of the purpose for which it
- 20 is circulated, sufficient to meet the specific criteria set
- 21 out in the section authorizing the petition;
- 22 (b) each signature is followed by the printed name of
- 23 the signer, the address of the signer's place of residence,
- 24 and the date of the signing; and
- 25 (c) the petition contains the date it was first

1 circulated and a statement that all signatures must be
 2 collected within 90 days of that date.

3 (2) Unless otherwise provided, all petitions shall be
 4 filed with the county election administrator, who shall
 5 determine the sufficiency of the signatures. No petition
 6 filed after the deadline for filing the petition, if any,
 7 shall be considered.

8 (3) Within 10 working days of the date the petition
 9 was filed, the county election administrator shall determine
 10 the adequacy of the petition.

11 (4) Inadequate petitions shall be returned but may be
 12 amended or supplementary signatures may be obtained, and the
 13 petition may be refiled prior to the deadline for filing the
 14 petition.

15 (5) Within 10 days of its second filing, the county
 16 election administrator shall again determine the adequacy of
 17 the petition. If it is still determined inadequate, it shall
 18 be rejected without prejudice to the filing of a new
 19 petition to the same effect.

20 (6) If a petition is determined adequate, the county
 21 election administrator shall:

- 22 (a) certify its adequacy and submit it to the
- 23 governing body without delay;
- 24 (b) submit a copy of the petition to the attorney of
- 25 the municipality.

1 (7) A person may in writing withdraw his signature
2 from a previously filed petition at any time prior to final
3 action of the governing body.

4 (8) (a) The attorney for the municipality shall
5 prepare and transmit to the governing body without delay a
6 concise statement not exceeding 100 words. This statement
7 shall express a true and impartial explanation of the
8 purpose of the proposed ballot issue in plain, easily
9 understood language. The statement may not intentionally be
10 an argument and may not intentionally be written so as to
11 create prejudice for or against the measure.

12 (b) At the same time the statement of purpose is
13 prepared, the attorney shall prepare statements of the
14 implications of a vote for or against a ballot issue. The
15 statements of implication may be no more than 25 words each
16 and shall be in simple, impartial language clearly
17 explaining the meaning of a vote for and a vote against the
18 issue.

19 (c) Prior to an election or an official action
20 involving a petition issue, the governing body shall publish
21 copies of the statement of purpose and statement of
22 implications to the procedure established in 7-1-4128.

23 (9) The ~~department--of--commerce; in cooperation with~~
24 the secretary of state, shall prepare and provide each
25 municipality with:

1 (a) a standard petition form;
2 (b) sample petition forms for initiatives,
3 referendums, and recall elections; and
4 (c) sample petition forms for creation of districts.
5 (10) Each municipality shall make available to the
6 public on request sample petition forms."

-End-

1 (7) A person may in writing withdraw his signature
2 from a previously filed petition at any time prior to final
3 action of the governing body.

4 (8) (a) The attorney for the municipality shall
5 prepare and transmit to the governing body without delay a
6 concise statement not exceeding 100 words. This statement
7 shall express a true and impartial explanation of the
8 purpose of the proposed ballot issue in plain, easily
9 understood language. The statement may not intentionally be
10 an argument and may not intentionally be written so as to
11 create prejudice for or against the measure.

12 (b) At the same time the statement of purpose is
13 prepared, the attorney shall prepare statements of the
14 implications of a vote for or against a ballot issue. The
15 statements of implication may be no more than 25 words each
16 and shall be in simple, impartial language clearly
17 explaining the meaning of a vote for and a vote against the
18 issue.

19 (c) Prior to an election or an official action
20 involving a petition issue, the governing body shall publish
21 copies of the statement of purpose and statement of
22 implications to the procedure established in 7-1-4128.

23 (9) The department--of--commerce,--in--cooperation--with
24 the secretary of state, shall prepare and provide each
25 municipality with:

- 1 (a) a standard petition form;
- 2 (b) sample petition forms for initiatives,
- 3 referendums, and recall elections; and
- 4 (c) sample petition forms for creation of districts.
- 5 (10) Each municipality shall make available to the
- 6 public on request sample petition forms."

-End-

1 (7) A person may in writing withdraw his signature
2 from a previously filed petition at any time prior to final
3 action of the governing body.

4 (8) (a) The attorney for the municipality shall
5 prepare and transmit to the governing body without delay a
6 concise statement not exceeding 100 words. This statement
7 shall express a true and impartial explanation of the
8 purpose of the proposed ballot issue in plain, easily
9 understood language. The statement may not intentionally be
10 an argument and may not intentionally be written so as to
11 create prejudice for or against the measure.

12 (b) At the same time the statement of purpose is
13 prepared, the attorney shall prepare statements of the
14 implications of a vote for or against a ballot issue. The
15 statements of implication may be no more than 25 words each
16 and shall be in simple, impartial language clearly
17 explaining the meaning of a vote for and a vote against the
18 issue.

19 (c) Prior to an election or an official action
20 involving a petition issue, the governing body shall publish
21 copies of the statement of purpose and statement of
22 implications to the procedure established in 7-1-4128.

23 (9) The ~~department--of--commerce, in cooperation with~~
24 the secretary of state, shall prepare and provide each
25 municipality with:

- 1 (a) a standard petition form;
- 2 (b) sample petition forms for initiatives,
- 3 referendums, and recall elections; and
- 4 (c) sample petition forms for creation of districts.
- 5 (10) Each municipality shall make available to the
- 6 public on request sample petition forms."

-End-

1 SENATE BILL NO. 163
 2 INTRODUCED BY HARDING
 3 BY REQUEST OF THE DEPARTMENT
 4 OF COMMERCE
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT DELETING THE
 7 RESPONSIBILITY OF THE DEPARTMENT OF COMMERCE TO PROVIDE
 8 STANDARD PETITION FORMS AND SAMPLE PETITIONS TO
 9 MUNICIPALITIES; PLACING THE RESPONSIBILITY IN THE SECRETARY
 10 OF STATE; AMENDING SECTION 7-1-4130, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 7-1-4130, MCA, is amended to read:

14 "7-1-4130. Petition. (1) Whenever a petition is
15 authorized, unless the section authorizing the petition
16 establishes different criteria, it shall be valid if it is
17 signed by 15% of the electors of the municipality and meets
18 the following requirements:

19 (a) contains a statement of the purpose for which it
20 is circulated, sufficient to meet the specific criteria set
21 out in the section authorizing the petition;

22 (b) each signature is followed by the printed name of
23 the signer, the address of the signer's place of residence,
24 and the date of the signing; and

25 (c) the petition contains the date it was first

1 circulated and a statement that all signatures must be
2 collected within 90 days of that date.

3 (2) Unless otherwise provided, all petitions shall be
4 filed with the county election administrator, who shall
5 determine the sufficiency of the signatures. No petition
6 filed after the deadline for filing the petition, if any,
7 shall be considered.

8 (3) Within 10 working days of the date the petition
9 was filed, the county election administrator shall determine
10 the adequacy of the petition.

11 (4) Inadequate petitions shall be returned but may be
12 amended or supplementary signatures may be obtained, and the
13 petition may be refiled prior to the deadline for filing the
14 petition.

15 (5) Within 10 days of its second filing, the county
16 election administrator shall again determine the adequacy of
17 the petition. If it is still determined inadequate, it shall
18 be rejected without prejudice to the filing of a new
19 petition to the same effect.

20 (6) If a petition is determined adequate, the county
21 election administrator shall:

22 (a) certify its adequacy and submit it to the
23 governing body without delay;

24 (b) submit a copy of the petition to the attorney of
25 the municipality.



1 (7) A person may in writing withdraw his signature
2 from a previously filed petition at any time prior to final
3 action of the governing body.

4 (8) (a) The attorney for the municipality shall
5 prepare and transmit to the governing body without delay a
6 concise statement not exceeding 100 words. This statement
7 shall express a true and impartial explanation of the
8 purpose of the proposed ballot issue in plain, easily
9 understood language. The statement may not intentionally be
10 an argument and may not intentionally be written so as to
11 create prejudice for or against the measure.

12 (b) At the same time the statement of purpose is
13 prepared, the attorney shall prepare statements of the
14 implications of a vote for or against a ballot issue. The
15 statements of implication may be no more than 25 words each
16 and shall be in simple, impartial language clearly
17 explaining the meaning of a vote for and a vote against the
18 issue.

19 (c) Prior to an election or an official action
20 involving a petition issue, the governing body shall publish
21 copies of the statement of purpose and statement of
22 implications to the procedure established in 7-1-4128.

23 (9) ~~The department--of--commerce, in cooperation with~~
24 ~~the secretary of state,~~ shall prepare and provide each
25 municipality with:

1 (a) a standard petition form;
2 (b) sample petition forms for initiatives,
3 referendums, and recall elections; and
4 (c) sample petition forms for creation of districts.
5 (10) Each municipality shall make available to the
6 public on request sample petition forms."

-End-