### HOUSE BILL NO. 504

### INTRODUCED BY KADAS

## IN THE HOUSE

JANUARY	28,	1987	INT	RODUCI	ED	AND	REFERRED	то	COMMITTEE
			ON	STATE	AE	DMINI	STRATION.		

FEBRUARY 11, 1987 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

FEBRUARY 12, 1987 PRINTING REPORT.

FEBRUARY 13, 1987 SECOND READING, DO PASS.

FEBRUARY 14, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 63; NOES, 31.

TRANSMITTED TO SENATE.

ON STATE ADMINISTRATION.

INTRODUCED AND REFERRED TO COMMITTEE

IN THE SENATE

FEBRUARY 16, 1987

- MARCH 4, 1987
- COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

MARCH 6, 1987 SECOND READING, CONCURRED IN.

MARCH 9, 1987 ON MOTION, TAKEN FROM THIRD READING AND REREFERRED TO COMMITTEE ON JUDICIARY.

MARCH 23, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

MARCH 28, 1987 SECOND READING, CONCURRED IN AS AMENDED.

MARCH 30, 1987	THIRD READING, CONCURRED IN. AYES, 45; NOES, 5.
	RETURNED TO HOUSE WITH AMENDMENTS.
	IN THE HOUSE
APRIL 8, 1987	RECEIVED FROM SENATE.
	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 9, 1987	THIRD READING, AMENDMENTS CONCURRED IN.

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SENT TO ENROLLING.

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and

#### LC 1284/01

INTRODUCED BY Hadas jurisdiction, the supreme court has power to issue writs of 1 mandamus, certiorari, prohibition, injunction, and habeas 2 corpus. 3 (2) It also has power to issue all other writs 4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING CHALLENGES TO necessary and proper to the complete exercise of its 5 INITIATIVES AND REFERENDUMS PRIOR TO ELECTIONS TO THOSE 6 appellate jurisdiction. ALLEGING PROCEDURAL DEFECTS IN COMPLYING WITH THE ELECTION 7 (3) Prior to an election on a ballot measure submitted LAWS; AND AMENDING SECTIONS 3-2-202 AND 3-5-302, MCA." by initiative or referendum, an action may only be brought 8 WHEREAS, Article II, section 1, of the Montana 9 alleging procedural defects in complying with the election Constitution recognizes that all political power is vested 10 laws." 11 Section 2. Section 3-5-302, MCA, is amended to read: in and derived from the people and that all government of 12 "3-5-302. Original jurisdiction. (1) The Except as right originates with the people, is founded on their will provided in subsection (6), the district court has original 13 only, and is instituted solely for the good of the whole; 14 jurisdiction in: 15 (a) all criminal cases amounting to felony; WHEREAS, the right of the people to make statutory 16 all civil and probate matters; changes by initiative is retained in Article III, section 4, (h)(c) all cases at law and in equity; 17 18 (d) all cases of misdemeanor not otherwise provided WHEREAS, the right of the people to alter their for: and 19 Constitution by initiative is retained in Article XIV, 20 (e) all such special actions and proceedings as are section 9, of the Montana Constitution. 21 not otherwise provided for. 22 (2) The district court has concurrent original BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: jurisdiction with the justice's court in the following Section 1. Section 3-2-202, MCA, is amended to read: 23 24 criminal cases amounting to misdemeanor: "3-2-202. Original jurisdiction. (1) In Except as 25 (a) misdemeanors arising at the same time as and out

provided in subsection (3), in the exercise of its original 25

of the Montana Constitution; and

Montana Legislative Council

INTRODUCED BILL HB-504

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of the same transaction as a felony or misdemeanor offense
 charged in district court;

3 (b) misdemeanors resulting from the reduction of a
4 felony or misdemeanor offense charged in the district court;
5 and

6 (c) misdemeanors resulting from a finding of a lesser
7 included offense in a felony or misdemeanor case tried in
8 district court.

9 (3) The district court has exclusive original 10 jurisdiction in all civil actions that might result in a 11 judgment against the state for the payment of money.

12 (4) The district court has the power of naturalization
13 and of issuing papers therefor in all cases where it is
14 authorized to do so by the laws of the United States.

15 (5) The district court and its judges have power to issue, hear, and determine writs of mandamus, quo warranto, 16 17 certiorari, prohibition, and injunction, other original 18 remedial writs, and all writs of habeas corpus on petition 19 by or on behalf of any person held in actual custody in 20 their respective districts. Injunctions and writs of prohibition and habeas corpus may be issued and served on 21 22 legal holidays and nonjudicial days.

23 (6) Prior to an election on a ballot measure submitted
 24 by initiative or referendum, an action may only be brought
 25 alleging procedural defects in complying with the election

1 laws, or as provided in 13-27-316."

-End-

LC 1284/01

LC 1284/01

LC 1284/01

APPROVED BY COMMITTEE ON STATE ADMINISTRATION

House BILL NO. 504 1 2

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING CHALLENGES TO
INITIATIVES AND REFERENDUMS PRIOR TO ELECTIONS TO THOSE
ALLEGING PROCEDURAL DEFECTS IN COMPLYING WITH THE ELECTION
LAWS: AND AMENDING SECTIONS 3-2-202 AND 3-5-302, MCA."

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9 WHEREAS, Article II, section 1, of the Montana 10 Constitution recognizes that all political power is vested 11 in and derived from the people and that all government of 12 right originates with the people, is founded on their will 13 only, and is instituted solely for the good of the whole; 14 and

15 WHEREAS, the right of the people to make statutory
16 changes by initiative is retained in Article III, section 4,
17 of the Montana Constitution; and

WHEREAS, the right of the people to alter their
 Constitution by initiative is retained in Article XIV,
 section 9, of the Montana Constitution.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 3-2-202, MCA, is amended to read:
"3-2-202. Original jurisdiction. (1) In Except as
provided in subsection (3), in the exercise of its original



jurisdiction, the supreme court has power to issue writs of mandamus, certiorari, prohibition, injunction, and habeas corpus.
(2) It also has power to issue all other writs necessary and proper to the complete exercise of its appellate jurisdiction.
(3) Prior to an election on a ballot measure submitted

8 by initiative or referendum, an action may only be brought
9 alleging procedural defects in complying with the election
10 laws."

Section 2. Section 3-5-302, MCA, is amended to read:
 "3-5-302. Original jurisdiction. (1) The Except as
 provided in subsection (6), the district court has original

- 14 jurisdiction in:
- 15 (a) all criminal cases amounting to felony;
- 16 (b) all civil and probate matters;
- 17 (c) all cases at law and in equity;

18 (d) all cases of misdemeanor not otherwise provided 19 for; and

20 (e) all such special actions and proceedings as are21 not otherwise provided for.

22 (2) The district court has concurrent original

- 23 jurisdiction with the justice's court in the following
- 24 criminal cases amounting to misdemeanor:
- 25 (a) misdemeanors arising at the same time as and out

## -2- SECOND READING HB 504

of the same transaction as a felony or misdemeanor offense
 charged in district court;

3 (b) misdemeanors resulting from the reduction of a
4 felony or misdemeanor offense charged in the district court;
5 and

6 (c) misdemeanors resulting from a finding of a lesser
7 included offense in a felony or misdemeanor case tried in
8 district court.

9 (3) The district court has exclusive original 10 jurisdiction in all civil actions that might result in a 11 judgment against the state for the payment of money.

12 (4) The district court has the power of naturalization
13 and of issuing papers therefor in all cases where it is
14 authorized to do so by the laws of the United States.

15 (5) The district court and its judges have power to issue, hear, and determine writs of mandamus, quo warranto, 16 17 certiorari, prohibition, and injunction, other original 18 remedial writs, and all writs of habeas corpus on petition by or on behalf of any person held in actual custody in 19 20 their respective districts. Injunctions and writs of prohibition and habeas corpus may be issued and served on 21 22 legal holidays and nonjudicial days.

(6) Prior to an election on a ballot measure submitted
 by initiative or referendum, an action may only be brought
 alleging procedural defects in complying with the election

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l laws, or as provided in 13-27-316."

-End-

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LC 1284/01

INTRODUCED BY Kacker 1 1 2 2 3 3 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING CHALLENGES TO 4 4 INITIATIVES AND REFERENDUMS PRIOR TO ELECTIONS TO THOSE 5 5 ALLEGING PROCEDURAL DEFECTS IN COMPLYING WITH THE ELECTION 6 6 7 7 LAWS; AND AMENDING SECTIONS 3-2-202 AND 3-5-302, MCA." 8 8 9 9 WHEREAS, Article II, section 1, of the Montana Constitution recognizes that all political power is vested 10 10 in and derived from the people and that all government of 11 11 right originates with the people, is founded on their will 12 12 only, and is instituted solely for the good of the whole; 13 13 14 and 14 WHEREAS, the right of the people to make statutory 15 15 changes by initiative is retained in Article III, section 4, 16 16 of the Montana Constitution; and 17 17 WHEREAS, the right of the people to alter their 18 18 Constitution by initiative is retained in Article XIV, 19 19 20 section 9, of the Montana Constitution. 20 21 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 22 22 Section 1. Section 3-2-202, MCA, is amended to read: 23 23 24 "3-2-202. Original jurisdiction. (1) In Except as 24 provided in subsection (3), in the exercise of its original 25 25 Montana Legislative Counce

jurisdiction, the supreme court has power to issue writs of mandamus, certiorari, prohibition, injunction, and habeas corpus. (2) It also has power to issue all other writs necessary and proper to the complete exercise of its appellate jurisdiction. (3) Prior to an election on a ballot measure submitted by initiative or referendum, an action may only be brought alleging procedural defects in complying with the election laws," Section 2. Section 3-5-302, MCA, is amended to read: "3-5-302. Original jurisdiction. (1) The Except as provided in subsection (6), the district court has original jurisdiction in: (a) all criminal cases amounting to felony; (b) all civil and probate matters; (c) all cases at law and in equity; (d) all cases of misdemeanor not otherwise provided for; and (e) all such special actions and proceedings as are not otherwise provided for. (2) The district court has concurrent original jurisdiction with the justice's court in the following criminal cases amounting to misdemeanor: (a) misdemeanors arising at the same time as and out

# -2- THIRD READING HB-504

1 of the same transaction as a felony or misdemeanor offense
2 charged in district court:

3 (b) misdemeanors resulting from the reduction of a
4 felony or misdemeanor offense charged in the district court;
5 and

6 (c) misdemeanors resulting from a finding of a lesser
7 included offense in a felony or misdemeanor case tried in
8 district court.

9 (3) The district court has exclusive original
10 jurisdiction in all civil actions that might result in a
11 judgment against the state for the payment of money.

12 (4) The district court has the power of naturalization
13 and of issuing papers therefor in all cases where it is
14 authorized to do so by the laws of the United States.

15 (5) The district court and its judges have power to 16 issue, hear, and determine writs of mandamus, quo warranto, certiorari, prohibition, and injunction, other original 17 remedial writs, and all writs of habeas corpus on petition 18 by or on behalf of any person held in actual custody in 19 20 their respective districts. Injunctions and writs of 21 prohibition and habeas corpus may be issued and served on 22 legal holidays and nonjudicial days.

23 (6) Prior to an election on a ballot measure submitted
 24 by initiative or referendum, an action may only be brought
 25 alleging procedural defects in complying with the election

1 laws, or as provided in 13-27-316."

-End-

HB 0504/03

HOUSE BILL NO. 504 1 INTRODUCED BY KADAS 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING CHALLENGES TO 4 INITIATIVES AND REFERENDUMS PRIOR TO ELECTIONS TO-THOSE 5 ALLEGING-PROCEDURAL-DEFECTS-IN-COMPLYING-WITH--THE--ELECTION 6 LAWS; AND AMENDING SECTIONS 3-2-202 AND 3-5-302, MCA." 7 8 WHEREAS, Article II, section 1, of the Montana 9 Constitution recognizes that all political power is vested 10 in and derived from the people and that all government of 11 right originates with the people, is founded on their will 12 only, and is instituted solely for the good of the whole; 13 and 14 WHEREAS, the right of the people to make statutory 15 changes by initiative is retained in Article III, section 4, 16 of the Montana Constitution; and 17 WHEREAS, the right of the people to alter their 18 Constitution by initiative is retained in Article XIV, 19 section 9, of the Montana Constitution. 20 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 22 Section 1. Section. 3-2-202, MCA, is amended to read: 23 "3-2-202. Original jurisdiction. (1) In Except as 24 provided in subsection (3), in the exercise of its original 25

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1	jurisdiction, the supreme court has power to issue writs of
2	mandamus, certiorari, prohibition, injunction, and habeas
3	corpus.
4	(2) It also has power to issue all other writs
5	necessary and proper to the complete exercise of its
6	appellate jurisdiction.
7	<del>(3)Prior-to-an-election-on-a-ballot-measure-submitted</del>
8	by-initiative-or-referendum,-an-action-may-onlybebrought
9	alleging-proceduraldefects-in-complying-with-the-election
10	laws.7BUTNOACTIONMAYBEBROUGHTCHALLENGING
11	Constitutional-defects-in-the-substance-of-a-proposed-ballot
12	\$ ISSUEUNTILAPTER-THE-ELECTIONPROCEDURAL-DEPECTS-INCLUDE
13	SERIOUS-AND-MATERIALVIOLATIONOPANYPROVISIONOPTHE
14	ELECTIONLAWS7BUTARENOTLIMITEDTO-LAWS-RELATING-TO
15	QUALIPICATION-POR-INCLUSION-ON-THE-BALLOT7-ILLEGALPETION
16	SIGNATURES7OR-AN-ERRONEOUS-OR-PRAUDULENT-COUNT-OF-PETITION
17	SIGNATURES
18	(3) (A) EXCEPT AS PROVIDED IN SUBSECTION (3)(B), A
19	CONTEST OF A BALLOT ISSUE SUBMITTED BY INITIATIVE OR
20	REFERENDUM MAY BE BROUGHT PRIOR TO THE ELECTION ONLY IF IT
21	IS FILED WITHIN 30 DAYS AFTER THE DATE ON WHICH THE ISSUE
22	WAS CERTIFIED TO THE GOVERNOR, AS PROVIDED IN 13-27-308, AND
23	ONLY FOR THE FOLLOWING CAUSES:
24	(I) VIOLATION OF THE LAW RELATING TO QUALIFICATIONS
25	FOR INCLUSION ON THE BALLOT;

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REFERENCE BILL. HB 504 SECOND PRINTING AS AMENDED

HB 504

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1	(II) CONSTITUTIONAL DEFECT IN THE SUBSTANCE OF A
2	PROPOSED BALLOT ISSUE; OR
3	(III) ILLEGAL PETITION SIGNATURES OR AN ERRONEOUS OR
4	FRAUDULENT COUNT OR CANVASS OF PETITION SIGNATURES.
5	(B) A CONTEST OF A BALLOT ISSUE BASED ON SUBSECTION
6	(3)(A)(I) OR (3)(A)(III) MAY BE BROUGHT AT ANY TIME AFTER
7	DISCOVERY OF ILLEGAL PETITION SIGNATURES OR AN ERRONEOUS OR
8	FRAUDULENT COUNT OR CANVASS OF PETITION SIGNATURES.
9	(C) NOTHING IN SUBSECTION (3) LIMITS THE RIGHT TO
10	CHALLENGE A MEASURE ENACTED BY A VOTE OF THE PEOPLE."
11	Section 2. Section 3-5-302, MCA, is amended to read:
12	"3-5-302. Original jurisdiction. (1) The Except as
13	provided in subsection (6), the district court has original
14	jurisdiction in:
15	<ul><li>(a) all criminal cases amounting to felony;</li></ul>
16	<ul><li>(b) all civil and probate matters;</li></ul>
17	(c) all cases at law and in equity;
18	(d) all cases of misdemeanor not otherwise provided
19	for; and
20	(e) all such special actions and proceedings as are
21	not otherwise provided for.
22	(2) The district court has concurrent original
23	jurisdiction with the justice's court in the following
24	criminal cases amounting to misdemeanor:
25	(a) misdemeanors arising at the same time as and out

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of the same transaction as a felony or misdemeanor offense charged in district court;

3 (b) misdemeanors resulting from the reduction of a
4 felony or misdemeanor offense charged in the district court;
5 and

6 (c) misdemeanors resulting from a finding of a lesser
7 included offense in a felony or misdemeanor case tried in
8 district court.

9 (3) The district court has exclusive original 10 jurisdiction in all civil actions that might result in a 11 judgment against the state for the payment of money.

12 (4) The district court has the power of naturalization
13 and of issuing papers therefor in all cases where it is
14 authorized to do so by the laws of the United States.

(5) The district court and its judges have power to 15 issue, hear, and determine writs of mandamus, quo warranto, 16 certiorari, prohibition, and injunction, other original 17 18 remedial writs, and all writs of habeas corpus on petition by or on behalf of any person held in actual custody in 19 20 their respective districts. Injunctions and writs of prohibition and habeas corpus may be issued and served on 21 22 legal holidays and nonjudicial days.

#### 23 <u>f6)--Prior-to-an-election-on-a-ballot-measure-submitted</u>

- 24 by--initiative--or-referendum--an-action-may-only-be-brought
- 25 alleging-procedural-defects-in-complying-with--the--election

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#### HB 0504/03

taws -- or -- as -- provided -- in -13-27-316 -- BUT-NO-ACTION-MAY-BE 1 2 BROUGHT-CHALLENGING-CONSTITUTIONAL-DEFECTS-IN-THE--SUBSTANCE OF--A--PROPOSED--BALLOT--ISSUE--UNTIL--AFTER--THE--ELECTION-3 4 PROCEDURAL-DEFECTS-INCLUDE-SERIOUS-AND-MATERIAL-VIOLATION-OP ANY-PROVISION-OF-THE-ELECTION-LAWS;-BUT-ARE-NOT--LIMITED--TO 5 LAWS--RELATING-TO-QUALIFICATION-FOR-INCLUSION-ON-THE-BALLOT; 6 1662GAL-PETITION-SIGNATURES7-OR-AN-ERRONEOUS--OR--PRAUDULENT 7 COUNT-OF-PETITION-SIGNATURES. 8 (6) (A) EXCEPT AS PROVIDED IN SUBSECTION (6)(B), A 9 CONTEST OF A BALLOT ISSUE SUBMITTED BY INITIATIVE OR 10 REFERENDUM MAY BE BROUGHT PRIOR TO THE ELECTION ONLY IF IT 11 IS FILED WITHIN 30 DAYS AFTER THE DATE ON WHICH THE ISSUE 12 13 WAS CERTIFIED TO THE GOVERNOR, AS PROVIDED IN 13-27-308, AND ONLY FOR THE FOLLOWING CAUSES: 14 15 (I) VIOLATION OF THE LAW RELATING TO QUALIFICATIONS FOR INCLUSION ON THE BALLOT; 16 17 (II) CONSTITUTIONAL DEFECT IN THE SUBSTANCE OF A PROPOSED BALLOT ISSUE; OR 18 (111) ILLEGAL PETITION SIGNATURES OR AN ERRONEOUS OR 19 FRAUDULENT COUNT OR CANVASS OF PETITION SIGNATURES. 20 21 (B) A CONTEST OF A BALLOT ISSUE BASED ON SUBSECTION (6)(A)(I) OR (6)(A)(III) MAY BE BROUGHT AT ANY TIME AFTER 22 23 DISCOVERY OF ILLEGAL PETITION SIGNATURES OR AN ERRONEOUS OR FRAUDULENT COUNT OR CANVASS OF PETITION SIGNATURES. 24 (C) NOTHING IN SUBSECTION (6) LIMITS THE RIGHT TO 25

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#### 1 CHALLENGE A MEASURE ENACTED BY A VOTE OF THE PEOPLE,"

-End-

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HB 504

		MARCH 3	87
MR. PRESIDENT			
We your committ	SENATE STATE ADMIN	ISTRATION	
	ee on		
having had under con	sideration		504 No
third	reading copy ( ) color		
	ENGES TO INITIATIVES PRIC (Hoffman)	R TO ELECTION	
Respectfully report as	follows: That	HOUSE BILL	504
be amended a			
Strike: Insert:	"," but no action may be defects in the substance after the election. Pr material violation of a but are not limited to inclusion on the ballot an erroneous or fraudul	e of a proposed ballot ocedural defects includ ny provision of the ele laws relating to quali , illegal petition sign	issue until le serious a ection laws, fication for natures, or
2. Page 4, Followin Strike: Insert:	ng: " <u>13-27-316</u> "	ocedural defects including provision of the electron of the electron of the electron signed and the second	issue until de serious a ection laws, fication for natures, or
AND AS AMENI BE CONCURREI			
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Oack the Man.	
SENATOR JACK HAFFEY	Chairman.

#### STANDING COMMITTEE REPORT

	March 23	
IR. PRESIDENT		
We, your committee on		
aving had under consideration	HOUSE BILL	504
		No
Ref. salmon reading copy ( ) color		
Limit challenges to initiatives Kadas <b>f</b> x (Hofman)	prior to election.	
Respectfully report as follows: That	HOUSE BILL	504
	through "LAWS" on line	
<ol> <li>Page 2, lines 7 through 17.</li> <li>Strike: subsection (3) in its en Insert: "(3) (a) Except as pro- contest of a ballot issue submit may be brought prior to the electronic submit and be brought prior to the electronic submit be brought prior submit be brought pri</li></ol>	htirety vided in subsection (3) tted by initiative or r ction only if it is fil the issue was certifie	(b), a eferendum ed within d to the
<ol> <li>Page 2, lines 7 through 17.</li> <li>Strike: subsection (3) in its en Insert: "(3) (a) Except as pro- contest of a ballot issue submit may be brought prior to the eler 30 days after the date on which governor, as provided in 13-27 causes:         <ul> <li>(i) violation of the law r</li> </ul> </li> </ol>	ntirety vided in subsection (3) tted by initiative or r ction only if it is fil the issue was certifie 308, and only for the f	(b), a eferendum ed within d to the collowing
<ol> <li>Page 2, lines 7 through 17.</li> <li>Strike: subsection (3) in its end in the section of the s</li></ol>	htirety vided in subsection (3) tted by initiative or r ction only if it is fil the issue was certifie 308, and only for the f elating to qualification in the substance of a	(b), a eferendum ed within d to the collowing ons for proposed
2. Page 2, lines 7 through 17. Strike: subsection (3) in its er Insert: "(3) (a) Except as pro- contest of a ballot issue submit may be brought prior to the elec 30 days after the date on which governor, as provided in 13-27 causes: (i) violation of the law re inclusion on the ballot; (ii) constitutional defect ballot issue; or	ntirety vided in subsection (3) tted by initiative or r ction only if it is fil the issue was certifie 308, and only for the f elating to qualification in the substance of a natures or an erroneous	(b), a eferendum ed within d to the collowing ons for proposed
2. Page 2, lines 7 through 17. Strike: subsection (3) in its er Insert: "(3) (a) Except as prov contest of a ballot issue submit may be brought prior to the eler 30 days after the date on which governor, as provided in 13-27- causes: (i) violation of the law re inclusion on the ballot; (ii) constitutional defect ballot issue; or (iii) illegal petition sig fraudulent count or canvass of (b) A contest of a ballot (3) (a) (iii) may be brought at a continger an erron	ntirety vided in subsection (3) tted by initiative or r ction only if it is fil the issue was certifie 308, and only for the f elating to qualification in the substance of a natures or an erroneous petition signatures. issue based on subsect ny time after discovery	<pre>(b), a eferendum ed within d to the collowing ons for proposed s or tion / of illegal</pre>
2. Page 2, lines 7 through 17. Strike: subsection (3) in its er Insert: "(3) (a) Except as pro- contest of a ballot issue submit may be brought prior to the eler 30 days after the date on which governor, as provided in 13-27- causes: (i) violation of the law re inclusion on the ballot; (ii) constitutional defect ballot issue; or (iii) illegal petition sig fraudulent count or canvass of (b) A contest of a ballot	ntirety vided in subsection (3) ted by initiative or r ction only if it is fil the issue was certifie 308, and only for the f elating to qualification in the substance of a natures or an erroneous petition signatures. issue based on subsect ny time after discovery leous or fraudulent court (3) limits the right	<pre>(b), a eferendum ed within d to the collowing ons for proposed s or tion y of illegal nt or</pre>
2. Page 2, lines 7 through 17. Strike: subsection (3) in its er Insert: "(3) (a) Except as pro- contest of a ballot issue submi- may be brought prior to the elec- 30 days after the date on which governor, as provided in 13-27 causes: (i) violation of the law r- inclusion on the ballot; (ii) constitutional defect ballot issue; or (iii) illegal petition sig fraudulent count or canvass of (b) A contest of a ballot (3) (a) (ii) may be brought at a petition signatures or an erron canvass of petition signatures.	ntirety vided in subsection (3) ted by initiative or r ction only if it is fil the issue was certifie 308, and only for the f elating to qualification in the substance of a natures or an erroneous petition signatures. issue based on subsect ny time after discovery leous or fraudulent court (3) limits the right	<pre>(b), a eferendum ed within d to the collowing ons for proposed s or tion y of illegal nt or</pre>

SENATE JUDICIARY HB 504 Page 2

3. Page 4, lines 5 through 15.

Strike: subsection (6) in its entirety

Insert: "(6) (a) Except as provided in subsection (6) (b), a contest of a ballot issue submitted by initiative or referendum may be brought prior to the election only if it is filed within 30 days after the date on which the issue was certified to the governor, as provided in 13-27-308, and only for the following causes:

(i) violation of the law relating to qualifications for inclusion on the ballot;

(ii) constitutional defect in the substance of a proposed ballot issue; or

(iii) illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(b) A contest of a ballot issue based on subsection (6) (a) (iii) may be brought at any time after discovery of illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(c) Nothing in subsection (6) limits the right to challenge a measure enacted by a vote of the people."

Amendments, HB 504 7080h/C:JEANNE\WP:jj

> KKONXX RMX DX AND AS AMENDED - BE CONCURRED IN

Senator Martin

March 23 19 87

Senator Mazurek

XXXXXXXXXXXXXX CONTINUED

Senator Mazurek



# **COMMITTEE OF THE WHOLE AMENDMENT**

3271520p.cwr	COMMITTEE OF THE WHOLE AME	INUMENT
SENA	Tc	3-27-87
JENA		DATE
<u>}</u>		3:20
	•	TIME
MR. CHAIRMAN: I MO	OVE TO AMEND House Bill	504 No
_		

reference reading copy (salmon ) as follows:

# AMENDING SENATE JUDICIARY STANDING COMMITTEE REPORT, DATED MARCH 23, 1987.

1. Amendment No. 2, subsection (3)(b).
Following: "based on"
Strike: "subsection"
Insert: "subsections (3)(a)(i) or"

2. Amendment No. 3, subsection (6)(b).
Following: "based on"
Strike: "subsection"
Insert: "subsections (6)(i) or"

ADOPT REJECT

Senator HALLIGAN