

HB 584 INTRODUCED BY BARDANOUVE, ET AL.
REVISE PROCEDURE FOR APPROVAL OF INITIATIVE PETITION
FORM

2/03 INTRODUCED
2/03 REFERRED TO STATE ADMINISTRATION
2/11 HEARING
2/12 COMMITTEE REPORT--BILL NOT PASSED
2/13 ADVERSE COMMITTEE REPORT ADOPTED 54 40

1 *House* BILL NO. *584*
2 INTRODUCED BY *Baron* - *Ed*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 LAW RELATING TO QUALIFICATION OF INITIATIVE, REFERENDUM, AND
6 CONSTITUTIONAL CONVENTION BALLOT ISSUES; AND AMENDING
7 SECTIONS 13-27-201, 13-27-202, AND 13-27-312, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 13-27-201, MCA, is amended to read:

11 "13-27-201. Form and substance of petition generally.

12 (1) A petition for the initiative, the referendum, or to
13 call a constitutional convention must be substantially in
14 the form provided by this chapter. Clerical or technical
15 errors that do not interfere with the ability to judge the
16 sufficiency of signatures on the petition do not render a
17 petition void.

18 (2) A petition for the initiative may concern but one
19 subject, and its purpose must be clearly and definitely
20 indicated.

21 ~~(2)~~(3) Petition sheets may not exceed 8 1/2 x 14
22 inches in size. Separate sheets of a petition may be
23 fastened in sections of not more than 25 sheets. Near the
24 top of each sheet containing signature lines must be printed
25 the title of the statute or constitutional amendment

1 proposed or the measure to be referred or a statement that
2 the petition is for the purpose of calling a constitutional
3 convention. If signature lines are printed on both the front
4 and back of a petition sheet, the information required above
5 must appear on both the front and back of the sheet. The
6 complete text of the measure proposed or referred must be
7 attached to or contained within each signature sheet if
8 sheets are circulated separately. If sheets are circulated
9 in sections, the complete text of the measure must be
10 attached to each section.

11 (4) The text of the measure must be in the bill form
12 provided in the most recent issue of the bill drafting
13 manual furnished by the legislative council. ~~if sheets--are~~
14 ~~circulated--in--sections,--the--complete-text-of-the-measure~~
15 ~~must-be-attached-to-each-section."~~

16 Section 2. Section 13-27-202, MCA, is amended to read:

17 "13-27-202. Recommendations Review by legislative
18 council, secretary of state, and attorney general --
19 approval of-form required. (1) Before submission of a sample
20 sheet to the secretary of state pursuant to subsection (3),
21 the following requirements must be fulfilled:

22 (a) The text of the proposed measure must be submitted
23 to the legislative council for review.

24 (b) The council staff shall review the text for
25 clarity, consistency, and any other factors the council



1 staff considers when drafting proposed legislation.

2 (c) Within 14 days after submission of the text, the
3 council staff shall make to the person submitting the text
4 written recommendations for changes in the text or a
5 statement that no changes are recommended.

6 (d) The person submitting the text shall consider any
7 such recommendations and respond in writing to the council,
8 accepting, rejecting, or modifying each of the recommended
9 changes. If no changes are recommended, no response is
10 required.

11 (2) The legislative council shall furnish a copy of
12 the correspondence provided for in subsection (1) to the
13 secretary of state, who shall make a copy thereof available
14 to any person upon request.

15 (3) Before a petition may be circulated for
16 signatures, a sample sheet containing the text of the
17 proposed measure must be submitted to the secretary of state
18 in the form in which it will be circulated. The sample
19 petition may not be submitted to the secretary of state more
20 than 1 year prior to the final date for filing the signed
21 petition with the secretary of state. The secretary of state
22 shall refer a copy of the petition sheet to the attorney
23 general for his approval. The secretary of state and
24 attorney general must each review the petition for
25 sufficiency-as--to--form conformance with the state and

1 federal constitutions and this chapter and approve or reject
2 the ~~form-of-the~~ petition, stating the reasons for rejection,
3 if any.

4 (4) The secretary of state shall review the comments
5 and statements of the attorney general received pursuant to
6 13-27-312 and make a final decision as to the approval or
7 rejection of the ~~form-of-the~~ petition. The secretary of
8 state shall send written notice to the person who submitted
9 the petition sheet of the approval within 28 days after
10 submission of the petition sheet. The secretary of state
11 shall send written notice if the petition has been rejected,
12 together with reasons for rejection, within 14 days after
13 submission of the petition sheet. If rejected, the petition
14 may be revised and resubmitted or the proponents may file an
15 action in the district court challenging the reasons for
16 rejection in the manner provided in 13-27-316."

17 Section 3. Section 13-27-312, MCA, is amended to read:
18 "13-27-312. Review of petition by attorney general --
19 preparation of statements -- fiscal note. (1) Upon receipt
20 of a petition from the office of the secretary of state
21 pursuant to 13-27-202, the attorney general shall examine
22 the petition as-to-form for conformance with the state and
23 federal constitutions and this chapter and, if the proposed
24 ballot issue has an effect on the revenues, expenditures, or
25 the fiscal liability of the state, shall order a fiscal note

1 incorporating an estimate of such effect, the substance of
 2 which must substantially comply with the provisions of
 3 5-4-205. The budget director, in cooperation with the agency
 4 or agencies affected by the petition, is responsible for
 5 preparing the fiscal note and shall return it within 6 days
 6 unless the attorney general, for good cause shown, extends
 7 the time for completing the fiscal note. If the petition
 8 form is approved, the attorney general shall endeavor to
 9 seek out parties on both sides of the issue and obtain their
 10 advice. The attorney general may, if he deems it necessary,
 11 ~~appoint a five-member~~ designate a three-member committee,
 12 consisting of himself, the secretary of state, and the legal
 13 services director of the legislative council to recommend
 14 the statement of purpose and the statement of the
 15 implications of the measure. ~~The committee shall consist of~~
 16 ~~two persons recommended by the person filing the petition,~~
 17 ~~two persons known to oppose the measure, and one~~
 18 ~~representative of the attorney general's office, who is the~~
 19 ~~chairman.~~ The committee shall, within 14 days of appointment
 20 and after public hearing, meet and recommend by a vote of a
 21 majority of the committee:

- 22 (a) a statement, not to exceed 100 words, explaining
 23 the purpose of the measure; and
 24 (b) statements, not to exceed 25 words each,
 25 explaining the implications of a vote for and a vote against

1 the measure.

2 ~~{2} The attorney general may accept, reject, or modify~~
 3 ~~the statements recommended by the committee. If the~~
 4 ~~committee is unable to recommend one or both statements, the~~
 5 ~~attorney general shall prepare the statements.~~

6 ~~{3}~~{2} The attorney general shall prepare a fiscal
 7 statement of no more than 50 words if a fiscal note was
 8 prepared for the proposed ballot issue, such statement to be
 9 used on the petition and ballot if the measure is placed on
 10 the ballot.

11 ~~{4}~~{3} The statement of purpose and the statements of
 12 implication must express the true and impartial explanation
 13 of the proposed ballot issue in plain, easily understood
 14 language and may not be arguments or written so as to create
 15 prejudice for or against the measure.

16 ~~{5}~~{4} The statement of purpose prepared pursuant to
 17 subsection (1) ~~or {2}~~, unless altered by a court under
 18 13-27-316, is the petition title for the measure circulated
 19 by the petition and the ballot title if the measure is
 20 placed on the ballot.

21 ~~{6}~~{5} The statements of implication shall be placed
 22 beside the diagram provided for marking of the ballot in a
 23 manner similar to the following example:

24 FOR extending the right to vote to persons 18 years
 25 of age

1 AGAINST extending the right to vote to persons 18
2 years of age

3 †7†(6) If the petition is rejected ~~as-to-form~~, the
4 attorney general shall forward his comments to the secretary
5 of state within 10 days after receipt of the petition by the
6 attorney general. If the petition is approved ~~as--to--form~~,
7 the attorney general shall forward the statement of purpose,
8 the statements of implication, and the fiscal statement, if
9 applicable, to the secretary of state within 21 days after
10 receipt of the petition by the attorney general."

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