#### SENATE BILL NO. 286

INTRODUCED BY BECK, CAMPBELL, STORY, SWYSGOOD, GAGE, KEATING, ELLISON, CODY, FARRELL, MCCORMICK, DEVLIN, MCLANE, LYNCH, MEYER, GRADY, HARP, HAMMOND, SPAETH, SEVERSON, JENKINS, B. BROWN, BISHOP, RASMUSSEN, CRIPPEN, BOYLAN, NOBLE, HALLIGAN, AKLESTAD, NATHE, THAYER, SPRING, O'KEEFE, GALT, HANNAH, WALKER, IVERSON, GIACOMETTO, REAM, J. BROWN, KELLER, SQUIRES, HANSEN, RUSSELL, ANDERSON, L. NELSON, DEBRUYCKER, DARKO, MOORE, REHBERG, DRISCOLL, ROTH, HOFFMAN, MAZUREK, PECK, ZOOK, HOFMAN, GOOD

#### IN THE SENATE

JANUARY 30, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 13, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 14, 1989	PRINTING REPORT.
FEBRUARY 15, 1989	SECOND READING, DO PASS.
FEBRUARY 16, 1989	ENGROSSING REPORT.
FEBRUARY 17, 1989	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.
IN	THE HOUSE
FEBRUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
FEBRUARY 20, 1989	FIRST READING.
MARCH 10, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 13, 1989	PASSED CONSIDERATION FOR THE DAY.

MARCH 14, 1989

SECOND READING, CONCURRED IN.

MARCH 15, 1989

THIRD READING, CONCURRED IN.

AYES, 86; NOES, 3.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 4, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS

CONCURRED IN.

APRIL 6, 1989

THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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## CONSTITUTIONAL AMENDMENT

1	Genste BILL NO. 286 2 1. Ale
2,	I INTRODUCED BY Back Carfiel Story Sugrando
3	The contract that
7	and leven, now for the same of
3	THE CONSTITUTION OF THE STATE OF MONTANA BY RECUIRING THAT
٦/	Wellen AHLESTAD NATH TIXONY SOM ~ OTHER
6	VALOD ELECTION BE HELD ON BALLOT ISSUES AND BY RESTRICTING A
77	PREELECTION CHALLENGES TO A BATTOT ISSUE, AND PROVIDING THAT
8	THE ACT AT SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA."
9	Narto Vace Daily Hygunan " Vack
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Article IV of The Constitution of the State
11	dection i. Artifere iv or the constitution of the state
12	of Montana is amended by adding a new section 7 that reads:
13	Section 7. Ballot issues challenges elections.
14	(1) An initiative or referendum that qualifies for the
15	ballot under Article III or Article XIV shall be submitted
16	to the qualified electors as provided in the Article under
17	which the initiative or referendum qualified unless a new
18	election is held pursuant to this section.
19	(2) The substance of an initiative or referendum may
20	not be challenged in court prior to an election on the
21	issue. A preelection challenge to the procedure by which an
22	initiative or referendum qualified for the ballot or a

postelection challenge to the manner in which the election

(3) If the election on an initiative or referendum

was conducted shall be given priority by the courts.

because the election was improperly conducted, the secretary
of state shall submit the issue to the qualified electors at
the next regularly scheduled statewide election unless the
legislature orders a special election.
Section 2. Submission to electorate. The amendment set
forth in section 1 shall be submitted to the qualified
electors of Montana at the general election to be held in
November 1990 by printing on the ballot the full title of
this act and the following:
☐ FOR limiting challenges to ballot issues prior to
the election and requiring a valid and timely
election on properly qualified initiatives and
referendums.
☐ AGAINST limiting challenges to ballot issues prior
to the election and requiring a valid and timely

properly qualifying for the ballot is declared invalid

-End-

referendums.

election on properly qualified initiatives

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# CONSTITUTIONAL AMENDMENT APPROVED BY COMMITTEE ON STATE ADMINISTRATION

Ţ	SENATE BILL NO. 200
2	INTRODUCED BY BECK, CAMPBELL, STORY, SWYSGOOD, GAGE,
3	KEATING, ELLISON, CODY, FARRELL, MCCORMICK, DEVLIN,
4	MCLANE, LYNCH, MEYER, GRADY, HARP, HAMMOND, SPAETH,
5	SEVERSON, JENKINS, B. BROWN, BISHOP, RASMUSSEN, CRIPPEN,
6	BOYLAN, NOBLE, HALLIGAN, AKLESTAD, NATHE, THAYER, SPRING,
7	O'KEEFE, GALT, HANNAH, WALKER, IVERSON, GIACOMETTO, REAM,
8	J. BROWN, KELLER, SQUIRES, HANSEN, RUSSELL, ANDERSON,
9	L. NELSON, DEBRUYCKER, DARKO, MOORE, REHBERG, DRISCOLL,
.0	ROTH, HOFFMAN, MAZUREK, PECK, ZOOK, HOFMAN, GOOD
.1	
. 2	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING ARTICLE IV OF
. 3	THE CONSTITUTION OF THE STATE OF MONTANA BY REQUIRING THAT A
.4	VALID ELECTION BE HELD ON BALLOT ISSUES AND BY RESTRICTING
. 5	PREELECTION CHALLENGES TO A BALLOT ISSUE; AND PROVIDING THAT
.6	THE ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA."
17	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
L9	Section 1. Article IV of The Constitution of the State
20	of Montana is amended by adding a new section 7 that reads:
21	Section 7. Ballot issues challenges elections.

(1) An initiative or referendum that qualifies for the

ballot under Article III or Article XIV shall be submitted

to the qualified electors as provided in the Article under

which the initiative or referendum qualified unless THE

Montana	Legislative	COUNCI
A Montana	Legislative	COUNCE

1	SUBSTANCE OF A BALLOT ISSUE IS DECLARED UNCONSTITUTIONAL BY
2	A COURT OF COMPETENT JURISDICTION OR a new election is held
3	pursuant to this section.

- (2) The--substance--of-an-initiative-or-referendum-may not-be-challenged-in-court--prior--to--an--election--on--the issue: A preelection challenge to the procedure by which an initiative or referendum qualified for the ballot or a postelection challenge to the manner in which the election was conducted shall be given priority by the courts.
- (3) If the election on an initiative or referendum properly qualifying for the ballot is declared invalid because the election was improperly conducted, the secretary of state shall submit the issue to the qualified electors at the next regularly scheduled statewide election unless the legislature orders a special election.

Section 2. Submission to electorate. The amendment set forth in section 1 shall be submitted to the qualified electors of Montana at the general election to be held in November 1990 by printing on the ballot the full title of this act and the following:

21	☐ FO	R limit	ing o	challe	nges	😿 bal	lot	issue	s pri	or to
22	the	e elec	tion	and	req	uiring	a	valid	and	timely
23	ele	ection	on	prope	rly	qualif	ied	initi	atives	s and
24	re	ferendu	ıms.							

25 AGAINST limiting challenges to ballot issues prior

## SB 0286/02

to the election and requiring a valid and timely election on properly qualified initiatives and referendums.

-End-

#### CONSTITUTIONAL AMENDMENT

1	SENATE BILL NO. 286
2	INTRODUCED BY BECK, CAMPBELL, STORY, SWYSGOOD, GAGE,
3	KEATING, ELLISON, CODY, FARRELL, MCCORMICK, DEVLIN,
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16	THE ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA."
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18	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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8	postelection challenge to the manner in which the election
9	was conducted shall be given priority by the courts.
10	(3) If the election on an initiative or referendum
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13	of state shall submit the issue to the qualified electors at
14	the next regularly scheduled statewide election unless the
15	legislature orders a special election.
16	Section 2. Submission to electorate. The amendment set
17	forth in section 1 shall be submitted to the qualified
18	electors of Montana at the general election to be held in
19	November 1990 by printing on the ballot the full title of
20	this act and the following:
21	FOR limiting challenges to ballot issues prior to
22	the election and requiring a valid and timely
23	election on properly qualified initiatives and
24	referendums.
25	AGAINST limiting challenges to ballot issues prior

SUBSTANCE OF A BALLOT ISSUE IS DECLARED UNCONSTITUTIONAL BY

## SB 0286/02

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2	ele	ction	on	prop	erly	qualified	i	nitiat	ives	and
3	ref	erend	ums.							

-End-

## STANDING COMMITTEE REPORT

March 10, 1989 Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that SENATE BILL 286 (third reading copy -- blue) be concurred in as amended .

[REP. CAMPBELL WILL CARRY THIS BILL ON THE HOUSE FLOOR]

# And, that such amendments read:

1. Title, line 14.

Following: "ON"

Insert: "PROPERLY QUALIFIED"

2. Title, lines 14 and 15.

Strike: "AND" on line 14 through "ISSUE" on line 15

3. Page 1, line 25 through page 2, line 2.

Strike: "THE" on page 1, line 25 through "OR" on page 2, line 2

4. Page 2, lines 21 and 22.

Strike: "limiting" on line 21 through "election and" on line 22

5. Page 2, line 25 through page 3, line 1. Strike: "limiting" on page 2, line 25 through "election and" on page 3, line 1

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14	VALID ELECTION BE HELD ON PROPERLY QUALIFIED BALLOT ISSUES
15	AND-BY-RESTRICTING-PREEBECTION-CHALLENGES-TO-A-BALLOT-ISSUE;
16	AND PROVIDING THAT THE ACT BE SUBMITTED TO THE QUALIFIED
17	ELECTORS OF MONTANA."
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## SB 0286/03

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3	election	on	properly	qualified	initiat	cives	an an
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