

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.

## CONSTITUTIONAL AMENDMENT

1  
2 INTRODUCTION BY *Senators* BILL NO. 286 *Edison*  
3 *Frank* *Harb*  
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING ARTICLE IV OF  
5 THE CONSTITUTION OF THE STATE OF MONTANA BY REQUIRING THAT  
6 A VALID ELECTION BE HELD ON BALLOT ISSUES AND BY RESTRICTING  
7 PREELECTION CHALLENGES TO A BALLOT ISSUE; AND PROVIDING THAT  
8 THE ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA."  
9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

## Section 1. Article IV of The Constitution of the State

of Montana is amended by adding a new section 7 that reads:

## 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 a new election is held 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:

- ☐ 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 election on properly qualified initiatives and referendums.

-End-

CONSTITUTIONAL AMENDMENT  
APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

## 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

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING ARTICLE IV OF  
THE CONSTITUTION OF THE STATE OF MONTANA BY REQUIRING THAT A  
VALID ELECTION BE HELD ON BALLOT ISSUES AND BY RESTRICTING  
PREELECTION CHALLENGES TO A BALLOT ISSUE; AND PROVIDING THAT  
THE ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA."

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

**Section 1.** Article IV of The Constitution of the State  
of Montana is amended by adding a new section 7 that reads:

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

SUBSTANCE OF A BALLOT ISSUE IS DECLARED UNCONSTITUTIONAL BY  
A COURT OF COMPETENT JURISDICTION OR a new election is held  
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:

☐ 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

SB 0286/02

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

-End-

## CONSTITUTIONAL AMENDMENT

## 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

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING ARTICLE IV OF  
THE CONSTITUTION OF THE STATE OF MONTANA BY REQUIRING THAT A  
VALID ELECTION BE HELD ON BALLOT ISSUES AND BY RESTRICTING  
PREELECTION CHALLENGES TO A BALLOT ISSUE; AND PROVIDING THAT  
THE ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA."

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

**Section 1.** Article IV of The Constitution of the State

of Montana is amended by adding a new section 7 that reads:

**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

SUBSTANCE OF A BALLOT ISSUE IS DECLARED UNCONSTITUTIONAL BY  
A COURT OF COMPETENT JURISDICTION OR a new election is held  
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:

- ☐ 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

SB 0286/02

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

-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.

Signed: \_\_\_\_\_

  
Jan Brown, Chairman

[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

HOUSE

SB 286



## CONSTITUTIONAL AMENDMENT

## 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

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING ARTICLE IV OF  
THE CONSTITUTION OF THE STATE OF MONTANA BY REQUIRING THAT A  
VALID ELECTION BE HELD ON PROPERLY QUALIFIED BALLOT ISSUES  
~~AND BY RESTRICTING PREELECTION CHALLENGES TO A BALLOT ISSUE;~~  
AND PROVIDING THAT THE ACT BE SUBMITTED TO THE QUALIFIED  
ELECTORS OF MONTANA."

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

**Section 1.** Article IV of The Constitution of the State  
of Montana is amended by adding a new section 7 that reads:

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~~  
~~SUBSTANCE--OF-A-BALLOT-ISSUE-IS-DECLARED-UNCONSTITUTIONAL-BY~~  
~~A-COURT-OF-COMPETENT-JURISDICTION-OR~~ a new election is held  
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:

☐ ~~FOR limiting-challenges-to-ballot--issues--prior--to~~  
~~the--election--and~~ requiring a valid and timely  
election on properly qualified initiatives and  
referendums.

SB 0286/03

- 1     ☐ AGAINST ~~limiting-challenges-to-ballot--issues--prior~~  
2         ~~to--the--election--and~~ requiring a valid and timely  
3         election on properly qualified initiatives and  
4         referendums.

-End-