

SENATE BILL 15

Introduced by Thayer

6/20	Introduced
6/20	Referred to Education & Cultural Resources
6/22	Hearing Died in Committee

1 *Senate* BILL NO. *15*
2 INTRODUCED BY *Boya*
3 BY REQUEST OF THE GOVERNOR
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW CONSTITUTIONAL
6 AMENDMENTS PROPOSED BY THE LEGISLATURE IN THE SPECIAL
7 SESSION COMMENCING JUNE 19, 1989, TO BE SUBMITTED TO THE
8 VOTERS IN THE GENERAL ELECTION TO BE HELD NOVEMBER 7, 1989;
9 AMENDING SECTIONS 13-1-101, 13-1-104, 13-27-310, AND
10 13-27-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE,
11 AN APPLICABILITY DATE, AND A TERMINATION DATE."
12

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

14 **Section 1.** Section 13-1-101, MCA, is amended to read:
15 "13-1-101. Definitions. As used in this title, unless
16 the context clearly indicates otherwise, the following
17 definitions apply:

18 (1) "Anything of value" means any goods that have a
19 certain utility to the recipient that is real and that is
20 ordinarily not given away free but is purchased.

21 (2) "Candidate" means:

22 (a) an individual who has filed a declaration or
23 petition for nomination, acceptance of nomination or
24 appointment as a candidate for public office as required by
25 law;

1 (b) for the purposes of chapters 35, 36, or 37, an
2 individual who has solicited or received and retained
3 contributions, made expenditures, or given consent to an
4 individual, organization, political party, or committee to
5 solicit or receive and retain contributions or make
6 expenditures on his behalf to secure nomination or election
7 to any office at any time, whether or not the office for
8 which the individual will seek nomination or election is
9 known when the:

- 10 (i) solicitation is made;
- 11 (ii) contribution is received and retained; or
- 12 (iii) expenditure is made; and
- 13 (c) an officeholder who is the subject of a recall
14 election.

15 (3) (a) "Contribution" means:

- 16 (i) an advance, gift, loan, conveyance, deposit,
17 payment, or distribution of money or anything of value to
18 influence an election;
- 19 (ii) a transfer of funds between political committees;
- 20 (iii) the payment by a person other than a candidate or
21 political committee of compensation for the personal
22 services of another person that are rendered to a candidate
23 or political committee.

24 (b) "Contribution" does not mean:

- 25 (i) services provided without compensation by



-2- INTRODUCED BILL
SB 15

1 individuals volunteering a portion or all of their time on
2 behalf of a candidate or political committee or meals and
3 lodging provided by individuals in their private residence
4 for a candidate or other individual;

5 (ii) the cost of any bona fide news story, commentary,
6 or editorial distributed through the facilities of any
7 broadcasting station, newspaper, magazine, or other
8 periodical publication of general circulation;

9 (iii) the cost of any communication by any membership
10 organization or corporation to its members or stockholders
11 or employees, so long as such organization is not a primary
12 political committee; or

13 (iv) filing fees paid by the candidate.

14 (4) "Election" means a general, special, or primary
15 election held pursuant to the requirements of state law,
16 regardless of the time and/or purpose.

17 (5) "Election administrator" means the county clerk
18 and recorder or the individual designated by a county
19 governing body to be responsible for all election
20 administration duties, except that with regard to school
21 elections, the term means the school district clerk.

22 (6) "Elector" means an individual qualified and
23 registered to vote under state law.

24 (7) (a) "Expenditure" means a purchase, payment,
25 distribution, loan, advance, promise, pledge, or gift of

1 money or anything of value made for the purpose of
2 influencing the results of an election.

3 (b) "Expenditure" does not mean:

4 (i) services, food, or lodging provided in a manner
5 that they are not contributions under subsection (3);

6 (ii) payments by a candidate for his filing fee or for
7 personal travel expenses, food, clothing, lodging, or
8 personal necessities for himself and his family;

9 (iii) the cost of any bona fide news story, commentary,
10 or editorial distributed through the facilities of any
11 broadcasting station, newspaper, magazine, or other
12 periodical publication of general circulation; or

13 (iv) the cost of any communication by any membership
14 organization or corporation to its members or stockholders
15 or employees, so long as such organization is not a primary
16 political committee.

17 (8) "General election" means an election held for the
18 election of public officers throughout the state at times
19 specified by law, including elections for officers of
20 political subdivisions when the time of the election is set
21 on the same date for all similar political subdivisions in
22 the state. For ballot issues required by Article III,
23 section 6, or Article XIV, section 8, of the Montana
24 constitution to be submitted by the legislature to the
25 electors at a general election, "general election" means an

1 election held at the time provided in 13-1-104(1) and (2).

2 (9) "Individual" means a human being.

3 (10) "Issue" or "ballot issue" means a proposal
4 submitted to the people at an election for their approval or
5 rejection, including but not limited to initiatives,
6 referenda, proposed constitutional amendments, recall
7 questions, school levy questions, bond issue questions, or a
8 ballot question. For the purposes of chapters 35, 36, or 37,
9 an issue becomes a "ballot issue" upon certification by the
10 proper official that the legal procedure necessary for its
11 qualification and placement upon the ballot has been
12 completed, except that a statewide issue becomes an "issue"
13 upon approval by the secretary of state of the form of the
14 petition or referral.

15 (11) "Person" means an individual, corporation,
16 association, firm, partnership, cooperative, committee,
17 club, union, or other organization or group of individuals
18 or a candidate as defined in subsection (2) of this section.

19 (12) "Political committee" means a combination of two
20 or more individuals or a person other than an individual who
21 makes a contribution or expenditure:

22 (a) to support or oppose a candidate or a committee
23 organized to support or oppose a candidate or a petition for
24 nomination; or

25 (b) to support or oppose a ballot issue or a committee

1 organized to support or oppose a ballot issue; or

2 (c) as an earmarked contribution.

3 (13) "Political subdivision" means a county,
4 consolidated municipal-county government, municipality,
5 special district, or any other unit of government, except
6 school districts, having authority to hold an election for
7 officers or on a ballot issue.

8 (14) "Primary" or "primary election" means an election
9 held throughout the state to nominate candidates for public
10 office at times specified by law, including nominations of
11 candidates for offices of political subdivisions when the
12 time for such nominations is set on the same date for all
13 similar subdivisions in the state.

14 (15) "Public office" means a state, county, municipal,
15 school, or other district office that is filled by the
16 people at an election.

17 (16) "Registrar" means the county election
18 administrator and any regularly appointed deputy or
19 assistant election administrator.

20 (17) "Special election" means an election other than a
21 statutorily scheduled primary or general election held at
22 any time for any purpose provided by law. It may be held in
23 conjunction with a statutorily scheduled election.

24 (18) "Voting machine or device" means any equipment
25 used to record, tabulate, or in any manner process the vote

1 of an elector."

2 **Section 2.** Section 13-1-104, MCA, is amended to read:

3 "13-1-104. Times for holding general elections. (1) A
4 general election shall be held throughout the state in every
5 even-numbered year on the first Tuesday after the first
6 Monday of November to vote on ballot issues required by
7 Article III, section 6, or Article XIV, section 8, of the
8 Montana constitution to be submitted by the legislature to
9 the electors at a general election, unless an earlier date
10 is provided in a law authorizing a special election on an
11 initiative or referendum pursuant to Article III, section 6,
12 or unless a general election held in an odd-numbered year is
13 provided in a referendum submitted under Article XIV,
14 section 8, and to elect federal officers, state or
15 multicounty district officers, members of the legislature,
16 judges of the district court, and county officers when the
17 terms of such offices will expire before the next scheduled
18 election for the offices or when one of the offices must be
19 filled for an unexpired term as provided by law.

20 (2) A general election shall be held throughout the
21 state in every odd-numbered year on the first Tuesday after
22 the first Monday in November to vote on ballot issues
23 required by a referendum submitted under Article XIV,
24 section 8, to be voted on in a general election held in an
25 odd-numbered year and to elect municipal officers, officers

1 of political subdivisions wholly within one county and not
2 required to hold annual elections, and any other officers
3 specified by law for election in odd-numbered years when the
4 term for the offices will expire before the next scheduled
5 election for the offices or when one of the offices must be
6 filled for an unexpired term as provided by law.

7 (3) The general election for any political
8 subdivision, other than a municipality, required to hold
9 elections annually shall be held on school election day, the
10 first Tuesday of April of each year, and is subject to the
11 election procedures provided for in 13-1-401.

12 (4) The general election for a municipality required
13 to hold elections annually may be held either on school
14 election day as provided in subsection (3) or on the first
15 Tuesday after the first Monday in November, at the
16 discretion of the governing body."

17 **Section 3.** Section 13-27-310, MCA, is amended to read:

18 "13-27-310. Transmittal of issues referred by the
19 legislature and ballot forms to the attorney general. (1)
20 The secretary of state shall transmit a copy of the form in
21 which a ballot issue proposed by petition will appear on the
22 ballot to the attorney general on the same day the completed
23 petition is certified to the governor.

24 (2) The secretary of state shall transmit a copy of an
25 act referred to the people or a constitutional amendment

1 proposed by the legislature, to be voted on in a general
 2 election to be held in an even-numbered year, and a copy of
 3 the form in which the issue will appear on the ballot to the
 4 attorney general no later than 6 months before the election
 5 at which the issue will be voted on by the people. The
 6 secretary of state shall transmit a copy of a constitutional
 7 amendment proposed by the legislature, to be voted on in a
 8 general election to be held in an odd-numbered year, and a
 9 copy of the form in which the issue will appear on the
 10 ballot to the attorney general at least 3 months prior to
 11 the election at which the issue will be voted on by the
 12 people.

13 (3) If the ballot form is not approved by the attorney
 14 general pursuant to 13-27-313, the secretary of state shall
 15 immediately submit a new ballot form to the attorney
 16 general."

17 **Section 4.** Section 13-27-403, MCA, is amended to read:

18 "13-27-403. Appointment to committee. (1) Appointments
 19 to committees advocating approval or rejection of an act
 20 referred to the people or a constitutional amendment
 21 proposed by the legislature shall be made no later than 6
 22 months before the election at which the ballot issue will be
 23 voted on by the people or 14 days after the legislative
 24 session at which the ballot issue was passed, whichever is
 25 later.

1 (2) Appointments to committees advocating approval or
 2 rejection of a ballot measure referred to the people by
 3 referendum petition or proposed by any type of initiative
 4 petition shall be made no later than 30 days after the
 5 measure is approved for circulation by the secretary of
 6 state. All persons responsible for appointing members to
 7 the committee shall submit to the secretary of state the
 8 names and addresses of the appointees no later than the date
 9 set by this subsection. Such submission must include the
 10 written acceptance of appointment from each appointee
 11 required by section 13-27-402(6).

12 (3) All appointees to a committee pursuant to
 13 subsection (1) must be notified by the secretary of state by
 14 certified mail, with return receipt requested, no later than
 15 5 days after the deadline set for appointment of committee
 16 members, of the deadlines for submission of the committee's
 17 arguments.

18 (4) All appointees to a committee pursuant to
 19 subsection (2) must be notified by the secretary of state by
 20 certified mail, with return receipt requested, no later than
 21 35 days after the petition has been approved for
 22 circulation, of the deadlines for submission of the
 23 committee's arguments.

24 (5) Committees appointed under subsections (2)(b),
 25 (4), and (5) of 13-27-402 must be vacated and have no

1 further obligation if the ballot measure for which they were
2 appointed fails to receive sufficient signatures to place it
3 on the ballot. The secretary of state shall notify the
4 committee members of the failure of a ballot measure to
5 receive sufficient signatures no later than 3 days after the
6 filing deadline set in 13-27-104."

7 NEW SECTION. **Section 5. Effective date.** [This act] is
8 effective on passage and approval.

9 NEW SECTION. **Section 6. Applicability.** [This act]
10 applies to constitutional amendments proposed by the
11 legislature in the special legislative session commencing
12 June 19, 1989.

13 NEW SECTION. **Section 7. Termination.** [This act]
14 terminates January 1, 1990.

-End-