

SENATE BILL NO. 87

INTRODUCED BY CRIPPEN
BY REQUEST OF THE GOVERNOR

IN THE SENATE

JANUARY 6, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 25, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 26, 1993	PRINTING REPORT.
MARCH 27, 1993	SECOND READING, DO PASS AS AMENDED.
MARCH 29, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 45; NOES, 3.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 30, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
APRIL 5, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 7, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
APRIL 13, 1993	SECOND READING, CONCURRED IN AS AMENDED.
	THIRD READING, CONCURRED IN. AYES, 54; NOES, 45.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 16, 1993	SECOND READING, AMENDMENTS NOT
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CONCURRED IN.

APRIL 19, 1993

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 21, 1993

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

APRIL 24, 1993

CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE SENATE

APRIL 24, 1993

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 87
2 INTRODUCED BY Casper
3 BY REQUEST OF THE GOVERNOR
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SPECIFIC
6 PROCEDURES FOR THE SPECIAL ELECTION ON ____ BILL NO. ____ [LC
7 373]; PROVIDING THAT THE PROVISIONS OF TITLE 13, CHAPTER 27,
8 MCA, AND CERTAIN OTHER LAWS RELATING TO ELECTIONS DO NOT
9 APPLY TO THE SPECIAL ELECTION; PROVIDING FOR THE PURCHASE OF
10 PRINTING AND DISTRIBUTION SERVICES AND MATERIALS ASSOCIATED
11 WITH THE PRINTING AND DISTRIBUTION OF A VOTER INFORMATION
12 PAMPHLET AND BALLOTS FOR THE SPECIAL ELECTION; AND PROVIDING
13 AN IMMEDIATE EFFECTIVE DATE."
14

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

16 NEW SECTION. Section 1. Suspension of election laws --
17 purpose -- notice. (1) Due to the severity of Montana's
18 fiscal problems and due to the need to deal with
19 comprehensive tax reform as soon as possible, the
20 legislature and the governor find that it is in the best
21 interests of the citizens of the state of Montana to conduct
22 a special election on the question of whether or not
23 comprehensive tax reform, as represented by ____ Bill No. ____
24 [LC 373], should be adopted. The legislature and the
25 governor also find that statutes covering ballot measures

1 and the election on ballot measures, generally found in
2 Title 13, chapter 27, are insufficient to accommodate the
3 pressing need to dispose of the question of comprehensive
4 tax reform. Consequently, procedures expediting the
5 election, specified in [sections 1 through 19], are enacted
6 to protect and further the interests of the electorate and
7 Montana's citizens.

8 (2) For purposes of the special election to be held on
9 ____ Bill No. ____ [LC 373]:

10 (a) the provisions of 13-1-108, 13-2-301(1)(b),
11 13-12-201, 13-13-205, and Title 13, chapter 27, do not
12 apply; and

13 (b) notice of the special election must be published at
14 least once a week for the 2 successive weeks before the
15 election on radio or television as provided in 2-3-105
16 through 2-3-107 or in a newspaper of general circulation in
17 the jurisdiction where the election will be held.

18 NEW SECTION. Section 2. Procedures for special
19 election.

20 (1) For the special election required in ____ Bill
21 No. ____ [LC 373], the procedures set forth in [sections 1
22 through 19] apply.

23 (2) In [sections 1 through 19], wherever the word
24 "ballot issue", "issue", "ballot measure", "ballot form", or
25 "ballot" appears, the word applies to ____ Bill No. ____ [LC

373].

NEW SECTION. Section 3. Transmittal of ballot issue to attorney general. (1) The secretary of state shall transmit a copy of the ballot issue and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 40 days before the election at which the issue will be voted on by the people.

(2) If the ballot form is not approved by the attorney general pursuant to [section 5], the secretary of state shall immediately submit a new ballot form to the attorney general.

NEW SECTION. Section 4. Review by attorney general -- preparation of statements -- fiscal note. (1) Upon receipt of a ballot issue from the office of the secretary of state pursuant to [section 3], the attorney general shall examine the issue as to form and, if it has an effect on the revenue, expenditures, or fiscal liability of the state, shall order a fiscal note incorporating an estimate of the effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected or knowledgeable, is responsible for preparing the fiscal note and shall return it within 2 days. If a fiscal note was prepared for the issue for consideration by the 53rd Montana legislature, the secretary of state shall provide to the

attorney general the fiscal note prepared for the legislature at the same time the ballot issue is transmitted and the budget director need not prepare a new fiscal note.

(2) The attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general, within 3 days of receipt of the ballot issue, shall prepare:

(a) a statement, not to exceed 100 words, explaining the purpose of the measure; and

(b) statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the measure.

(3) Within 3 days of receipt of a fiscal note, if one is necessary, the attorney general shall prepare a fiscal statement of no more than 50 words, using the fiscal note prepared for the ballot issue if one was prepared. The statement must be used on the ballot.

(4) The statement of purpose and the statements of implication must express the true and impartial explanation of the ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the measure. The statement of purpose, statements of implication, and fiscal statement must be transmitted to the secretary of state no later than 1 day following completion of the statements.

(5) The statement of purpose, unless altered by a court under [section 6], shall appear on the ballot in addition to the language included in ____ Bill NO. ____ [LC 373].

(6) The statements of implication must be placed beside the diagram provided for marking of the ballot in a manner similar to but not limited to the following example:

☐ FOR extending the right to vote to persons 18 years of age.

☐ AGAINST extending the right to vote to persons 18 years of age.

NEW SECTION. Section 5. Review of ballot form by attorney general. The attorney general shall examine the ballot form submitted pursuant to [section 3] and within 2 days of receipt of the ballot form shall notify the secretary of state of approval or rejection of the ballot form. If the ballot form is rejected, the attorney general shall approve or reject a new ballot form submitted by the secretary of state pursuant to [section 3] within 1 day of receiving the new form.

NEW SECTION. Section 6. Court review of attorney general statements. (1) If a majority of the 53rd Montana legislature, by roll call vote, believes that the statement of purpose, a statement of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to [section 4] does not satisfy the requirements of [section

4], a representative of the majority may, within 2 days of the roll call vote, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(2) On the same day on which an action is filed under subsection (1), the person filing the action shall serve notice of the action upon the secretary of state and upon the attorney general.

(3) An action filed under subsection (1) takes precedence over all other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement that the court determines will meet the requirements of [section 4].

(4) A statement certified by the court must be placed on the official ballot.

(5) A copy of the statement certified by the court, in final form, must be filed in the office of the secretary of state by the person filing the action.

(6) A party may appeal the order of the district court to the Montana supreme court by filing a notice of appeal within 2 days of the date of the order of the district court.

(7) An action filed under subsection (6) takes precedence over all other cases and matters in the Montana supreme court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement that the court determines will meet the requirements of [section 4]. A decision by the supreme court is final.

(8) A statement certified by the supreme court must be placed on the official ballot.

(9) A copy of the statement certified by the supreme court, in final form, must be filed in the office of the secretary of state by the person filing the action.

NEW SECTION. Section 7. Voter information pamphlet.

(1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for the ballot issue to be voted on at the February 23, 1993, special election, as applicable:

(a) ballot title, fiscal statement, if applicable, and complete text of the issue;

(b) the form in which the issue will appear on the ballot;

(c) arguments advocating approval and rejection of the issue; and

(d) rebuttal arguments.

(2) The pamphlet must also contain a notice advising the recipient as to where additional copies of the pamphlet may be obtained.

(3) The secretary of state may publish a single pamphlet for all of the ballot issues to be voted on at the February 23, 1993, special election. The secretary of state may arrange the information in the order that seems most appropriate, but the information for all issues in the pamphlet must be presented in the same order.

NEW SECTION. Section 8. Committees to prepare arguments for and against ballot issue. (1) The arguments advocating approval or rejection of a ballot issue and rebuttal arguments must be submitted to the secretary of state by committees appointed as provided in this section.

(2) (a) Within 3 days following adoption by the legislature of ____ Bill No. ____ [LC 373], a committee advocating the approval of the ballot issue must be appointed. The committee must be composed of one senator known to favor the issue, who must be appointed by the president of the senate and serve as the presiding officer; one representative known to favor the issue, who must be appointed by the speaker of the house of representatives; and one individual, who need not be a member of the legislature but who must be appointed by the first two members.

(b) If any member of the committee is not appointed within the time provided in subsection (2)(a), the chief justice of the Montana supreme court shall make the appointment within 2 days following expiration of the time allowed in subsection (2)(a).

(3) (a) Within 3 days following adoption by the legislature of ____ Bill No. ____ [LC 373], a committee advocating rejection of the ballot issue must be appointed. The committee advocating rejection of an issue must be composed of one senator, who must be appointed by the president of the senate and serve as the presiding officer; one representative, who must be appointed by the speaker of the house of representatives; and one individual, who need not be a member of the legislature but who must be appointed by the first two members. Whenever possible, the members must be known to oppose the issue.

(b) If any member of the committee is not appointed within the time provided in subsection (3)(a), the chief justice of the Montana supreme court shall make the appointment within 2 days following expiration of the time allowed in subsection (3)(a).

(4) (a) A person may not be required to serve on a committee under this section, and the person making an appointment must receive written acceptance of appointment from the appointee.

president of the senate shall notify the secretary of state of each person appointed to the committees in subsections (2) and (3) immediately upon receipt of written acceptance of appointment by the appointee.

NEW SECTION. **Section 9.** Notice of appointment to committee. All appointees to a committee pursuant to [section 8] must be notified by the secretary of state by certified mail, return receipt requested, no later than 1 day after the deadline set for appointment of committee members, of the deadlines for submission of the committee's arguments.

NEW SECTION. **Section 10.** Committee expenses. Each committee appointed under [section 8] is entitled to receive funds for the preparation of arguments and expenses of members not to exceed \$100. Itemized claims for actual expenses incurred, approved by a majority of the committee, must be submitted to the secretary of state for payment from funds appropriated for that purpose.

NEW SECTION. **Section 11.** Limitation on length of argument -- time of filing. An argument advocating approval or rejection of a ballot measure is limited to 500 words or less and must be filed, in typewritten form, with the secretary of state no later than 30 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation shall

1 approve and sign each argument filed. Separate signed
2 letters of approval of an argument may be filed with the
3 secretary of state by members of a committee if necessary to
4 meet the filing deadline.

5 NEW SECTION. Section 12. Rebuttal arguments. The
6 secretary of state shall provide copies of the arguments
7 advocating approval or rejection of a ballot issue to the
8 members of the adversary committee no later than 1 day
9 following the filing of both the approval and rejection
10 arguments for the issue in the office of the secretary of
11 state. The committees may prepare rebuttal arguments,
12 limited to 250 words or less that must be filed, in
13 typewritten form, with the secretary of state no later than
14 3 days after the deadline for filing the original arguments.
15 Discussion in the rebuttal argument must be confined to the
16 subject matter raised in the argument being rebutted. The
17 rebuttal argument must be approved and signed by a majority
18 of the committee responsible for its preparation. Separate
19 signed letters of approval may be submitted in the same
20 manner as for the original arguments.

21 NEW SECTION. Section 13. Rejection of improper
22 arguments. The secretary of state shall reject, with the
23 approval of the attorney general, an argument or other
24 matter held to contain obscene, vulgar, profane, scandalous,
25 libelous, or defamatory matter; any language that in any way

1 incites, counsels, promotes, or advocates hatred, abuse,
2 violence, or hostility toward or that tends to cast ridicule
3 or shame upon a group of persons by reason of race, color,
4 religion, or sex; or any matter not allowed to be sent
5 through the mail. Rejected arguments may not be filed or
6 printed in the voter information pamphlet.

7 NEW SECTION. Section 14. Liability for contents of
8 argument. Nothing in [sections 1 through 19] relieves an
9 author of any argument from civil or criminal responsibility
10 for statements contained in an argument printed in the voter
11 information pamphlet.

12 NEW SECTION. Section 15. Printing and distribution of
13 voter information pamphlet -- public exigencies. (1) As soon
14 as possible, the secretary of state shall arrange with the
15 department of administration by requisition for the printing
16 and delivery of a voter information pamphlet for the ballot
17 measure. The requisition must include a delivery list
18 providing for shipment of the required number of pamphlets
19 to each county and to the secretary of state.

20 (2) The secretary of state shall estimate the number of
21 copies necessary to furnish one copy to every voter in each
22 county, except that two or more voters with the same mailing
23 address and the same last name may be counted as one voter.
24 The secretary of state shall provide for an extra supply of
25 the pamphlets in determining the number of voter pamphlets

1 to be ordered in the requisition.

2 (3) (a) The provisions of 18-4-133(2) apply to the
3 purchase of or a contract for services or materials
4 associated with the printing, delivery, or distribution of
5 the voter information pamphlet and the ballots for the
6 special election on ____ Bill No. ____ [LC 373].

7 (b) The department of administration may call for bids
8 and shall contract for the printing and delivery of the
9 voter information pamphlet. The contract must require
10 completion of printing and shipment, as specified on the
11 delivery list, of the voter information pamphlets by no
12 later than 21 days before the election at which the ballot
13 issue will be voted on by the people.

14 (4) The county official responsible for voter
15 registration in each county shall mail one copy of the voter
16 information pamphlet to each registered voter in the county,
17 except that two or more voters with the same mailing address
18 and the same last name may be counted as one voter. The
19 mailing must take place as soon as is possible after the
20 pamphlets are received from the printer.

21 (5) Ten copies of the voter information pamphlet must
22 be available at each precinct for use by any voter wishing
23 to read the explanatory information and complete text before
24 voting on ____ Bill No. ____ [LC 373].

25 NEW SECTION. **Section 16. Secretary of state to certify**

1 NEW SECTION. **Section 16. Secretary of state to certify**

2 ballot form -- abbreviated ballot. (1) Within 5 days after
3 receiving approval of the ballot form from the attorney
4 general under [section 5], the secretary of state shall
5 furnish to the official of each county responsible for
6 preparing and printing the ballots a certified copy of the
7 form in which the ballot issue is to appear on the ballot.

8 (2) The secretary of state shall list for the issue:

9 (a) the number;

10 (b) the method of placement on the ballot;

11 (c) the title;

12 (d) the attorney general's explanatory statement, if
13 applicable;

14 (e) the fiscal statement, if applicable; and

15 (f) the statements of the implication of a vote for or
16 against the issue that are to be placed beside the diagram
17 for marking the ballot.

18 (3) The secretary of state shall use, for the ballot
19 issue, the title of the legislative act and language as may
20 be specifically required in ____ Bill No. ____ [LC 373].
21 Following the number of the ballot issue, the secretary of
22 state shall state that the issue has been placed on the
23 ballot as an act referred by the legislature.

24 NEW SECTION. **Section 17. Preparation of ballots by**
25 county officials -- absentee ballots. (1) Each of the county

officials responsible for the preparation and printing of the ballots shall print or have printed the ballot issue on the official ballot in the form and order certified by the secretary of state pursuant to [section 16].

(2) The county election administrator shall ensure that sufficient ballots are printed and available for absentee voting at least 7 days prior to the election.

NEW SECTION. Section 18. Determination of result of special election. The votes on the ballot issue must be counted, canvassed, and returned by the regular boards of judges, clerks, and officers in the manner that votes for candidates are counted, canvassed, and returned. The abstract of the votes on the ballot issue must be prepared and returned to the secretary of state in the manner provided by 13-15-501 for abstracts of votes for state officers, except that the county election administrator shall provide the required information and shall send the abstract of votes to the secretary of state by certified mail in an envelope marked "special election returns", which envelope must be received by the secretary of state no later than 5 p.m. on the sixth day following the election. The board of state canvassers shall proceed within 7 days after the special election at which the ballot issue is voted upon to canvass the votes given for the ballot issue. The secretary of state, as secretary of the board of state

of the canvass, giving the number and title of the ballot issue, the whole number of votes cast in the state for and against the ballot issue, and the effective date of the ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the governor within 10 days following the special election.

NEW SECTION. Section 19. Copy of approved issues to be sent to legislative council. The secretary of state shall send a certified copy of the ballot issue approved by a majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the legislative council at the same time the certified copy of the statement of the canvass is transmitted to the governor under [section 18].

NEW SECTION. Section 20. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 21. Effective date. [This act] is effective on passage and approval.

-End-

1 Senate BILL NO. 87
2 INTRODUCED BY Cypher
3 BY REQUEST OF THE GOVERNOR
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SPECIFIC
6 PROCEDURES FOR THE SPECIAL ELECTION ON ____BILL NO. ____ [LC
7 373]; PROVIDING THAT THE PROVISIONS OF TITLE 13, CHAPTER 27,
8 MCA, AND CERTAIN OTHER LAWS RELATING TO ELECTIONS DO NOT
9 APPLY TO THE SPECIAL ELECTION; PROVIDING FOR THE PURCHASE OF
10 PRINTING AND DISTRIBUTION SERVICES AND MATERIALS ASSOCIATED
11 WITH THE PRINTING AND DISTRIBUTION OF A VOTER INFORMATION
12 PAMPHLET AND BALLOTS FOR THE SPECIAL ELECTION; AND PROVIDING
13 AN IMMEDIATE EFFECTIVE DATE."
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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Suspension of election laws --
17 purpose -- notice. (1) Due to the severity of Montana's
18 fiscal problems and due to the need to deal with
19 comprehensive tax reform as soon as possible, the
20 legislature and the governor find that it is in the best
21 interests of the citizens of the state of Montana to conduct
22 a special election on the question of whether or not
23 comprehensive tax reform, as represented by ____Bill No. ____
24 [LC 373], should be adopted. The legislature and the
25 governor also find that statutes covering ballot measures

1 and the election on ballot measures, generally found in
2 Title 13, chapter 27, are insufficient to accommodate the
3 pressing need to dispose of the question of comprehensive
4 tax reform. Consequently, procedures expediting the
5 election, specified in [sections 1 through 19], are enacted
6 to protect and further the interests of the electorate and
7 Montana's citizens.

8 (2) For purposes of the special election to be held on
9 ____Bill No. ____ [LC 373]:

10 (a) the provisions of 13-1-108, 13-2-301(1)(b),
11 13-12-201, 13-13-205, and Title 13, chapter 27, do not
12 apply; and

13 (b) notice of the special election must be published at
14 least once a week for the 2 successive weeks before the
15 election on radio or television as provided in 2-3-105
16 through 2-3-107 or in a newspaper of general circulation in
17 the jurisdiction where the election will be held.

18 NEW SECTION. Section 2. Procedures for special
19 election.

20 (1) For the special election required in ____Bill
21 No. ____ [LC 373], the procedures set forth in [sections 1
22 through 19] apply.

23 (2) In [sections 1 through 19], wherever the word
24 "ballot issue", "issue", "ballot measure", "ballot form", or
25 "ballot" appears, the word applies to ____Bill No. ____ [LC

1 373].

2 NEW SECTION. Section 3. Transmittal of ballot issue to
3 attorney general. (1) The secretary of state shall transmit
4 a copy of the ballot issue and a copy of the form in which
5 the issue will appear on the ballot to the attorney general
6 no later than 40 days before the election at which the issue
7 will be voted on by the people.

8 (2) If the ballot form is not approved by the attorney
9 general pursuant to [section 5], the secretary of state
10 shall immediately submit a new ballot form to the attorney
11 general.

12 NEW SECTION. Section 4. Review by attorney general --
13 preparation of statements -- fiscal note. (1) Upon receipt
14 of a ballot issue from the office of the secretary of state
15 pursuant to [section 3], the attorney general shall examine
16 the issue as to form and, if it has an effect on the
17 revenue, expenditures, or fiscal liability of the state,
18 shall order a fiscal note incorporating an estimate of the
19 effect, the substance of which must substantially comply
20 with the provisions of 5-4-205. The budget director, in
21 cooperation with the agency or agencies affected or
22 knowledgeable, is responsible for preparing the fiscal note
23 and shall return it within 2 days. If a fiscal note was
24 prepared for the issue for consideration by the 53rd Montana
25 legislature, the secretary of state shall provide to the

1 attorney general the fiscal note prepared for the
2 legislature at the same time the ballot issue is transmitted
3 and the budget director need not prepare a new fiscal note.

4 (2) The attorney general shall endeavor to seek out
5 parties on both sides of the issue and obtain their advice.
6 The attorney general, within 3 days of receipt of the ballot
7 issue, shall prepare:

8 (a) a statement, not to exceed 100 words, explaining
9 the purpose of the measure; and

10 (b) statements, not to exceed 25 words each, explaining
11 the implications of a vote for and a vote against the
12 measure.

13 (3) Within 3 days of receipt of a fiscal note, if one
14 is necessary, the attorney general shall prepare a fiscal
15 statement of no more than 50 words, using the fiscal note
16 prepared for the ballot issue if one was prepared. The
17 statement must be used on the ballot.

18 (4) The statement of purpose and the statements of
19 implication must express the true and impartial explanation
20 of the ballot issue in plain, easily understood language and
21 may not be arguments or written so as to create prejudice
22 for or against the measure. The statement of purpose,
23 statements of implication, and fiscal statement must be
24 transmitted to the secretary of state no later than 1 day
25 following completion of the statements.

(5) The statement of purpose, unless altered by a court under [section 6], shall appear on the ballot in addition to the language included in ____ Bill No. ____ [LC 373].

(6) The statements of implication must be placed beside the diagram provided for marking of the ballot in a manner similar to but not limited to the following example:

FOR extending the right to vote to persons 18 years of age.

AGAINST extending the right to vote to persons 18 years of age.

NEW SECTION. Section 5. Review of ballot form by attorney general. The attorney general shall examine the ballot form submitted pursuant to [section 3] and within 2 days of receipt of the ballot form shall notify the secretary of state of approval or rejection of the ballot form. If the ballot form is rejected, the attorney general shall approve or reject a new ballot form submitted by the secretary of state pursuant to [section 3] within 1 day of receiving the new form.

NEW SECTION. Section 6. Court review of attorney general statements. (1) If a majority of the 53rd Montana legislature, by roll call vote, believes that the statement of purpose, a statement of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to [section 4] does not satisfy the requirements of [section

4], a representative of the majority may, within 2 days of the roll call vote, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(2) On the same day on which an action is filed under subsection (1), the person filing the action shall serve notice of the action upon the secretary of state and upon the attorney general.

(3) An action filed under subsection (1) takes precedence over all other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement that the court determines will meet the requirements of [section 4].

(4) A statement certified by the court must be placed on the official ballot.

(5) A copy of the statement certified by the court, in final form, must be filed in the office of the secretary of state by the person filing the action.

(6) A party may appeal the order of the district court to the Montana supreme court by filing a notice of appeal within 2 days of the date of the order of the district court.

(7) An action filed under subsection (6) takes precedence over all other cases and matters in the Montana supreme court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement that the court determines will meet the requirements of [section 4]. A decision by the supreme court is final.

(8) A statement certified by the supreme court must be placed on the official ballot.

(9) A copy of the statement certified by the supreme court, in final form, must be filed in the office of the secretary of state by the person filing the action.

NEW SECTION. Section 7. Voter information pamphlet.

(1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for the ballot issue to be voted on at the February 23, 1993, special election, as applicable:

(a) ballot title, fiscal statement, if applicable, and complete text of the issue;

(b) the form in which the issue will appear on the ballot;

(c) arguments advocating approval and rejection of the issue; and

(d) rebuttal arguments.

(2) The pamphlet must also contain a notice advising the recipient as to where additional copies of the pamphlet may be obtained.

(3) The secretary of state may publish a single pamphlet for all of the ballot issues to be voted on at the February 23, 1993, special election. The secretary of state may arrange the information in the order that seems most appropriate, but the information for all issues in the pamphlet must be presented in the same order.

NEW SECTION. Section 8. Committees to prepare arguments for and against ballot issue. (1) The arguments advocating approval or rejection of a ballot issue and rebuttal arguments must be submitted to the secretary of state by committees appointed as provided in this section.

(2) (a) Within 3 days following adoption by the legislature of ___ Bill No. ___ [LC 373], a committee advocating the approval of the ballot issue must be appointed. The committee must be composed of one senator known to favor the issue, who must be appointed by the president of the senate and serve as the presiding officer; one representative known to favor the issue, who must be appointed by the speaker of the house of representatives; and one individual, who need not be a member of the legislature but who must be appointed by the first two members.

(b) If any member of the committee is not appointed within the time provided in subsection (2)(a), the chief justice of the Montana supreme court shall make the appointment within 2 days following expiration of the time allowed in subsection (2)(a).

(3) (a) Within 3 days following adoption by the legislature of ____ Bill No. ____ [LC 373], a committee advocating rejection of the ballot issue must be appointed. The committee advocating rejection of an issue must be composed of one senator, who must be appointed by the president of the senate and serve as the presiding officer; one representative, who must be appointed by the speaker of the house of representatives; and one individual, who need not be a member of the legislature but who must be appointed by the first two members. Whenever possible, the members must be known to oppose the issue.

(b) If any member of the committee is not appointed within the time provided in subsection (3)(a), the chief justice of the Montana supreme court shall make the appointment within 2 days following expiration of the time allowed in subsection (3)(a).

(4) (a) A person may not be required to serve on a committee under this section, and the person making an appointment must receive written acceptance of appointment from the appointee.

(b) The speaker of the house of representatives and the president of the senate shall notify the secretary of state of each person appointed to the committees in subsections (2) and (3) immediately upon receipt of written acceptance of appointment by the appointee.

NEW SECTION. **Section 9. Notice of appointment to committee.** All appointees to a committee pursuant to [section 8] must be notified by the secretary of state by certified mail, return receipt requested, no later than 1 day after the deadline set for appointment of committee members, of the deadlines for submission of the committee's arguments.

NEW SECTION. **Section 10. Committee expenses.** Each committee appointed under [section 8] is entitled to receive funds for the preparation of arguments and expenses of members not to exceed \$100. Itemized claims for actual expenses incurred, approved by a majority of the committee, must be submitted to the secretary of state for payment from funds appropriated for that purpose.

NEW SECTION. **Section 11. Limitation on length of argument -- time of filing.** An argument advocating approval or rejection of a ballot measure is limited to 500 words or less and must be filed, in typewritten form, with the secretary of state no later than 30 days before the election at which the issue will be voted on by the people. A

majority of the committee responsible for preparation shall approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline.

NEW SECTION. Section 12. Rebuttal arguments. The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue in the office of the secretary of state. The committees may prepare rebuttal arguments, limited to 250 words or less that must be filed, in typewritten form, with the secretary of state no later than 3 days after the deadline for filing the original arguments. Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument must be approved and signed by a majority of the committee responsible for its preparation. Separate signed letters of approval may be submitted in the same manner as for the original arguments.

NEW SECTION. Section 13. Rejection of improper arguments. The secretary of state shall reject, with the approval of the attorney general, an argument or other matter held to contain obscene, vulgar, profane, scandalous,

libelous, or defamatory matter; any language that in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility toward or that tends to cast ridicule or shame upon a group of persons by reason of race, color, religion, or sex; or any matter not allowed to be sent through the mail. Rejected arguments may not be filed or printed in the voter information pamphlet.

NEW SECTION. Section 14. Liability for contents of argument. Nothing in [sections 1 through 19] relieves an author of any argument from civil or criminal responsibility for statements contained in an argument printed in the voter information pamphlet.

NEW SECTION. Section 15. Printing and distribution of voter information pamphlet -- public exigencies. (1) As soon as possible, the secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for the ballot measure. The requisition must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of

the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) (a) The provisions of 18-4-133(2) apply to the purchase of or a contract for services or materials associated with the printing, delivery, or distribution of the voter information pamphlet and the ballots for the special election on ____ Bill No. ____ [LC 373].

(b) The department of administration may call for bids and shall contract for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by no later than 21 days before the election at which the ballot issue will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing must take place as soon as is possible after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on ____ Bill No. ____ [LC 373].

NEW SECTION. Section 16. Secretary of state to certify ballot form -- abbreviated ballot. (1) Within 5 days after receiving approval of the ballot form from the attorney general under [section 5], the secretary of state shall furnish to the official of each county responsible for preparing and printing the ballots a certified copy of the form in which the ballot issue is to appear on the ballot.

(2) The secretary of state shall list for the issue:

(a) the number;

(b) the method of placement on the ballot;

(c) the title;

(d) the attorney general's explanatory statement, if applicable;

(e) the fiscal statement, if applicable; and

(f) the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot.

(3) The secretary of state shall use, for the ballot issue, the title of the legislative act and language as may be specifically required in ____ Bill No. ____ [LC 373]. Following the number of the ballot issue, the secretary of state shall state that the issue has been placed on the ballot as an act referred by the legislature.

NEW SECTION. Section 17. Preparation of ballots by county officials -- absentee ballots. (1) Each of the county

officials responsible for the preparation and printing of the ballots shall print or have printed the ballot issue on the official ballot in the form and order certified by the secretary of state pursuant to [section 16].

(2) The county election administrator shall ensure that sufficient ballots are printed and available for absentee voting at least 7 days prior to the election.

NEW SECTION. Section 18. Determination of result of special election. The votes on the ballot issue must be counted, canvassed, and returned by the regular boards of judges, clerks, and officers in the manner that votes for candidates are counted, canvassed, and returned. The abstract of the votes on the ballot issue must be prepared and returned to the secretary of state in the manner provided by 13-15-501 for abstracts of votes for state officers, except that the county election administrator shall provide the required information and shall send the abstract of votes to the secretary of state by certified mail in an envelope marked "special election returns", which envelope must be received by the secretary of state no later than 5 p.m. on the sixth day following the election. The board of state canvassers shall proceed within 7 days after the special election at which the ballot issue is voted upon to canvass the votes given for the ballot issue. The secretary of state, as secretary of the board of state

canvassers, shall prepare and file in the office of the secretary of state a statement of the canvass, giving the number and title of the ballot issue, the whole number of votes cast in the state for and against the ballot issue, and the effective date of the ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the governor within 10 days following the special election.

NEW SECTION. Section 19. Copy of approved issues to be sent to legislative council. The secretary of state shall send a certified copy of the ballot issue approved by a majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the legislative council at the same time the certified copy of the statement of the canvass is transmitted to the governor under [section 18].

NEW SECTION. Section 20. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 21. Effective date. [This act] is effective on passage and approval.

-End-

-16-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0087, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: This bill provides specific procedures for the special election on __BILL NO. __
[LC373].

ASSUMPTIONS:

OFFICE OF THE SECRETARY OF STATE


1. Procedures implemented by passage of this bill would not go into effect unless __Bill No. __ [LC373] passes. There will be fiscal impact on the agency from those procedures if that bill is passed which will be reflected in the corresponding fiscal note.
2. The implementation of this bill without passage of __Bill No. __ [LC373] has no fiscal impact.

Department of Justice

3. There is no fiscal impact on the agency.

FISCAL IMPACT:

None. [The fiscal impact will be included in the fiscal note for [LC373].]

 1-13-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/13/93
BRUCE CRIPPEN, PRIMARY SPONSOR DATE

Fiscal Note for SB0087, as introduced

SB 87

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

SENATE BILL NO. 87
INTRODUCED BY CRIPPEN
BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SPECIFIC PROCEDURES FOR THE SPECIAL ELECTION ON ~~----Bill-No.-----~~{bE 373} SENATE BILL NO. 235; PROVIDING THAT THE PROVISIONS OF TITLE 13, CHAPTER 27, MCA, AND CERTAIN OTHER LAWS RELATING TO ELECTIONS DO NOT APPLY TO THE SPECIAL ELECTION; PROVIDING FOR THE PURCHASE OF PRINTING AND DISTRIBUTION SERVICES AND MATERIALS ASSOCIATED WITH THE PRINTING AND DISTRIBUTION OF A VOTER INFORMATION PAMPHLET AND BALLOTS FOR THE SPECIAL ELECTION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Suspension of election laws --
purpose -- notice. (1) Due to the severity of Montana's fiscal problems and due to the need to deal with comprehensive tax reform as soon as possible, the legislature and the governor find that it is in the best interests of the citizens of the state of Montana to conduct a special election on the question of whether or not comprehensive tax reform, as represented by ~~----Bill-No.-----~~{bE--373} SENATE BILL NO. 235, should be adopted. The legislature and the governor also find that statutes

covering ballot measures and the election on ballot measures, generally found in Title 13, chapter 27, are insufficient to accommodate the pressing need to dispose of the question of comprehensive tax reform. Consequently, procedures expediting the election, specified in [sections 1 through 19], are enacted to protect and further the interests of the electorate and Montana's citizens.

(2) For purposes of the special election to be held on ~~----Bill-No.-----~~{bE-373} SENATE BILL NO. 235:

(a) the provisions of 13-1-108, 13-2-301(1)(b), 13-12-201, 13-13-205, and Title 13, chapter 27, do not apply; and

(b) notice of the special election must be published at least once a week for the 2 successive weeks before the election on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the jurisdiction where the election will be held.

NEW SECTION. Section 2. Procedures for special election.

(1) For the special election required in ~~----Bill-No.-----~~{bE--373} SENATE BILL NO. 235, the procedures set forth in [sections 1 through 19] apply.

(2) In [sections 1 through 19], wherever the word "ballot issue", "issue", "ballot measure", "ballot form", or "ballot" appears, the word applies to ~~----Bill-No.-----~~{bE

3793+ SENATE BILL NO. 235.

NEW SECTION. Section 3. Transmittal of ballot issue to attorney general. (1) The secretary of state shall transmit a copy of the ballot issue and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 40 days before the election at which the issue will be voted on by the people.

(2) If the ballot form is not approved by the attorney general pursuant to [section 5], the secretary of state shall immediately submit a new ballot form to the attorney general.

NEW SECTION. Section 4. Review by attorney general -- preparation of statements -- fiscal note. (1) Upon receipt of a ballot issue from the office of the secretary of state pursuant to [section 3], the attorney general shall examine the issue as to form and, if it has an effect on the revenue, expenditures, or fiscal liability of the state, shall order a fiscal note incorporating an estimate of the effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected or knowledgeable, is responsible for preparing the fiscal note and shall return it within 2 days. If a fiscal note was prepared for the issue for consideration by the 53rd Montana legislature, the secretary of state shall provide to the

attorney general the fiscal note prepared for the legislature at the same time the ballot issue is transmitted and the budget director need not prepare a new fiscal note.

(2) The attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general, within 3 days of receipt of the ballot issue, shall prepare:

(a) a statement, not to exceed 100 words, explaining the purpose of the measure; and

(b) statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the measure.

(3) Within 3 days of receipt of a fiscal note, if one is necessary, the attorney general shall prepare a fiscal statement of no more than 50 words, using the fiscal note prepared for the ballot issue if one was prepared. The statement must be used on the ballot.

(4) The statement of purpose and the statements of implication must express the true and impartial explanation of the ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the measure. The statement of purpose, statements of implication, and fiscal statement must be transmitted to the secretary of state no later than 1 day following completion of the statements.

(5) The statement of purpose, unless altered by a court under [section 6], shall appear on the ballot in addition to the language included in ~~----Bill-No-----{be--373}~~ SENATE BILL NO. 235.

(6) The statements of implication must be placed beside the diagram provided for marking of the ballot in a manner similar to but not limited to the following example:

☐ FOR extending the right to vote to persons 18 years of age.

☐ AGAINST extending the right to vote to persons 18 years of age.

NEW SECTION. Section 5. Review of ballot form by attorney general. The attorney general shall examine the ballot form submitted pursuant to [section 3] and within 2 days of receipt of the ballot form shall notify the secretary of state of approval or rejection of the ballot form. If the ballot form is rejected, the attorney general shall approve or reject a new ballot form submitted by the secretary of state pursuant to [section 3] within 1 day of receiving the new form.

NEW SECTION. Section 6. Court review of attorney general statements. (1) If a majority of the 53rd Montana legislature, by roll call vote, believes that the statement of purpose, a statement of implication of a vote, or the fiscal statement formulated by the attorney general pursuant

to [section 4] does not satisfy the requirements of [section 4], a representative of the majority may, within 2 days of the roll call vote, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(2) On the same day on which an action is filed under subsection (1), the person filing the action shall serve notice of the action upon the secretary of state and upon the attorney general.

(3) An action filed under subsection (1) takes precedence over all other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement that the court determines will meet the requirements of [section 4].

(4) A statement certified by the court must be placed on the official ballot.

(5) A copy of the statement certified by the court, in final form, must be filed in the office of the secretary of state by the person filing the action.

(6) A party may appeal the order of the district court to the Montana supreme court by filing a notice of appeal within 2 days of the date of the order of the district

1 court.

2 (7) An action filed under subsection (6) takes
3 precedence over all other cases and matters in the Montana
4 supreme court. The court shall examine the proposed measure
5 and the challenged statement and shall as soon as possible
6 render a decision and certify to the secretary of state a
7 statement that the court determines will meet the
8 requirements of [section 4]. A decision by the supreme court
9 is final.

10 (8) A statement certified by the supreme court must be
11 placed on the official ballot.

12 (9) A copy of the statement certified by the supreme
13 court, in final form, must be filed in the office of the
14 secretary of state by the person filing the action.

15 **NEW SECTION. Section 7. Voter information pamphlet.**

16 (1) The secretary of state shall prepare for printing a
17 voter information pamphlet containing the following
18 information for the ballot issue to be voted on at the
19 February-23 JUNE 8, 1993, special election, as applicable:

20 (a) ballot title, fiscal statement, if applicable, and
21 complete text of the issue;

22 (b) the form in which the issue will appear on the
23 ballot;

24 (c) arguments advocating approval and rejection of the
25 issue; and

1 (d) rebuttal arguments.

2 (2) The pamphlet must also contain a notice advising
3 the recipient as to where additional copies of the pamphlet
4 may be obtained.

5 (3) The secretary of state may publish a single
6 pamphlet for all of the ballot issues to be voted on at the
7 February-23 JUNE 8, 1993, special election. The secretary of
8 state may arrange the information in the order that seems
9 most appropriate, but the information for all issues in the
10 pamphlet must be presented in the same order.

11 **NEW SECTION. Section 8. Committees to prepare**
12 **arguments for and against ballot issue.** (1) The arguments
13 advocating approval or rejection of a ballot issue and
14 rebuttal arguments must be submitted to the secretary of
15 state by committees appointed as provided in this section.

16 (2) (a) Within 3 days following adoption by the
17 legislature of ----Bill-Ne-----{bE--373} SENATE BILL NO.
18 235, a committee advocating the approval of the ballot issue
19 must be appointed. The committee must be composed of one
20 senator known to favor the issue, who must be appointed by
21 the president of the senate and serve as the presiding
22 officer; one representative known to favor the issue, who
23 must be appointed by the speaker of the house of
24 representatives; and one individual, who need not be a
25 member of the legislature but who must be appointed by the

1 first two members.

2 (b) If any member of the committee is not appointed
3 within the time provided in subsection (2)(a), the chief
4 justice of the Montana supreme court shall make the
5 appointment within 2 days following expiration of the time
6 allowed in subsection (2)(a).

7 (3) (a) Within 3 days following adoption by the
8 legislature of ~~---Bill No.---{5E-373}~~ SENATE BILL NO.
9 235, a committee advocating rejection of the ballot issue
10 must be appointed. The committee advocating rejection of an
11 issue must be composed of one senator, who must be appointed
12 by the president of the senate and serve as the presiding
13 officer; one representative, who must be appointed by the
14 speaker of the house of representatives; and one individual,
15 who need not be a member of the legislature but who must be
16 appointed by the first two members. Whenever possible, the
17 members must be known to oppose the issue.

18 (b) If any member of the committee is not appointed
19 within the time provided in subsection (3)(a), the chief
20 justice of the Montana supreme court shall make the
21 appointment within 2 days following expiration of the time
22 allowed in subsection (3)(a).

23 (4) (a) A person may not be required to serve on a
24 committee under this section, and the person making an
25 appointment must receive written acceptance of appointment

1 from the appointee.

2 (b) The speaker of the house of representatives and the
3 president of the senate shall notify the secretary of state
4 of each person appointed to the committees in subsections
5 (2) and (3) immediately upon receipt of written acceptance
6 of appointment by the appointee.

7 NEW SECTION. Section 9. Notice of appointment to
8 committee. All appointees to a committee pursuant to
9 [section 8] must be notified by the secretary of state by
10 certified mail, return receipt requested, no later than 1
11 day after the deadline set for appointment of committee
12 members, of the deadlines for submission of the committee's
13 arguments.

14 NEW SECTION. Section 10. Committee expenses. Each
15 committee appointed under [section 8] is entitled to receive
16 funds for the preparation of arguments and expenses of
17 members not to exceed \$100. Itemized claims for actual
18 expenses incurred, approved by a majority of the committee,
19 must be submitted to the secretary of state for payment from
20 funds appropriated for that purpose.

21 NEW SECTION. Section 11. Limitation on length of
22 argument -- time of filing. An argument advocating approval
23 or rejection of a ballot measure is limited to 500 words or
24 less and must be filed, in typewritten form, with the
25 secretary of state no later than 30 days before the election

1 at which the issue will be voted on by the people. A
 2 majority of the committee responsible for preparation shall
 3 approve and sign each argument filed. Separate signed
 4 letters of approval of an argument may be filed with the
 5 secretary of state by members of a committee if necessary to
 6 meet the filing deadline.

7 NEW SECTION. **Section 12. Rebuttal arguments.** The
 8 secretary of state shall provide copies of the arguments
 9 advocating approval or rejection of a ballot issue to the
 10 members of the adversary committee no later than 1 day
 11 following the filing of both the approval and rejection
 12 arguments for the issue in the office of the secretary of
 13 state. The committees may prepare rebuttal arguments,
 14 limited to 250 words or less that must be filed, in
 15 typewritten form, with the secretary of state no later than
 16 3 days after the deadline for filing the original arguments.
 17 Discussion in the rebuttal argument must be confined to the
 18 subject matter raised in the argument being rebutted. The
 19 rebuttal argument must be approved and signed by a majority
 20 of the committee responsible for its preparation. Separate
 21 signed letters of approval may be submitted in the same
 22 manner as for the original arguments.

23 NEW SECTION. **Section 13. Rejection of improper**
 24 **arguments.** The secretary of state shall reject, with the
 25 approval of the attorney general, an argument or other

1 matter held to contain obscene, vulgar, profane, scandalous,
 2 libelous, or defamatory matter; any language that in any way
 3 incites, counsels, promotes, or advocates hatred, abuse,
 4 violence, or hostility toward or that tends to cast ridicule
 5 or shame upon a group of persons by reason of race, color,
 6 religion, or sex; or any matter not allowed to be sent
 7 through the mail. Rejected arguments may not be filed or
 8 printed in the voter information pamphlet.

9 NEW SECTION. **Section 14. Liability for contents of**
 10 **argument.** Nothing in [sections 1 through 19] relieves an
 11 author of any argument from civil or criminal responsibility
 12 for statements contained in an argument printed in the voter
 13 information pamphlet.

14 NEW SECTION. **Section 15. Printing and distribution of**
 15 **voter information pamphlet -- public exigencies.** (1) As soon
 16 as possible, the secretary of state shall arrange with the
 17 department of administration by requisition for the printing
 18 and delivery of a voter information pamphlet for the ballot
 19 measure. The requisition must include a delivery list
 20 providing for shipment of the required number of pamphlets
 21 to each county and to the secretary of state.

22 (2) The secretary of state shall estimate the number of
 23 copies necessary to furnish one copy to every voter in each
 24 county, except that two or more voters with the same mailing
 25 address and the same last name may be counted as one voter.

1 The secretary of state shall provide for an extra supply of
2 the pamphlets in determining the number of voter pamphlets
3 to be ordered in the requisition.

4 (3) (a) The provisions of 18-4-133(2) apply to the
5 purchase of or a contract for services or materials
6 associated with the printing, delivery, or distribution of
7 the voter information pamphlet and the ballots for the
8 special election on ~~---Bill-No.---~~{bE-373} SENATE BILL
9 NO. 235.

10 (b) The department of administration may call for bids
11 and shall contract for the printing and delivery of the
12 voter information pamphlet. The contract must require
13 completion of printing and shipment, as specified on the
14 delivery list, of the voter information pamphlets by no
15 later than 21 days before the election at which the ballot
16 issue will be voted on by the people.

17 (4) The county official responsible for voter
18 registration in each county shall mail one copy of the voter
19 information pamphlet to each registered voter in the county,
20 except that two or more voters with the same mailing address
21 and the same last name may be counted as one voter. The
22 mailing must take place as soon as is possible after the
23 pamphlets are received from the printer.

24 (5) Ten copies of the voter information pamphlet must
25 be available at each precinct for use by any voter wishing

1 to read the explanatory information and complete text before
2 voting on ~~---Bill-No.---~~{bE-373} SENATE BILL NO. 235.

3 NEW SECTION. Section 16. Secretary of state to certify
4 ballot form -- abbreviated ballot. (1) Within 5 days after
5 receiving approval of the ballot form from the attorney
6 general under [section 5], the secretary of state shall
7 furnish to the official of each county responsible for
8 preparing and printing the ballots a certified copy of the
9 form in which the ballot issue is to appear on the ballot.

10 (2) The secretary of state shall list for the issue:

11 (a) the number;

12 (b) the method of placement on the ballot;

13 (c) the title;

14 (d) the attorney general's explanatory statement, if
15 applicable;

16 (e) the fiscal statement, if applicable; and

17 (f) the statements of the implication of a vote for or
18 against the issue that are to be placed beside the diagram
19 for marking the ballot.

20 (3) The secretary of state shall use, for the ballot
21 issue, the title of the legislative act and language as may
22 be specifically required in ~~---Bill-No.---~~{bE-373} SENATE
23 BILL NO. 235. Following the number of the ballot issue, the
24 secretary of state shall state that the issue has been
25 placed on the ballot as an act referred by the legislature.

NEW SECTION. Section 17. Preparation of ballots by county officials -- absentee ballots. (1) Each of the county officials responsible for the preparation and printing of the ballots shall print or have printed the ballot issue on the official ballot in the form and order certified by the secretary of state pursuant to [section 16].

(2) The county election administrator shall ensure that sufficient ballots are printed and available for absentee voting at least 7 days prior to the election.

NEW SECTION. Section 18. Determination of result of special election. The votes on the ballot issue must be counted, canvassed, and returned by the regular boards of judges, clerks, and officers in the manner that votes for candidates are counted, canvassed, and returned. The abstract of the votes on the ballot issue must be prepared and returned to the secretary of state in the manner provided by 13-15-501 for abstracts of votes for state officers, except that the county election administrator shall provide the required information and shall send the abstract of votes to the secretary of state by certified mail in an envelope marked "special election returns", which envelope must be received by the secretary of state no later than 5 p.m. on the sixth day following the election. The board of state canvassers shall proceed within 7 days after the special election at which the ballot issue is voted upon

to canvass the votes given for the ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in the office of the secretary of state a statement of the canvass, giving the number and title of the ballot issue, the whole number of votes cast in the state for and against the ballot issue, and the effective date of the ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the governor within 10 days following the special election.

NEW SECTION. Section 19. Copy of approved issues to be sent to legislative council. The secretary of state shall send a certified copy of the ballot issue approved by a majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the legislative council at the same time the certified copy of the statement of the canvass is transmitted to the governor under [section 18].

NEW SECTION. Section 20. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SB 0087/02

- 1 NEW SECTION. **Section 21.** Effective date. [This act] is
- 2 effective on passage and approval.

-End-

SENATE BILL NO. 87

INTRODUCED BY CRIPPEN

BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SPECIFIC PROCEDURES FOR THE SPECIAL ELECTION ON ~~----Bill-No----~~{bE 373} SENATE BILL NO. 235; PROVIDING THAT THE PROVISIONS OF TITLE 13, CHAPTER 27, MCA, AND CERTAIN OTHER LAWS RELATING TO ELECTIONS DO NOT APPLY TO THE SPECIAL ELECTION; PROVIDING FOR THE PURCHASE OF PRINTING AND DISTRIBUTION SERVICES AND MATERIALS ASSOCIATED WITH THE PRINTING AND DISTRIBUTION OF A VOTER INFORMATION PAMPHLET AND BALLOTS FOR THE SPECIAL ELECTION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Suspension of election laws -- purpose -- notice. (1) Due to the severity of Montana's fiscal problems and due to the need to deal with comprehensive tax reform as soon as possible, the legislature and the governor find that it is in the best interests of the citizens of the state of Montana to conduct a special election on the question of whether or not comprehensive tax reform, as represented by ~~----Bill-No----~~{bE--373} SENATE BILL NO. 235, should be adopted. The legislature and the governor also find that statutes

covering ballot measures and the election on ballot measures, generally found in Title 13, chapter 27, are insufficient to accommodate the pressing need to dispose of the question of comprehensive tax reform. Consequently, procedures expediting the election, specified in [sections 1 through 19], are enacted to protect and further the interests of the electorate and Montana's citizens.

(2) For purposes of the special election to be held on ~~----Bill-No----~~{bE-373} SENATE BILL NO. 235:

(a) the provisions of 13-1-108, 13-2-301(1)(b), 13-12-201, 13-13-205, and Title 13, chapter 27, do not apply; and

(b) notice of the special election must be published at least once a week for the 2 successive weeks before the election on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the jurisdiction where the election will be held; AND

(C) THE SECRETARY OF STATE SHALL PUBLISH A NOTICE SPECIFYING THE DAY REGISTRATION WILL CLOSE IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY AT LEAST 1 WEEK BEFORE THE CLOSE OF REGISTRATION.

NEW SECTION. Section 2. Procedures for special election.

(1) For the special election required in ~~----Bill-No----~~{bE--373} SENATE BILL NO. 235, the procedures set

forth in [sections 1 through 19] apply.

(2) In [sections 1 through 19], wherever the word "ballot issue", "issue", "ballot measure", "ballot form", or "ballot" appears, the word applies to ~~-----Bill-Not-----~~ ~~the~~ ~~373}~~ SENATE BILL NO. 235.

NEW SECTION. **Section 3.** Transmittal of ballot issue to attorney general. (1) The secretary of state shall transmit a copy of the ballot issue and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 40 days before the election at which the issue will be voted on by the people.

(2) If the ballot form is not approved by the attorney general pursuant to [section 5], the secretary of state shall immediately submit a new ballot form to the attorney general.

NEW SECTION. **Section 4.** Review by attorney general -- preparation of statements -- fiscal note. (1) Upon receipt of a ballot issue from the office of the secretary of state pursuant to [section 3], the attorney general shall examine the issue as to form and, if it has an effect on the revenue, expenditures, or fiscal liability of the state, shall order a fiscal note incorporating an estimate of the effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected or

knowledgeable, is responsible for preparing the fiscal note and shall return it within 2 days. If a fiscal note was prepared for the issue for consideration by the 53rd Montana legislature, the secretary of state shall provide to the attorney general the fiscal note prepared for the legislature at the same time the ballot issue is transmitted and the budget director need not prepare a new fiscal note.

(2) The attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general, within 3 days of receipt of the ballot issue, shall prepare:

(a) a statement, not to exceed 100 words, explaining the purpose of the measure; and

(b) statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the measure.

(3) Within 3 days of receipt of a fiscal note, if one is necessary, the attorney general shall prepare a fiscal statement of no more than 50 words, using the fiscal note prepared for the ballot issue if one was prepared. The statement must be used on the ballot.

(4) The statement of purpose and the statements of implication must express the true and impartial explanation of the ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice

for or against the measure. The statement of purpose, statements of implication, and fiscal statement must be transmitted to the secretary of state no later than 1 day following completion of the statements.

(5) The statement of purpose, unless altered by a court under [section 6], shall appear on the ballot in addition to the language included in ----Bill-No.-----{LC--373} SENATE BILL NO. 235.

(6) The statements of implication must be placed beside the diagram provided for marking of the ballot in a manner similar to but not limited to the following example:

☐ FOR extending the right to vote to persons 18 years of age.

☐ AGAINST extending the right to vote to persons 18 years of age.

NEW SECTION. Section 5. Review of ballot form by attorney general. The attorney general shall examine the ballot form submitted pursuant to [section 3] and within 2 days of receipt of the ballot form shall notify the secretary of state of approval or rejection of the ballot form. If the ballot form is rejected, the attorney general shall approve or reject a new ballot form submitted by the secretary of state pursuant to [section 3] within 1 day of receiving the new form.

NEW SECTION. Section 6. Court review of attorney

general statements. (1) If a majority of the 53rd Montana legislature, by roll call vote, believes that the statement of purpose, a statement of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to [section 4] does not satisfy the requirements of [section 4], a representative of the majority may, within 2 days of the roll call vote, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(2) On the same day on which an action is filed under subsection (1), the person filing the action shall serve notice of the action upon the secretary of state and upon the attorney general.

(3) An action filed under subsection (1) takes precedence over all other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement that the court determines will meet the requirements of [section 4].

(4) A statement certified by the court must be placed on the official ballot.

(5) A copy of the statement certified by the court, in final form, must be filed in the office of the secretary of

state by the person filing the action.

(6) A party may appeal the order of the district court to the Montana supreme court by filing a notice of appeal within 2 days of the date of the order of the district court.

(7) An action filed under subsection (6) takes precedence over all other cases and matters in the Montana supreme court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement that the court determines will meet the requirements of [section 4]. A decision by the supreme court is final.

(8) A statement certified by the supreme court must be placed on the official ballot.

(9) A copy of the statement certified by the supreme court, in final form, must be filed in the office of the secretary of state by the person filing the action.

NEW SECTION. Section 7. Voter information pamphlet.

(1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for the ballot issue to be voted on at the February-23 JUNE 8, 1993, special election, as applicable:

(a) ballot title, fiscal statement, if applicable, and complete text of the issue;

(b) the form in which the issue will appear on the ballot;

(c) arguments advocating approval and rejection of the issue; and

(d) rebuttal arguments.

(2) The pamphlet must also contain a notice advising the recipient as to where additional copies of the pamphlet may be obtained.

(3) The secretary of state may publish a single pamphlet for all of the ballot issues to be voted on at the February-23 JUNE 8, 1993, special election. The secretary of state may arrange the information in the order that seems most appropriate, but the information for all issues in the pamphlet must be presented in the same order.

NEW SECTION. Section 8. Committees to prepare arguments for and against ballot issue. (1) The arguments advocating approval or rejection of a ballot issue and rebuttal arguments must be submitted to the secretary of state by committees appointed as provided in this section.

(2) (a) Within 3 days following adoption by the legislature of ~~Bill No. 373~~ **SENATE BILL NO. 235**, a committee advocating the approval of the ballot issue must be appointed. The committee must be composed of one senator known to favor the issue, who must be appointed by the president of the senate and serve as the presiding

officer; one representative known to favor the issue, who must be appointed by the speaker of the house of representatives; and one individual, who need not be a member of the legislature but who must be appointed by the first two members.

(b) If any member of the committee is not appointed within the time provided in subsection (2)(a), the chief justice of the Montana supreme court shall make the appointment within 2 days following expiration of the time allowed in subsection (2)(a).

(3) (a) Within 3 days following adoption by the legislature of ~~-----Bill--No.-----~~~~{52-373}~~ SENATE BILL NO. 235, a committee advocating rejection of the ballot issue must be appointed. The committee advocating rejection of an issue must be composed of one senator, who must be appointed by the president of the senate and serve as the presiding officer; one representative, who must be appointed by the speaker of the house of representatives; and one individual, who need not be a member of the legislature but who must be appointed by the first two members. Whenever possible, the members must be known to oppose the issue.

(b) If any member of the committee is not appointed within the time provided in subsection (3)(a), the chief justice of the Montana supreme court shall make the appointment within 2 days following expiration of the time

allowed in subsection (3)(a).

(4) (a) A person may not be required to serve on a committee under this section, and the person making an appointment must receive written acceptance of appointment from the appointee.

(b) The speaker of the house of representatives and the president of the senate shall notify the secretary of state of each person appointed to the committees in subsections (2) and (3) immediately upon receipt of written acceptance of appointment by the appointee.

NEW SECTION. Section 9. Notice of appointment to committee. All appointees to a committee pursuant to [section 8] must be notified by the secretary of state by certified mail, return receipt requested, no later than 1 day after the deadline set for appointment of committee members, of the deadlines for submission of the committee's arguments.

NEW SECTION. Section 10. Committee expenses. Each committee appointed under [section 8] is entitled to receive funds for the preparation of arguments and expenses of members not to exceed \$100. Itemized claims for actual expenses incurred, approved by a majority of the committee, must be submitted to the secretary of state for payment from funds appropriated for that purpose.

NEW SECTION. Section 11. Limitation on length of

argument -- time of filing. An argument advocating approval or rejection of a ballot measure is limited to 500 words or less and must be filed, in typewritten form, with the secretary of state no later than 30 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation shall approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline.

NEW SECTION. Section 12. Rebuttal arguments. The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue in the office of the secretary of state. The committees may prepare rebuttal arguments, limited to 250 words or less that must be filed, in typewritten form, with the secretary of state no later than 3 days after the deadline for filing the original arguments. Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument must be approved and signed by a majority of the committee responsible for its preparation. Separate signed letters of approval may be submitted in the same

manner as for the original arguments.

NEW SECTION. Section 13. Rejection of improper arguments. The secretary of state shall reject, with the approval of the attorney general, an argument or other matter held to contain obscene, vulgar, profane, scandalous, libelous, or defamatory matter; any language that in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility toward or that tends to cast ridicule or shame upon a group of persons by reason of race, color, religion, or sex; or any matter not allowed to be sent through the mail. Rejected arguments may not be filed or printed in the voter information pamphlet.

NEW SECTION. Section 14. Liability for contents of argument. Nothing in [sections 1 through 19] relieves an author of any argument from civil or criminal responsibility for statements contained in an argument printed in the voter information pamphlet.

NEW SECTION. Section 15. Printing and distribution of voter information pamphlet -- public exigencies. (1) As soon as possible, the secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for the ballot measure. The requisition must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) (a) The provisions of 18-4-133(2) apply to the purchase of or a contract for services or materials associated with the printing, delivery, or distribution of the voter information pamphlet and the ballots for the special election on ~~---Bill-No----~~~~{5C-373}~~ SENATE BILL NO. 235.

(b) The department of administration may call for bids and shall contract for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by no later than 21 days before the election at which the ballot issue will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The

mailing must take place as soon as is possible after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on ~~---Bill-No----~~~~{5C-373}~~ SENATE BILL NO. 235.

NEW SECTION. Section 16. Secretary of state to certify ballot form ---abbreviated-ballot. (1) Within 5 days after receiving approval of the ballot form from the attorney general under [section 5], the secretary of state shall furnish to the official of each county responsible for preparing and printing the ballots a certified copy of the form in which the ballot issue is to appear on the ballot.

(2) The secretary of state shall list for the issue:

(a) the number;

(b) the method of placement on the ballot;

(c) the title;

(d) the attorney general's explanatory statement, if applicable;

(e) the fiscal statement, if applicable; and

(f) the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot.

(3) The secretary of state shall use, for the ballot issue, the title of the legislative act and language as may

be specifically required in ~~Bill No.~~ ~~-----~~ {bC-373} SENATE
BILL NO. 235. Following the number of the ballot issue, the
 secretary of state shall state that the issue has been
 placed on the ballot as an act referred by the legislature.

NEW SECTION. Section 17. Preparation of ballots by
 county officials -- absentee ballots. (1) Each of the county
 officials responsible for the preparation and printing of
 the ballots shall print or have printed the ballot issue on
 the official ballot in the form and order certified by the
 secretary of state pursuant to [section 16].

(2) The county election administrator shall ensure that
 sufficient ballots are printed and available for absentee
 voting at least 7 14 days prior to the election.

NEW SECTION. Section 18. Determination of result of
 special election. The votes on the ballot issue must be
 counted, canvassed, and returned by the regular boards of
 judges, clerks, and officers in the manner that votes for
 candidates are counted, canvassed, and returned. The
 abstract of the votes on the ballot issue must be prepared
 and returned to the secretary of state in the manner
 provided by 13-15-501 for abstracts of votes for state
 officers, except that the county election administrator
 shall provide the required information and shall send the
 abstract of votes to the secretary of state by certified
 mail in an envelope marked "special election returns", which

envelope must be received by the secretary of state no later
 than 5 p.m. on the sixth day following the election. The
 board of state canvassers shall proceed within 7 days after
 the special election at which the ballot issue is voted upon
 to canvass the votes given for the ballot issue. The
 secretary of state, as secretary of the board of state
 canvassers, shall prepare and file in the office of the
 secretary of state a statement of the canvass, giving the
 number and title of the ballot issue, the whole number of
 votes cast in the state for and against the ballot issue,
 and the effective date of the ballot issue approved by a
 majority of those voting on the issue. The secretary of
 state shall transmit a certified copy of the statement of
 the canvass to the governor within 10 days following the
 special election.

NEW SECTION. Section 19. Copy of approved issues to be
 sent to legislative council. The secretary of state shall
 send a certified copy of the ballot issue approved by a
 majority of those voting on the issue and a copy of the
 statement of the canvass to the executive director of the
 legislative council at the same time the certified copy of
 the statement of the canvass is transmitted to the governor
 under [section 18].

NEW SECTION. Section 20. Severability. If a part of
 [this act] is invalid, all valid parts that are severable

1 from the invalid part remain in effect. If a part of [this
2 act] is invalid in one or more of its applications, the part
3 remains in effect in all valid applications that are
4 severable from the invalid applications.

5 NEW SECTION. Section 21. Effective date. [This act] is
6 effective on passage and approval.

-End-

#1
HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 87
Representative Jim Rice

April 13, 1993 12:00 pm
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 87 (third reading copy
-- blue).

Signed: Jim Rice
Representative Jim Rice

And, that such amendments to Senate Bill 87 read as follows:

1. Page 16.

Following: line 23

Insert: "NEW SECTION. Section 20. Coordination instructions. If
Senate Bill No. 289 is not passed and referred to the
electorate, then a referendum may not be held on [this act],
[this act] is void, and the appropriation, if any, to fund
the special election is revoked."

-END-

ADOPT

REJECT

HOUSE

SB87

811200CW.Hss

SENATE BILL NO. 87

INTRODUCED BY CRIPPEN

BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SPECIFIC PROCEDURES FOR THE SPECIAL ELECTION ON ~~----Bill-No----~~{be 373} SENATE BILL NO. 235; PROVIDING THAT THE PROVISIONS OF TITLE 13, CHAPTER 27, MCA, AND CERTAIN OTHER LAWS RELATING TO ELECTIONS DO NOT APPLY TO THE SPECIAL ELECTION; PROVIDING FOR THE PURCHASE OF PRINTING AND DISTRIBUTION SERVICES AND MATERIALS ASSOCIATED WITH THE PRINTING AND DISTRIBUTION OF A VOTER INFORMATION PAMPHLET AND BALLOTS FOR THE SPECIAL ELECTION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Suspension of election laws -- purpose -- notice. (1) Due to the severity of Montana's fiscal problems and due to the need to deal with comprehensive tax reform as soon as possible, the legislature and the governor find that it is in the best interests of the citizens of the state of Montana to conduct a special election on the question of whether or not comprehensive tax reform, as represented by ~~----Bill-No----~~{be--373} SENATE BILL NO. 235, should be adopted. The legislature and the governor also find that statutes

covering ballot measures and the election on ballot measures, generally found in Title 13, chapter 27, are insufficient to accommodate the pressing need to dispose of the question of comprehensive tax reform. Consequently, procedures expediting the election, specified in [sections 1 through 19], are enacted to protect and further the interests of the electorate and Montana's citizens.

(2) For purposes of the special election to be held on ~~----Bill-No----~~{be-373} SENATE BILL NO. 235:

(a) the provisions of 13-1-108, 13-2-301(1)(b), 13-12-201, 13-13-205, and Title 13, chapter 27, do not apply; and

(b) notice of the special election must be published at least once a week for the 2 successive weeks before the election on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the jurisdiction where the election will be held; AND

(C) THE SECRETARY OF STATE SHALL PUBLISH A NOTICE SPECIFYING THE DAY REGISTRATION WILL CLOSE IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY AT LEAST 1 WEEK BEFORE THE CLOSE OF REGISTRATION.

NEW SECTION. Section 2. Procedures for special election.

(1) For the special election required in ~~----Bill-No----~~{be--373} SENATE BILL NO. 235, the procedures set

1 forth in [sections 1 through 19] apply.

2 (2) In [sections 1 through 19], wherever the word
3 "ballot issue", "issue", "ballot measure", "ballot form", or
4 "ballot" appears, the word applies to ~~----Bill--No-----~~{BE
5 373} SENATE BILL NO. 235.

6 NEW SECTION. Section 3. Transmittal of ballot issue to
7 attorney general. (1) The secretary of state shall transmit
8 a copy of the ballot issue and a copy of the form in which
9 the issue will appear on the ballot to the attorney general
10 no later than 40 days before the election at which the issue
11 will be voted on by the people.

12 (2) If the ballot form is not approved by the attorney
13 general pursuant to [section 5], the secretary of state
14 shall immediately submit a new ballot form to the attorney
15 general.

16 NEW SECTION. Section 4. Review by attorney general --
17 preparation of statements -- fiscal note. (1) Upon receipt
18 of a ballot issue from the office of the secretary of state
19 pursuant to [section 3], the attorney general shall examine
20 the issue as to form and, if it has an effect on the
21 revenue, expenditures, or fiscal liability of the state,
22 shall order a fiscal note incorporating an estimate of the
23 effect, the substance of which must substantially comply
24 with the provisions of 5-4-205. The budget director, in
25 cooperation with the agency or agencies affected or

1 knowledgeable, is responsible for preparing the fiscal note
2 and shall return it within 2 days. If a fiscal note was
3 prepared for the issue for consideration by the 53rd Montana
4 legislature, the secretary of state shall provide to the
5 attorney general the fiscal note prepared for the
6 legislature at the same time the ballot issue is transmitted
7 and the budget director need not prepare a new fiscal note.

8 (2) The attorney general shall endeavor to seek out
9 parties on both sides of the issue and obtain their advice.
10 The attorney general, within 3 days of receipt of the ballot
11 issue, shall prepare:

12 (a) a statement, not to exceed 100 words, explaining
13 the purpose of the measure; and

14 (b) statements, not to exceed 25 words each, explaining
15 the implications of a vote for and a vote against the
16 measure.

17 (3) Within 3 days of receipt of a fiscal note, if one
18 is necessary, the attorney general shall prepare a fiscal
19 statement of no more than 50 words, using the fiscal note
20 prepared for the ballot issue if one was prepared. The
21 statement must be used on the ballot.

22 (4) The statement of purpose and the statements of
23 implication must express the true and impartial explanation
24 of the ballot issue in plain, easily understood language and
25 may not be arguments or written so as to create prejudice

1 for or against the measure. The statement of purpose,
2 statements of implication, and fiscal statement must be
3 transmitted to the secretary of state no later than 1 day
4 following completion of the statements.

5 (5) The statement of purpose, unless altered by a court
6 under [section 6], shall appear on the ballot in addition to
7 the language included in ~~----Bill--No-----{bE--373}~~ SENATE
8 BILL NO. 235.

9 (6) The statements of implication must be placed beside
10 the diagram provided for marking of the ballot in a manner
11 similar to but not limited to the following example:

12 ☐ FOR extending the right to vote to persons 18 years
13 of age.

14 ☐ AGAINST extending the right to vote to persons 18
15 years of age.

16 NEW SECTION. Section 5. Review of ballot form by
17 attorney general. The attorney general shall examine the
18 ballot form submitted pursuant to [section 3] and within 2
19 days of receipt of the ballot form shall notify the
20 secretary of state of approval or rejection of the ballot
21 form. If the ballot form is rejected, the attorney general
22 shall approve or reject a new ballot form submitted by the
23 secretary of state pursuant to [section 3] within 1 day of
24 receiving the new form.

25 NEW SECTION. Section 6. Court review of attorney

1 general statements. (1) If a majority of the 53rd Montana
2 legislature, by roll call vote, believes that the statement
3 of purpose, a statement of implication of a vote, or the
4 fiscal statement formulated by the attorney general pursuant
5 to [section 4] does not satisfy the requirements of [section
6 4], a representative of the majority may, within 2 days of
7 the roll call vote, file an action in the district court in
8 and for the county of Lewis and Clark challenging the
9 adequacy of the statement and requesting the court to alter
10 the statement.

11 (2) On the same day on which an action is filed under
12 subsection (1), the person filing the action shall serve
13 notice of the action upon the secretary of state and upon
14 the attorney general.

15 (3) An action filed under subsection (1) takes
16 precedence over all other cases and matters in the district
17 court. The court shall examine the proposed measure and the
18 challenged statement and shall as soon as possible render a
19 decision and certify to the secretary of state a statement
20 that the court determines will meet the requirements of
21 [section 4].

22 (4) A statement certified by the court must be placed
23 on the official ballot.

24 (5) A copy of the statement certified by the court, in
25 final form, must be filed in the office of the secretary of

state by the person filing the action.

(6) A party may appeal the order of the district court to the Montana supreme court by filing a notice of appeal within 2 days of the date of the order of the district court.

(7) An action filed under subsection (6) takes precedence over all other cases and matters in the Montana supreme court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement that the court determines will meet the requirements of [section 4]. A decision by the supreme court is final.

(8) A statement certified by the supreme court must be placed on the official ballot.

(9) A copy of the statement certified by the supreme court, in final form, must be filed in the office of the secretary of state by the person filing the action.

NEW SECTION. Section 7. Voter information pamphlet.

(1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for the ballot issue to be voted on at the February-23 JUNE 8, 1993, special election, as applicable:

(a) ballot title, fiscal statement, if applicable, and complete text of the issue;

(b) the form in which the issue will appear on the ballot;

(c) arguments advocating approval and rejection of the issue; and

(d) rebuttal arguments.

(2) The pamphlet must also contain a notice advising the recipient as to where additional copies of the pamphlet may be obtained.

(3) The secretary of state may publish a single pamphlet for all of the ballot issues to be voted on at the February-23 JUNE 8, 1993, special election. The secretary of state may arrange the information in the order that seems most appropriate, but the information for all issues in the pamphlet must be presented in the same order.

NEW SECTION. Section 8. Committees to prepare arguments for and against ballot issue. (1) The arguments advocating approval or rejection of a ballot issue and rebuttal arguments must be submitted to the secretary of state by committees appointed as provided in this section.

(2) (a) Within 3 days following adoption by the legislature of ~~Bill No. 373~~ **SENATE BILL NO. 235**, a committee advocating the approval of the ballot issue must be appointed. The committee must be composed of one senator known to favor the issue, who must be appointed by the president of the senate and serve as the presiding

1 officer; one representative known to favor the issue, who
2 must be appointed by the speaker of the house of
3 representatives; and one individual, who need not be a
4 member of the legislature but who must be appointed by the
5 first two members.

6 (b) If any member of the committee is not appointed
7 within the time provided in subsection (2)(a), the chief
8 justice of the Montana supreme court shall make the
9 appointment within 2 days following expiration of the time
10 allowed in subsection (2)(a).

11 (3) (a) Within 3 days following adoption by the
12 legislature of ~~----Bill--No-----~~{~~BE-373~~} SENATE BILL NO.
13 235, a committee advocating rejection of the ballot issue
14 must be appointed. The committee advocating rejection of an
15 issue must be composed of one senator, who must be appointed
16 by the president of the senate and serve as the presiding
17 officer; one representative, who must be appointed by the
18 speaker of the house of representatives; and one individual,
19 who need not be a member of the legislature but who must be
20 appointed by the first two members. Whenever possible, the
21 members must be known to oppose the issue.

22 (b) If any member of the committee is not appointed
23 within the time provided in subsection (3)(a), the chief
24 justice of the Montana supreme court shall make the
25 appointment within 2 days following expiration of the time

1 allowed in subsection (3)(a).

2 (4) (a) A person may not be required to serve on a
3 committee under this section, and the person making an
4 appointment must receive written acceptance of appointment
5 from the appointee.

6 (b) The speaker of the house of representatives and the
7 president of the senate shall notify the secretary of state
8 of each person appointed to the committees in subsections
9 (2) and (3) immediately upon receipt of written acceptance
10 of appointment by the appointee.

11 NEW SECTION. Section 9. Notice of appointment to
12 committee. All appointees to a committee pursuant to
13 [section 8] must be notified by the secretary of state by
14 certified mail, return receipt requested, no later than 1
15 day after the deadline set for appointment of committee
16 members, of the deadlines for submission of the committee's
17 arguments.

18 NEW SECTION. Section 10. Committee expenses. Each
19 committee appointed under [section 8] is entitled to receive
20 funds for the preparation of arguments and expenses of
21 members not to exceed \$100. Itemized claims for actual
22 expenses incurred, approved by a majority of the committee,
23 must be submitted to the secretary of state for payment from
24 funds appropriated for that purpose.

25 NEW SECTION. Section 11. Limitation on length of

argument -- time of filing. An argument advocating approval or rejection of a ballot measure is limited to 500 words or less and must be filed, in typewritten form, with the secretary of state no later than 30 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation shall approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline.

NEW SECTION. Section 12. Rebuttal arguments. The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue in the office of the secretary of state. The committees may prepare rebuttal arguments, limited to 250 words or less that must be filed, in typewritten form, with the secretary of state no later than 3 days after the deadline for filing the original arguments. Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument must be approved and signed by a majority of the committee responsible for its preparation. Separate signed letters of approval may be submitted in the same

manner as for the original arguments.

NEW SECTION. Section 13. Rejection of improper arguments. The secretary of state shall reject, with the approval of the attorney general, an argument or other matter held to contain obscene, vulgar, profane, scandalous, libelous, or defamatory matter; any language that in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility toward or that tends to cast ridicule or shame upon a group of persons by reason of race, color, religion, or sex; or any matter not allowed to be sent through the mail. Rejected arguments may not be filed or printed in the voter information pamphlet.

NEW SECTION. Section 14. Liability for contents of argument. Nothing in [sections 1 through 19] relieves an author of any argument from civil or criminal responsibility for statements contained in an argument printed in the voter information pamphlet.

NEW SECTION. Section 15. Printing and distribution of voter information pamphlet -- public exigencies. (1) As soon as possible, the secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for the ballot measure. The requisition must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) (a) The provisions of 18-4-133(2) apply to the purchase of or a contract for services or materials associated with the printing, delivery, or distribution of the voter information pamphlet and the ballots for the special election on ~~---Bill-No-----{bE-373}~~ SENATE BILL NO. 235.

(b) The department of administration may call for bids and shall contract for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by no later than 21 days before the election at which the ballot issue will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The

mailing must take place as soon as is possible after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on ~~---Bill-No-----{bE-373}~~ SENATE BILL NO. 235.

NEW SECTION. Section 16. Secretary of state to certify ballot form ~~---abbreviated-ballot~~. (1) Within 5 days after receiving approval of the ballot form from the attorney general under [section 5], the secretary of state shall furnish to the official of each county responsible for preparing and printing the ballots a certified copy of the form in which the ballot issue is to appear on the ballot.

(2) The secretary of state shall list for the issue:

- (a) the number;
- (b) the method of placement on the ballot;
- (c) the title;
- (d) the attorney general's explanatory statement, if applicable;
- (e) the fiscal statement, if applicable; and
- (f) the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot.

(3) The secretary of state shall use, for the ballot issue, the title of the legislative act and language as may

be specifically required in ~~---Bill-No-----{6E-373}~~ SENATE BILL NO. 235. Following the number of the ballot issue, the secretary of state shall state that the issue has been placed on the ballot as an act referred by the legislature.

NEW SECTION. Section 17. Preparation of ballots by county officials -- absentee ballots. (1) Each of the county officials responsible for the preparation and printing of the ballots shall print or have printed the ballot issue on the official ballot in the form and order certified by the secretary of state pursuant to [section 16].

(2) The county election administrator shall ensure that sufficient ballots are printed and available for absentee voting at least 7 14 days prior to the election.

NEW SECTION. Section 18. Determination of result of special election. The votes on the ballot issue must be counted, canvassed, and returned by the regular boards of judges, clerks, and officers in the manner that votes for candidates are counted, canvassed, and returned. The abstract of the votes on the ballot issue must be prepared and returned to the secretary of state in the manner provided by 13-15-501 for abstracts of votes for state officers, except that the county election administrator shall provide the required information and shall send the abstract of votes to the secretary of state by certified mail in an envelope marked "special election returns", which

envelope must be received by the secretary of state no later than 5 p.m. on the sixth day following the election. The board of state canvassers shall proceed within 7 days after the special election at which the ballot issue is voted upon to canvass the votes given for the ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in the office of the secretary of state a statement of the canvass, giving the number and title of the ballot issue, the whole number of votes cast in the state for and against the ballot issue, and the effective date of the ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the governor within 10 days following the special election.

NEW SECTION. Section 19. Copy of approved issues to be sent to legislative council. The secretary of state shall send a certified copy of the ballot issue approved by a majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the legislative council at the same time the certified copy of the statement of the canvass is transmitted to the governor under [section 18].

NEW SECTION. SECTION 20. COORDINATION INSTRUCTIONS. IF SENATE BILL NO. 289 IS NOT PASSED AND REFERRED TO THE

1 ELECTORATE, THEN A REFERENDUM MAY NOT BE HELD ON [THIS ACT],
2 [THIS ACT] IS VOID, AND THE APPROPRIATION, IF ANY, TO FUND
3 THE SPECIAL ELECTION IS REVOKED.

4 NEW SECTION. Section 21. Severability. If a part of
5 [this act] is invalid, all valid parts that are severable
6 from the invalid part remain in effect. If a part of [this
7 act] is invalid in one or more of its applications, the part
8 remains in effect in all valid applications that are
9 severable from the invalid applications.

10 NEW SECTION. Section 22. Effective date. [This act] is
11 effective on passage and approval.

-End-

Conference Committee
on Senate Bill No. 87
Report No. 1, April 23, 1993

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill No. 87, met and considered: House amendments to Senate Bill No. 87. We recommend that Senate Bill No. 87 (reference copy - salmon) be amended as follows:

1. Page 16, line 24 through page 17, line 3.
Strike: section 20 in its entirety
Renumber: subsequent sections

And that this Conference Committee report be adopted.

For the Senate:


Senator Vaughn, Chair

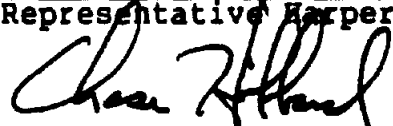

Senator Crippen

Senator Weldon

For the House:


Representative Rice, Chair

Representative Harper


Representative Hibbard

m-
Amd. Coord.
m
Sec. of Senate

ADOPT

REJECT

C.C.R.#1
SB 87
891808CC.Sma

1 SENATE BILL NO. 87

2 INTRODUCED BY CRIPPEN

3 BY REQUEST OF THE GOVERNOR

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SPECIFIC
6 PROCEDURES FOR THE SPECIAL ELECTION ON ~~----Bill-No----~~{bE
7 373} SENATE BILL NO. 235; PROVIDING THAT THE PROVISIONS OF
8 TITLE 13, CHAPTER 27, MCA, AND CERTAIN OTHER LAWS RELATING
9 TO ELECTIONS DO NOT APPLY TO THE SPECIAL ELECTION; PROVIDING
10 FOR THE PURCHASE OF PRINTING AND DISTRIBUTION SERVICES AND
11 MATERIALS ASSOCIATED WITH THE PRINTING AND DISTRIBUTION OF A
12 VOTER INFORMATION PAMPHLET AND BALLOTS FOR THE SPECIAL
13 ELECTION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

14

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

16 NEW SECTION. Section 1. Suspension of election laws --
17 purpose -- notice. (1) Due to the severity of Montana's
18 fiscal problems and due to the need to deal with
19 comprehensive tax reform as soon as possible, the
20 legislature and the governor find that it is in the best
21 interests of the citizens of the state of Montana to conduct
22 a special election on the question of whether or not
23 comprehensive tax reform, as represented by ~~----Bill-No----~~
24 {bE--373} SENATE BILL NO. 235, should be adopted. The
25 legislature and the governor also find that statutes

1 covering ballot measures and the election on ballot
2 measures, generally found in Title 13, chapter 27, are
3 insufficient to accommodate the pressing need to dispose of
4 the question of comprehensive tax reform. Consequently,
5 procedures expediting the election, specified in {sections 1
6 through 19}, are enacted to protect and further the
7 interests of the electorate and Montana's citizens.

8 (2) For purposes of the special election to be held on
9 ~~----Bill-No----~~{bE-373} SENATE BILL NO. 235:

10 (a) the provisions of 13-1-108, 13-2-301(1)(b),
11 13-12-201, 13-13-205, and Title 13, chapter 27, do not
12 apply; and

13 (b) notice of the special election must be published at
14 least once a week for the 2 successive weeks before the
15 election on radio or television as provided in 2-3-105
16 through 2-3-107 or in a newspaper of general circulation in
17 the jurisdiction where the election will be held; AND

18 (C) THE SECRETARY OF STATE SHALL PUBLISH A NOTICE
19 SPECIFYING THE DAY REGISTRATION WILL CLOSE IN A NEWSPAPER OF
20 GENERAL CIRCULATION IN EACH COUNTY AT LEAST 1 WEEK BEFORE
21 THE CLOSE OF REGISTRATION.

22 NEW SECTION. Section 2. Procedures for special
23 election.

24 (1) For the special election required in ~~----Bill~~
25 ~~No----~~{bE--373} SENATE BILL NO. 235, the procedures set

forth in [sections 1 through 19] apply.

(2) In [sections 1 through 19], wherever the word "ballot issue", "issue", "ballot measure", "ballot form", or "ballot" appears, the word applies to ~~----Bill--No-----~~{BE 373} SENATE BILL NO. 235.

NEW SECTION. Section 3. Transmittal of ballot issue to attorney general. (1) The secretary of state shall transmit a copy of the ballot issue and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 40 days before the election at which the issue will be voted on by the people.

(2) If the ballot form is not approved by the attorney general pursuant to [section 5], the secretary of state shall immediately submit a new ballot form to the attorney general.

NEW SECTION. Section 4. Review by attorney general -- preparation of statements -- fiscal note. (1) Upon receipt of a ballot issue from the office of the secretary of state pursuant to [section 3], the attorney general shall examine the issue as to form and, if it has an effect on the revenue, expenditures, or fiscal liability of the state, shall order a fiscal note incorporating an estimate of the effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected or

knowledgeable, is responsible for preparing the fiscal note and shall return it within 2 days. If a fiscal note was prepared for the issue for consideration by the 53rd Montana legislature, the secretary of state shall provide to the attorney general the fiscal note prepared for the legislature at the same time the ballot issue is transmitted and the budget director need not prepare a new fiscal note.

(2) The attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general, within 3 days of receipt of the ballot issue, shall prepare:

(a) a statement, not to exceed 100 words, explaining the purpose of the measure; and

(b) statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the measure.

(3) Within 3 days of receipt of a fiscal note, if one is necessary, the attorney general shall prepare a fiscal statement of no more than 50 words, using the fiscal note prepared for the ballot issue if one was prepared. The statement must be used on the ballot.

(4) The statement of purpose and the statements of implication must express the true and impartial explanation of the ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice

1 for or against the measure. The statement of purpose,
2 statements of implication, and fiscal statement must be
3 transmitted to the secretary of state no later than 1 day
4 following completion of the statements.

5 (5) The statement of purpose, unless altered by a court
6 under [section 6], shall appear on the ballot in addition to
7 the language included in ~~---Bill No.---~~{~~BE--373~~} SENATE
8 BILL NO. 235.

9 (6) The statements of implication must be placed beside
10 the diagram provided for marking of the ballot in a manner
11 similar to but not limited to the following example:

12 ☐ FOR extending the right to vote to persons 18 years
13 of age.

14 ☐ AGAINST extending the right to vote to persons 18
15 years of age.

16 NEW SECTION. Section 5. Review of ballot form by
17 attorney general. The attorney general shall examine the
18 ballot form submitted pursuant to [section 3] and within 2
19 days of receipt of the ballot form shall notify the
20 secretary of state of approval or rejection of the ballot
21 form. If the ballot form is rejected, the attorney general
22 shall approve or reject a new ballot form submitted by the
23 secretary of state pursuant to [section 3] within 1 day of
24 receiving the new form.

25 NEW SECTION. Section 6. Court review of attorney

1 general statements. (1) If a majority of the 53rd Montana
2 legislature, by roll call vote, believes that the statement
3 of purpose, a statement of implication of a vote, or the
4 fiscal statement formulated by the attorney general pursuant
5 to [section 4] does not satisfy the requirements of [section
6 4], a representative of the majority may, within 2 days of
7 the roll call vote, file an action in the district court in
8 and for the county of Lewis and Clark challenging the
9 adequacy of the statement and requesting the court to alter
10 the statement.

11 (2) On the same day on which an action is filed under
12 subsection (1), the person filing the action shall serve
13 notice of the action upon the secretary of state and upon
14 the attorney general.

15 (3) An action filed under subsection (1) takes
16 precedence over all other cases and matters in the district
17 court. The court shall examine the proposed measure and the
18 challenged statement and shall as soon as possible render a
19 decision and certify to the secretary of state a statement
20 that the court determines will meet the requirements of
21 [section 4].

22 (4) A statement certified by the court must be placed
23 on the official ballot.

24 (5) A copy of the statement certified by the court, in
25 final form, must be filed in the office of the secretary of

1 state by the person filing the action.

2 (6) A party may appeal the order of the district court
3 to the Montana supreme court by filing a notice of appeal
4 within 2 days of the date of the order of the district
5 court.

6 (7) An action filed under subsection (6) takes
7 precedence over all other cases and matters in the Montana
8 supreme court. The court shall examine the proposed measure
9 and the challenged statement and shall as soon as possible
10 render a decision and certify to the secretary of state a
11 statement that the court determines will meet the
12 requirements of [section 4]. A decision by the supreme court
13 is final.

14 (8) A statement certified by the supreme court must be
15 placed on the official ballot.

16 (9) A copy of the statement certified by the supreme
17 court, in final form, must be filed in the office of the
18 secretary of state by the person filing the action.

19 NEW SECTION. Section 7. Voter information pamphlet.

20 (1) The secretary of state shall prepare for printing a
21 voter information pamphlet containing the following
22 information for the ballot issue to be voted at the
23 ~~February-23~~ JUNE 8, 1993, special election, as applicable:

24 (a) ballot title, fiscal statement, if applicable, and
25 complete text of the issue;

1 (b) the form in which the issue will appear on the
2 ballot;

3 (c) arguments advocating approval and rejection of the
4 issue; and

5 (d) rebuttal arguments.

6 (2) The pamphlet must also contain a notice advising
7 the recipient as to where additional copies of the pamphlet
8 may be obtained.

9 (3) The secretary of state may publish a single
10 pamphlet for all of the ballot issues to be voted on at the
11 ~~February-23~~ JUNE 8, 1993, special election. The secretary of
12 state may arrange the information in the order that seems
13 most appropriate, but the information for all issues in the
14 pamphlet must be presented in the same order.

15 NEW SECTION. Section 8. Committees to prepare
16 arguments for and against ballot issue. (1) The arguments
17 advocating approval or rejection of a ballot issue and
18 rebuttal arguments must be submitted to the secretary of
19 state by committees appointed as provided in this section.

20 (2) (a) Within 3 days following adoption by the
21 legislature of ~~---Bill No.---~~ ~~{BE--373}~~ SENATE BILL NO.
22 235, a committee advocating the approval of the ballot issue
23 must be appointed. The committee must be composed of one
24 senator known to favor the issue, who must be appointed by
25 the president of the senate and serve as the presiding

1 officer; one representative known to favor the issue, who
2 must be appointed by the speaker of the house of
3 representatives; and one individual, who need not be a
4 member of the legislature but who must be appointed by the
5 first two members.

6 (b) If any member of the committee is not appointed
7 within the time provided in subsection (2)(a), the chief
8 justice of the Montana supreme court shall make the
9 appointment within 2 days following expiration of the time
10 allowed in subsection (2)(a).

11 (3) (a) Within 3 days following adoption by the
12 legislature of ~~----Bill--No-----{be-373}~~ SENATE BILL NO.
13 235, a committee advocating rejection of the ballot issue
14 must be appointed. The committee advocating rejection of an
15 issue must be composed of one senator, who must be appointed
16 by the president of the senate and serve as the presiding
17 officer; one representative, who must be appointed by the
18 speaker of the house of representatives; and one individual,
19 who need not be a member of the legislature but who must be
20 appointed by the first two members. Whenever possible, the
21 members must be known to oppose the issue.

22 (b) If any member of the committee is not appointed
23 within the time provided in subsection (3)(a), the chief
24 justice of the Montana supreme court shall make the
25 appointment within 2 days following expiration of the time

1 allowed in subsection (3)(a).

2 (4) (a) A person may not be required to serve on a
3 committee under this section, and the person making an
4 appointment must receive written acceptance of appointment
5 from the appointee.

6 (b) The speaker of the house of representatives and the
7 president of the senate shall notify the secretary of state
8 of each person appointed to the committees in subsections
9 (2) and (3) immediately upon receipt of written acceptance
10 of appointment by the appointee.

11 NEW SECTION. Section 9. Notice of appointment to
12 committee. All appointees to a committee pursuant to
13 [section 8] must be notified by the secretary of state by
14 certified mail, return receipt requested, no later than 1
15 day after the deadline set for appointment of committee
16 members, of the deadlines for submission of the committee's
17 arguments.

18 NEW SECTION. Section 10. Committee expenses. Each
19 committee appointed under [section 8] is entitled to receive
20 funds for the preparation of arguments and expenses of
21 members not to exceed \$100. Itemized claims for actual
22 expenses incurred, approved by a majority of the committee,
23 must be submitted to the secretary of state for payment from
24 funds appropriated for that purpose.

25 NEW SECTION. Section 11. Limitation on length of

1 argument -- time of filing. An argument advocating approval
2 or rejection of a ballot measure is limited to 500 words or
3 less and must be filed, in typewritten form, with the
4 secretary of state no later than 30 days before the election
5 at which the issue will be voted on by the people. A
6 majority of the committee responsible for preparation shall
7 approve and sign each argument filed. Separate signed
8 letters of approval of an argument may be filed with the
9 secretary of state by members of a committee if necessary to
10 meet the filing deadline.

11 NEW SECTION. **Section 12. Rebuttal arguments.** The
12 secretary of state shall provide copies of the arguments
13 advocating approval or rejection of a ballot issue to the
14 members of the adversary committee no later than 1 day
15 following the filing of both the approval and rejection
16 arguments for the issue in the office of the secretary of
17 state. The committees may prepare rebuttal arguments,
18 limited to 250 words or less that must be filed, in
19 typewritten form, with the secretary of state no later than
20 3 days after the deadline for filing the original arguments.
21 Discussion in the rebuttal argument must be confined to the
22 subject matter raised in the argument being rebutted. The
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24 of the committee responsible for its preparation. Separate
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9 or shame upon a group of persons by reason of race, color,
10 religion, or sex; or any matter not allowed to be sent
11 through the mail. Rejected arguments may not be filed or
12 printed in the voter information pamphlet.

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16 for statements contained in an argument printed in the voter
17 information pamphlet.

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22 and delivery of a voter information pamphlet for the ballot
23 measure. The requisition must include a delivery list
24 providing for shipment of the required number of pamphlets
25 to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) (a) The provisions of 18-4-133(2) apply to the purchase of or a contract for services or materials associated with the printing, delivery, or distribution of the voter information pamphlet and the ballots for the special election on ~~----Bill-No:-----{bE--373}~~ SENATE BILL NO. 235.

(b) The department of administration may call for bids and shall contract for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by no later than 21 days before the election at which the ballot issue will be voted on by the people.

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mailing must take place as soon as is possible after the pamphlets are received from the printer.

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(a) the number;

(b) the method of placement on the ballot;

(c) the title;

(d) the attorney general's explanatory statement, if applicable;

(e) the fiscal statement, if applicable; and

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(3) The secretary of state shall use, for the ballot issue, the title of the legislative act and language as may

be specifically required in ~~----Bill-No-----{hE-373}~~ SENATE BILL NO. 235. Following the number of the ballot issue, the secretary of state shall state that the issue has been placed on the ballot as an act referred by the legislature.

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envelope must be received by the secretary of state no later than 5 p.m. on the sixth day following the election. The board of state canvassers shall proceed within 7 days after the special election at which the ballot issue is voted upon to canvass the votes given for the ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in the office of the secretary of state a statement of the canvass, giving the number and title of the ballot issue, the whole number of votes cast in the state for and against the ballot issue, and the effective date of the ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the governor within 10 days following the special election.

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SENATE-Bill-NO--289--IS--NOT--PASSED--AND--REFERRED--TO--THE~~

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2 ~~{THIS--ACT}--IS VOID, AND THE APPROPRIATION, IF ANY, TO FUND~~
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-End-