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

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

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SECOND READING, CONFERENCE COMMITTEE REPORT ADOPTED.

THIRD READING, CONFERENCE COMMITTEE REPORT ADOPTED.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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LC 0617/01

ETLL NO. 87 and the election on ballot measures, generally found in 1 1 2 2 INTRODUCED BY 3 BY REQUEST OF THE GOVERNOR З 4 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SPECIFIC 5 6 PROCEDURES FOR THE SPECIAL ELECTION ON _____ BILL NO.____ [LC 7 373]: PROVIDING THAT THE PROVISIONS OF TITLE 13, CHAPTER 27, 7 8 8 MCA, AND CERTAIN OTHER LAWS RELATING TO ELECTIONS DO NOT 9 9 APPLY TO THE SPECIAL ELECTION: PROVIDING FOR THE PURCHASE OF 10 PRINTING AND DISTRIBUTION SERVICES AND MATERIALS ASSOCIATED 10 11 WITH THE PRINTING AND DISTRIBUTION OF A VOTER INFORMATION 11 12 12 PAMPHLET AND BALLOTS FOR THE SPECIAL ELECTION; AND PROVIDING 13 13 AN IMMEDIATE EFFECTIVE DATE." 14 14 15 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 16 16 NEW SECTION. Section 1. Suspension of election laws --17 17 purpose -- notice. (1) Due to the severity of Montana's 18 18 fiscal problems and due to the need to deal with 19 19 comprehensive tax reform as soon as possible, the 20 20 legislature and the governor find that it is in the best 21 21 interests of the citizens of the state of Montana to conduct 22 22 a special election on the question of whether or not 23 23 comprehensive tax reform, as represented by Bill No.

[LC 373], should be adopted. The legislature and the

governor also find that statutes covering ballot measures

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. [LC 373]:

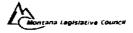
(a) the provisions of 13-1-108, 13-2-301(1)(b), 13-12-201, 13-13-205, and Title 13, chapter 27, do not apply; and

(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.____ [LC 373], the procedures set forth in [sections 1 through 19] apply.

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





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1 373].

2 <u>NEW SECTION.</u> 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.

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

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.

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, explaining9 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.

(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 18 19 implication must express the true and impartial explanation of the ballot issue in plain, easily understood language and 20 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.

-4-

1 (5) The statement of purpose, unless altered by a court 2 under [section 6], shall appear on the ballot in addition to 3 the language included in Bill No. [LC 373].

4 (6) The statements of implication must be placed beside 5 the diagram provided for marking of the ballot in a manner 6 similar to but not limited to the following example:

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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 11 attorney general. The attorney general shall examine the 12 ballot form submitted pursuant to [section 3] and within 2 13 days of receipt of the ballot form shall notify the 14 secretary of state of approval or rejection of the ballot 15 form. If the ballot form is rejected, the attorney general 16 shall approve or reject a new ballot form submitted by the 17 secretary of state pursuant to [section 3] within 1 day of 18 19 receiving the new form.

20 <u>NEW SECTION.</u> Section 6. Court review of attorney 21 general statements. (1) If a majority of the 53rd Montana 22 legislature, by roll call vote, believes that the statement 23 of purpose, a statement of implication of a vote, or the 24 fiscal statement formulated by the attorney general pursuant 25 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.

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

10 (3) An action filed under subsection (1) takes 11 precedence over all other cases and matters in the district 12 court. The court shall examine the proposed measure and the 13 challenged statement and shall as soon as possible render a 14 decision and certify to the secretary of state a statement 15 that the court determines will meet the requirements of 16 [section 4].

17 (4) A statement certified by the court must be placed18 on the official ballot.

19 (5) A copy of the statement certified by the court, in
20 final form, must be filed in the office of the secretary of
21 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 1 precedence over all other cases and matters in the Montana 2 3 supreme court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible 4 render a decision and certify to the secretary of state a 5 statement that the court determines will meet the 6 requirements of [section 4]. A decision by the supreme court 7 is final. 8

9 (8) A statement certified by the supreme court must be10 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.

14 <u>NEW SECTION.</u> Section 7. Voter information pamphlet. 15 (1) The secretary of state shall prepare for printing a 16 voter information pamphlet containing the following 17 information for the ballot issue to be voted on at the 18 February 23, 1993, special election, as applicable:

19 (a) ballot title, fiscal statement, if applicable, and20 complete text of the issue;

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

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

25 (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.

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

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

15 (2) (a) Within 3 days following adoption by the 16 legislature of Bill No. [LC 373], a committee advocating the approval of the ballot issue must be 17 appointed. The committee must be composed of one senator 18 19 known to favor the issue, who must be appointed by the 20 president of the senate and serve as the presiding officer; 21 one representative known to favor the issue, who must be 22 appointed by the speaker of the house of representatives; 23 and one individual, who need not be a member of the legislature but who must be appointed by the first two 24 members. 25

LC 0617/01

-8-

-7-

LC 0617/01

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

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

17 (b) If any member of the committee is not appointed 18 within the time provided in subsection (3)(a), the chief 19 justice of the Montana supreme court shall make the 20 appointment within 2 days following expiration of the time 21 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 5 appointment to 6 committee. All appointees to a committee pursuant to 7 [section 8] must be notified by the secretary of state by 8 certified mail, return receipt requested, no later than 1 9 day after the deadline set for appointment of committee 10 members, of the deadlines for submission of the committee's arguments. 11

12 <u>NEW SECTION.</u> Section 10. Committee expenses. Each 13 committee appointed under [section 8] is entitled to receive 14 funds for the preparation of arguments and expenses of 15 members not to exceed \$100. Itemized claims for actual 16 expenses incurred, approved by a majority of the committee, 17 must be submitted to the secretary of state for payment from 18 funds appropriated for that purpose.

19 <u>NEW SECTION.</u> Section 11. Limitation on length of 20 argument -- time of filing. An argument advocating approval 21 or rejection of a ballot measure is limited to 500 words or 22 less and must be filed, in typewritten form, with the 23 secretary of state no later than 30 days before the election 24 at which the issue will be voted on by the people. A 25 majority of the committee responsible for preparation shall

-9-

-10-

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 5 arguments. The secretary of state shall provide copies of the arguments 6 advocating approval or rejection of a ballot issue to the 7 8 members of the adversary committee no later than 1 day 9 following the filing of both the approval and rejection arguments for the issue in the office of the secretary of 10 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 rebuttal argument must be approved and signed by a majority 17 of the committee responsible for its preparation. Separate 18 signed letters of approval may be submitted in the same 19 manner as for the original arguments. 20

21 <u>NEW SECTION.</u> 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 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.

7 <u>NEW SECTION.</u> 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.

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

(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

LC 0617/01

LC 0617/01

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.

(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].

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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 inBill 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

LC 0617/01

-14-

NEW SECTION. Section 16. Secretary of state to certify

LC 0617/01

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].

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

NEW SECTION. Section 18. Determination of result of 8 special election. The votes on the ballot issue must be 9 counted, canvassed, and returned by the regular boards of 10 11 judges, clerks, and officers in the manner that votes for 12 candidates are counted, canvassed, and returned. The abstract of the votes on the ballot issue must be prepared 13 and returned to the secretary of state in the manner 14 provided by 13-15-501 for abstracts of votes for state 15 officers, except that the county election administrator 16 shall provide the required information and shall send the 17 abstract of votes to the secretary of state by certified 18 19 mail in an envelope marked "special election returns", which envelope must be received by the secretary of state no later 20 than 5 p.m. on the sixth day following the election. The 21 board of state canvassers shall proceed within 7 days after 22 23 the special election at which the ballot issue is voted upon 24 to canvass the votes given for the ballot issue. The secretary of state, as secretary of the board of state 25

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 8 9 sent to legislative council. The secretary of state shall 10 send a certified copy of the ballot issue approved by a 11 majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the 12 13 legislative council at the same time the certified copy of the statement of the canvass is transmitted to the governor 14 under [section 18]. 15

16 <u>NEW SECTION.</u> Section 20. Severability. If a part of 17 [this act] is invalid, all valid parts that are severable 18 from the invalid part remain in effect. If a part of [this 19 act] is invalid in one or more of its applications, the part 20 remains in effect in all valid applications that are 21 severable from the invalid applications.

22 <u>NEW SECTION.</u> Section 21. Effective date. [This act] is
23 effective on passage and approval.

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2	INTRODUCED BY	Cyper
3		BY REQUEST OF THE GOVERNOR

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

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

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

Montana Legislative Council

and the election on ballot measures, generally found in 1 2 Title 13, chapter 27, are insufficient to accommodate the pressing need to dispose of the question of comprehensive 3 tax reform. Consequently, procedures expediting the Δ 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 Bill No. [LC 373]: 9 (a) the provisions of 13-1-108, 13-2-301(1)(b), 10 11 13-12-201, 13-13-205, and Title 13, chapter 27, do not apply; and 12 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. NEW SECTION. Section 2. Procedures 18 for special 19 election. 20 (1) For the special election required in Bill 21

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

-2- CORRECTED SB 87 INTRODUCED BILL

1 373].

2 <u>NEW SECTION.</u> 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.

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

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, explaining9 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.

(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.

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

1 (5) The statement of purpose, unless altered by a court 2 under [section 6], shall appear on the ballot in addition to 3 the language included in ______Bill No.____ [LC 373].

4 (6) The statements of implication must be placed beside 5 the diagram provided for marking of the ballot in a manner 6 similar to but not limited to the following example:

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

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

NEW SECTION. Section 5. Review of ballot form by 11 attorney general. The attorney general shall examine the 12 ballot form submitted pursuant to [section 3] and within 2 13 days of receipt of the ballot form shall notify the 14 secretary of state of approval or rejection of the ballot 15 form. If the ballot form is rejected, the attorney general 16 shall approve or reject a new ballot form submitted by the 17 secretary of state pursuant to [section 3] within 1 day of 18 receiving the new form. 19

20 <u>NEW SECTION.</u> Section 6. Court review of attorney 21 general statements. (1) If a majority of the 53rd Montana 22 legislature, by roll call vote, believes that the statement 23 of purpose, a statement of implication of a vote, or the 24 fiscal statement formulated by the attorney general pursuant 25 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.

6 (2) On the same day on which an action is filed under 7 subsection (1), the person filing the action shall serve 8 notice of the action upon the secretary of state and upon 9 the attorney general.

10 (3) An action filed under subsection (1) takes 11 precedence over all other cases and matters in the district 12 court. The court shall examine the proposed measure and the 13 challenged statement and shall as soon as possible render a 14 decision and certify to the secretary of state a statement 15 that the court determines will meet the requirements of 16 [section 4].

17 (4) A statement certified by the court must be placed18 on the official ballot.

19 (5) A copy of the statement certified by the court, in
20 final form, must be filed in the office of the secretary of
21 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.

-6-

SB 0087/01

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

9 (8) A statement certified by the supreme court must be10 placed on the official ballot.

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

14 <u>NEW SECTION.</u> Section 7. Voter information pamphlet.
15 (1) The secretary of state shall prepare for printing a
16 voter information pamphlet containing the following
17 information for the ballot issue to be voted on at the
18 February 23, 1993, special election, as applicable:

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

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

23 (c) arguments advocating approval and rejection of the24 issue; and

25 (d) rebuttal arguments.

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

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

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

(2) (a) Within 3 days following adoption by the 15 16 legislature of Bill No. [LC 373], a committee 17 advocating the approval of the ballot issue must be 18 appointed. The committee must be composed of one senator 19 known to favor the issue, who must be appointed by the president of the senate and serve as the presiding officer; 20 21 one representative known to favor the issue, who must be appointed by the speaker of the house of representatives; 22 and one individual, who need not be a member of the 23 24 legislature but who must be appointed by the first two 25 members.

-7-

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

(3) (a) Within 3 days following adoption by the 6 legislature of _____Bill No.___ [LC 373], a committee 7 advocating rejection of the ballot issue must be appointed. 8 The committee advocating rejection of an issue must be 9 composed of one senator, who must be appointed by the 10 president of the senate and serve as the presiding officer; 11 one representative, who must be appointed by the speaker of 12 the house of representatives; and one individual, who need 13 not be a member of the legislature but who must be appointed 14 by the first two members. Whenever possible, the members 15 must be known to oppose the issue. 16

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

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

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

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

20 <u>NEW SECTION.</u> Section 11. Limitation on length of 21 argument -- time of filing. An argument advocating approval 22 or rejection of a ballot measure is limited to 500 words or 23 less and must be filed, in typewritten form, with the 24 secretary of state no later than 30 days before the election 25 at which the issue will be voted on by the people. A

-9-

SB 0087/01

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.

6 NEW SECTION. Section 12. Rebuttal arguments. The 7 secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the 8 9 members of the adversary committee no later than 1 day 10 following the filing of both the approval and rejection arguments for the issue in the office of the secretary of 11 12 state. The committees may prepare rebuttal arguments, 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

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

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

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

SB 0087/01

-11-

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

3 (3) (a) The provisions of 18-4-133(2) apply to the 4 purchase of or a contract for services or materials 5 associated with the printing, delivery, or distribution of 6 the voter information pamphlet and the ballots for the 7 special election on _____Bill No._____ [LC 373].

8 (b) The department of administration may call for bids 9 and shall contract for the printing and delivery of the 10 voter information pamphlet. The contract must require 11 completion of printing and shipment, as specified on the 12 delivery list, of the voter information pamphlets by no 13 later than 21 days before the election at which the ballot 14 issue will be voted on by the people.

(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
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].

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 inBill 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

-13-

-14-

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].

5 (2) The county election administrator shall ensure that 6 sufficient ballots are printed and available for absentee 7 voting at least 7 days prior to the election.

NEW SECTION. Section 18. Determination of result of 8 special election. The votes on the ballot issue must be 9 counted, canvassed, and returned by the regular boards of 10 judges, clerks, and officers in the manner that votes for 11 candidates are counted, canvassed, and returned. 12 The abstract of the votes on the ballot issue must be prepared 13 14 and returned to the secretary of state in the manner 15 provided by 13-15-501 for abstracts of votes for state 16 officers, except that the county election administrator 17 shall provide the required information and shall send the 18 abstract of votes to the secretary of state by certified mail in an envelope marked "special election returns", which 19 envelope must be received by the secretary of state no later 20 21 than 5 p.m. on the sixth day following the election. The 22 board of state canvassers shall proceed within 7 days after 23 the special election at which the ballot issue is voted upon 24 to canvass the votes given for the ballot issue. The 25 secretary of state, as secretary of the board of state

canvassers, shall prepare and file in the office of the 1 secretary of state a statement of the canvass, giving the 2 number and title of the ballot issue, the whole number of 3 votes cast in the state for and against the ballot issue, Л and the effective date of the ballot issue approved by a 5 majority of those voting on the issue. The secretary of 6 state shall transmit a certified copy of the statement of 7 the canvass to the governor within 10 days following the 8 special election. 9

NEW SECTION. Section 19. Copy of approved issues to be 10 sent to legislative council. The secretary of state shall 11 send a certified copy of the ballot issue approved by a 12 majority of those voting on the issue and a copy of the 13 statement of the canvass to the executive director of the 14 legislative council at the same time the certified copy of 15 the statement of the canvass is transmitted to the governor 16 under [section 18]. 17

18 <u>NEW SECTION.</u> Section 20. Severability. If a part of 19 [this act] is invalid, all valid parts that are severable 20 from the invalid part remain in effect. If a part of [this 21 act] is invalid in one or more of its applications, the part 22 remains in effect in all valid applications that are 23 severable from the invalid applications.

24 <u>NEW SECTION.</u> Section 21. Effective date. [This act] is 25 effective on passage and approval. -End-

-16-

-15-

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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

- 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].]

DAVID LEWIS, BUDGET DIRECTOR DATE Office of Budget and Program Planning

BRUCE CRIPPEN, PONSOR PRIMA וידמ'ת

SB

Fiscal Note for <u>SB0087</u>, as introduced

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apply; and

APPROVED BY COMMITTEE ON STATE ADMINISTRATION

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

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

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

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



1 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, 5 procedures expediting the election, specified in [sections 1 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 ----Bill-No.----{60-373} 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

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.

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

20 (1) For the special election required in ----Bill No-----{be--373} SENATE BILL NO. 235, the procedures set 21 22 forth in [sections 1 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+____fb@

-2-SB 87 SECOND READING

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1 3737 SENATE BILL NO. 235.

2 <u>NEW SECTION.</u> 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 the issue as to form and, if it has an effect on the 16 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 with the provisions of 5-4-205. The budget director, in 20 cooperation with the agency or agencies affected or 21 22 knowledgeable, is responsible for preparing the fiscal note 23 and shall return it within 2 days. If a fiscal note was prepared for the issue for consideration by the 53rd Montana 24 legislature, the secretary of state shall provide to the 25

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.

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, explaining9 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.

(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 18 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.

-4-

-3-

(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 <u>----Bill-Not-----{be--373}</u> <u>SENATE</u>
 BILL NO. 235.

5 (6) The statements of implication must be placed beside 6 the diagram provided for marking of the ballot in a manner 7 similar to but not limited to the following example:

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

10AGAINST extending the right to vote to persons 1811years of age.

NEW SECTION. Section 5. Review of ballot form by 12 attorney general. The attorney general shall examine the 13 ballot form submitted pursuant to [section 3] and within 2 14 15 days of receipt of the ballot form shall notify the 16 secretary of state of approval or rejection of the ballot 17 form. If the ballot form is rejected, the attorney general shall approve or reject a new ballot form submitted by the 18 19 secretary of state pursuant to [section 3] within 1 day of receiving the new form. 20

21 <u>NEW SECTION.</u> Section 6. Court review of attorney 22 general statements. (1) If a majority of the 53rd Montana 23 legislature, by roll call vote, believes that the statement 24 of purpose, a statement of implication of a vote, or the 25 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.

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

11 (3) An action filed under subsection (1) takes 12 precedence over all other cases and matters in the district 13 court. The court shall examine the proposed measure and the 14 challenged statement and shall as soon as possible render a 15 decision and certify to the secretary of state a statement 16 that the court determines will meet the requirements of 17 [section 4].

18 (4) A statement certified by the court must be placed19 on the official ballot.

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

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

-6-

-5-

SB 87

SB 0087/02

1 court.

2 (7) An action filed under subsection (6) takes 3 precedence over all other cases and matters in the Montana Δ 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 в requirements of [section 4]. A decision by the supreme court is final. 9

10 (8) A statement certified by the supreme court must be11 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.

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 **Pebruary-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 the25 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 Pebruary-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 <u>NEW SECTION.</u> 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 legislature of ____Bill-Not____{66--373} SENATE BILL NO. 17 235, a committee advocating the approval of the ballot issue 18 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 be appointed by the speaker of the house of must 24 representatives; and one individual, who need not be a 25 member of the legislature but who must be appointed by the

-7-

SB 0087/02

-8-

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 legislature of ----Bill-Not----{be--373} SENATE BILL NO. 8 235, a committee advocating rejection of the ballot issue 9 10 must be appointed. The committee advocating rejection of an issue must be composed of one senator, who must be appointed 11 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).

(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

-9-

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 <u>NEW SECTION.</u> 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 <u>NEW SECTION.</u> 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 <u>NEW SECTION.</u> 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

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SB 87

-10-

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

23 <u>NEW SECTION.</u> 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

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

9 <u>NEW SECTION.</u> 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 voter information pamphlet -- public exigencies. (1) As soon 15 as possible, the secretary of state shall arrange with the 16 17 department of administration by requisition for the printing 18 and delivery of a voter information pamphlet for the ballot measure. The requisition must include a delivery list 19 providing for shipment of the required number of pamphlets 20 21 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.

-12-

-11-

SB 87

SB 87

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

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

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

(4) The county official responsible for 17 voter registration in each county shall mail one copy of the voter 18 information pamphlet to each registered voter in the county, 19 20 except that two or more voters with the same mailing address and the same last name may be counted as one voter. The 21 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

-13-

to read the explanatory information and complete text before voting on ----Bill-Not-----{be-373} SENATE BILL NO. 235. 2

3 NEW SECTION. Section 16. Secretary of state to certify ballot form -- abbreviated ballot. (1) Within 5 days after 4 5 receiving approval of the ballot form from the attorney general under [section 5], the secretary of state shall 6 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;

1

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

13 (c) the title;

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

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

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 be specifically required in ----Bill-No-----{be-373} SENATE 22 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.

-14-

<u>NEW SECTION.</u> 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].

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

10 NEW SECTION. Section 18. Determination of result of 11 special election. The votes on the ballot issue must be counted, canvassed, and returned by the regular boards of 12 judges, clerks, and officers in the manner that votes for 13 candidates are counted, canvassed, and returned. The 14 15 abstract of the votes on the ballot issue must be prepared and returned to the secretary of state in the manner 16 17 provided by 13-15-501 for abstracts of votes for state 18 officers, except that the county election administrator 19 shall provide the required information and shall send the 20 abstract of votes to the secretary of state by certified 21 mail in an envelope marked "special election returns", which 22 envelope must be received by the secretary of state no later 23 than 5 p.m. on the sixth day following the election. The board of state canvassers shall proceed within 7 days after 24 25 the special election at which the ballot issue is voted upon

1 to canvass the votes given for the ballot issue. The 2 secretary of state, as secretary of the board of state 3 canvassers, shall prepare and file in the office of the 4 secretary of state a statement of the canvass, giving the number and title of the ballot issue, the whole number of 5 votes cast in the state for and against the ballot issue, 6 7 and the effective date of the ballot issue approved by a majority of those voting on the issue. The secretary of 8 9 state shall transmit a certified copy of the statement of 10 the canvass to the governor within 10 days following the 11 special election.

12 NEW SECTION. Section 19. Copy of approved issues to be sent to legislative council. The secretary of state shall 13 send a certified copy of the ballot issue approved by a 14 majority of those voting on the issue and a copy of the 15 16 statement of the canvass to the executive director of the 17 legislative council at the same time the certified copy of the statement of the canvass is transmitted to the governor 18 under [section 18]. 19

20 <u>NEW SECTION.</u> Section 20. Severability. If a part of 21 [this act] is invalid, all valid parts that are severable 22 from the invalid part remain in effect. If a part of [this 23 act] is invalid in one or more of its applications, the part 24 remains in effect in all valid applications that are 25 severable from the invalid applications.

-16-

1 NEW SECTION. Section 21. Effective date. [This act] is

2 effective on passage and approval.

-End-

-17-

 1
 SENATE BILL NO. 87

 2
 INTRODUCED BY CRIPPEN

 3
 BY REQUEST OF THE GOVERNOR

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 TITLE 13, CHAPTER 27, MCA, AND CERTAIN OTHER LAWS RELATING 8 TO ELECTIONS DO NOT APPLY TO THE SPECIAL ELECTION: PROVIDING 9 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

Woncana Legislative Council

ballot measures and the election on ballot 1 covering measures, generally found in Title 13, chapter 27, are 2 3 insufficient to accommodate the pressing need to dispose of the question of comprehensive tax reform. Consequently, 4 5 procedures expediting the election, specified in [sections] through 19], are enacted to protect and further the б interests of the electorate and Montana's citizens. 7. (2) For purposes of the special election to be held on 8 9 ----Bill-Not-----{60-373} 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 election on radio or television as provided in 2-3-105 15 through 2-3-107 or in a newspaper of general circulation in 16 the jurisdiction where the election will be held; AND 17 18 (C) THE SECRETARY OF STATE SHALL PUBLISH A NOTICE 19 SPECIFYING THE DAY REGISTRATION WILL CLOSE IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY AT LEAST 1 WEEK BEFORE 20 21 THE CLOSE OF REGISTRATION. NEW SECTION. Section 2. Procedures 22 for special election. 23

-2-

SB 87 THIRD READING AS AMENDED

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 <u>----Bill-Not-----</u>fbe
5 373] SENATE BILL NO. 235.

6 <u>NEW SECTION.</u> 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.

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

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.

B (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, explaining13 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.

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.

(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

-3-

SB 0087/03

-4-

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 (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 <u>----Bill-No-----{bC--373} SENATE</u> 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 D FOR extending the right to vote to persons 18 years
13 of age.

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

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

25 NEW SECTION. Section 6. Court review of attorney

-5-

general statements. (1) If a majority of the 53rd Montana 1 legislature, by roll call vote, believes that the statement 2 of purpose, a statement of implication of a vote, or the 3 4 fiscal statement formulated by the attorney general pursuant to [section 4] does not satisfy the requirements of [section 5 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 placed23 on the official ballot.

24 (5) A copy of the statement certified by the court, in25 final form, must be filed in the office of the secretary of

-6-

SB 87

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 statement that the court determines will meet the 11 requirements of [section 4]. A decision by the supreme court 12 is final. 13

14 (8) A statement certified by the supreme court must be15 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 <u>NEW SECTION.</u> 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 on at the
23 Pebruary-23 JUNE 8, 1993, special election, as applicable:
24 (a) ballot title, fiscal statement, if applicable, and
25 complete text of the issue;

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

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

(d) rebuttal arguments.

S

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 Pebruary-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 <u>NEW SECTION.</u> 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.

(2) (a) Within 3 days following adoption by the
legislature of ----Bill-Not-----{be--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

-7-

SB 0087/03

-8-

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).

(3) (a) Within 3 days following adoption by the 11 12 235, a committee advocating rejection of the ballot issue 13 must be appointed. The committee advocating rejection of an 14 issue must be composed of one senator, who must be appointed 15 by the president of the senate and serve as the presiding 16 officer; one representative, who must be appointed by the 17 speaker of the house of representatives; and one individual, 18 who need not be a member of the legislature but who must be 19 appointed by the first two members. Whenever possible, the 20 members must be known to oppose the issue. 21

(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

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 <u>NEW SECTION.</u> 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.

NEW SECTION. Section 10. Committee 18 expenses. Each committee appointed under [section 8] is entitled to receive 19 20 funds for the preparation of arguments and expenses of members not to exceed \$100. Itemized claims for actual 21 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.

NEW SECTION. Section 11. Limitation on length of

-9-

SB 87

25

-10-

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

NEW SECTION. Section 12. Rebuttal 11 arguments. The secretary of state shall provide copies of the arguments 12 13 advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day 14 15 following the filing of both the approval and rejection arguments for the issue in the office of the secretary of 16 17 state. The committees may prepare rebuttal arguments, limited to 250 words or less that must be filed, in 18 typewritten form, with the secretary of state no later than 19 3 days after the deadline for filing the original arguments. 20 21 Discussion in the rebuttal argument must be confined to the 22 subject matter raised in the argument being rebutted. The 23 rebuttal argument must be approved and signed by a majority of the committee responsible for its preparation. Separate 24 signed letters of approval may be submitted in the same 25

SB 0087/03

1 manner as for the original arguments.

NEW SECTION. Section 13. Rejection of improper 2 arguments. The secretary of state shall reject, with the 3 approval of the attorney general, an argument or other 4 matter held to contain obscene, vulgar, profane, scandalous, 5 libelous, or defamatory matter; any language that in any way 6 incites, counsels, promotes, or advocates hatred, abuse, 7 violence, or hostility toward or that tends to cast ridicule 8 or shame upon a group of persons by reason of race, color, 9 religion, or sex; or any matter not allowed to be sent 10 through the mail. Rejected arguments may not be filed or 11 printed in the voter information pamphlet. 12

13 <u>NEW SECTION.</u> Section 14. Liability for contents of 14 argument. Nothing in [sections 1 through 19] relieves an 15 author of any argument from civil or criminal responsibility 16 for statements contained in an argument printed in the voter 17 information pamphlet.

NEW SECTION. Section 15. Printing and distribution of 18 voter information pamphlet -- public exigencies. (1) As soon 19 as possible, the secretary of state shall arrange with the 20 department of administration by requisition for the printing 21 and delivery of a voter information pamphlet for the ballot 22 measure. The requisition must include a delivery list 23 providing for shipment of the required number of pamphlets 24 25 to each county and to the secretary of state.

-11-

1 (2) The secretary of state shall estimate the number of 2 copies necessary to furnish one copy to every voter in each 3 county, except that two or more voters with the same mailing 4 address and the same last name may be counted as one voter. 5 The secretary of state shall provide for an extra supply of 6 the pamphlets in determining the number of voter pamphlets 7 to be ordered in the requisition.

14 (b) The department of administration may call for bids 15 and shall contract for the printing and delivery of the 16 voter information pamphlet. The contract must require 17 completion of printing and shipment, as specified on the 18 delivery list, of the voter information pamphlets by no 19 later than 21 days before the election at which the ballot 20 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

-13-

SB 87

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

3 (5) Ten copies of the voter information pamphlet must 4 be available at each precinct for use by any voter wishing 5 to read the explanatory information and complete text before 6 voting on ----Bill-Not-----(50-373) SENATE BILL NO. 235.

7 <u>NEW SECTION.</u> Section 16. Secretary of state to certify 8 ballot form ---abbreviated-bailot. (1) Within 5 days after 9 receiving approval of the ballot form from the attorney 10 general under [section 5], the secretary of state shall 11 furnish to the official of each county responsible for 12 preparing and printing the ballots a certified copy of the 13 form in which the ballot issue is to appear on the ballot.

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

15 (a) the number;

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

17 (c) the title;

18 (d) the attorney general's explanatory statement, if19 applicable;

20 (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.

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

-14-

be specifically required in <u>----Bill-Not-----{bC-373} SENATE</u>
 <u>BILL NO. 235</u>. 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.
 <u>NEW SECTION.</u> Section 17. Preparation of ballots by

6 county officials -- absentee ballots. (1) Each of the county
7 officials responsible for the preparation and printing of
8 the ballots shall print or have printed the ballot issue on
9 the official ballot in the form and order certified by the
10 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.

14 NEW SECTION. Section 18. Determination of result of special election. The votes on the ballot issue must be 15 counted, canvassed, and returned by the regular boards of 16 17 judges, clerks, and officers in the manner that votes for candidates are counted, canvassed, and returned. The 18 abstract of the votes on the ballot issue must be prepared 19 20 and returned to the secretary of state in the manner 21 provided by 13-15-501 for abstracts of votes for state 22 officers, except that the county election administrator shall provide the required information and shall send the 23 24 abstract of votes to the secretary of state by certified 25 mail in an envelope marked "special election returns", which

1 envelope must be received by the secretary of state no later 2 than 5 p.m. on the sixth day following the election. The board of state canvassers shall proceed within 7 days after 3 4 the special election at which the ballot issue is voted upon 5 to canvass the votes given for the ballot issue. The 6 secretary of state, as secretary of the board of state 7 canvassers, shall prepare and file in the office of the 8 secretary of state a statement of the canvass, giving the 9 number and title of the ballot issue, the whole number of votes cast in the state for and against the ballot issue, 10 11 and the effective date of the ballot issue approved by a 12 majority of those voting on the issue. The secretary of 13 state shall transmit a certified copy of the statement of 14 the canvass to the governor within 10 days following the 15 special election.

16 NEW SECTION. Section 19. Copy of approved issues to be 17 sent to legislative council. The secretary of state shall 18 send a certified copy of the ballot issue approved by a 19 majority of those voting on the issue and a copy of the 20 statement of the canvass to the executive director of the 21 legislative council at the same time the certified copy of 22 the statement of the canvass is transmitted to the governor under [section 18]. 23

24 <u>NEW SECTION.</u> Section 20. Severability. If a part of
 25 [this act] is invalid, all valid parts that are severable

-15-

SB 87

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.

5 <u>NEW SECTION.</u> Section 21. Rffective date. [This act] is 6 effective on passage and approval.

-End-

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: 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

HOUSE SB87

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REJECT

SENATE BILL NO. 87 1 2 INTRODUCED BY CRIPPEN BY REQUEST OF THE GOVERNOR 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SPECIFIC 5 PROCEDURES FOR THE SPECIAL ELECTION ON ----Bill-Not-----{be 6 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 FOR THE PURCHASE OF PRINTING AND DISTRIBUTION SERVICES AND 10 11 MATERIALS ASSOCIATED WITH THE PRINTING AND DISTRIBUTION OF A 12 VOTER INFORMATION PAMPHLET AND BALLOTS FOR THE SPECIAL ELECTION: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 13 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15 NEW SECTION. Section 1. Suspension of election laws ---16 purpose -- notice. (1) Due to the severity of Montana's 17 and due to the need to deal with 18 fiscal problems 19 comprehensive tax reform as soon as possible, the legislature and the governor find that it is in the best 20 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 measures, generally found in Title 13, chapter 27, are 2 insufficient to accommodate the pressing need to dispose of 3 the question of comprehensive tax reform. Consequently, 4 5 procedures expediting the election, specified in [sections 1 through 19], are enacted to protect and further the 6 interests of the electorate and Montana's citizens. 7 (2) For purposes of the special election to be held on 8 9 10 (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 11 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 election on radio or television as provided in 2-3-105 15 through 2-3-107 or in a newspaper of general circulation in 16 the jurisdiction where the election will be held; AND 17 18 (C) THE SECRETARY OF STATE SHALL PUBLISH A NOTICE 19 SPECIFYING THE DAY REGISTRATION WILL CLOSE IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY AT LEAST 1 WEEK BEFORE 20 21 THE CLOSE OF REGISTRATION. 22 NEW SECTION. Section 2. Procedures for special 23 election. (1) For the special election required in ----Bitt 24 No------{50--373} SENATE BILL NO. 235, the procedures set 25

> -2- SB 87 REFERENCE BILL AS AMENDED

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 <u>----Bill-No------</u>{b6
5 373] SENATE BILL NO. 235.

6 <u>NEW SECTION.</u> 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.

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

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, explaining13 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.

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.

(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

-3-

SB 0087/04

-4-

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 (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 <u>----Bitt-Not----</u>--{bC--373} <u>SENATE</u> 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.

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

NEW SECTION. Section 5. Review of ballot form by 16 attorney general. The attorney general shall examine the 17 ballot form submitted pursuant to [section 3] and within 2 18 days of receipt of the ballot form shall notify the 19 secretary of state of approval or rejection of the ballot 20 form. If the ballot form is rejected, the attorney general 21 shall approve or reject a new ballot form submitted by the 22 secretary of state pursuant to [section 3] within 1 day of 23 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 fiscal statement formulated by the attorney general pursuant 4 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 and for the county of Lewis and Clark challenging the 8 9 adequacy of the statement and requesting the court to alter the statement. 10

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 placed23 on the official ballot.

24 (5) A copy of the statement certified by the court, in25 final form, must be filed in the office of the secretary of

-5-

SB 0087/04

-6-

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.

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

<u>NEW SECTION.</u> 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
Pebruary-23 JUNE 8, 1993, special election, as applicable:
(a) ballot title, fiscal statement, if applicable, and
complete text of the issue:

SB 0087/04

(b) the form in which the issue will appear on the
 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 Pebruary-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 <u>NEW SECTION.</u> 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.

(2) (a) Within 3 days following adoption by the
legislature of ----Bill-No-----{be--373} SENATE BILL NO.
22 235, 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

-7-

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).

(3) (a) Within 3 days following adoption by the 11 legislature of ----Bill--No-----{60-373} SENATE BILL NO. 12 235, a committee advocating rejection of the ballot issue 13 must be appointed. The committee advocating rejection of an 14 issue must be composed of one senator, who must be appointed 15 by the president of the senate and serve as the presiding 16 officer; one representative, who must be appointed by the 17 speaker of the house of representatives; and one individual, 18 who need not be a member of the legislature but who must be 19 appointed by the first two members. Whenever possible, the 20 members must be known to oppose the issue. 21

(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).

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.

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

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

25 NEW SECTION. Section 11. Limitation on length of

-10-

-9-

SB 87

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

NEW SECTION. Section 12. Rebuttal 11 arguments. The 12 secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the 13 members of the adversary committee no later than 1 day 14 following the filing of both the approval and rejection 15 arguments for the issue in the office of the secretary of 16 state. The committees may prepare rebuttal arguments, 17 limited to 250 words or less that must be filed, in 18 typewritten form, with the secretary of state no later than 19 3 days after the deadline for filing the original arguments. 20 Discussion in the rebuttal argument must be confined to the 21 subject matter raised in the argument being rebutted. The 22 rebuttal argument must be approved and signed by a majority 23 of the committee responsible for its preparation. Separate 24 signed letters of approval may be submitted in the same 25

SB 0087/04

1 manner as for the original arguments.

2 NEW SECTION. Section 13. Rejection of improper 3 arguments. The secretary of state shall reject, with the 4 approval of the attorney general, an argument or other 5 matter held to contain obscene, vulgar, profane, scandalous, libelous, or defamatory matter; any language that in any way 6 7 incites, counsels, promotes, or advocates hatred, abuse, B violence, or hostility toward or that tends to cast ridicule 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.

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 18 19 voter information pamphlet -- public exigencies. (1) As soon 20 as possible, the secretary of state shall arrange with the 21 department of administration by requisition for the printing 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 to each county and to the secretary of state. 25

-11-

1 (2) The secretary of state shall estimate the number of 2 copies necessary to furnish one copy to every voter in each 3 county, except that two or more voters with the same mailing 4 address and the same last name may be counted as one voter. 5 The secretary of state shall provide for an extra supply of 6 the pamphlets in determining the number of voter pamphlets 7 to be ordered in the requisition.

8 (3) (a) The provisions of 18-4-133(2) apply to the
9 purchase of or a contract for services or materials
10 associated with the printing, delivery, or distribution of
11 the voter information pamphlet and the ballots for the
12 special election on <u>----Bill-No-----{be--373}</u> <u>SENATE BILL</u>
13 NO. 235.

14 (b) The department of administration may call for bids 15 and shall contract for the printing and delivery of the 16 voter information pamphlet. The contract must require 17 completion of printing and shipment, as specified on the 18 delivery list, of the voter information pamphlets by no 19 later than 21 days before the election at which the ballot 20 issue will be voted on by the people.

21 (4) The county official responsible for voter 22 registration in each county shall mail one copy of the voter 23 information pamphlet to each registered voter in the county, 24 except that two or more voters with the same mailing address 25 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.

3 (5) Ten copies of the voter information pamphlet must
4 be available at each precinct for use by any voter wishing
5 to read the explanatory information and complete text before
6 voting on <u>----Bill-Nor-----{be-373}</u> <u>SENATE BILL NO. 235</u>.

7 <u>NEW SECTION.</u> Section 16. Secretary of state to certify 8 ballot form ---abbreviated-ballot. (1) Within 5 days after 9 receiving approval of the ballot form from the attorney 10 general under [section 5], the secretary of state shall 11 furnish to the official of each county responsible for 12 preparing and printing the ballots a certified copy of the 13 form in which the ballot issue is to appear on the ballot.

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

15 (a) the number;

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

17 (c) the title;

18 (d) the attorney general's explanatory statement, if 19 applicable;

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

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

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

-13-

SB 87

-14-

be specifically required in <u>----Bill-Not-----{bC-373} SENATE</u>
 <u>BILL NO. 235</u>. 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.

5 <u>NEW SECTION.</u> Section 17. Preparation of ballots by 6 county officials — absentee ballots. (1) Each of the county 7 officials responsible for the preparation and printing of 8 the ballots shall print or have printed the ballot issue on 9 the official ballot in the form and order certified by the 10 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 14 15 special election. The votes on the ballot issue must be counted, canvassed, and returned by the regular boards of 16 judges, clerks, and officers in the manner that votes for 17 candidates are counted, canvassed, and returned. The 18 abstract of the votes on the ballot issue must be prepared 19 20 and returned to the secretary of state in the manner provided by 13-15-501 for abstracts of votes for state 21 officers, except that the county election administrator 22 shall provide the required information and shall send the 23 abstract of votes to the secretary of state by certified 24 mail in an envelope marked "special election returns", which 25

SB 0087/04

envelope must be received by the secretary of state no later 1 2 than 5 p.m. on the sixth day following the election. The 3 board of state canvassers shall proceed within 7 days after 4 the special election at which the ballot issue is voted upon to canvass the votes given for the ballot issue. The 5 6 secretary of state, as secretary of the board of state canvassers, shall prepare and file in the office of the 7 secretary of state a statement of the canvass, giving the 8 number and title of the ballot issue, the whole number of 9 10 votes cast in the state for and against the ballot issue, and the effective date of the ballot issue approved by a 11 12 majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of 13 the canvass to the governor within 10 days following the 14 15 special election.

16 NEW SECTION. Section 19. Copy of approved issues to be 17 sent to legislative council. The secretary of state shall 18 send a certified copy of the ballot issue approved by a majority of those voting on the issue and a copy of the 19 20 statement of the canvass to the executive director of the 21 legislative council at the same time the certified copy of 22 the statement of the canvass is transmitted to the governor 23 under [section 18].

24 <u>NEW SECTION. SECTION 20. COORDINATION INSTRUCTIONS. IF</u>
 25 <u>SENATE BILL NO. 289 IS NOT PASSED AND REFERRED TO THE</u>

-16-

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.
 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

For the House:

Representative Rice, Chair

Representati

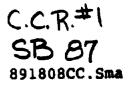
Hibbard

Representative

M-Amd. Coord.

Senator Weldon

Amd. Coord. <u>IN</u> Sec. of Senate



ADOPT

REJECT

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SB 0087/05

SB 87

-2-

1	SENATE BILL NO. 87	1	covering ballot measures and the election on ballot
2	INTRODUCED BY CRIPPEN	2	measures, generally found in Title 13, chapter 27, are
3	BY REQUEST OF THE GOVERNOR	3	insufficient to accommodate the pressing need to dispose of
4		4	the question of comprehensive tax reform. Consequently,
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SPECIFIC	5	procedures expediting the election, specified in (sections 1
6	PROCEDURES FOR THE SPECIAL ELECTION ONBill-Not	6	through 19], are enacted to protect and further the
7	3737 SENATE BILL NO. 235; PROVIDING THAT THE PROVISIONS OF	7	interests of the electorate and Montana's citizens.
8	TITLE 13, CHAPTER 27, MCA, AND CERTAIN OTHER LAWS RELATING	8	(2) For purposes of the special election to be held on
9	TO ELECTIONS DO NOT APPLY TO THE SPECIAL ELECTION; PROVIDING	9	Bill-No{60-373} SENATE BILL NO. 235:
10	FOR THE PURCHASE OF PRINTING AND DISTRIBUTION SERVICES AND	10	(a) the provisions of 13-1-108, 13-2-301(1)(b),
11	MATERIALS ASSOCIATED WITH THE PRINTING AND DISTRIBUTION OF A	11	13-12-201, 13-13-205, and Title 13, chapter 27, do not
12	VOTER INFORMATION PAMPHLET AND BALLOTS FOR THE SPECIAL	12	apply; and
13	ELECTION; AND PROVIDING AN IMMEDIATE EPPECTIVE DATE."	13	(b) notice of the special election must be published at
14		14	least once a week for the 2 successive weeks before the
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	election on radio or television as provided in 2-3-105
16	NEW SECTION. Section 1. Suspension of election laws	16	through 2-3-107 or in a newspaper of general circulation in
17	purpose notice. (1) Due to the severity of Montana's	17	the jurisdiction where the election will be held; AND
18	fiscal problems and due to the need to deal with	18	(C) THE SECRETARY OF STATE SHALL PUBLISH A NOTICE
19	comprehensive tax reform as soon as possible, the	19	SPECIFYING THE DAY REGISTRATION WILL CLOSE IN A NEWSPAPER OF
20	legislature and the governor find that it is in the best	20	GENERAL CIRCULATION IN EACH COUNTY AT LEAST 1 WEEK BEFORE
21	interests of the citizens of the state of Montana to conduct	21	THE CLOSE OF REGISTRATION.
22	a special election on the guestion of whether or not	22	NEW SECTION. Section 2. Procedures for special
23	comprehensive tax reform, as represented by <u>Bill-No</u>	23	election.
24	{be373} SENATE BILL NO. 235, should be adopted. The	24	(1) For the special election required inBill
25	legislature and the governor also find that statutes	25	Not



1 forth in [sections 1 through 19] apply.

6 <u>NEW SECTION.</u> 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.

NEW SECTION. Section 4. Review by attorney general --16 preparation of statements -- fiscal note. (1) Upon receipt 17 of a ballot issue from the office of the secretary of state 18 pursuant to [section 3], the attorney general shall examine 19 the issue as to form and, if it has an effect on the 20 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, explaining13 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.

(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

-4-

-3-

SB 0087/05

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 (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 <u>----Bill-No-----{be--373}</u> <u>SENATE</u>
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 Description 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 attorney general. The attorney general shall examine the 17 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 form. If the ballot form is rejected, the attorney general 21 22 shall approve or reject a new ballot form submitted by the secretary of state pursuant to [section 3] within 1 day of 23 receiving the new form. 24

25 NEW SECTION. Section 6. Court review of attorney

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

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

24 (5) A copy of the statement certified by the court, in25 final form, must be filed in the office of the secretary of

-5~

SB 87

-6-

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.

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

14 (8) A statement certified by the supreme court must be15 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.

<u>NEW SECTION.</u> 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 at the
Pebruary-23 JUNE 8, 1993, special election, as applicable:

24 (a) ballot title, fiscal statement, if applicable, and25 complete text of the issue;

SB 0087/05

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.

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the president of the senate and serve as the presiding

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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.

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).

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

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within the time provided in subsection (3)(a), the chief
justice of the Montana supreme court shall make the
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-9-

SB 87

-10-

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SB 0087/05

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8 (3) (a) The provisions of 18-4-133(2) apply to the 9 purchase of or a contract for services or materials 10 associated with the printing, delivery, or distribution of 11 the voter information pamphlet and the ballots for the 12 special election on <u>----Bitt-Not------{be--373}</u> <u>SENATE BILL</u> 13 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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information pamphlet to each registered voter in the county,
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and the same last name may be counted as one voter. The

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3 (5) Ten copies of the voter information pamphlet must 4 be available at each precinct for use by any voter wishing 5 to read the explanatory information and complete text before 6 voting on ----Bill-No------{be-373} SENATE BILL NO. 235.

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- 15 (a) the number;
- 16 (b) the method of placement on the ballot;
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20 (e) the fiscal statement, if applicable; and

21 (f) the statements of the implication of a vote for or 22 against the issue that are to be placed beside the diagram 23 for marking the ballot.

24 (3) The secretary of state shall use, for the ballot25 issue, the title of the legislative act and language as may

-14-

-13-

SB 0087/05

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officials responsible for the preparation and printing of

8 the ballots shall print or have printed the ballot issue on
9 the official ballot in the form and order certified by the
10 secretary of state pursuant to [section 16].

11 (2) The county election administrator shall ensure that 12 sufficient ballots are printed and available for absentee 13 voting at least 7 14 days prior to the election.

NEW SECTION. Section 18. Determination of result of 14 special election. The votes on the ballot issue must be 15 16 counted, canvassed, and returned by the regular boards of 17 judges, clerks, and officers in the manner that votes for 18 candidates are counted, canvassed, and returned. The 19 abstract of the votes on the ballot issue must be prepared and returned to the secretary of state in the manner 20 provided by 13-15-501 for abstracts of votes for state 21 22 officers, except that the county election administrator 23 shall provide the required information and shall send the 24 abstract of votes to the secretary of state by certified 25 mail in an envelope marked "special election returns", which

envelope must be received by the secretary of state no later 1 than 5 p.m. on the sixth day following the election. The 2 board of state canvassers shall proceed within 7 days after 3 the special election at which the ballot issue is voted upon 4 5 to canvass the votes given for the ballot issue. The secretary of state, as secretary of the board of state 6 7 canvassers, shall prepare and file in the office of the secretary of state a statement of the canvass, giving the 8 number and title of the ballot issue, the whole number of 9 votes cast in the state for and against the ballot issue, 10 and the effective date of the ballot issue approved by a 11 majority of those voting on the issue. The secretary of 12 state shall transmit a certified copy of the statement of 13 the canvass to the governor within 10 days following the 14 15 special election.

16 NEW SECTION. Section 19. Copy of approved issues to be sent to legislative council. The secretary of state shall 17 send a certified copy of the ballot issue approved by a 18 majority of those voting on the issue and a copy of the 19 statement of the canvass to the executive director of the 20 21 legislative council at the same time the certified copy of the statement of the canvass is transmitted to the governor 22 23 under [section 18].

24 NEW-SECTION.--SECTION 20--COORDINATION INSTRUCTIONS.-IP 25 SENATE-BILD-NOT-289--IS--NOT--PASSED--AND--REPERRED--TO--THE

-15-

-16-

1 ELECTORATE7-THEN-A-REPERENDUM-MAY-NOT-BE-HELD-ON-{THIS-ACT}7

2 {THIS--ACT}--IS-VOID7-AND-THE-APPROPRIATION7-IF-ANY7-TO-FUND

3 THE-SPECIAL-ELECTION-IS-REVOKED.

4 <u>NEW SECTION.</u> Section 20. 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 21. Effective date. [This act] is

11 effective on passage and approval.

-End-