

1 SENATE BILL NO. 76

2 INTRODUCED BY DEVLIN

3 BY REQUEST OF THE SECRETARY OF STATE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING COMMITTEES
6 AND ARGUMENTS FOR BALLOT ISSUES; PROVIDING FOR FILLING VACANCIES ON COMMITTEES;
7 REVISING THE DEADLINES FOR APPOINTING COMMITTEES; REVISING THE LENGTH AND FORMAT OF
8 ARGUMENTS AND REBUTTALS; AMENDING SECTIONS 13-27-402, 13-27-403, 13-27-406, AND
9 13-27-407, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **Section 1.** Section 13-27-402, MCA, is amended to read:

14 **"13-27-402. Committees to prepare arguments for and against ballot issues.** (1) The arguments
15 advocating approval or rejection of the ballot issue and rebuttal arguments ~~shall~~ must be submitted to the
16 secretary of state by committees appointed as provided in this section.

17 (2) The ~~following~~ committees ~~shall~~ must be composed of:

18 (a) one senator known to favor the measure, appointed by the president of the senate;

19 (b) one representative known to favor the measure, appointed by the speaker of the house of
20 representatives; and

21 (c) one individual who need not be a member of the legislature, appointed by the first two members
22 from:

23 ~~(b)(i)~~ the committee advocating approval of an act referred to the people or of a constitutional
24 amendment proposed by the legislature; or

25 ~~(b)(ii)~~ the committee advocating approval of an act referred to the people by referendum petition.

26 (3) (a) The committee advocating rejection of an act referred to the people or of a constitutional
27 amendment proposed by the legislature ~~shall~~ must be composed of:

28 (i) one senator appointed by the president of the senate;

29 (ii) one representative appointed by the speaker of the house of representatives; and

30 (iii) one individual who need not be a member of the legislature, appointed by the first two

1 members.

2 (b) Whenever possible, the members ~~shall~~ must be known to have opposed the issue.

3 (4) The following ~~shall~~ must be three-member committees and ~~shall~~ must be appointed by the
4 person submitting the petition to the secretary of state under the provisions of 13-27-202:

5 (a) the committee advocating approval of a ballot issue proposed by any type of initiative petition;
6 and

7 (b) the committee advocating rejection of any ballot issue that is a legislative act referred to the
8 people by referendum petition.

9 (5) A committee advocating rejection of a ballot issue proposed by any type of initiative petition
10 ~~shall~~ must be composed of five members. The governor, attorney general, president of the senate, and
11 speaker of the house of representatives shall each appoint one member, and the fifth member ~~shall~~ must
12 be appointed by the first four members. All members ~~shall~~ must be known to favor rejection of the issue.

13 (6) ~~No~~ A person may not be required to serve on any committee under this section, and the person
14 making an appointment must have written acceptance of appointment from the appointee. If an
15 appointment is not made by the required time, the committee members that have been appointed may fill
16 the vacancy by unanimous written consent up until the deadline for filing the arguments."

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18 **Section 2.** Section 13-27-403, MCA, is amended to read:

19 "**13-27-403. Appointment to committee.** (1) Except as provided in subsection (2), appointments
20 to committees advocating approval or rejection of an act referred to the people, a constitutional amendment
21 proposed by the legislature, or a ballot measure referred to the people by referendum petition or proposed
22 by any type of initiative petition ~~shall~~ must be made no later than ~~6 months before the election at which~~
23 1 week prior to the deadline for filing arguments on the ballot issue will be voted on by the people under
24 13-27-406.

25 (2) Appointments to committees advocating approval or rejection of a ballot measure referred to
26 the people by referendum petition or proposed by any type of initiative petition ~~that is approved less than~~
27 ~~7 months before the election at which the ballot issue will be voted on by the people shall~~ must be made
28 no later than ~~30 days after the measure is approved for circulation by the secretary of state~~ 1 week before
29 the deadline for filing arguments on the ballot issue under 13-27-406. All persons responsible for appointing
30 members to the committee shall submit to the secretary of state the names and addresses of the appointees

1 no later than the date set by this subsection. ~~Such~~ The submission must include the written acceptance
 2 of appointment from each appointee required by section 13-27-402(6). If an appointment is not made by
 3 the required time, the committee members that have been appointed may fill the vacancy by unanimous
 4 written consent up until the deadline for filing the arguments.

5 (3) All appointees to a committee pursuant to subsection (1) or (2) must be notified by the
 6 secretary of state by certified mail, with return receipt requested, no later than 5 days after the deadline
 7 set for appointment of committee members, of the deadlines for submission of the committee's arguments.

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

11 ~~(5) Committees appointed under subsections (2)(b), (4), and (5) of 13-27-402 must be vacated and~~
 12 ~~have no further obligation if the ballot measure for which they were appointed fails to receive sufficient~~
 13 ~~signatures to place it on the ballot. The secretary of state shall notify the committee members of the failure~~
 14 ~~of a ballot measure to receive sufficient signatures no later than 3 days after the filing deadline set in~~
 15 ~~13-27-104."~~

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 17 **Section 3.** Section 13-27-406, MCA, is amended to read:

18 "**13-27-406. Limitation on length of argument -- time of filing.** An argument advocating approval
 19 or rejection of a ballot issue is limited to ~~500 words~~ a single 7 1/2-inch by 10-inch page and must be filed,
 20 ~~in typewritten form~~ a black-and-white, camera-ready format, with the secretary of state no later than 105
 21 days before the election at which the issue will be voted on by the people. A majority of the committee
 22 responsible for preparation shall approve and sign each argument filed. Separate signed letters of approval
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 24 the filing deadline."

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 26 **Section 4.** Section 13-27-407, MCA, is amended to read:

27 "**13-27-407. Rebuttal arguments.** The secretary of state shall provide copies of the arguments
 28 advocating approval or rejection of a ballot issue to the members of the adversary committee no later than
 29 1 day following the filing of both the approval and rejection arguments for the issue ~~in his office~~. The
 30 committees may prepare rebuttal arguments no longer than ~~250 words~~ one-half the size of the arguments

1 under 13-27-406 that shall must be filed, in ~~typewritten form~~ in a black-and-white, camera-ready format,
2 with the secretary of state no later than 10 days after the deadline for filing the original arguments.
3 Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being
4 rebutted. The rebuttal argument ~~shall~~ must be approved and signed by a majority of the committee
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8 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

9

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0076, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act generally revising the laws governing committees and arguments for ballot issues; providing for filling vacancies on committees; revising the deadlines for appointing committees; revising the length and format of arguments and rebuttals.

ASSUMPTIONS:

1. The Office of the Secretary of State does not anticipate a fiscal impact from SB76.

FISCAL IMPACT:

There is no estimated fiscal impact to state government.

Dave Lewis 1-9-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Gerry Devlin 1-10-97
GERRY DEVLIN, SPONSOR DATE

Fiscal Note for SB0076, as introduced

SB76

APPROVED BY COM ON
STATE ADMINISTRATION

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23 ~~(a)(i)~~ the committee advocating approval of an act referred to the people or of a constitutional
24 amendment proposed by the legislature; or

25 ~~(b)(ii)~~ the committee advocating approval of an act referred to the people by referendum petition.

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 4 written consent up until the deadline for filing the arguments.

5 (3) ~~All~~ WITHIN 5 DAYS AFTER RECEIVING NOTICE UNDER SUBSECTION (2), BUT NOT LATER
 6 THAN 5 DAYS AFTER THE DEADLINE SET FOR APPOINTMENT OF COMMITTEE MEMBERS, THE
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21 "13-27-406. **Limitation on length of argument -- time of filing.** An argument advocating approval
 22 or rejection of a ballot issue is limited to ~~500 words~~ a single 7 1/2-inch by 10-inch page and must be filed,
 23 ~~in typewritten form~~ a black-and-white, camera-ready format, with the secretary of state no later than 105
 24 days before the election at which the issue will be voted on by the people. A majority of the committee
 25 responsible for preparation shall approve and sign each argument filed. Separate signed letters of approval
 26 of an argument may be filed with the secretary of state by members of a committee if necessary to meet
 27 the filing deadline."

29 **Section 4.** Section 13-27-407, MCA, is amended to read:

30 "13-27-407. **Rebuttal arguments.** The secretary of state shall provide copies of the arguments

1 advocating approval or rejection of a ballot issue to the members of the adversary committee no later than
2 1 day following the filing of both the approval and rejection arguments for the issue ~~in his office~~. The
3 committees may prepare rebuttal arguments no longer than ~~250 words~~ one-half the size of the arguments
4 under 13-27-406 that ~~shall~~ must be filed, in ~~typewritten form~~ in a black-and-white, camera-ready format,
5 with the secretary of state no later than 10 days after the deadline for filing the original arguments.
6 Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being
7 rebutted. The rebuttal argument ~~shall~~ must be approved and signed by a majority of the committee
8 responsible for its preparation. Separate signed letters of approval may be submitted in the same manner
9 as for the original arguments.”

10

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

12

-END-

1 SENATE BILL NO. 76

2 INTRODUCED BY DEVLIN

3 BY REQUEST OF THE SECRETARY OF STATE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING COMMITTEES
6 AND ARGUMENTS FOR BALLOT ISSUES; PROVIDING FOR FILLING VACANCIES ON COMMITTEES;
7 REVISING THE DEADLINES FOR APPOINTING COMMITTEES; REVISING THE LENGTH AND FORMAT OF
8 ARGUMENTS AND REBUTTALS; AMENDING SECTIONS 13-27-402, 13-27-403, 13-27-406, AND
9 13-27-407, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **Section 1.** Section 13-27-402, MCA, is amended to read:

14 **"13-27-402. Committees to prepare arguments for and against ballot issues.** (1) The arguments
15 advocating approval or rejection of the ballot issue and rebuttal arguments ~~shall~~ must be submitted to the
16 secretary of state by committees appointed as provided in this section.

17 (2) The ~~following~~ committees ~~shall~~ must be composed of:

18 (a) one senator known to favor the measure, appointed by the president of the senate;

19 (b) one representative known to favor the measure, appointed by the speaker of the house of
20 representatives; and

21 (c) one individual who need not be a member of the legislature, appointed by the first two members
22 from:

23 ~~(a)(i)~~ the committee advocating approval of an act referred to the people or of a constitutional
24 amendment proposed by the legislature; or

25 ~~(b)(ii)~~ the committee advocating approval of an act referred to the people by referendum petition.

26 (3) (a) The committee advocating rejection of an act referred to the people or of a constitutional
27 amendment proposed by the legislature ~~shall~~ must be composed of:

28 (i) one senator appointed by the president of the senate;

29 (ii) one representative appointed by the speaker of the house of representatives; and

30 (iii) one individual who need not be a member of the legislature, appointed by the first two

1 members.

2 (b) Whenever possible, the members ~~shall~~ must be known to have opposed the issue.

3 (4) The following ~~shall~~ must be three-member committees and ~~shall~~ must be appointed by the
4 person submitting the petition to the secretary of state under the provisions of 13-27-202:

5 (a) the committee advocating approval of a ballot issue proposed by any type of initiative petition;
6 and

7 (b) the committee advocating rejection of any ballot issue that is a legislative act referred to the
8 people by referendum petition.

9 (5) A committee advocating rejection of a ballot issue proposed by any type of initiative petition
10 ~~shall~~ must be composed of five members. The governor, attorney general, president of the senate, and
11 speaker of the house of representatives shall each appoint one member, and the fifth member ~~shall~~ must
12 be appointed by the first four members. All members ~~shall~~ must be known to favor rejection of the issue.

13 (6) ~~No~~ A person may not be required to serve on any committee under this section, and the person
14 making an appointment must have written acceptance of appointment from the appointee. If an
15 appointment is not made by the required time, the committee members that have been appointed may fill
16 the vacancy by unanimous written consent up until the deadline for filing the arguments."

17

18 **Section 2.** Section 13-27-403, MCA, is amended to read:

19 "13-27-403. **Appointment to committee.** (1) Except as provided in subsection (2), appointments
20 to committees advocating approval or rejection of an act referred to the people, a constitutional amendment
21 proposed by the legislature, or a ballot measure referred to the people by referendum petition or proposed
22 by any type of initiative petition ~~shall~~ must be made no later than ~~6 months before the election at which~~
23 1 week prior to the deadline for filing arguments on the ballot issue will be voted on by the people under
24 13-27-406.

25 (2) Appointments to committees advocating approval or rejection of a ballot measure referred to
26 the people by referendum petition or proposed by any type of initiative petition ~~that is approved less than~~
27 ~~7 months before the election at which the ballot issue will be voted on by the people shall~~ must be made
28 no later than ~~30 days after the measure is approved for circulation by the secretary of state~~ 1 week before
29 the deadline for filing arguments on the ballot issue under 13-27-406. All persons responsible for appointing
30 members to the committee shall submit to the secretary of state the names and addresses of the appointees

1 no later than the date set by this subsection. ~~Such~~ The submission must include the written acceptance
 2 of appointment from each appointee required by section 13-27-402(6). If an appointment is not made by
 3 the required time, the committee members that have been appointed may fill the vacancy by unanimous
 4 written consent up until the deadline for filing the arguments.

5 (3) ~~All~~ WITHIN 5 DAYS AFTER RECEIVING NOTICE UNDER SUBSECTION (2), BUT NOT LATER
 6 THAN 5 DAYS AFTER THE DEADLINE SET FOR APPOINTMENT OF COMMITTEE MEMBERS, THE
 7 SECRETARY OF STATE SHALL NOTIFY THE appointees to a committee APPOINTED pursuant to subsection
 8 (1) ~~or (2) must be notified by the secretary of state by certified mail, with return receipt requested, no later~~
 9 ~~than 5 days after the deadline set for appointment of committee members,~~ of the deadlines for submission
 10 of the committee's arguments.

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

14 ~~(5) Committees appointed under subsections (2)(b), (4), and (5) of 13-27-402 must be vacated and~~
 15 ~~have no further obligation if the ballot measure for which they were appointed fails to receive sufficient~~
 16 ~~signatures to place it on the ballot. The secretary of state shall notify the committee members of the failure~~
 17 ~~of a ballot measure to receive sufficient signatures no later than 3 days after the filing deadline set in~~
 18 ~~13-27-104."~~

19
 20 **Section 3.** Section 13-27-406, MCA, is amended to read:

21 "13-27-406. **Limitation on length of argument -- time of filing.** An argument advocating approval
 22 or rejection of a ballot issue is limited to ~~500 words~~ a single 7 1/2-inch by 10-inch page and must be filed,
 23 in ~~typewritten form~~ a black-and-white, camera-ready format, with the secretary of state no later than 105
 24 days before the election at which the issue will be voted on by the people. A majority of the committee
 25 responsible for preparation shall approve and sign each argument filed. Separate signed letters of approval
 26 of an argument may be filed with the secretary of state by members of a committee if necessary to meet
 27 the filing deadline."

28
 29 **Section 4.** Section 13-27-407, MCA, is amended to read:

30 "13-27-407. **Rebuttal arguments.** The secretary of state shall provide copies of the arguments

1 advocating approval or rejection of a ballot issue to the members of the adversary committee no later than
2 1 day following the filing of both the approval and rejection arguments for the issue ~~in his office~~. The
3 committees may prepare rebuttal arguments no longer than ~~250 words~~ one-half the size of the arguments
4 under 13-27-406 that ~~shall~~ must be filed, in ~~typewritten form~~ in a black-and-white, camera-ready format,
5 with the secretary of state no later than 10 days after the deadline for filing the original arguments.
6 Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being
7 rebutted. The rebuttal argument ~~shall~~ must be approved and signed by a majority of the committee
8 responsible for its preparation. Separate signed letters of approval may be submitted in the same manner
9 as for the original arguments."

10

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

12

-END-