

HOUSE BILL NO. 375

INTRODUCED BY L. SCHUBERT, K. LOVE, G. OVERSTREET, T. SHARP, E. TILLEMAN, M. BERTOGLIO, J. FULLER, S. GIST, C. SPRUNGER, S. FITZPATRICK, R. MINER, G. OBLANDER, K. ZOLNIKOV, J. ETCHART, L. DEMING, F. NAVE, N. DURAM, T. FALK, G. HERTZ, B. MERCER, B. MITCHELL, Z. WIRTH, J. HINKLE, V. MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATEWIDE BALLOT ISSUE LAWS; REQUIRING A POLL OF THE LEGISLATURE ON STATEWIDE INITIATIVES; REQUIRING THE RESULTS OF THE LEGISLATIVE POLL OR LEGISLATIVE REFERRAL VOTE TO APPEAR ON THE BALLOT; AMENDING SECTIONS 13-27-401 AND 13-27-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Legislative poll -- statewide initiatives. (1) Within 5 working days after the 4-week cutoff deadline established in 13-27-301(1) for submitting signed sheets or sections of petitions with original signatures, the secretary of state shall mail a ballot to each member of the legislature on each statewide initiative received.

(2) The secretary of state shall send the ballot required in subsection (1) to all legislators by using any reasonable and reliable means, including electronic delivery, that contains:

- (a) a copy of the statewide initiative petition;
- (b) a ballot that includes the following options:
 - (i) support the statewide initiative;
 - (ii) do not support the statewide initiative; or
 - (iii) do not have a position on the statewide initiative; and
- (c) the date by which legislators shall return the ballot, which may not be more than 20 calendar days after the date the ballots were sent.

(3) A legislator may cast and return a vote by delivering the ballot in person, by mailing the ballot,

or by sending the ballot by facsimile transmission or electronic mail to the office of the secretary of state. A legislator may not change the legislator's vote after the ballot is received by the secretary of state.

(4) The secretary of state shall tally the votes within 1 working day after the date for the return of the votes.

(5) A ballot that is not returned by the deadline established by the secretary of state may not be counted.

Section 2. Section 13-27-401, MCA, is amended to read:

"13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing information relevant to the election, including but not limited to the following information for each statewide ballot issue to be voted on at an election, as applicable:

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

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

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

(d) rebuttal arguments;

(e) for a statewide initiative, the actual number of legislators who responded, broken down by party affiliation, and the summary results of the legislative poll provided for in [section 1], listed by the majority vote within each political party as follows:

[Most or Every] [partisan affiliation] legislator(s) who responded to the poll voted to [support, oppose, or to not take a position on] [statewide initiative number and title]; and

(f) for a statewide referendum, the actual number of legislators who responded, broken down by party affiliation, and the summary results of the legislative referral vote, listed by the majority vote within each political party as follows:

[Most or Every] [partisan affiliation] legislator(s) who responded to the poll voted to [support, oppose, or to not take a position on] [statewide referendum number and title].

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

(3) Whenever more than one statewide ballot issue is to be voted on at a single election, the

secretary of state may publish a single pamphlet for all of the statewide ballot issues. The secretary of state may arrange the information in the order that seems most appropriate, but the information for all statewide ballot issues in the pamphlet must be presented in the same order.

(4) The secretary of state may prescribe by rule the format and manner of submission of the arguments concerning the statewide ballot issue."

Section 3. Section 13-27-501, MCA, is amended to read:

"13-27-501. Secretary of state to certify ballot form. (1) The secretary of state shall furnish to the official of each county responsible for preparation of the ballots, at the same time as the election administrator certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each statewide ballot issue to be voted on by the people at that election is to appear on the ballot.

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

- (a) the number;
- (b) the method of placement on the ballot;
- (c) the title;
- (d) the attorney general's explanatory statement, if applicable;
- (e) the fiscal statement, if applicable;
- (f) the statement of purpose and implication if not otherwise listed as the title pursuant to 13-27-212;

(g) the yes and no statement; ~~and~~

(h) a statement that the statewide ballot issue conflicts with one or more issues, referenced by number, that also appear on the ballot, if applicable; and

(i) for a statewide initiative, the actual number of legislators who responded, broken down by party affiliation, and the summary results of the legislative poll provided for in [section 1], listed by the majority vote within each political party as follows:

[Most or Every] [partisan affiliation] legislator(s) who responded to the poll voted to [support, oppose, or to not take a position on] [statewide initiative number and title]; and

(j) _____ for a statewide referendum, the actual number of legislators who responded, broken down by party affiliation, and the summary results of the legislative referral vote, listed by the majority vote within each political party as follows:

[Most or Every] [partisan affiliation] legislator(s) who responded to the poll voted to [support, oppose, or to not take a position on] [statewide referendum number and title].

(3) When required to do so, the secretary of state shall use for each ballot issue the title of the legislative act or legislative constitutional proposal or the title provided by the attorney general or district court. Following the number of the ballot issue, the secretary of state, when required to do so, shall include one of the following statements to identify why the issue has been placed on the ballot:

- (a) an act referred by the legislature;
- (b) an amendment to the constitution proposed by the legislature;
- (c) an act of the legislature referred by referendum petition; or
- (d) a law or constitutional amendment proposed by initiative petition."

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 13, chapter 27, part 3, and the provisions of Title 13, chapter 27, part 3, apply to [section 1].

NEW SECTION. Section 6. Applicability. [This act] applies to statewide initiatives submitted to the secretary of state on or after [the effective date of this act].

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