

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 ~~20-25~~ 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 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) voted to [support, oppose, or to not take a position on] [statewide initiative number and title]; and

(f) for a statewide referendum, 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) 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