

SENATE BILL NO. 11

INTRODUCED BY F. MANDEVILLE

(Primary Sponsor)

BY REQUEST OF THE STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL GOVERNMENT BALLOT ISSUES; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS AND PROCEDURES FOR LOCAL GOVERNMENT BALLOT ISSUES; PROVIDING PROCEDURES FOR SIGNATURE GATHERING AND SIGNATURE VERIFICATION; AMENDING SECTIONS 3-10-101, 3-11-101, 7-1-4130, 7-3-1204, 7-5-131, 7-6-1504, 13-10-612, 13-27-611, 16-1-205, 16-12-301, AND 16-12-311, MCA; REPEALING SECTIONS 7-5-132, 7-5-133, 7-5-134, AND 7-5-135, 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. Purpose. The right of the people to exercise the rights of initiative and referendum in a local government unit is guaranteed by Article XI, section 8, of the Montana constitution and may be exercised through adherence to the procedures established in [sections 1 through 13].

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 13], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Local government" means any city, town, county, or consolidated city-county.

(2) "Local government's next election held in accordance with Title 13, chapter 1, part 4" means a primary or general election that includes the regularly scheduled nomination or election of officers of that local government unit.

NEW SECTION. Section 3. Requirements for ballot issues referred by local government or by petition. A petition provided for in [sections 4 through 10] or a resolution provided for in [section 11] for an election must:

(5) If the sample petition is approved as to form, the local government attorney shall prepare a concise statement of purpose not exceeding 135 words. The statement of purpose must be an accurate and impartial explanation of the purpose of the proposed ballot issue in plain, easily understood language. The statement may not be an argument and may not be written so as to create prejudice for or against the issue. The statement prepared pursuant to this subsection, unless altered by court order, must be used as the petition title and the ballot statement if the issue is placed on the ballot. For the purposes of this subsection (5), the word limit does not apply to additional statements required on the ballot by law, including those provided in 7-7-111 and 15-10-425(3).

(6) At the time the statement of purpose is prepared, the local government attorney shall prepare a statement of the implication of a vote for and a statement of the implication of a vote against the ballot issue. Unless otherwise provided by law, each statement of implication may not be more than 25 words and must be in simple, impartial language that clearly explains the meaning of a vote for or a vote against the issue. Each statement of implication prepared pursuant to this section, unless altered by a court order, is to be used on the petition and the ballot if the issue is placed on the ballot. The statements of implication must be placed beside the diagram provided for marking of the ballot in a manner similar to the following example:

☐ FOR weekly commission meetings.

☐ AGAINST weekly commission meetings.

NEW SECTION. Section 5. Form of petition. (1) A local government petition must be substantially in the form provided by [sections 4 through 10]. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) (a) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets.

(b) Near the top of each sheet containing signature lines must be printed the number of the ordinance referred or the petition title. If signature lines are printed on both the front and back of a petition sheet, the information required above must appear on both the front and back of the sheet.

(c) The complete text of the issue proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. The text of the issue must be in the format prescribed

1 by the governing body pursuant to 7-5-103(1) and, unless otherwise provided by the governing body of the local
2 government, use the style and language and form guide of the most recent edition of the bill drafting manual
3 furnished by the legislative services division. If sheets are circulated in sections, the complete text of the issue
4 must be attached to each section.

5 (3) An internet posting of petition language must include a statement that the petition language
6 and format may not be modified. An internet posting must include an affidavit in substantially the same form as
7 provided in [section 6].

8 (4) Unless otherwise provided by law, the following is substantially the form for a local government
9 petition calling for approval or rejection of an ordinance:

10 PETITION TO PLACE [ORDINANCE NO. ____ OR PROPOSED ORDINANCE NO. 20__]

11 ON THE ELECTION BALLOT

12 (a) If [insert appropriate percentage of voters or appropriate number of voters] of [insert
13 appropriate local government unit] voters sign this petition, this proposal will appear on the election ballot of
14 [insert appropriate local government entity] to be conducted on [insert date of election]. If a majority of voters
15 vote for this proposal at that election it will become law.

16 (b) We, the undersigned [insert appropriate local government entity] voters, propose that the
17 county election administrator place the following proposal on the election ballot:

18 (Petition title written in conformity with [section 4])

19 (Statements of implication written in conformity with [section 4])

20 (c) Voters are urged to read the complete text of the proposal, which appears (on the reverse side
21 of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the proposal on the
22 ballot and does not necessarily mean the signer agrees with the proposal.

23 (d)

24 **WARNING**

25 A person who purposefully signs a name other than the person's own to this petition, who signs more
26 than once for the same issue at one election, or signs when not a legally registered Montana voter is subject to
27 a \$500 fine, 6 months in jail, or both.

28 (e) Each person is required to sign the person's name and list the person's address or telephone

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Drafter: Maddie Krezowski,

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1 number in substantially the same manner as on the person's voter registration form or the signature will not be
2 counted.

3 (5) Numbered lines must follow the heading. Each numbered line must contain spaces for the
4 signature, date, residence address, and printed last name and first and middle initials of the signer. In place of a
5 residence address, the signer may provide the signer's post-office address or the signer's home telephone
6 number. An address provided on a petition by the signer that differs from the signer's address as shown on the
7 signer's voter registration form may not be used as the only means to disqualify the signature of that petition
8 signer.

9
10 **NEW SECTION. Section 6. Affidavit to accompany signatures.** An affidavit, in substantially the
11 form provided in 1-6-105 or in the following form, must be attached to each petition sheet or petition section
12 submitted to the county official:

13 I, (name of person who is the signature gatherer), swear that I gathered the signatures on the petition
14 to which this affidavit is attached on the stated dates, that I believe the signatures on the petition are genuine,
15 are the signatures of the person whose names they purport to be, and are the signatures of [insert appropriate
16 local government unit] electors who are registered at the address or have the telephone number following the
17 person's signature, and that the signers knew the contents of the petition before signing the petition.

18 _____
19 (Date on which the first signature was gathered)

20 _____
21 (Signature of petition signature gatherer)

22 _____
23 (Address of petition signature gatherer)

24 Subscribed and sworn to me this ____ day of ____, 20__

25 Seal

26 _____
27 (Person authorized to take oaths)

28 _____

(Title or notarial information)

NEW SECTION. Section 7. Petition signatures. (1) A petition approved as to form may not be circulated for the purpose of signature gathering more than 1 year prior to the final date for filing the signed petition with the county election administrator.

(2) A local government petition may be signed only by a qualified elector of the local government.

(3) A person gathering signatures for a petition may not be paid anything of value based on the number of signatures gathered.

(4) Signatures may be withdrawn from a petition up to the time of final submission of petition sheets.

(5) Signatures must be verified in the manner provided in 13-27-103.

NEW SECTION. Section 8. Governing body review of petition. (1) The governing body may, within 60 days of receiving the petition, take the action called for in the petition. If the action is taken, the question need not be submitted to the electors. If the county election administrator has already certified the ballot issue pursuant to [section 9], the results of the election are void.

(2) If the governing body does not within 60 days take the proposed action and the ballot issue is certified by the county election administrator, then the question must be submitted to the electors at the election specified in the petition.

NEW SECTION. Section 9. Submission of signatures -- certification -- election. (1) Signed sheets or sections of petitions with original signatures must be:

(a) collected and filed with the official responsible for the registration of electors in the county in which the signatures were obtained within 90 days of the date of the notice that the petition was approved as to form pursuant to [section 4]; and

(b) submitted no later than 4 weeks before the certification date specified in subsection (2) of this section.

(2) The county election administrator shall certify a local government ballot issue for a local