

The Basic Steps To Do An Initiative In Montana Statutes And Amendments – Direct Initiative Process

Basic Procedures: Proponents submit the full text of the initiative to the Legislative Services for its review. Within 14 days after receiving the measure, the Legislative Services staff must make recommendations for changes in the text or a statement that no changes are recommended. Proponents must consider the recommendations and respond in writing to Legislative Services accepting, rejecting or modifying each recommended change.

A sample petition, including the complete text of the measure, must be submitted to the Secretary of State's office in the form in which it will be circulated. The sample petition may not be submitted to the Secretary of State more than 1 year prior to the final date for filing the signed petition with the county election administrator. The text of the petition submitted to the Secretary of State should be substantially the same as the text submitted to the Legislative Services. If it is substantially different, the proposed ballot issue could be rejected for not having been reviewed by the Legislative Services. The Secretary of State refers a copy of the petition to the Attorney General for his approval. The Secretary of State and Attorney General must each review the petition for sufficiency as to form, approve or reject the form of the petition and state the reasons for rejection, if any.

The Attorney General must forward his or her comments to the Secretary of State within 21 days after receipt of the petition. The Secretary of State will send written notice of the initial approval or rejection of the form to the person who submitted the petition within 28 days after submission. If the petition form is approved, a printed sample copy of the petition to be circulated, containing the title and implication of the vote statements as prepared by the Attorney General, must be filed with the Secretary of State.

The Attorney General will also review all petitions submitted after October 1, 1999 for legal sufficiency. The determination of legal sufficiency shall be forwarded to the Secretary of State within 30 days of the initial form approval. The Secretary of State will notify the sponsor of such a decision.

The Attorney General will also order a fiscal statement if the proposed ballot issue has an effect on the revenues, expenditures or the fiscal liability of the state. The budget director, in cooperation with the agency of agencies affected by the petition, is responsible for preparing the fiscal note. If a fiscal note is prepared for the proposed ballot issue, the Attorney General will prepare a fiscal statement that is to be used on the petition and ballot if the measure is placed on the ballot.

The Attorney General also will write a statement, not to exceed 100 words, explaining the purpose of the measure, and statements, not to

exceed 25 words each, explaining the implications for and against the measure.

Date Initiative language can be submitted to state for November 2002:
July 21, 2001

Signatures are tied to vote of which office: Governor

Next Gubernatorial election: 2004

Votes cast for governor in last election: 410,192

Net number of signatures required: For a constitutional amendment, 10% of votes cast for governor in last gubernatorial general election (41,019). For a statute initiative, 5% of votes cast for governor (20,500)

Distribution Requirement: For amendments 10% in 40 Legislative Representative Districts and for statutes 5% in 34 Legislative Districts. However, the state adopted a new distribution requirement in 2002 basing the requirement on counties instead of Legislative Districts but the new requirement is currently being challenged in the courts.

Circulation period: 1 year.

Do circulators have to be residents: No.

Date when signatures are due for certification: Signatures are due to the County Election Administrators by June 23, 2002 for the 2002 ballot.

Signature verification process: County officials check the names of all signers to verify they are registered voters. In addition, they randomly select signatures on each sheet and compare them with the signatures of the electors as they appear in the registration records of the office. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet must be compared with the signatures in the registration records of the office.

Single-subject restriction: Yes

Legislative tampering: The legislature can both repeal and amend initiatives

General Comments: Once an initiative has qualified to appear on the ballot, committees are formed to write arguments for and against the issue. These arguments appear in an information pamphlet that is distributed before each election to all households with a Montana voter.

A three-member committee supporting the issue is appointed by the sponsor who submitted the petition. A five-member committee opposing the issue is appointed by the governor, Attorney General, president of the senate and speaker of the house of representatives. The four appointed persons appoint the fifth member.