MONTANA SECRETARY OF STATE

# BALLOT ISSUE AND SIGNATURE GATHERING GUIDELINES

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Secretary of State
PO Box 202801
Helena, Montana 59620-2801
sos.mt.gov
Elections and Government Services Division
soselections@mt.gov
(406) 444-5346

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## *A Message from the Montana Secretary of State*

*The Constitution of the State of Montana guarantees the people the right to enact laws by initiative on all matters except appropriations of money and local or special laws. The Constitution also guarantees the people the right to approve or reject by referendum any act of the Legislature except an appropriation of money.*

*This publication provides a description of the process to enact laws by initiative or to submit an act of the Legislature to a vote of the people.*

*Please visit our website at sos.mt.gov for more information about ballot issues, elections, and voting.*

***Please Note:*** *The most up-to-date information on ballot issue process is on the Secretary of State's website at sos.mt.gov/Elections. It is the responsibility of the ballot issue sponsor to ensure that all applicable laws are followed, including laws governing signature gathering activities and any deadline requirements. In addition to the information in these Guidelines, each ballot issue sponsor should periodically research the SOS website, as well as review Title 13, Chapter 27 MCA and Article III, Article IV and Article XIV of the Montana Constitution in their entirety.*

*If necessary, please consult with a private attorney for questions about the information provided in these Guidelines. The information presented here is meant to assist interested users with a process that can be complicated and may require legal assistance.*

***WHAT TYPES OF BALLOT ISSUES ARE THERE?***

***Initiative.*** An initiative is a proposal by petition to enact a new law or revise a current law by a vote of the people on any matter except the appropriation of money, or local or special laws. If, subject to applicable laws and deadlines, the petitions are signed by the required number of electors, the proposed initiative must be submitted to the qualified electors.

***Referendum.*** A referendum is a proposal by which the people, by their majority vote, can approve or reject a previously enacted statute, except an appropriation of money. A referendum may be originated by the Legislature itself or by the people.

*By the Legislature.* At the time a piece of legislation is considered, a majority of each house of the Legislature may decide to have its action ratified by a vote of the people. This is referred to as a legislative referendum.

*By the people.* After the Legislature enacts a statute, the people may petition to refer such statute to a vote of the people. This is referred to as an initiative referendum. If, subject to applicable laws and deadlines, the petitions are signed by the required number of electors, the proposed initiative referendum must be submitted to the qualified electors.

If initiative referendum petitioners desire to render an enacted statute inoperative pending a vote, a petition containing a greater number of signatures is required. If so suspended, the act becomes operative only if and after it is approved at an election.

***Constitutional Amendment.*** A constitutional amendment is a proposal originated by either the Legislature or the people to change the constitution.

*By the Legislature.* Amendments may be proposed by any member of the Legislature. These are referred to as constitutional amendments. They must be adopted by an affirmative vote of two-thirds of all the legislative members in order to be submitted to the qualified electors.

*By the people.* Amendments may be proposed by initiative. These are referred to as constitutional initiatives. If the petitions are signed by the required number of electors, the proposed amendment must be submitted to the qualified electors.

***Constitutional Convention.*** A question on whether to hold an unlimited constitutional convention to revise, alter or amend the constitution may be originated by either the Legislature or the people.

*By the Legislature.* The Legislature, by an affirmative vote of two-thirds of all the members, may at any time submit to the qualified electors the question of whether there will be a constitutional convention.

*By the people.* The people may, by petition, direct the Secretary of State to submit to the qualified electors the question of whether there will be a constitutional convention. If, subject to applicable laws and deadlines, the petitions are signed by the required number of electors, the proposed convention call must be submitted to the qualified electors.

*By statute.* Pursuant to the Constitution and state law, the Secretary of State shall cause the question of holding an unlimited constitutional convention to be placed on the ballot in each 20th year following its last submission.

***WHEN IS THE ELECTION HELD?***

Except when the Legislature orders a special election on a legislative referendum, elections on all types of statewide ballot measures are held with a statewide general election, on the first Tuesday after the first Monday in November. Check the constitution and statutory references for specific provisions.

## *GETTING STARTED*

### *SUBMISSION OF TEXT FOR REVIEW AND RECOMMENDATIONS*

a. The sponsor submits the text of the ballot issue and ballot statements to the Secretary of State at soselections@mt.gov who will forward the text to the Legislative Services Division for review. The Legislative Services staff will review the text and statements as required by law.

b. Within 14 days after receiving the proposal, the Legislative Services staff must make recommendations for changes in the text or a statement that no changes are recommended. The person submitting the text must consider the recommendations and respond in writing to Legislative Services *accepting, rejecting or modifying* each recommended change. If no changes are recommended, no response is required. There is no statutory deadline to respond to the review by Legislative Services, but the response must be submitted to Legislative Services before the ballot issue can proceed to the next step in the review process.

c. The Legislative Services staff will furnish a copy of the correspondence to the Secretary of State, who will make a copy available to any person upon request.

### *SUBMISSION OF FINAL TEXT AND BALLOT STATEMENTS FOR APPROVAL*

a. After responding to Legislative Services, the sponsor submits a sample sheet containing the final text of the proposed measure and ballot statements to the Secretary of State in the form in which they will be circulated. The sponsor may not circulate the sample petition for signatures more than 1 year prior to the final date for filing the signed *constitutional or statutory initiative* petitions with the county election administrators. (By contrast, there is no earliest date in law for *initiative referenda* petitions to be circulated for signatures, after the petition form is issued as provided by law.)

    i. The Secretary of State shall reject the proposed issue if the text or a ballot statement contains material not submitted to the Legislative Services Division that is a substantive change not recommended by the Legislative Services Division.

b. The Secretary of State refers a copy of the petition with the text and ballot statements as submitted after Legislative Services review to the Attorney General for review. The Attorney General checks it for legal sufficiency. If the Attorney General determines that a proposed issue is legally sufficient but that the ballot statements clearly do not comply with legal requirements, the Attorney General prepares statements that comply with applicable requirements and forwards them to the Secretary of State. The review by the Attorney

General must be completed within 30 days of when the Attorney General receives the draft ballot issue from the Secretary of State.

c. If the Attorney General approves the proposed issue, the Secretary of State sends to the person submitting the proposed issue the text of the proposed issue, the statement of purpose and implication and the "Yes" and "No" statements, as prepared by the sponsor, reviewed by the Legislative Services Division, and approved or revised by the Attorney General. If the Attorney General rejects the ballot issue, the Attorney General specifies the reasons for rejection.

***EXPLANATORY AND "YES" AND "NO" STATEMENTS***

*Note: Effective January 1, 2013, the format of the "yes" and "no" statements that appear on the petition and on the ballot has changed.*

a. Ballot statements may be drafted by the sponsor, and must include:
   1. a statement, not to exceed 135 words, explaining the purpose and implication of the measure, and
   2. "Yes" and "No" statements, in the following form:
      [] YES (insert the type of ballot issue and its number)
      [] NO (insert the type of ballot issue and its number)

b. If the Attorney General determines in writing that a ballot statement submitted by a sponsor clearly does not comply with legal requirements, the Attorney General will prepare a statement that complies with the requirements, forward that statement to the Secretary of State as the approved statement, and provide a copy to the petitioner. The statement of purpose and implication prepared is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot.

c. The "Yes" and "No" statements are used on the petition and on the ballot if the measure is placed on the ballot. The statements must be written so that a positive vote indicates support for the issue and a negative vote indicates opposition.

***PREPARATION OF FISCAL STATEMENT***

a. The Attorney General will order a fiscal statement if the proposed ballot issue has an effect on the revenue, expenditures or the fiscal liability of the state. The State budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note and returning it to the Attorney General within 10 days.

b. If a fiscal note is prepared for the proposed ballot issue, the Attorney General will prepare a fiscal statement which is to be used on the petition and on the ballot if the measure is placed on the ballot.

## *COLLECTING AND SUBMITTING SIGNATURES*

*See "Instructions on Statewide Ballot Issue Signature Gathering" included in Appendix. Each signature gatherer should be provided with a copy of the "Instructions on Statewide Ballot Issue Signature Gathering." Additionally, an electronic training presentation for signature gatherers is available on the Secretary of State's website, sos.mt.gov.*

### *I. NUMBER OF SIGNATURES REQUIRED*

For an initiative or referendum, the number of qualified electors required in each legislative representative district and in the state is determined by the number of votes cast for the office of governor in the most recent gubernatorial election.

For specific totals required, see "Numerical Signature Gathering Requirements for Statewide Ballot Issues" in ***Appendix***.

***Initiative:***

i. The petition must be signed by at least five percent (5%) of the qualified electors in the state at large, including at least five percent (5%) in each of at least one-third (34) of the legislative representative districts.

***Referendum:***

i. The petition must be signed by at least five percent (5%) of the qualified electors in the state at large, including at least five percent (5%) in each of at least one-third (34) of the legislative representative districts.

***To suspend an act referred to the people:***

i. An act referred to the people is in effect until suspended by referendum petitions signed by at least fifteen percent (15%) of the qualified electors in each of at least 51 legislative representative districts.

***Calling a Constitutional Convention:***

i. For calling a constitutional convention, the petition must be signed by at least ten percent (10%) of the qualified electors in the state at large, including at least ten percent (10%) in each of at least two-fifths (40) of the legislative representative districts.

***Constitutional Initiative:***

i. For a constitutional initiative, the petition must be signed by at least ten percent (10%) of the qualified electors in the state at large, including at least ten percent (10%) in each of at least two-fifths (40) of the legislative districts.

## *II. DEADLINES FOR SUBMISSION AND FILING OF PETITION SHEETS*

*(See calendar in **Appendix** for applicable dates and statutory references.)*

**Submission to County Election Administrators**

(Visit sos.mt.gov/elections for contact information.)

a. *Constitutional Initiatives and Statutory Initiatives.* Signed sheets or sections of petitions must be submitted to county election administrators no sooner than 9 months and no later than 4 weeks before the final date for filing the petition with the Secretary of State.

b. *Referendum Petitions.* Signed sheets or sections of petitions must be submitted to county election administrators not later than 5 months after adjournment of the Legislature which passed the act, in order for the petition to be forwarded by county election administrators to the Secretary of State within 6 months of the adjournment of the Legislature that passed the act.

**Filing by County Election Administrators with the Secretary of State**

*a.* *Constitutional Initiatives and Statutory Initiatives.* Each county election administrator must forward certified petition sheets for filing with the Secretary of State by 5 p.m. of the third Friday of the fourth month prior to the election at which the measure is to be voted upon by the people.

*b.* *Referendum Petitions*. Certified petition sheets must be forwarded by the county election administrators for filing with the Secretary of State no later than 6 months after adjournment of the Legislature that passed the act.

## *III. WITHDRAWAL OF SIGNATURES*

Signers of a petition may withdraw their own names up to the deadline for submission of petitions to county election administrators. A form for withdrawal has been prescribed by the Secretary of State, and is available at sos.mt.gov/Elections, and from any county election administrator.

## *IV. CERTIFICATION TO GOVERNOR WHEN PETITION IS QUALIFIED*

When a petition containing a sufficient number of verified signatures has been filed with the Secretary of State for a particular ballot issue, the Secretary of State will certify to the Governor that the petition has qualified for the ballot.

## *VOTER INFORMATION PAMPHLET - MAKING THE ARGUMENTS*

### *I. APPOINTMENT OF PRO AND CON COMMITTEES*

Once a petition has qualified to appear on the ballot, committees are formed to write arguments for and against the issue for an informational pamphlet that is distributed before each election to all households with active registered voters. The size of the committees and who appoints them depends on the type of petition. (See 13-27-402 and 13-27-403, MCA.)

a. *Initiative petitions (constitutional initiatives and statutory initiatives).* 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.

b. *Referenda from the Legislature.* A three-member committee supporting the issue is composed of one senator known to favor the measure appointed by the President of the Senate, one representative known to favor the measure appointed by the Speaker of the House of Representatives and one individual (who need not be a legislator) appointed by the first two members. A three-member committee opposing the issue is appointed in the same manner as the committee supporting the issue (but, if possible, members should be known to have opposed the issue).

*c.* *Referenda from the people.* A three-member committee in favor of repealing the bill that was referred by the petition sponsor is appointed by the petition sponsor, and a three-member committee against repealing the bill that was referred by the petition sponsor is composed of one senator appointed by the President of the Senate, one representative appointed by the Speaker of the House of Representatives and one individual (who need not be a legislator) appointed by the first two members.

### *II. DRAFTING THE ARGUMENTS*

*a.* The original arguments for or against an issue are no longer than a single side of a page. The argument must consist solely of written material prepared by the committee and may not consist of pictures, clippings, or

other material. The written material must be prepared in the font and type style required by the Secretary of State and must be filed with the Secretary of State no later than 105 days before the election at which the issue will be voted upon by the people.

b. Copies of these arguments are provided to each ballot issue committee, each of which may prepare a rebuttal argument which is subject to the same requirements as for arguments, except that the rebuttal is no longer than one-half the size of the arguments (7 1/2" x 5") and must be filed with the Secretary of State no later than 10 days after the deadline for filing the original arguments.

c. Supporters and opponents of ballot issues who make factual statements in their arguments and/or rebuttals must provide supporting documents within 2 business days of the deadline for submitting the arguments or rebuttals, as applicable.

d. Arguments and rebuttals may be rejected if the Secretary of State, with the approval of the Attorney General, holds that the arguments contain obscene, vulgar, profane, scandalous, libelous or defamatory matter, or if the language incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward or tends to cast shame or ridicule upon any group of persons by reason of race, color, religion or sex, or is otherwise prohibited by law to be sent through the mail.

## *III. THE VOTER INFORMATION PAMPHLET*

The Secretary of State prepares a pamphlet to be sent by county election administrators to all households with active registered voters. The pamphlet is also available electronically on the Secretary of State's website at sos.mt.gov and at all voting precincts.

The Voter Information Pamphlet contains, for each ballot issue appearing on the ballot:

1. the statement of purpose and implication,
2. fiscal statement, if applicable,
3. the "Yes" and "No" statements,
4. complete text of the issue, and
5. arguments for and against the issue and rebuttal arguments.
6. The names of the members of the committees who draft the arguments and rebuttals are also included.

**CHART OF APPOINTMENTS TO PRO AND CON VOTER INFORMATION PAMPHLET COMMITTEES**

| Ballot Measure | Pro Committee Members (for IR, in favor of repealing referred bill) | Con Committee Members |
|---|---|---|
| Constitutional Initiative (CI) | 1. Person appointed by sponsor<br>2. Person appointed by sponsor<br>3. Person appointed by sponsor | 1. Person appointed by the Senate President<br>2. Person appointed by the Speaker<br>3. Person appointed by the Governor<br>4. Person appointed by the Attorney General<br>5. Person appointed by the other four appointees |
| Statutory Initiative (I) | 1. Person appointed by sponsor<br>2. Person appointed by sponsor<br>3. Person appointed by sponsor | 1. Person appointed by the Senate President<br>2. Person appointed by the Speaker<br>3. Person appointed by the Governor<br>4. Person appointed by the Attorney General<br>5. Person appointed by the other four appointees |
| Initiative Referendum (IR) | 1. Person appointed by sponsor<br>2. Person appointed by sponsor<br>3. Person appointed by sponsor | 1. Senator appointed by the Senate President<br>2. Representative appointed by the Speaker<br>3. Person appointed by the other two appointees |
| Legislative Referendum (LR) | 1. Senator appointed by the Senate President<br>2. Representative appointed by the Speaker<br>3. Person appointed by the other two appointees | 1. Senator appointed by the Senate President<br>2. Representative appointed by the Speaker<br>3. Person appointed by the other two appointees |
| Constitutional Amendment (C) (by Legislature) | 1. Senator appointed by the Senate President<br>2. Representative appointed by the Speaker<br>3. Person appointed by the other two appointees | 1. Senator appointed by the Senate President<br>2. Representative appointed by the Speaker<br>3. Person appointed by the other two appointees |

## *AFTER THE ELECTION*

### *CANVASS OF VOTES CAST*

After the election, each county board of canvassers must canvass the votes cast for each ballot issue. The results of the canvass must be certified to the board of state canvassers, who shall in turn canvass and certify statewide results.

### *EFFECTIVE DATES*

a. *Statutory Initiative.* Unless the ballot issue text states otherwise, a statutory initiative approved by the people is effective on October 1 following approval. If the issue delegates rulemaking authority, it is effective no sooner than October 1 following approval.

b. *Constitutional Amendment.* Unless the Legislature or the amendment provides otherwise, a constitutional amendment proposed by the Legislature or by initiative and approved by the people is effective on July 1 following approval.

c. *Referendum.* Unless the Legislature specifically provides an effective date in an issue put before the people, or unless suspended by law, an act referred to the people is in effect as the law provides until it is approved or rejected at the election.

*Appendix*

# Ballot Issue Calendar

*Montana Secretary of State*

*Elections and Government Services • sos.mt.gov • soselections@mt.gov*

| Deadline | **Deadline is 5:00 p.m. on specified day unless otherwise noted* | Statute |
|---|---|---|
| **Signature gathering may not begin until after Secretary of State issues final petition form** | Earliest time for gathering signatures on initiative referendum; also earliest time to submit signed initiative referendum petition signature sheets to county election administrators | Article III, Section 5, MT Const. |
| **June 17, 2015** | First day to circulate approved constitutional and statutory initiative petitions *(see also initiative referendum information above)* | 13-27-202 |
| **September 29, 2015** | Deadline for submitting initiative referendum petitions to county election administrators; last day to withdraw initiative referendum signatures | 13-27-301 |
| **October 19, 2015** | First day for submitting constitutional and statutory initiative petition signatures to county election administrators *(see also initiative referendum information above)* | 13-27-301 |
| **October 28, 2015** ***(based on the April 28 legislative adjournment date)*** | Deadline for county election administrators to file certified initiative referendum petitions with the Secretary of State's office | Article III, Section 5, MT Const. |
| **After county election administrator filing deadline** | Secretary of State tabulates certified initiative referendum petition signature totals | 13-27-307 |
| **After final SOS tabulation of certified initiative referendum petition signature totals** | Secretary of State certifies for the ballot all qualified initiative referendum ballot issues to Governor | 13-27-308 |
| **June 7, 2016** | **PRIMARY NOMINATING ELECTION** | 13-1-107(1) |
| **June 17, 2016** | Signatures due to election administrators for constitutional and statutory initiatives for certification; last day for withdrawal of signatures | 13-27-301 |
| **July 15, 2016** | Deadline for county election administrators to file certified constitutional and statutory initiative petitions in the Secretary of State's office | 13-27-104 |
| **After county election administrator filing deadline** | Secretary of State tabulates certified constitutional and statutory initiative petition signature totals | 13-27-307 |
| **After final SOS tabulation of certified statutory or constitutional initiative petition signature totals** | Secretary of State certifies for the ballot all qualified constitutional and statutory initiatives to Governor | 13-27-308 |
| **July 19, 2016** | Appointment of committee members for Voter Information Pamphlet arguments by designated individuals | 13-27-403 |
| **July 24, 2016** | Secretary of State to notify committee members of deadlines by this date (or within 5 days of appointment) | 13-27-403 |
| **July 26, 2016** | Committee arguments for Voter Information Pamphlet due to Secretary of State; appointments by committee members to fill vacancies | 13-27-403; 13-27-406 |
| **July 28, 2016** | Supporters and opponents for Voter Information Pamphlet arguments must file supporting documents for factual statements made in arguments (within 2 business days of the argument deadline) | 13-27-409 |
| **August 5, 2016** | Rebuttal arguments due to the Secretary of State | 13-27-407 |
| **August 9, 2016** | Deadline for supporters and opponents to file supporting documents for factual statements made in rebuttals (within 2 business days of the rebuttal deadline) | 13-27-409 |
| **October 11, 2016** | Voter Information Pamphlet for all certified ballot issues must be mailed to voters | 13-27-410 |
| **November 8, 2016** | **GENERAL ELECTION** | 13-1-104(1) |

# Instructions on Statewide Ballot Issue Signature Gathering

*Montana Secretary of State*
*Elections and Government Services*
*soselections@mt.gov* • *sos.mt.gov*

## Qualifications of Signers

A petition for initiative, referendum, or to call a constitutional convention may be signed only by a qualified registered elector of the state of Montana.

## Qualifications of Signature Gatherers

A person gathering signatures for a statewide ballot issue:

a) must be a resident of the state of Montana, as provided in 1-1-215, MCA; and
b) may not be paid anything of value based upon the number of signatures gathered.

## Specific Signature Gathering Procedures

See below for specific signature gathering procedures. See additional instructions to signature gatherers on the bottom of each petition signature sheet.

## Gathering Signatures

1) You must be present when the signer signs the petition. Do **not** leave a petition unattended.

2) The most common reason that signatures on petitions are rejected is that the printed last name cannot be read. Check to see that the printed last name is legible.

3) The signature does not have to be identical to the name under which a person has registered to vote.

   However, a signature is more likely to be accepted if it is signed as the person has registered to vote. If the individual is registered with a signature of "Sammy Brown" he should sign as such, not as "J. Samuel Brown".

4) Another error occurs when someone signs a petition, and then signs for another person, such as his or her spouse. Such signatures will be rejected. Each person must sign a petition individually.

5) Check to see that each signer puts in the correct date that he or she signed.

6) Signers may provide their telephone number, although for the purposes of matching the signer to their voter record it is ideal for them to provide their residence address or mailing address.

## Properly Completing and Submitting the Affidavit of Signature Gatherer

1) A properly completed Affidavit of Signature Gatherer must accompany each section of up to 25 petition sheets submitted together at the time of submission to the county election administrator.

2) The affidavit must be signed by the signature gatherer and notarized, AFTER gathering the last signature on the petition sheets that you attach to the affidavit.

   Do **not** complete and sign the affidavit in front of a notary before gathering the last signature on the signed petition sheet(s) that you attach to the affidavit*.

4) On the line asking for the date on which you gathered the first signature attached, be sure that the date accurately matches the first date on the signed petition sheets that you attach to the affidavit.

5) Collect and submit signatures from one county per sheet – if signatures are submitted to a county other than the county of the signer's voter registration, those signatures cannot be verified by a county election office.

6) The Secretary of State's office does not recommend holding petition signature sheets for submittal (unless statute provides that you cannot submit sheets to county election administrators until a certain date); doing so may make it impossible to be able to fix errors that could otherwise be corrected so that the petitions or sections of the petitions are not rejected.

***Note: The affidavit of signature gatherer requires you, in part, to swear that the signers knew the contents of the petition; if you complete and sign the affidavit before asking the signers to sign, you cannot logically nor legally claim that the signers knew the contents of the petition at the time that you completed and signed the affidavit. Never sign the affidavit before gathering the last signature on the petition sheet(s) that you attach to that affidavit.***

## Submitting Signatures to County Election Offices

1) A list of county election offices can be found online at sos.mt.gov/elections.

2) For initiative petitions (*other than initiative referenda*), the earliest date you can gather signatures is **June 17, 2015**. (There is no earliest date in law for initiative referenda petitions to be circulated for signatures, after the petition form is reviewed and approved as provided by law.)

3) The **earliest** date that you can submit signed petition sheets (*other than initiative referenda*) to county election administrators is **October 19, 2015**. (There is no earliest date in law for initiative referenda petitions to be submitted to county election administrators, after the petition form is reviewed and approved as provided by law.)

4) The deadline for county election offices to **receive** signed petition sheets and affidavits *(other than for initiative referenda)* is **5:00 p.m. June 17, 2016**. (The deadline for initiative referendum petitions to be submitted to county election administrators is 5 p.m. on Friday, September 29, 2015.)

5) If it is not possible to submit all signed sheets or sections of petitions with original signatures and affidavits by the applicable deadline above:

   - a copy or facsimile may be submitted so that it is received by the proper county official no later than the 5:00 p.m. deadline, subject to the following:
     a) Signed sheets or sections of petitions with original signatures must be submitted within 7 calendar days after the deadline.
     b) Failure to submit signed sheets or sections of petitions with original signatures within 7 calendar days will invalidate the signed sheets or sections submitted by copy or facsimile.

6) After receiving the petition sheets, county election administrators have up to four weeks to verify the names of all signers on the petition sheets, before forwarding verified petition signature sheets to the Secretary of State for tabulation.

# Numerical Signature Gathering Requirements for Statewide Ballot Issues

*Montana Secretary of State*

*Elections and Government Services ● soselections@mt.gov ● sos.mt.gov*

| House District | 5% of Votes Cast* | 10% of Votes Cast* | 15% of Votes Cast* |
|---|---|---|---|
| 1 | 242 | 484 | 726 |
| 2 | 242 | 484 | 726 |
| 3 | 242 | 484 | 726 |
| 4 | 242 | 484 | 726 |
| 5 | 242 | 484 | 726 |
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| 99 | 242 | 484 | 726 |
| 100 | 242 | 484 | 726 |
| **Totals** | **24,175†** | **48,349†** | - |

* Due to 2013 legislative redistricting, all district totals represent the total votes cast for governor (483,489) divided by 100 legislative representative districts, multiplied by the applicable percentage requirement (5%, 10% or 15%).

†Sum of percent totals may not equal the number of votes cast for Governor due to rounding of fractions.

# Affidavit of Petition Signature Gatherer

An affidavit must be attached to each sheet or section submitted to the election administrator. Separate sheets of a petition may be fastened to this affidavit in sections of not more than 25 sheets.

AFFIDAVIT FILED WITH ELECTION ADMINISTRATOR

I, _____,
(printed name of person who is the signature gatherer)

swear that I gathered the signatures on the petition to which this affidavit is attached on the stated dates, that I believe the signatures on the petition are genuine, are the signatures of the persons whose names they purport to be, and are the signatures of Montana electors who are registered at the address or have the telephone number following the person's signature, and that the signers knew the contents of the petition before signing the petition.

_____
Date on which the first signature **attached** was gathered

***(Do not sign on the line below before gathering the signatures on the petition(s) that you attach to this affidavit.)***

_____
Signature of petition signature gatherer

_____
Address of petition signature gatherer

_____
City, state and zip code

NOTARY OR AUTHORIZED OFFICER – **DO NOT FILL OUT THIS SECTION UNTIL AFTER THE SIGNATURES GATHERED HAVE BEEN ATTACHED TO THIS AFFIDAVIT**

State of Montana
County of _____

Signed and sworn to before me this _____day of _____, 20____ by _____.
*Printed Name of Signature Gatherer*

_____
Signature of Notary or Public Official

_____
Printed Name of Notary Public

Notary Public for the State of _____

Residing at: _____

My commission expires: _____ , 20 ____

[SEAL/STAMP]

***Where to file Petition and Affidavit:***
*County Election Administrator's Office*
A list of county election offices may be found at:
sos.mt.gov/elections

## *Appendix*

PETITION TO PLACE INITIATIVE NO.____ ON THE ELECTION BALLOT

Subject to applicable laws and deadlines, if 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing this petition is 24,175, this initiative will appear on the next general election ballot. If a majority of voters vote for this initiative at that election, it will become law.

We, the undersigned Montana voters, propose that the secretary of state place the following initiative on the November 8, 2016, general election ballot:

(Title [statement of purpose and implication]
of initiative written pursuant to 13-27-312)

(Fiscal statement, if applicable, written pursuant to 13-27-312)

[] YES on (insert the type of ballot issue and its number)

[] NO on (insert the type of ballot issue and its number)

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

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

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

Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

| Signature | Date Signed | Residence Address or Post-Office Address or Home Telephone Number | Printed Last Name and First and Middle Initials | For County Election Office Use Only | |
|---|---|---|---|---|---|
| | | | | Legis. Rep. Dist. Number | Reserved |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

(numbered lines continued to fill up page)

COUNTY: _____

(OPTIONAL: Instructions to petition signature gatherers, e.g. where to mail completed petition sheets and affidavit(s), and deadline for submission to county)

Sample Only

## *Appendix*

PETITION TO PLACE REFERENDUM NO.____ ON THE ELECTION BALLOT

Subject to applicable laws and deadlines, if 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is 24,175, Senate (House) Bill Number ____ will appear on the next general election ballot. If a majority of voters vote for this referendum at that election it will become law.

[A similar statement may be required by the Attorney General:] If 15% of the voters in each of at least 51 legislative representative districts sign the petition, House/Senate Bill _____ will be suspended and will take effect only if and after it is approved at the next general election.

We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number ____, passed by the legislature on _____ on the next general election ballot:

(Title [statement of purpose and implication]
of referendum written pursuant to 13-27-312)

(Fiscal statement, if applicable, written pursuant to 13-27-312)

[] YES on (insert the type of ballot issue and its number)

[] NO on (insert the type of ballot issue and its number)

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

(TEXT OF THE REFERENDUM MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

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

Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

| Signature | Date Signed | Residence Address or Post-Office Address or Home Telephone Number | Printed Last Name and First and Middle Initials | For County Election Office Use Only | |
|---|---|---|---|---|---|
| | | | | Legis. Rep. Dist. Number | Reserved |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

(numbered lines continued to fill up page)

COUNTY: _____

(OPTIONAL: Instructions to petition signature gatherers, e.g. where to mail completed petition sheets and affidavit(s), and deadline for submission to county)

Sample Only

## *Appendix*

PETITION TO PLACE INITIATIVE NO.____, CALLING
FOR A CONSTITUTIONAL CONVENTION, ON THE ELECTION BALLOT

Subject to applicable laws and deadlines, if 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is 48,349, the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention, the legislature shall call for a constitutional convention at its next session.

We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the November 8, 2016, general election ballot:

(Title [statement of purpose and implication]
of the initiative written pursuant to 13-27-312)

(Fiscal statement, if applicable, written pursuant to 13-27-312)

[] YES on (insert the type of ballot issue and its number)

[] NO on (insert the type of ballot issue and its number)

A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(TEXT OF THE INITIATIVE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

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

Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

| Signature | Date Signed | Residence Address or Post-Office Address or Home Telephone Number | Printed Last Name and First and Middle Initials | For County Election Office Use Only | |
|---|---|---|---|---|---|
| | | | | Legis. Rep. Dist. Number | Reserved |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

(numbered lines continued to fill up page)

COUNTY: _____

(OPTIONAL: Instructions to petition signature gatherers, e.g. where to mail completed petition sheets and affidavit(s), and deadline for submission to county)

Sample Only

## *Appendix*

PETITION TO PLACE CONSTITUTIONAL
AMENDMENT NO.____ ON THE ELECTION BALLOT

Subject to applicable laws and deadlines, if 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing the petition is 48,349, this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the November 8, 2016, general election ballot:

(Title [statement of purpose and implication]
of the proposed constitutional amendment
written pursuant to 13-27-312)

(Fiscal statement, if applicable, written pursuant to 13-27-312)

[] YES on (insert the type of ballot issue and its number)

[] NO on (insert the type of ballot issue and its number)

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

(TEXT OF THE INITIATIVE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

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

Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

| Signature | Date Signed | Residence Address or Post-Office Address or Home Telephone Number | Printed Last Name and First and Middle Initials | For County Election Office Use Only | |
|---|---|---|---|---|---|
| | | | | Legis. Rep. Dist. Number | Reserved |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

(numbered lines continued to fill up page)

COUNTY: _____
(OPTIONAL: Instructions to petition signature gatherers, e.g. where to mail completed petition sheets and affidavit(s), and deadline for submission to county)

Sample Only

## *Appendix*

***(Optional: reverse of petition sheet; use appropriate heading below)***

PETITION TO PLACE INITIATIVE NO.____ ON THE ELECTION BALLOT

PETITION TO PLACE REFERENDUM NO.____ ON THE ELECTION BALLOT

PETITION TO PLACE INITIATIVE NO.____, CALLING
FOR A CONSTITUTIONAL CONVENTION, ON THE ELECTION BALLOT

PETITION TO PLACE CONSTITUTIONAL
AMENDMENT NO.____ ON THE ELECTION BALLOT

(Title [statement of purpose and implication] of ballot issue written by Attorney General)

WARNING

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

Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

| Signature | Date Signed | Residence Address or Post-Office Address or Home Telephone Number | Printed Last Name and First and Middle Initials | For County Election Office Use Only | |
|---|---|---|---|---|---|
| | | | | Legis. Rep. Dist. Number | Reserved |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |

(numbered lines continued to fill up page)

COUNTY: _____

(OPTIONAL: Instructions to petition signature gatherers, e.g. where to mail completed petition sheets and affidavit(s), and deadline for submission to county)

Sample Only

# Contact Information and Applicable Laws

*Montana Secretary of State*
*Elections and Government Services*
*soselections@mt.gov* • *www.sos.mt.gov*

## Contact Information

Anyone needing information concerning the initial submission of a draft of a ballot issue may contact the Legislative Services Division at Room 110, State Capitol, PO Box 201706, Helena, MT 59620-1706, or (406) 444-3064.

For any other questions about the ballot issue process, contact the Secretary of State, Elections and Government Services, Room 260, State Capitol, PO Box 202801, Helena, MT 59620-2801, or call (406) 444-5346 or our TDD (Telephone Device for the Deaf) line at (406) 444-9068, fax at (406) 444-2023, or email at soselections@mt.gov.

For information about ballot issue campaign finances or reporting requirements, contact the Commissioner of Political Practices at (406) 444-2942.

## Applicable Laws

For applicable statutes and constitutional provisions, visit the sites below:

http://leg.mt.gov/bills/mca_toc/13_27.htm

http://leg.mt.gov/bills/mca_toc/CONSTITUTION.htm