



Montana Secretary of State
Linda McCulloch
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Ballot Issue Guidelines



Ballot Issue Guidelines

- ◆ 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.



Ballot Issue Guidelines

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





Ballot Issue Guidelines

- ◆ Anyone who wants to start a ballot issue must first draft and submit the text (the actual statutory or constitutional changes) of the ballot issue to the Secretary of State.
- ◆ Any draft ballot statements, which are the statement of purpose and the "For" and "Against" statements to appear on the ballot, are submitted with the proposed ballot issue.



Ballot Issue Guidelines

- ◆ The Secretary of State sends the ballot issue to the Legislative Services Division for review.
- ◆ Legislative Services responds to the sponsor within 14 days with any recommended changes.





Ballot Issue Guidelines

- ◆ The individual proposing the ballot issue must then respond in writing to Legislative Services either accepting, rejecting, or modifying any suggested revisions.





Ballot Issue Guidelines

- ◆ Next, the individual proposing the ballot issue sends the final text and any draft ballot statements to the Secretary of State.
- ◆ The Secretary of State then forwards a copy of the proposed ballot issue to the Attorney General's Office.



Ballot Issue Guidelines

- ◆ The Attorney General completes a legal review and may prepare ballot statements that comply with applicable requirements.
- ◆ Within 30 days of receiving the proposed ballot issue, the Attorney General must forward the legal review of the ballot issue to the Secretary of State.



Ballot Issue Guidelines

- ◆ The Attorney General will notify the Secretary of State and the individual proposing the ballot issue of either the approval or rejection of the proposed ballot issue language.
- ◆ If notification is received from the Attorney General that the ballot issue is approved, the Secretary of State will forward a sample petition that is circulated for signature gathering.



Ballot Issue Guidelines

- ◆ The earliest date to submit signed constitutional and statutory ballot issue petitions to county election administrators for 2010 is October 16, 2009. The latest date for submission of signatures is June 18, 2010.





Ballot Issue Guidelines

- ◆ To qualify a statutory initiative or referendum for the ballot, signatures must be obtained from:
 - 5 percent of the total number of qualified voters in the state
 - 5 percent of the voters in each of 34 legislative house districts
 - (a total of 24,337 signatures for the 2010 ballot)



Ballot Issue Guidelines

- ◆ To qualify a constitutional amendment for the ballot, signatures must be obtained from:
 - 10 percent of the total number of qualified voters in the state
 - 10 percent of the voters in each of 40 legislative house districts
 - (a total of 48,674 signatures for the 2010 ballot)



Ballot Issue Guidelines

- ◆ A person gathering signatures for an initiative, referendum, or to call a constitutional convention must be a resident of the state of Montana, and may not be paid anything of value based on the number of signatures gathered.
- ◆ Montana residency requirements provided in MCA 1-1-215



Ballot Issue Guidelines

- ◆ Only registered voters may sign ballot issue petitions, and they must sign their name substantially the same way as they did on their voter registration card.
- ◆ No one may knowingly sign a petition for the same ballot measure more than once or sign another person's name to a petition. Anyone who does so may be fined or sentenced to jail time.



Ballot Issue Guidelines

- ◆ You may post petitions on the Internet for viewing.
- ◆ The posting must include a statement that the petition format may not be modified.





Ballot Issue Guidelines

- ◆ Each sheet or section of up to 25 sheets of a petition must include an affidavit from the signature gatherer who must be present at the time each elector signs the petition.





Ballot Issue Guidelines

- ◆ As signatures are gathered, each petition must be submitted for verification of the signatures to the [election administrator](#) in the county in which the signatures were gathered.
- ◆ The election administrator forwards the petitions with verified signatures to the Secretary of State.



Ballot Issue Guidelines

◆ Required Reports

- A person who employs paid signature gatherers shall file with the Commissioner of Political Practices certain reports
- The Commissioner's contact information
 - ◆ 406-444-2942 or dunsworth@mt.gov
 - ◆ Website: <http://politicalpractices.mt.gov>

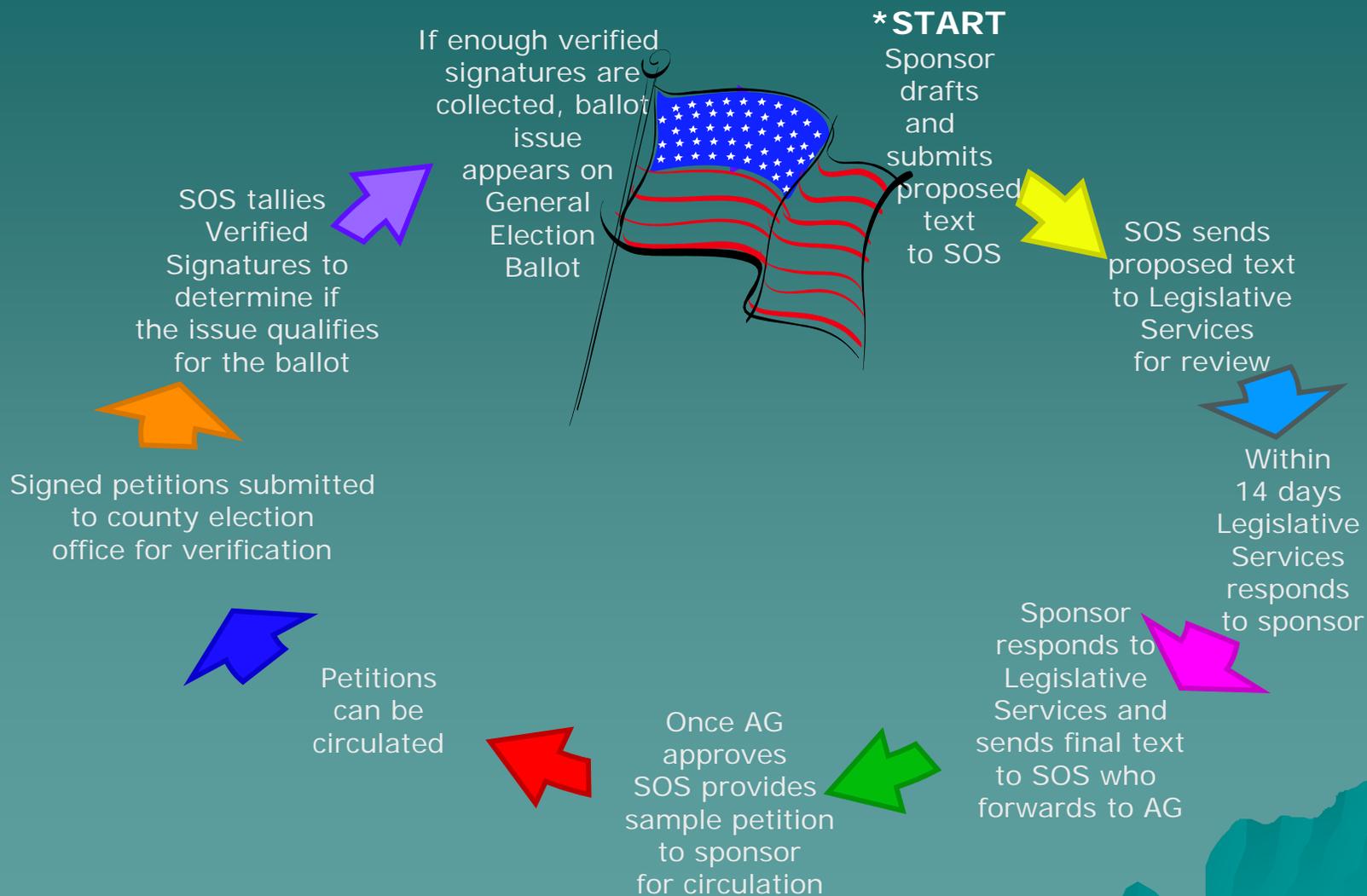


Ballot Issue Guidelines

- ◆ The Secretary of State's Office tallies the verified signatures from each county and determines if they are sufficient to qualify the issue for placement on the ballot.
- ◆ Effective date of initiative and referendum issues: **October 1** following approval, unless the petition states otherwise
- ◆ Effective date of constitutional amendment: **July 1** following approval, unless the amendment provides otherwise



Ballot Issue Guidelines





Ballot Issue Guidelines

◆ Numbers to Remember

- To qualify an initiative or referendum
 - ◆ 24,337 signatures for 2010 ballot
 - ◆ 5 percent of total voters in the state
 - Including 5% of voters in 34 legislative districts
- To qualify a constitutional amendment
 - ◆ 48,674 signatures for 2010 ballot
 - ◆ 10% of total voters in the state
 - Including 10% of voters in 40 house districts



Ballot Issue Guidelines

- ◆ As Secretary of State, I take the constitutional right of the people to petition to enact laws by initiative, referendum or to propose constitutional amendments by initiative very seriously.
- ◆ We all benefit from organized, well informed efforts for the petition process.



Ballot Issue Guidelines

- ◆ I hope this instruction, along with my publication "*Ballot Issue Guidelines*" will help you to better understand the initiative, referendum and constitutional amendment process.
- ◆ Please don't hesitate to call or stop by the office if you have additional questions.



Ballot Issue Guidelines

- ◆ For more information or questions contact:
 - ◆ The Secretary of State's website
 - www.sos.mt.gov
 - ◆ Secretary of State, Elections and Government Services Department
 - ◆ 406-444-5346
 - ◆ almiller@mt.gov

Thank You!