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Signature Gathering in Montana:

# **YOUR RIGHTS AND RESPONSIBILITIES**



# Welcome -

- ◆ ***Congratulations -***
- ◆ You are participating in a petition process that is very important to political decision making in Montana.



# Important Notice

- ◆ **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](http://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 this Guide, 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 direct interested users through a process that can be complicated and may require legal assistance.*



# Welcome -

- ◆ In Montana there are different types of statewide petitions relating to statutory **initiatives**, **constitutional initiatives**, and **initiative referendums**.
- ◆ This presentation does not cover **candidate petitions**, **party petitions**, **recall petitions**, or **local petitions**.



# Welcome -

- ◆ In 1906 Montana voters approved creation of initiative and referendum – a system of making laws by the people.
- ◆ As a signature gatherer, paid or unpaid, you are on the front lines of this system.
- ◆ You are helping to amend or create state law.
- ◆ All signature gatherers should follow the rules and guidelines of this training manual.



# What's the difference between an initiative and a referendum?

- ◆ An **initiative** is when a citizen or group starts a petition for an idea that they would like to change or become a law or an amendment to the state constitution.



# What's the difference between an initiative and a referendum?

- ◆ A **referendum** is when a person or group seeks to overturn a law that has just been passed by the Montana Legislature.



# How do initiatives and referendums end up on the ballot?

- ◆ To place an initiative or referendum on the ballot, petitioners must obtain a **specified number of valid signatures of Montana registered voters.**
- ◆ The total number of valid signatures required is determined by the state constitution.
- ◆ The number of valid signatures required is based upon a percentage of the total votes cast for all candidates for Governor at the most recent election.



# How do initiatives and referendums end up on the ballot?

- ◆ For a constitutional initiative the statewide percentage is 10%, and 10% of the voters in each of at least 40 legislative representative districts.
- ◆ The percentage for a statutory initiative or initiative referendum to qualify for the ballot is 5% statewide, and 5% of the qualified voters in each of 34 legislative representative districts.
- ◆ The percentage required for an initiative referendum to suspend an act referred to the people is 15% of the voters in each of at least 51 legislative representative districts.



# How do initiatives and referendums end up on the ballot?

- ◆ For example:
  - ◆ For the 2012 ballot, petitioners will be required to obtain 48,674 valid signatures to qualify an initiative that amends the state constitution, as well as 10% of the voters in each of 40 legislative districts.

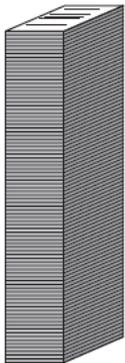


Constitutional  
Initiative 48,674  
valid signatures

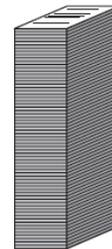


# How do initiatives and referendums end up on the ballot?

- ◆ For example:
  - ◆ For the 2012 ballot, petitioners will be required to obtain 24,337 valid signatures to qualify an initiative that creates or amends state law or an initiative referendum that refers a bill to the voters, and 5% of the voters in each of at least 34 legislative districts.



Constitutional Initiative 48,674 valid signatures



Statutory Initiative or Initiative Referendum 24,337 valid signatures

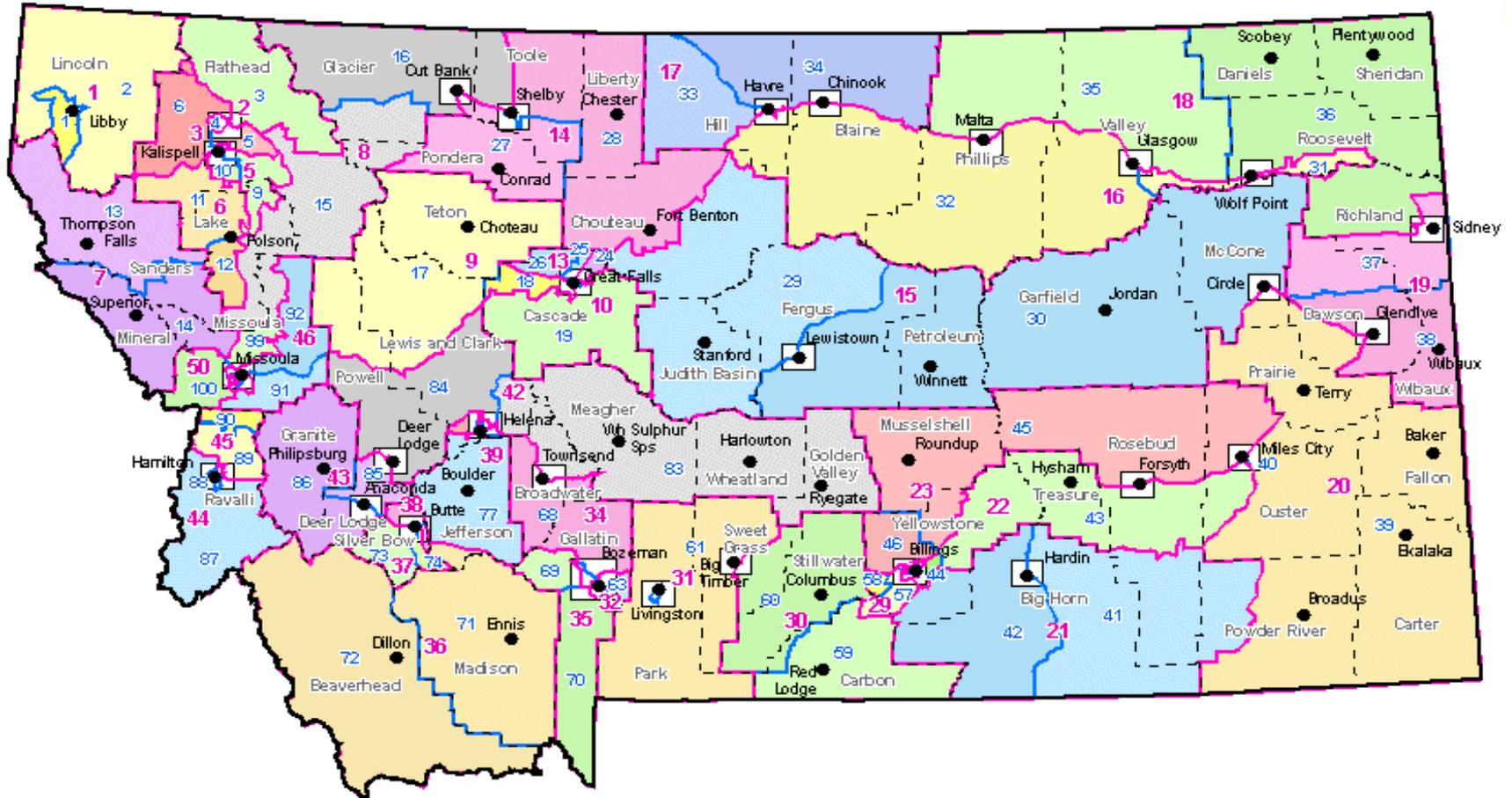


# How do initiatives and referendums end up on the ballot?

- ◆ For example:
  - ◆ For the 2012 ballot, petitioners who wish to suspend a law passed by the Legislature will be required to obtain signatures equal to 15% of the voters in each of 51 of 100 legislative representative districts
  - ◆ The total required varies by the number of voters in the legislative districts; depending on the districts chosen – as low as 31,238 signatures to as high as 43,247 signatures



# 2011 Legislative Districts Map





# What financial reporting requirements are there?

- ◆ People who employ paid signature gatherers must follow 13-27-112 and 13-27-113 MCA
- ◆ Contact the Commissioner of Political Practices for questions on compliance with reporting requirements



# Who are signature gatherers of statewide ballot issues?

- ◆ A signature gatherer for a statewide ballot issue must be a **resident of Montana**, as defined in 1-1-215, MCA
- ◆ Signature gatherers may be volunteers or may be paid
  - ◆ If paid, a signature gatherer for a statewide ballot issue **may not be paid anything of value based upon the number of signatures gathered**
- ◆ There is no statutory age restriction for signature gathering



# Who are signature gatherers of statewide ballot issues?

- ◆ An individual gathering signatures for a **candidate, political party, or recall petition** is not:
  - ◆ required to be a resident of Montana, and
  - ◆ prohibited from being paid anything of value based on the number of signatures gathered



# What are responsibilities of signature gatherers?

- ◆ While gathering signatures, **ensure that the full text of the ballot issue is attached to the petition** if the full text is not already contained within each signature sheet
  - ◆ Allow anyone to read the full text of the ballot issue
- ◆ **Be in the presence of each signer** when gathering signatures
  - ◆ Do not leave the petition unattended



# What are responsibilities of signature gatherers?

- ◆ Provide an affidavit of signature gatherer with each petition sheet, or section of up to 25 sheets fastened together
  - ◆ After you gather the last signature that you attach to the affidavit, write in the date on which you gathered the first signature that is attached to the affidavit
  - ◆ Provide your address on the affidavit



# What are responsibilities of signature gatherers?

- ◆ Sign the affidavit in front of a notary **after** you gather the last signature on the petition sheet(s) that are attached to the petition
- ◆ Do not attach additional signatures after signing the affidavit in front of a notary
- ◆ After you sign the affidavit, use a new affidavit for any additional signatures gathered



# What are responsibilities of signature gatherers?

- ♦ A signature gatherer who signs an affidavit **before** the last signer on the attached petitions has signed cannot logically nor legally claim that all the signers knew what they were signing, as is required by law



# What are responsibilities of signature gatherers?

- ◆ Give accurate information to anyone who signs, attempts to sign, or requests information
- ◆ Check to ensure that signers provide the correct date; if they do not, have them change the date and initial it
- ◆ Follow instructions provided by the ballot issue sponsor
- ◆ Submit petition sheets to sponsor and/or to county election offices by applicable deadlines



# What are responsibilities of signature gatherers?

- ◆ It is essential that you follow state laws when you circulate a petition, or the signatures that you worked to collect could be rejected.
- ◆ The laws are written to protect Montana's petition system from fraudulent signature gathering. They are taken seriously.



# What should signature gatherers look for on the Petition Sheet?

**Make sure the signer puts the correct date; if not, ask the signer to fix the date**

Date Signed

Residence Address or Post-Office Address or Home Telephone Number

**Signers are allowed to write in a phone number, but an address makes it easier to identify the signer**

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.

In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number.

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. District 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)

Printed Last Name and First and Middle Initials

**The printed last name and initials should be legible**



The date you put in below should match the first date signed on the petition that is attached to the affidavit

Date on which the first signature attached was gathered

What should signature gatherers look for on the Affidavit?

**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

\_\_\_\_\_ Signature of petition signature gatherer  
*(Do not sign above before gathering the signatures on the petition(s) that you attach to this affidavit.)*

\_\_\_\_\_ 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

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](http://sos.mt.gov/elections)

Signature of Notary or Public Official  
[Montana notaries must complete the following if not part of stamp at left]

Printed Name of Notary Public  
Notary Public for the State of Montana

Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_, 20\_\_\_\_

[SEAL/STAMP]

Updated April 15, 2011

Do not sign the affidavit until AFTER you have gathered the last signature that you attach to the affidavit

Check to see if the notary has filled in all required items or used a stamp with all the required items



# What are the rights of signature gatherers?

- ◆ See below . . .
  - ◆ **13-27-210. Physical prevention of obtaining signatures or physical intimidation of signature gatherers prohibited.**
    - ◆ A person may not knowingly or purposefully physically prevent an individual from obtaining signatures or attempting to obtain signatures on a petition for a ballot issue or physically intimidate another individual when that individual is obtaining or attempting to obtain signatures on a petition for a ballot issue.
    - ◆ A person who violates this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500, by imprisonment for not more than 90 days, or by both a fine and imprisonment.



# What are the rights of signature gatherers?

- ♦ If an employer promises to pay you by the hour, the employer must pay you for the number of hours you worked regardless of how many signatures you collect on petitions
- ♦ You must be paid at least the minimum wage, and must be paid overtime for any hours over 40 worked in a workweek
- ♦ If you believe that you have not been paid correctly, contact the Department of Labor and Industry
- ♦ Notify the Secretary of State or your county attorney if you are asked to accept payment based on the number of signatures you obtain



# Thank you for participating in the Montana petition process

- ♦ Montana takes the petition process very seriously.
- ♦ Your participation in the process will be successful if you know the laws and follow the laws.
- ♦ If you have any questions regarding the process of gathering petitions, contact the Secretary of State, Elections and Government Services, at [soselections@mt.gov](mailto:soselections@mt.gov) or at (406) 444-5346.