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Linda McCulloch
Secretary of State

March 18, 2010

Re: Signature Gathering Process for Ballot Issues

Because the Secretary of State's office has recently received several inquiries regarding the signature gathering process for ballot issue petitions along with allegations of possible statutory violations, I am taking this opportunity to remind you, as a ballot issue sponsor, about the statutory changes which took place in 2007 with regard to the signature gathering process.

In particular, the 2007 Montana Legislature amended Mont. Code Ann. § 13-27-102, which sets forth the statutory requirements for who may petition and gather signatures for an initiative, a referendum, or a constitutional convention. The statute specifies that the petition gatherer must be a Montana resident and may not be paid anything of value based upon the number of signatures gathered.

During the 2006 election cycle there were six court challenges to seven ballot measures, one of which ended up before the Montana Supreme Court. That case, *Montanans for Justice: Vote No on CI-98 v. State*, 2006 MT 277, 334 Mont. 237, 146 P.3d 759 (2006), affirmed the invalidation of three initiatives based on fraud in the signature gathering process and was the impetus for the 2007 Montana Legislature to amend Mont. Code Ann. § 13-27-102.

Therefore, as the Chief Elections Officer for the State of Montana, I want to remind you that there have been substantive changes to the signature gathering requirements since 2006. Any violation to these statutory requirements carries a misdemeanor penalty and should be promptly reported to the Commissioner of Political Practices.

Your cooperation is requested in complying with Montana law as it relates to the signature gathering and petition process. Please contact Political Practices Commissioner Dennis Unsworth at 406-444-2942 to report any violations.

Sincerely,

Linda McCulloch
Secretary of State