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1	HOUSE BILL NO. 780
2	INTRODUCED BY R. GREGG, G. OVERSTREET, C. SPRUNGER, S. FITZPATRICK, B. LER, B. MITCHELL
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATEWIDE BALLOT ISSUE LAWS; REQUIRING THE
5	SECRETARY OF STATE TO HOLD A PUBLIC HEARING ON STATEWIDE BALLOT ISSUE PROPOSALS;
6	AND AMENDING SECTIONS 13-27-216, 13-27-217, 13-27-218, AND 13-27-219, MCA."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	NEW SECTION. Section 1. Public hearing on statewide ballot issue proposals. (1) After
11	transmitting a proposed statutory initiative, statutory referendum, constitutional initiative, or constitutional
12	convention initiative and the proposal's ballot statements to the legislative services division as provided in 13-
13	27-216(1), 13-27-217(1), 13-27-218(1), or 13-27-219(1), the secretary of state shall conduct a public hearing at
14	which public comments and testimony must be received.
15	(2) The public hearing must be held within the same period as the review of the proposed ballot
16	issue and ballot statements by the legislative services division provided in 13-27-216(2), 13-27-217(2), 13-27-
17	218(2), and 13-27-219(2).
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19	Section 2. Section 13-27-216, MCA, is amended to read:
20	"13-27-216. Statutory initiative process and procedure. (1) (a) A proponent of a statutory initiative
21	shall submit the text of the proposed statutory initiative to the secretary of state together with draft ballot
22	statements and the filing fee required by 13-27-215. The secretary of state shall, without undue delay, forward a
23	copy of the text of the proposed statutory initiative and ballot statements to the legislative services division for
24	review in accordance with 13-27-225.
25	(b) A proposed statutory initiative may not be accepted by the secretary of state until 10 days after
26	the adjournment sine die of the regular legislative session preceding the general election during which the
27	proposal is intended to be voted on. The prohibitions on acceptance of a proposed statutory initiative provided
28	in this subsection (1)(b) do not apply to a submission received on or after the date that falls 130 days after the



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1 date that the legislature convened in regular session pursuant to 5-2-103, even if the legislature has not

2 adjourned sine die. If the secretary of state rejects a proposed statutory initiative pursuant to this subsection

3 (1)(b), the secretary of state shall promptly notify the person who submitted the proposal of the reason for the 4 rejection.

5 (2) (a) Within 14 days after receiving the proposed statutory initiative from the secretary of state, 6 the legislative services division shall respond in writing to the proponent in accordance with 13-27-225.

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During the 14-day review period by the legislative services division, the secretary of state shall (b) 8 hold a public hearing in accordance with [section 1].

9 After the proponent responds to the legislative services division as provided in 13-27-225, the (3) 10 proponent shall submit the final text of the proposed statutory initiative and ballot statements to the secretary of 11 state. However, if a response to the legislative services division is not required by the proponent pursuant to 13-12 27-225, the proponent shall instead submit the final text of the proposed statutory initiative and ballot 13 statements to the secretary of state after the proponent receives the legislative services division's response.

14 On receipt of the final text of the proposed statutory initiative and the ballot statements, the (4) 15 secretary of state shall reject the proposed statutory initiative if the text or a ballot statement contains material 16 not submitted to the legislative services division that is a substantive change not recommended by the 17 legislative services division. Otherwise, the secretary of state shall, without undue delay, refer a copy of the 18 proposed statutory initiative and ballot statements concurrently to the budget director and to the attorney 19 general for the attorney general's review in accordance with 13-27-226.

20 (5) The budget director shall determine whether a fiscal note is necessary. If the budget director 21 determines a fiscal note is necessary, the budget director shall prepare a fiscal note, notify the attorney general 22 of the necessity of the fiscal note, and provide a copy of the fiscal note pursuant to 13-27-227 within 10 days. 23 Receipt of the notice from the budget director begins the time frame-timeframe in subsection (7).

24 (6) In addition to the requirements of 13-27-226, the attorney general shall:

25 include in the attorney general's legal sufficiency review whether the proposed statutory (a) 26 initiative constitutes an appropriation as set forth in 13-27-239; and

27 (b) review the proposed statutory initiative as to whether the proposal could cause a regulatory 28 taking under Montana law or otherwise will likely cause significant material harm to one or more business



interests in the state if approved by the voters. If the attorney general determines the proposed statutory
initiative will likely cause significant material harm to one or more business interests in the state, the attorney
general shall notify the secretary of state, which must include the finding set forth in 13-27-238(2) on the final
form of the petition.

5 (7) Within 30 days of receipt of the proposed statutory initiative from the secretary of state, the 6 attorney general shall complete the requirements set forth in 13-27-226 and subsection (6) of this section.

7 (8) The secretary of state shall review the legal sufficiency opinion received pursuant to 13-27-226.
8 (a) If the attorney general finds that the proposed statutory initiative is not legally sufficient, the
9 secretary of state shall, without undue delay, send written notice to the person who submitted the proposal that
10 the proposed statutory initiative has been rejected. The notice must include a copy of the attorney general's
11 legal sufficiency opinion.

(b) If the attorney general finds that the proposed statutory initiative is legally sufficient, the
secretary of state shall, without undue delay, provide the executive director of the legislative services division a
copy of the final text of the proposed statutory initiative and ballot statements in accordance with 13-27-228.
After the executive director of the legislative services division provides the secretary of state the outcome of the
vote as required by 13-27-228, the secretary of state shall immediately send a sample petition form as provided
in 13-27-233 to the person submitting the proposed statutory initiative."

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Section 3. Section 13-27-217, MCA, is amended to read:

"13-27-217. Statutory referendum process and procedure. (1) (a) A proponent of a statutory
 referendum shall submit the text of the proposed statutory referendum to the secretary of state together with
 draft ballot statements and the filing fee required by 13-27-215. The secretary of state shall forward a copy of
 the text of the proposed statutory referendum and ballot statements to the legislative services division for
 review in accordance with 13-27-225.

(b) A proposed statutory referendum may not be accepted by the secretary of state until 10 days after the adjournment sine die of the regular legislative session preceding the general election during which the proposal is intended to be voted on. The prohibitions on acceptance of a proposed statutory referendum provided in this subsection (1)(b) do not apply to a submission received on or after the date that falls 130 days



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after the date that the legislature convened in regular session pursuant to 5-2-103, even if the legislature has not adjourned sine die. If the secretary of state rejects a proposed statutory referendum pursuant to this subsection (1)(b), the secretary of state shall promptly notify the person who submitted the proposal of the reason for the rejection.

5 (2) (a) Within 7 days after receiving the proposed statutory referendum from the secretary of state,
6 the legislative services division shall respond in writing to the proponent in accordance with 13-27-225.

7 (b) During the 7-day review period by the legislative services division, the secretary of state shall
 8 hold a public hearing in accordance with [section 1].

9 (3) After the proponent responds to the legislative services division as provided in 13-27-225, the 10 proponent shall submit the final text of the proposed statutory referendum and ballot statements to the 11 secretary of state. However, if a response to the legislative services division is not required by the proponent 12 pursuant to 13-27-225, the proponent shall instead submit the final text of the proposed statutory referendum 13 and ballot statements to the secretary of state after the proponent receives the legislative services division's 14 response.

15 (4) On receipt of the final text of the proposed statutory referendum and the ballot statements, the 16 secretary of state shall reject the proposed statutory referendum if the text or a ballot statement contains 17 material not submitted to the legislative services division that is a substantive change not recommended by the 18 legislative services division. Otherwise, the secretary of state shall refer a copy of the proposed statutory 19 referendum and ballot statements concurrently to the budget director and the attorney general.

(5) (a) The budget director shall determine whether a fiscal note is necessary, prepare the fiscal
note, notify the attorney general of the necessity of its determination, and provide a copy of the fiscal note, if
required, pursuant to 13-27-227 within the timeframe required in subsection (5)(b). Receipt of the notice from
the budget director begins the time frame timeframe in subsection (6) for the attorney general's review in
accordance with 13-27-226.

(b) If the legislative act that is the subject of the proposed statutory referendum had a fiscal note prepared pursuant to 5-4-202 during the legislative session in which the bill was proposed, the budget director shall return the fiscal note to the attorney general within 3 days. If the legislative act that is the subject of the proposed statutory referendum did not have a fiscal note prepared pursuant to 5-4-202 during the legislative

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session in which the bill was proposed, the budget director shall return the fiscal note to the attorney general
 within 6 days.

(6) If the budget director is allowed 3 days to return the fiscal note pursuant to subsection (5), the
attorney general shall complete the requirements set forth in 13-27-226 within 14 days of the receipt of the
proposed statutory referendum from the secretary of state. However, if the budget director is allowed 6 days to
return the fiscal note pursuant to subsection (5), the attorney general shall complete the requirements set forth
in 13-27-226 within 17 days of the receipt of the proposed statutory referendum from the secretary of state.
(7) The secretary of state shall review the legal sufficiency opinion received pursuant to 13-27-226.

9 If the attorney general:

(a) finds that the proposed statutory referendum is not legally sufficient, the secretary of state shall,
 without undue delay, send written notice to the person who submitted the proposal that the proposed statutory
 referendum has been rejected. The notice must include a copy of the attorney general's legal sufficiency
 opinion.

(b) finds that the proposed statutory referendum is legally sufficient, the secretary of state shall
 immediately send a sample petition form as provided in 13-27-233 to the person submitting the proposed
 statutory referendum."

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Section 4. Section 13-27-218, MCA, is amended to read:

"13-27-218. Constitutional initiative process and procedure. (1) A proponent of a constitutional
initiative shall submit the text of the proposed constitutional initiative to the secretary of state together with draft
ballot statements and the filing fee required by 13-27-215. The secretary of state shall, without undue delay,
forward a copy of the text of the proposed constitutional initiative and ballot statements to the legislative
services division for review in accordance with 13-27-225.

(2) (a) Within 14 days after receiving the proposed constitutional initiative from the secretary of
 state, the legislative services division shall respond in writing to the proponent in accordance with 13-27-225.

26 (b) During the 14-day review period by the legislative services division, the secretary of state shall
 27 hold a public hearing in accordance with [section 1].

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(3) After the proponent responds to the legislative services division as provided in 13-27-225, the



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proponent shall submit the final text of the proposed constitutional initiative and ballot statements to the secretary of state. However, if a response to the legislative services division is not required by the proponent pursuant to 13-27-225, the proponent shall instead submit the final text of the proposed constitutional initiative and ballot statements to the secretary of state after the proponent receives the legislative services division's response.

6 (4) On receipt of the final text of the proposed constitutional initiative and the ballot statements, the 7 secretary of state shall reject the proposed constitutional initiative if the text or a ballot statement contains 8 material not submitted to the legislative services division that is a substantive change not recommended by the 9 legislative services division. Otherwise, the secretary of state shall, without undue delay, refer a copy of the 10 proposed constitutional initiative and ballot statements concurrently to the budget director and to the attorney 11 general.

12 (5) The budget director shall determine whether a fiscal note is necessary, prepare the fiscal note, 13 notify the attorney general of the necessity of the fiscal note, and provide a copy of the fiscal note pursuant to 14 13-27-227 within 10 days. Receipt of the notice from the budget director begins the timeframe in subsection (7) 15 for the attorney general's review in accordance with 13-27-226.

16 (6) In addition to the requirements in 13-27-226, the attorney general shall review the proposed 17 constitutional initiative as to whether the proposal could cause a regulatory taking under Montana law or 18 otherwise will likely cause significant material harm to one or more business interests in the state if approved by 19 the voters. If the attorney general determines the proposed constitutional initiative will likely cause significant 20 material harm to one or more business interests in the state, the attorney general shall notify the secretary of 21 state, which must include the finding set forth in 13-27-241 on the final form of the petition.

22 (7) Within 30 days of receipt of the fiscal note determination from the budget director, the attorney 23 general shall complete the requirements set forth in 13-27-226 and subsection (6) of this section.

(8) The secretary of state shall review the legal sufficiency opinion received pursuant to 13-27-226.
If the attorney general:

(a) finds that the proposed constitutional initiative is not legally sufficient, the secretary of state
shall, without undue delay, send written notice to the person who submitted the proposal that the proposed
constitutional initiative has been rejected. The notice must include a copy of the attorney general's legal



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1 sufficiency opinion.

(b) finds that the proposed constitutional initiative is legally sufficient, the secretary of state shall, without undue delay, provide the executive director of the legislative services division a copy of the final text of the proposed constitutional initiative and ballot statements in accordance with 13-27-228. After the executive director of the legislative services division provides the secretary of state the outcome of the vote as required by 13-27-228, the secretary of state shall immediately send a sample petition form as provided in 13-27-233 to the person submitting the proposed constitutional initiative."

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Section 5. Section 13-27-219, MCA, is amended to read:

"13-27-219. Constitutional convention initiative process and procedure. (1) A proponent of a
 constitutional convention initiative shall submit the text of the proposed constitutional convention initiative to the
 secretary of state together with draft ballot statements and the filing fee required by 13-27-215. The secretary of
 state shall, without undue delay, forward a copy of the text of the proposed constitutional convention initiative
 and ballot statements to the legislative services division for review in accordance with 13-27-225.

(2) (a) Within 14 days after receiving the proposed constitutional convention initiative from the
 secretary of state, the legislative services division shall respond in writing to the proponent in accordance with
 13-27-225.

(b) During the 14-day review period by the legislative services division, the secretary of state shall
 hold a public hearing in accordance with [section 1].

(3) After the proponent responds to the legislative services division as provided in 13-27-225, the
 proponent shall submit the final text of the proposed constitutional convention initiative and ballot statements to
 the secretary of state. However, if a response to the legislative services division is not required by the
 proponent pursuant to 13-27-225, the proponent shall instead submit the final text of the proposed
 constitutional convention initiative and ballot statements to the secretary of state after the proponent receives
 the legislative services division's response.

(4) On receipt of the final text of the proposed constitutional convention initiative and the ballot
 statements, the secretary of state shall reject the proposed constitutional convention initiative if the text or a
 ballot statement contains material not submitted to the legislative services division that is a substantive change



1 not recommended by the legislative services division. Otherwise, the secretary of state shall, without undue

2 delay, refer a copy of the proposed constitutional convention initiative and ballot statements concurrently to the

3 budget director and to the attorney general.

4 (5) The budget director shall determine whether a fiscal note is necessary, prepare the fiscal note, 5 notify the attorney general of the necessity of the fiscal note, and provide a copy of the fiscal note pursuant to 6 13-27-227 within 10 days. Receipt of the notice from the budget director begins the <u>time frame-timeframe</u> in 7 subsection (6) and the attorney general's review in accordance with 13-27-226.

8 (6) Within 30 days of receipt of the fiscal note determination from the budget director, the attorney 9 general shall complete the requirements set forth in 13-27-226.

10 (7) The secretary of state shall review the legal sufficiency opinion received pursuant to 13-27-226.
11 If the attorney general:

(a) finds that the proposed constitutional convention initiative is not legally sufficient, the secretary
 of state shall, without undue delay, send written notice to the person who submitted the proposal that the
 proposed constitutional convention initiative has been rejected. The notice must include a copy of the attorney
 general's legal sufficiency opinion.

(b) finds that the proposed constitutional convention initiative is legally sufficient, the secretary of state shall, without undue delay, provide the executive director of the legislative services division a copy of the final text of the proposed constitutional convention initiative and ballot statements in accordance with 13-27-228. After the executive director of the legislative services division provides the secretary of state the outcome of the vote as required by 13-27-228, the secretary of state shall immediately send a sample petition form as provided in 13-27-233 to the person submitting the proposed constitutional convention initiative."

<u>NEW SECTION.</u> Section 6. Codification instruction. [Section 1] is intended to be codified as an
 integral part of Title 13, chapter 27, part 2, and the provisions of Title 13, chapter 27, part 2, apply to [section 1].
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