



Proposing a Statewide Ballot Issue

Montana Secretary of State

sosmt.gov • soselections@mt.gov

Any individual or group may petition to:

- Enact a law by initiative,
- Approve or reject an act of the Legislature by referendum, or
- Amend the [Montana State Constitution](#).

A member of the public proposing a ballot issue must follow specific steps:

Drafting a Ballot Issue

1. The ballot issue sponsor/submitter must draft and submit the proposed ballot issue to the [Secretary of State's Office, Elections & Voter Services](#), PO Box 202801, Helena, MT 59620 or email soselections@mt.gov for review. The draft should include the following:
 - Text of the ballot issue
 - Draft Ballot statements – (*The statement of purpose and implication AND "Yes" and "No" statements*) to appear on the ballot per Montana Code Annotated, [MCA 13-27-312](#)

Note: The standard form text and statement is included in, [MCA 13-27-204](#) through [13-27-207](#).

13-27-202. Recommendations -- approval of form required. (1) A proponent of a ballot issue shall submit the text of the proposed ballot issue to the secretary of state together with draft ballot issue statements intended to comply with **13-27-312**. Petitions may not be circulated for the purpose of signature gathering more than 1 year prior to the final date for filing the signed petition with the county election administrator. The secretary of state shall forward a copy of the text of the proposed issue and statements to the legislative services division for review.

2. The Secretary of State's office forwards the submission text and statements to the [Legislative Services Division \(LSD\)](#). LSD reviews the submission for clarity, consistency, and conformity using the [bill drafting manual](#) and reviews for other legal requirements. If necessary, LSD makes recommendations for revisions **within 14 days** of submission of the proposed submission text and statements per [MCA 13-27-202](#).
 - Legislative Services Division sends notification **directly** to the ballot issue sponsor/submitter with any proposed recommendations.
 - The ballot issue sponsor/submitter **must** respond in writing directly to the Legislative Services Division as directed in the correspondence, either accepting, rejecting, or modifying the proposed ballot issue.

13-27-202(2)(c) The proponent shall consider the recommendations and respond in writing to the legislative services division, accepting, rejecting, or modifying each of the recommended revisions. If revisions are not recommended, a response is not required.

3. If the Legislative Services Division receives a response from the ballot issue sponsor/submitter, either accepting, rejecting or modifying the recommended changes, LSD then forwards the final text of the proposed submission and ballot statements to the Secretary of State's office.

13-27-202(3) The legislative services division shall furnish a copy of the correspondence provided for in subsection (2) to the secretary of state, who shall make a copy of the correspondence available to any person upon request.

4. The Secretary of State's office reviews the final text and ballot statements for material **NOT** submitted to the Legislative Services Division and determines if **substantive** changes not recommended by the Legislative Services Division were made.
5. If the final text and ballot statements are approved by the Secretary of State's office, it is then referred to the [Attorney General's Office](#) for legal sufficiency review per [MCA 13-27-202\(4\)](#).

13-27-202(4) Before a petition may be circulated for signatures, the final text of the proposed issue and ballot statements must be submitted to the secretary of state. 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. If accepted, the secretary of state shall refer a copy of the proposed issue and statements to the attorney general for a determination as to the legal sufficiency of the issue and for approval of the petitioner's ballot statements and for a determination pursuant to **13-27-312** as to whether a fiscal note is necessary.

6. The Attorney General's office has up to **30 days** to review the proposed ballot issue per [MCA 13-27-312\(8\)](#).

13-27-312(10)(b) If the Attorney General's office determines the proposed ballot issue is legally sufficient, they forward to the Secretary of State's office the petitioners ballot statement that comply with the requirements of this section...

7. The Attorney General provides the Secretary of State with a statement whether the ballot issue is "legally sufficient," and in compliance with statutory and constitutional requirements for submitting proposed issues to the electors.
8. If the Attorney General **approves** the ballot issue, the Secretary of State issues a sample petition form **directly** to the ballot issue sponsor/submitter to be circulated for signatures.
9. If the ballot issue is approved, the Secretary of State's office then assigns a ballot initiative number according to sequence of the next ballot initiative approved for signature gathering.
10. If the Attorney General **rejects** the proposed issue, the Secretary of State sends notice to the ballot issue sponsor/submitter, including the Attorney General's legal sufficiency opinion.
11. County Election Administrators are provided a copy of the approved form of the proposed ballot initiative per [MCA 13-27-208](#).

Note: The earliest date to circulate petitions for signatures for 2022 ballot issues (other than initiative referenda) is **June 17, 2021** per [MCA 13-27-202\(1\)](#).

- 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.

Note: The earliest date to submit signed ballot issue petitions to county election administrators for 2022 ballot issues (other than for initiative referendum petitions referring an act of the 2021 Legislature) is **October 15, 2021** per [MCA 13-27-301](#).

- 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.