

# VOTER

**INFORMATION PAMPHLET**



USS MONTANA (SSN 794)  
COMING SOON!

**Corey Stapleton**  
MONTANA SECRETARY OF STATE



**406-444-9608**  
MONTANA VOTER HOTLINE

**Pictured on the cover: USS *Indiana* (SSN 789), sister ship of the USS *Montana* (SSN 794). Photo courtesy of Newport News Shipbuilding.**



Dear Montana Voter,

Welcome to the 2018 Voter Information Pamphlet! As a citizen of Montana and the United States of America, voting is one of your most important rights and fundamental responsibilities. I hope this guide will better inform you of the ballot measures you will see on your ballot for the upcoming November 6, 2018, general election.

This pamphlet includes the exact language for several ballot measures and provides arguments both for and against each issue. You'll be able to study these ballot choices and weigh the opinions of both supporters and opponents. Please take some time and enjoy your role in deciding Montana's future!

It was a century ago that President Woodrow Wilson asked our nation to go to war so that the world would be "made safe for democracy." The valiant men and women of the United States Army, Navy, Air Force, and Marine Corps not only fought for democracy, but they have risked and given their lives so that we might become an even better nation.



On the cover of this year's Voter Information Pamphlet, we celebrate the soon-to-be-commissioned submarine named Montana. The USS *Montana* (SSN 794) will be 377 feet long, house 15 officers and 120 enlisted sailors, and will be able to remain submerged for three months without surfacing.

While we exercise our right to disagree, to argue, to vote, may we always remember that there are many American soldiers and sailors who are keeping the guard and protecting these freedoms. Freedom isn't free – it never was, it never will be. So vote like your state and nation depend on it.

*Remember: You can't complain if you don't vote!*

A handwritten signature in black ink, reading "Corey Stapleton".

Corey Stapleton  
Montana Secretary of State

*The mission of the Office of the Secretary of State is to help commerce thrive, promote democracy, and to record history for future generations.*



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**PAMPHLET FORMATS** – The Voter Information Pamphlet is available in large print, Braille, audio and electronically. To request copies or an accessible format, contact the Secretary of State’s office at 406.444.9608 TTY 406.444.9068 or email [soselections@mt.gov](mailto:soselections@mt.gov).

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**DISCLAIMER:** The information included in the Voter Information Pamphlet for each ballot issue is the official ballot language, the text of each issue and the arguments and rebuttals for and against each issue. The opinions expressed therein do not necessarily represent the views of the Secretary of State or the State of Montana. The Secretary of State does not guarantee the truth or accuracy of the included statements.



### REGISTER TO VOTE - YOU MUST BE:



- A citizen of the United States
- A resident of Montana for at least 30 days before the next election
- 18 years of age on or before the next election

### HOW TO REGISTER:



- Complete a voter registration application at your County Election Office
- Complete an application online at [sosmt.gov/elections](http://sosmt.gov/elections). Print, sign and return or mail to your County Elections Office
- Complete an application when applying or renewing your Montana Driver's License or when obtaining public assistance

### LATE REGISTRATION INFORMATION:



- Begins October 10, 2018 - closes election day, November 6, 2018, 8:00 p.m.
- Must be completed at the County Election Office or a location designated by the County Election Administrator
- Late registration is temporarily closed beginning at noon, November 5, 2018, and opens election day, November 6, 2018, 8:00 a.m.

### VOTE AT THE POLLS ON ELECTION DAY - BRING VALID IDENTIFICATION (ID):



- Polls open November 6, 2018, 7:00 a.m. (Times may vary, contact your County Elections Office)
- Polls close 8:00 p.m.
- Find your polling place by:
  1. Contacting your local County Election Office
  2. Visit: My Voter Page at [sosmt.gov](http://sosmt.gov)
  3. Check your Voter Registration Confirmation Card

## VOTER ID IS REQUIRED TO VOTE AT THE POLLS ON ELECTION DAY. THE FOLLOWING ARE ACCEPTABLE FORMS OF ID:



1. Current Photo ID (Driver's License, State ID, Tribal ID, School ID, etc.)
2. Voter Registration Confirmation Card
3. Current utility bill, bank statement, paycheck, government check or other government documentation that shows your name and current address.

## IF YOU FORGET YOUR ID:



1. Return to the polls when you have your ID
2. Fill out an Elector ID form available at each polling place
3. Vote a Provisional Ballot - your provisional ballot will be counted when your identity and eligibility has been verified

## ABSENTEE LIST:

Absentee voters automatically receive an absentee ballot by mail for every election in which they are eligible to vote. There are two ways to sign up:



1. Application for Absentee Ballot
2. Choose Absentee Ballot on the Voter Registration Application

## VOTE BY MAIL — FILL OUT AND SIGN THE APPLICATION FOR ABSENTEE BALLOT AT [SOSMT.GOV/ELECTIONS](https://sosmt.gov/elections):



Submit the application to your County Elections Office by mail or in person. Your ballot packet will be mailed to the address indicated on the application. When you receive your ballot, sign the signature envelope and mail your ballot to your County Elections Office. Absentee ballots must reach the County Election Office by close of polls on election day, November 6, 2018, 8:00 p.m.

## MILITARY AND OVERSEAS VOTER INFORMATION:



Absent active duty military and overseas citizen electors can register to vote, request an Absentee Ballot and cast their ballot beginning 45 days before a Federal election using the Secretary of State's Electronic Absentee System. Voters can track the status of their Absentee Ballot using the online election tool, My Voter Page, at **sosmt.gov**.

## PROVISIONAL BALLOTS:



If you have ID or eligibility problems when you get to the polls, you can vote using a Provisional Ballot. The Provisional Ballot will be counted if your identity or eligibility issue can be resolved. The election official will explain why your ballot is provisional and advise what steps to take to resolve the provisional status of your ballot.

## VOTING FOR PEOPLE WITH DISABILITIES:



Every polling place in Montana has at least one specialized voting machine called an AutoMARK that enables people with disabilities to vote independently and privately.

If you cannot enter a polling place, election judges will assist you with curbside voting. If you have a physical disability or unable to read or write, you may ask an election judge to help you mark your ballot. You can bring a friend or relative who, with the permission of the election judge, can go into the voting booth with you and help you vote.

You may also designate an agent to assist you with the voting process on the Designation of Agent by Individual and Disability form. Deliver the signed application to your local County Election Office.

You may apply for an electronic ballot that can be marked on your personal computer, printed and returned to the election office using the Secretary of State's Electronic Ballot Request System. (EBRS)

## MY VOTER PAGE (MVP) SECRETARY OF STATE'S ONLINE RESOURCE:



- Find your polling place
- Track your absentee ballot
- View a sample ballot
- Check your voter registration information

Polling locations listed on MVP are for State and Federal Primary & General Elections, and may not apply to other elections. Visit the My Voter Page at **sosmt.gov**.



# BALLOT LANGUAGE FOR LEGISLATIVE REFERENDUM LR-128 (SB 85)

AN ACT REFERRED BY THE LEGISLATURE

AN ACT SUBMITTING A 6-MILL LEVY FOR CONTINUED SUPPORT OF THE MONTANA UNIVERSITY SYSTEM TO THE ELECTORATE; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

The 2017 Montana legislature has submitted this proposal for a vote. LR-128 asks Montana voters to continue the existing 6-mill levy to support Montana's public colleges and universities. Without voter approval, the current 6-mill levy to support Montana's public colleges and universities will expire in January 2019. If passed, this proposal will be effective on January 1, 2019 and terminate January 1, 2029. According to revenue estimates, the projected annual revenue from the 6-mill levy is \$20,890,000 for fiscal year 2020 and is estimated to grow to \$23,620,000 by fiscal year 2023.

YES on Legislative Referendum LR-128  NO on Legislative Referendum LR-128

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## THE COMPLETE TEXT OF SENATE BILL NO. 85, REFERRED BY LR-128

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AN ACT SUBMITTING A 6-MILL LEVY FOR CONTINUED SUPPORT OF THE MONTANA UNIVERSITY SYSTEM TO THE ELECTORATE; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1. Tax levy for university system.** There is levied upon the taxable value of all real estate and personal property subject to taxation in the state of Montana 6 mills for the continued support, maintenance, and improvement of the Montana university system. The funds raised from the levy must be deposited in the state special revenue fund.

**Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 15, chapter 10, part 1, and the provisions of Title 15, chapter 10, part 1, apply to [section 1].

**Section 3. Effective date.** If approved by the electorate, [this act] is effective January 1, 2019.

**Section 4. Termination.** [Section 1] terminates December 31, 2028.

**Section 5. Submission to electorate.** This act shall be submitted to the qualified electors of Montana at the general election to be held in November 2018 by printing on the ballot the full title of this act and the following:

YES on Legislative Referendum

NO on Legislative Referendum

## ARGUMENTS FOR LEGISLATIVE REFERENDUM LR-128

The 6-Mill Levy is not a new tax. For more than 70 years, Montanans have demonstrated our shared commitment to our public colleges and universities by supporting the statewide levy known as the “6-Mill Levy” (on this year’s ballot as LR-128). The tradition of the 6-Mill Levy began in 1948 because Montanans then believed what we know to be true today: access to education is key to increased opportunity and greater productivity and success for our children, families, businesses, communities, and state.

The 6-Mill Levy is not a new tax and it is NOT A TAX INCREASE. It was set at 6 mills in 1948 and has been renewed by the approval of Montana voters every ten years since without a single increase.

The 6-Mill Levy benefits all Montana communities. It provides direct support for the degree programs at our state’s public four-year and two-year colleges and universities that are helping train nearly 42,000 students each year to compete for the jobs of tomorrow. The 6-Mill Levy allows Montanans of all ages to access our units of higher education for a variety of personal reasons.

This is an especially important investment in our state because 69% of Montana graduates work for Montana employers one year after they graduate. These Montana graduates are working in, and contributing to, every county in Montana. The 6-Mill Levy also supports the scientific and agricultural research programs taking place at our colleges and universities, helping our family farmers and ranchers stay on the cutting edge of new technologies.

The 6-Mill Levy keeps education more affordable for all Montana students and families. The 6 mills cost \$12 on a \$100,000 house, but, in total, they account for almost 10% of total state support for your public colleges and universities, almost \$20 million annually. Without the 6-Mill Levy, students in Montana could see tuition increases of as much as 18%, making college unaffordable for many Montana students and families.

As it has in the past, the 6-Mill levy is enjoying broad support from citizens and leaders across the state and across the aisle who understand the value of education to the future of our state. For example, groups such as the Montana Chamber of Commerce, the Montana Farm Bureau Federation, Montana Associated Students, the Montana Federation of Public Employees, and the Montana Economic Development Association, as well as elected leaders from Senator Steve Daines to Governor Steve Bullock and the vast majority of Montana legislators, have all voiced strong support for the renewal of the 6-Mill Levy.

The 6-Mill Levy is the traditional building block in our state’s system of funding higher education. It helps keep the quality of educational programs up and the cost to students down. The levy was a good deal in 1948 and it’s a good deal now. By supporting LR-128, we can continue an important Montana tradition and build a bright future for Montana’s students.

## ARGUMENTS AGAINST LEGISLATIVE REFERENDUM LR-128

6-Mill Tax – Reasons to Vote NO LR-128 seeks to renew a \$21,000,000/year property tax for 10 more years, with increases starting at \$600,000 annually. The total 10-year taxes are \$230 million, which all goes to the universities as extra funding. Voters may oppose this tax for many different reasons:

- Obtaining a college education is admirable. Forcing someone else to pay for it is NOT admirable. Especially when many of the Montanans paying this extra tax can't afford to go to college themselves. Why should a high school graduate, making wages near dead last in the country, be forced to pay college costs of others who will soon be making substantially more than her? Low-wage Montanans are being taxed to the absolute limit.
- Big government opponents may oppose this tax because they feel Montana government generally (and the university system specifically) are way too big already. Montana's University System (MUS) has obligated Montanans to over \$250,000,000 in debt (¼ Billion). MUS is constructing fancy new buildings and spending money at an alarming rate – \$1,306,448,710 annually (\$1.3 BILLION). With under 36,000 students, this University bureaucracy blows through \$36,520 per student annually. Perhaps a little belt-tightening is in order; just like Montana's over-taxed, underpaid families are doing.
- Conservatives may also object that MUS rejected millions of voluntary funding dollars offered by a conservative foundation, yet now wants to forcibly extract millions from conservatives through a statewide property tax to fund MUS's liberal agenda.
- Others may object to HOW MUS spends these enormous sums. Those concerned about academic freedom may object that their tax dollars are used to discriminate against certain beliefs (e.g., conservative professors and students). People of faith may object to such things as UM's attempted suppression of a Christian group while funding "Sex-a-Palooza."
- Constitutional 2nd Amendment self-defense advocates may object to ill-advised university policies which disarm innocent students, leaving them defenseless and advertising that defenselessness as an open invitation to some crazed, cowardly killer.
- Accountability advocates may object that Montana judges have declared universities autonomous from any legislative spending oversight. Policy wonks may object to using semi-permanent property taxes to fund colleges; or object to the top-down bureaucratic method used to distribute this tax funding.

If Montanans defeat this 6-mill tax, perhaps it could be re-visited by the legislature using a "bottom-up" funding approach – give the money to college-age eligible Montana students as scholarships to spend at the college of their choice. This would give students consumer power and would bring healthy competition to a university system which shows signs of monopolistic excess – high spending and low response to consumer dissatisfaction. The current bureaucratic planning approach is not working – why pump out three times as many teachers and social workers as can find employment in Montana, while Montana is desperate for machinists and nurses? Perhaps a more market-oriented funding mechanism would correct these errors. Your disagreements with the universities are diverse. Unfortunately, there are no multiple-choice questions on the ballot, only a Yes/No question. You decide.

## PROPONENTS' REBUTTAL OF ARGUMENT AGAINST LR-128

The 6-Mill Levy is NOT A TAX INCREASE. Every ten years, the levy comes to the voters of Montana at the same rate it has been since 1948. There have been absolutely no increases in the levy for seventy years and are none this year. The funds raised by these mills are not "extra funding", but funds that form the cornerstone of state support of our public colleges and universities. Without the support of the 6-Mill Levy, students could face 18% tuition increases putting higher education out of the reach of many Montana families. Additionally, our farms, ranches, and businesses could lose out on important agricultural and technological research being done across the state. For decades, Montana has provided strong support for students at our public colleges and universities to the point of being ranked the Best State in the Nation for Keeping Higher Education Affordable. This is because Montana knows our support of the 6-Mill Levy helps us invest in the next generation of workers, business owners, and community leaders that keep Montana competitive, successful, and growing. The 6-Mill levy is an admirable and vital way to fund and support public higher education. The 6-Mill Levy is a Montana tradition of providing opportunities to future generations and keeping education accessible for all, not just for those who can afford it.

## OPPONENTS' REBUTTAL OF ARGUMENT FOR LR-128

- Proponents argue university taxes always passed previously. But **prior support occurred before financial abuses occurred. Even then, support was weaker than advertised.** Of 12 previous votes, only six garnered support in the 50% plus range—only 52% in 1940; 51% in 1958.
- Moreover, prior votes were for far lower dollars. **1920's university tax was only ¼ today's percentage; and used to fund bare-bones, modest colleges.** Obviously, Montanans supported it. But humble, focused colleges grew into billion-dollar empires, with million-dollar budget discrepancies, grandiose “country club” gyms, fine furniture and manicured landscaping far surpassing average Montana homes; whose homeowners are forcibly taxed to fund this opulence. Voting “NO” might send a message.
- Proponents' claim it's not a tax increase. False. Precisely because it's pegged at 6 mills, it increases every time there is real estate price inflation or new construction. It's now 67% higher tax than it was just 10 years ago.
- Arguing that higher university spending creates “Economic Development” is false. After nationwide data analysis, university economist Vedder concluded “**...for higher education, increases in [government] spending were associated with reductions in economic growth.**” (Impact of Government Spending on Economic Growth) Why? Because every dollar government spends is confiscated from private citizens, who would've spent that dollar far more productively than any oak&leather-clad university office could ever dream of. Vote against LR128 and keep your money in your own pocket to spend on your own house and own children's education; thereby giving a real boost to Montana's economy.

**Approval Committee LR-128** Senator Tom Facey, Representative Wendy McKamey

**Rejection Committee LR-128** Senator Gordon Vance, Representative Randy Brodehl, Joe Balyeat, CPA



# BALLOT LANGUAGE FOR LEGISLATIVE REFERENDUM LR-129 (SB 352)

AN ACT REFERRED BY THE LEGISLATURE

AN ACT ESTABLISHING THE MONTANA BALLOT INTERFERENCE PREVENTION ACT; PROHIBITING THE COLLECTION OF ANOTHER INDIVIDUAL'S BALLOT; PROVIDING EXCEPTIONS; REQUIRING CERTAIN INDIVIDUALS WHO ARE AUTHORIZED TO COLLECT BALLOTS TO PROVIDE CERTAIN INFORMATION WHEN DELIVERING THE BALLOT TO A POLLING PLACE OR ELECTION ADMINISTRATOR'S OFFICE; PROVIDING PENALTIES AND DEFINITIONS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

The 2017 Legislature has submitted this proposal for a vote. LR-129 prohibits a person from collecting another voter's ballot, with certain exceptions. The prohibition would not apply to an election official, postal worker, caregiver, family member, household member, or an acquaintance. Any such individuals that are caregivers, family members, household members or acquaintances would be required to sign a registry at the polling place or the election administrator's office when delivering the ballot and are required to provide the following information: the individual's name, address, and phone number; the voter's name and address; and the individual's relationship to the voter. An individual who violates any provision within LR-129 could be fined \$500 for each ballot unlawfully collected.

YES on Legislative Referendum LR-129  NO on Legislative Referendum LR-129

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## THE COMPLETE TEXT OF SENATE BILL NO. 352, REFERRED BY LR-129

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AN ACT ESTABLISHING THE MONTANA BALLOT INTERFERENCE PREVENTION ACT; PROHIBITING THE COLLECTION OF ANOTHER INDIVIDUAL'S BALLOT; PROVIDING EXCEPTIONS; REQUIRING CERTAIN INDIVIDUALS WHO ARE AUTHORIZED TO COLLECT BALLOTS TO PROVIDE CERTAIN INFORMATION WHEN DELIVERING THE BALLOT TO A POLLING PLACE OR ELECTION ADMINISTRATOR'S OFFICE; PROVIDING PENALTIES AND DEFINITIONS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1. Short title.** [Sections 1 through 5] may be cited as the "Montana Ballot Interference Prevention Act".

**Section 2. Definitions.** As used in [sections 1 through 5], the following definitions apply:

(1) "Acquaintance" means an individual known by the voter.

(2) "Caregiver" means an individual who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living home, residential care institution, adult day health care facility, or adult foster care home.

(3) "Collect" means to gain possession or control of a ballot.

(4) "Family member" means an individual who is related to the voter by blood, marriage, adoption, or legal guardianship.

(5) "Household member" means an individual who resides at the same residence as the voter.

**Section 3. Ballot collection prohibited -- exceptions.** (1) Except as provided in subsection (2), a person may not knowingly collect a voter's voted or unvoted ballot.

(2) This section does not apply to:

(a) an election official;

(b) a United States postal service worker or other individual specifically authorized by law to transmit United States mail;

(c) a caregiver;

(d) a family member;

(e) a household member; or

(f) an acquaintance.

(3) An individual authorized to collect a voter's ballot pursuant to subsection (2)(c) through (2)(f) may not collect and convey more than six ballots.

**Section 4. Record of delivery.** An individual permitted to collect and convey a ballot under [section 3(2)(c) through (2)(f)] shall sign a registry when delivering the ballot to the polling place or the election administrator's office. In addition to the signature requirement, the individual collecting and conveying the ballot must provide the following information:

(1) the individual's name, address, and phone number;

(2) the voter's name and address; and

(3) the individual's relationship to the voter required to collect and convey a ballot pursuant to [section 3(2)(c) through (2)(f)].

**Section 5. Penalty.** A violation of a provision of [sections 1 through 5] is punishable by a fine of \$500 for each ballot unlawfully collected.



**Section 6. Codification instruction.** [Sections 1 through 5] are intended to be codified as an integral part of Title 13, chapter 35, and the provisions of Title 13, chapter 35, apply to [sections 1 through 5].

**Section 7. Effective date.** [This act] is effective upon approval by the electorate.

**Section 8. Submission to electorate.** [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2018 by printing on the ballot the full title of [this act] and the following:

YES on Legislative Referendum

NO on Legislative Referendum

## ARGUMENTS FOR LEGISLATIVE REFERENDUM LR-129

### Argument for Montana Ballot Interference Prevention Act LR 129

In the closing days of the 2016 General Election stories appeared in the press about voters' concerns about possible interference with their ballots. Calls were made to election offices and law enforcement that repeated a common story. According to the Missoula County election administrator, "They would give the ballot and then the person would ask for an exit interview about how they voted." That left folks worried, "Well, I didn't vote for that candidate. Are they going to cast my ballot on my behalf?" Connors said. LR 129, The Montana Ballot Interference Prevention Act, is intended to solve that problem.

At the time in 2016 a spokesman for the Montana Secretary of State's office recommended that voters not give their ballot to someone other than the election office, unless they are personally comfortable with the individual, candidate or group they are giving their ballot to. In other words, ballots should not be given to strangers. The provisions of LR 129 puts that policy into the law by forbidding the wholesale collection of ballots by persons without a relationship to the voter, while continuing to permit a voter to ask a family or household member, a caretaker, or an acquaintance to collect and convey the ballot to the election office. Of course, the most secure way to convey the ballot is to personally drop it off or use a secure box of the postal system.

A "YES" vote for LR-129 will make it illegal in Montana for strangers to come to your home and request that you hand them your absentee ballot. A "YES" vote for LR-129 will empower all Montanans, including the elderly, the disabled and the socially isolated, to turn away these strangers at their homes knowing that local authorities can come to their aid. A "YES" vote for LR-129 will reduce the possibility of interference with ballot delivery and fears that Montana's voting system is being tampered with. Please vote YES on LR-129, the Montana Ballot Interference Prevention Act.

# ARGUMENTS AGAINST LEGISLATIVE REFERENDUM LR-129

## OPPOSE LEGISLATIVE REFERENDUM 129

**LR-129 is an attempt by politicians to stop neighbors from helping neighbors participate in our democracy.** Montanans do not need government telling them who to trust with their ballot. We need to be trusted and afforded the privacy to make our own decisions about how we vote and who we trust to turn in our voted, signed, and sealed mail ballot.

Today, the vast majority of Montanans vote by mail. Voting by mail is convenient, gives us more time to review the candidates and issues, and helps people participate who may not be able to make it to the polls on Election Day. With busy lives, kids with baseball practice, long distances to the polls, or military deployments, we often turn to friends and neighbors to help us vote.

For many Montanans, having a trusted friend deliver their ballot is beyond convenient, it's necessary. Our neighbors with disabilities often depend on someone they trust to help get their ballot to the polls. Older Montanans who do not have access to transportation may need help to get their ballot counted. **LR-129 aims to create unnecessary bureaucratic barriers between vulnerable Montanans and their right to vote.**

Have you ever dropped off a ballot for a neighbor? Or asked a friend to turn in your ballot? For most Montanans the answer is yes. Busy people with busy lives and those with mobility challenges often depend on our friends and neighbors to help us get our vote counted and our voice heard.

**Legislative Referendum 129 is a classic example of red tape complicating things for no good reason and restricting our freedom.** If passed, this initiative would unfairly punish people who are just trying to be good citizens and helpful friends. Montanans don't need politicians telling them who to trust with their ballot. We need the privacy and the freedom to make our own decisions.

This initiative would create new burdens for our already struggling local governments. **LR-129 severely limits who can help you turn in your mail ballot.** County election officials would be required to determine if the person who turned in your ballot is one of the few people allowed under this new arbitrary law.

This completely unnecessary voting roadblock will pull our county election officials away from the important work of administering fair, secure, and transparent elections and serving voters at the polls.

Each Montana voter has the power to decide whether to trust someone to return their voted, signed, and sealed absentee ballot to an election office or secure drop-off site. Our state has never found any indication that collected ballots were not delivered to election offices as promised.

**Legislative Referendum 129 creates new, unnecessary bureaucracy for our hardworking county election officials and takes power out of the hands of voters.** This referendum is unneeded, unnecessary, and makes it harder for Montanans to vote. It's a solution in search of a problem.

**VOTE NO on LR-129**

## PROPONENTS' REBUTTAL OF ARGUMENT AGAINST LR-129

**Legislative Referendum 129 is carefully written to permit people that we know to carry our ballots to the election office.** The proposed law provides for those people to include a caregiver, a family member, a household member or an acquaintance. Please review the ballot language below.

The opponent's statement that this is an attempt to "stop neighbors from helping neighbors" is, in our opinion, blatantly false. **Neighbors can still help neighbors deliver their ballot. Only strangers are prevented from attempting to collect ballots.**

Likewise, the statement that "LR 129 severely limits who can help you turn in your mail ballot" is, in our opinion, blatantly false. **The proposed law only provides limitations on strangers collecting ballots.**

Finally, the opponents argue that LR 129 creates unnecessary bureaucracy for county election officials by requiring them to make a determination on the person turning in the ballot. In our opinion that is also blatantly false. A review of the ballot language below shows that the only duty for election officials will be to maintain a registration book at the point where ballots are turned in. No other duties are set forth in the proposal. No ballots will be turned away.

Montanans value our privacy and our personal independence. Montana voters should feel empowered to submit their ballot in a way that best works for them and **should never feel pressured to provide their ballot to someone they don't know or trust** or worry about their vote being stolen. **Vote YES on LR 129.**

**Approval Committee LR-129** Senator Albert Olszewski, Representative Jeff Essmann, Joe Lamm

**Rejection Committee LR-129** Senator Sue Malek, Senator Frank Smith, Representative Bryce Bennett

## OPPONENTS' REBUTTAL OF ARGUMENT FOR LR-129

**Montana has some of the most secure elections in the country.** That is because of trusted, hardworking county election administrators and the diligence of Montana voters.

No one is going to convince Montana voters to hand over our ballot to someone we don't trust. When we give our mail ballot to someone to deliver to the polls, it's a trusted friend, co-worker, or **community member**. **We want to be certain our vote is cast, and our voice is heard.**

**Unfortunately, LR-129 seeks to make it harder for many Montanans to have a say in who we elect.** Many Montanans with disabilities, senior citizens, and people working multiple jobs sometimes depend on help to get their ballot cast.

Many Montanans ask someone they trust to drop off their ballot at an election office or secure drop box a day or two before an election because it saves postage and ensures ballots are submitted on time. LR-129 makes this harder for voters and more expensive for counties.

**We know of no incidents of third parties failing to deliver ballots to election offices in Montana.** No election official has ever provided evidence showing a ballot given to another person has been tampered with.

Additionally, Montanans can track our ballots by accessing the Secretary of State's 'My Voter Page' online or by calling your county election office.

This is another case of politicians trying to solve a problem that does not exist and restricting our freedom. **Trust Montana Voters and VOTE NO on LR-129.**



## BALLOT LANGUAGE FOR INITIATIVE NO. 185 (I-185)

### A LAW PROPOSED BY INITIATIVE PETITION

I-185 raises taxes on all tobacco products, amends the definition to include e-cigarettes and vaping products, and dedicates funds. Taxes are increased by \$2.00 per pack of cigarettes for a total tax of \$3.70 per pack. Taxes on moist snuff increase to the greater of 83% of wholesale or \$3.70 per 1.2 ounces. The tax rate increases by 33% of the wholesale price for all other tobacco products including new taxes on e-cigarettes and vaping products. I-185 eliminates the sunset date for expanded Medicaid services for certain low-income adults, which otherwise ends June 30, 2019. I-185 dedicates a percentage of these increased tax revenues for: certain health-related programs, including some of the costs for Montana's current Medicaid program; veterans' services; smoking prevention and cessation programs; and long-term care services for seniors and people with disabilities.

New revenue from increases in tobacco taxes will generate \$74.3 million per year by 2023. Revenues may decline as fewer people use tobacco. The State must pay a percentage of the cost of the extended Medicaid services, which increases from 6.77% in 2019 to a cap of 10% by 2021.

YES ON INITIATIVE I-185

NO ON INITIATIVE I-185

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### THE COMPLETE TEXT OF INITIATIVE NO. 185 (I-185)

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:

**Section 1.** Section 16-10-306, MCA, is amended to read:

**"16-10-306. Cigarette and tobacco product labels -- federal requirements -- penalty.** (1) A person may not knowingly import into this state for sale or other distribution any package of cigarettes or tobacco product that violates any federal:

(a) tax, trademark, or copyright law; or

(b) requirement for the placement of labels, warnings, or other information, including health hazards, that must be on the container or individual package.

(2) A person may not sell or offer to sell a package of cigarettes or tobacco product or affix the tax insignia on a package of cigarettes, as provided in 16-11-113, knowing that:

(a) the package is marked as manufactured for use outside of the United States;

(b) any label or language has been altered from the manufacturer's original packaging and labeling to conceal the fact that the package was manufactured for use outside of the United States; or

(c) a stamp, label, or decal was affixed to conceal the fact that the package was manufactured for use outside of the United States.

(3) A package of cigarettes or tobacco product found in this state that is marked for use outside of the United States is contraband and may be seized without a warrant by the department, any agent of the department, or any peace officer. Any cigarettes or tobacco products seized as contraband must be destroyed by the department.

(4) (a) The department may proceed against a person who violates this section through a civil action under the civil enforcement provisions of Title 16, chapter 10, part 4.

(b) A violation of this section is criminally punishable by a fine in an amount not to exceed \$10,000.

(5) For the purposes of this section:

(a) "cigarette" has the meaning ~~defined~~ provided in 16-11-102; and

(b) "tobacco product" ~~means all products containing tobacco for human consumption or use except cigarettes~~ has the meaning provided in 16-11-102."

**Section 2.** Section 16-11-102, MCA, is amended to read:

**"16-11-102. Definitions.** (1) As used in this chapter, the following definitions apply, unless the context requires otherwise:

(a) "Contraband" means:

(i) any tobacco product possessed, sold, offered for sale, distributed, held, owned, acquired, transported, imported, or caused to be imported in violation of this part;

(ii) any cigarette or roll-your-own tobacco that is possessed, sold, offered for sale, distributed, held, owned, acquired, transported, imported, or caused to be imported in violation of part 4 or part 5;

(iii) any cigarettes that bear trademarks that are counterfeit under state or federal trademark laws;

(iv) any cigarettes bearing false or counterfeit insignia or tax stamps from any state; or

(v) any cigarettes or tobacco products that violate 16-10-306.

(b) "Department" means the department of revenue provided for in 2-15-1301.

(c) "Person" means an individual, firm, partnership, corporation, association, company, committee, other group or persons, or other business entity, however formed.

(2) As used in this part, the following definitions apply, unless the context requires otherwise:



- (a) "Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:
- (i) any roll of tobacco wrapped in paper or in any substance not containing tobacco;
  - (ii) tobacco, in any form, that is functional in the product and that, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to or purchased by consumers as a cigarette; or
  - (iii) any roll of tobacco wrapped in any substance containing tobacco that, because of its appearance or the type of tobacco used in the filler and regardless of its packaging and labeling, is likely to be offered to or purchased by consumers as a cigarette described in subsection (2)(a)(i).
- (b) "Controlling person" means a person who owns an equity interest of 10% or more of a business or the equivalent.
- (c) "Directory" means the tobacco product directory as provided in 16-11-504.
- (d) "Full face value of insignia" means the total amount of the tax levied under this part.
- (e) "Insignia" or "indicia" means the impression, mark, or stamp approved by the department under the provisions of this part.
- (f) "Licensed retailer" means any person, other than a wholesaler, subjobber, or tobacco product vendor, who is licensed under the provisions of this part.
- (g) "Licensed subjobber" means a subjobber licensed under the provisions of this part. The person must be treated as a wholesaler.
- (h) "Licensed wholesaler" means a wholesaler licensed under the provisions of this part.
- (i) "Manufacturer" means any person who fabricates tobacco products from raw materials for the purpose of resale.
- (j) "Manufacturer's original container" means the original master shipping case or original shipping case used by the tobacco product manufacturer to ship multipack units, such as boxes, cartons, and sleeves, to warehouse distribution points.
- (k) "Moist snuff" means any finely cut, ground, or powdered tobacco, other than dry snuff, that is intended to be placed in the oral cavity.
- (l) "Record" means an original document, a legible facsimile, or an electronically preserved copy.

(m) "Retailer" means a person, other than a wholesaler, who is engaged in the business of selling tobacco products to the ultimate consumer. The term includes a person who operates fewer than 10 tobacco product vending machines.

(n) "Roll-your-own tobacco" means any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to or purchased by consumers as tobacco for making cigarettes.

(o) "Sale" or "sell" means any transfer of tobacco products for consideration, exchange, barter, gift, offer for sale, or distribution in any manner or by any means.

(p) "Sole distributor" means a person who either causes a unique brand of tobacco products to be manufactured according to distinctive specifications and acts as the exclusive distributor of the tobacco products or is the exclusive distributor of a brand of tobacco products within the continental United States.

(q) "Subjobber" means a person who purchases from a licensed wholesaler cigarettes with the Montana cigarette tax insignia affixed and sells or offers to sell tobacco products to a licensed retailer or tobacco product vendor. An isolated sale or exchange of cigarettes between licensed retailers does not constitute those retailers as subjobbers.

(r) (i) "Tobacco product" means: ~~cigarettes and all other products containing tobacco that are~~

(A) a product containing, made, or derived from tobacco or that contains nicotine that is intended for human consumption or use is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; and

(B) any substance, regardless of whether or not it contains nicotine, consumed during the use of a device that can be used to deliver nicotine or another substance in any form, including aerosolized or vaporized, to the person inhaling from the device, including but not limited to an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

(ii) The term does not include:

(A) a drug, device, or combination product, as defined in the Federal Food, Drug, and Cosmetic Act, authorized by the United States food and drug administration for sale as a tobacco cessation product or for other therapeutic purposes when the product is marketed and sold solely for such an approved purpose; or

(B) filters, rolling papers, a pipe, or a device described in subsection (2)(r)(i)(B).

(s) (i) "Tobacco product vendor" means a person doing business in the state who purchases tobacco products through a wholesaler, subjobber, or retailer for 10 or more tobacco product vending machines that the person operates for a profit in premises or locations other than the person's own.

(ii) A tobacco product vendor must be treated as a wholesaler.

(t) "Wholesale price" means the established price for which a manufacturer sells a tobacco product to a wholesaler or any other person before any discount or reduction.

(u) "Wholesaler" means a person who:

(i) purchases tobacco products from a manufacturer for the purpose of selling tobacco products to subjobbers, tobacco product vendors, wholesalers, or retailers; or

(ii) purchases tobacco products from a sole distributor, another wholesaler, or any other person for the purpose of selling tobacco products to subjobbers, tobacco product vendors, wholesalers, or retailers."

**Section 3.** Section 16-11-111, MCA, is amended to read:

**"16-11-111. Cigarette, tobacco products, and moist snuff sales tax -- exemption for sale to tribal member.**

(1) (a) A tax on the purchase of cigarettes for consumption, use, or any purpose other than resale in the regular course of business is imposed and must be precollected by the wholesaler and paid to the state of Montana. The tax is ~~\$1.70~~ \$3.70 on each package containing 20 cigarettes.

Whenever packages contain other than 20 cigarettes, there is a tax on each cigarette equal to 1/20 the tax on a package containing 20 cigarettes.

(b) The tax computed under subsection (1)(a) applies to illegally packaged cigarettes under 16-11-307.

(2) The tax imposed in subsection (1) does not apply to quota cigarettes.

(3) Subject to the refund or credit provided in subsection (4), the tax must be precollected on all cigarettes entering a Montana Indian reservation.

(4) Pursuant to the procedure provided in subsection (5), a wholesaler making a sale of cigarettes to a retailer within the boundaries of a Montana Indian reservation may apply to the department for a refund or credit for taxes precollected on cigarettes sold by the retailer to a member of the federally recognized Indian tribe or tribes on whose reservation the sale is made. A wholesaler who does not file a claim within 1 year of the shipment date forfeits the refund or credit.

(5) The distribution of tax-free cigarettes to a tribal member must be implemented through a system of preapproved wholesaler shipments. A licensed Montana wholesaler shall contact the department for approval prior to the shipment of the untaxed cigarettes. The department may authorize sales based on

whether the quota, as established in a cooperative agreement between the department and an Indian tribe or as set out in this chapter, has been met. If authorized as a tax-exempt sale, the wholesaler, upon providing proof of order and delivery to a retailer within the boundaries of a Montana Indian reservation selling cigarettes to members of a federally recognized tribe or tribes of that reservation, must be given a refund or credit. Once the quota has been filled, the department shall immediately notify all affected wholesalers that further sales on that reservation must be taxed and that a claim for a refund or credit will not be honored for the remainder of the quota period. Quota allocations are not transferable between quota periods or between reservations.

(6) The total amount of refunds or credits allowed by the department to all wholesalers claiming the refund or credit under subsection (4) for any month may not exceed an amount that is equal to the tax due on the quota allocation. The department shall determine the amount of refunds or credits for each Indian reservation at the beginning of each fiscal year, using the most recent census data available from the bureau of Indian affairs or as provided in a cooperative agreement with the tribe or tribes of the Indian reservation.

(7) There must be collected and paid to the state of Montana a tax of ~~50%~~ 83% of the wholesale price, to the wholesaler, of all tobacco products other than cigarettes and moist snuff. The tax on moist snuff is ~~85 cents an ounce~~ the greater of 83% of the wholesale price or the tax on each pack of 20 cigarettes under subsection (1)(a) per 1.2 ounces of moist snuff. For a package of moist snuff less than 1.2 ounces based upon the net weight of the package listed by the manufacturer, the tax must be calculated as if the package weighs 1.2 ounces. For packages of moist snuff that are less than or greater than 1 ounce, the tax must be proportional to the size of the package. Tobacco products shipped from Montana and destined for retail sale and consumption outside the state are not subject to this tax.

(8) The tax imposed by subsection (7) must be precollected and paid by a wholesaler to the department upon sale to a Montana retailer. A wholesaler who fails to report or pay the tax required by this part must be assessed penalty and interest as provided in 15-1-216.

(9) A retailer who purchases tobacco products for resale on which the tobacco products tax has not been collected and paid to the department shall comply with all the provisions of this part and the rules adopted to implement this part as if it were a wholesaler.

(10) A retailer must assume that the tobacco products tax has not been collected and paid to the department in the absence of a statement on the retailer's invoice or sales slip for the tobacco products that states that the applicable Montana tobacco products tax is included in the total billing cost."

**Section 4.** Section 16-11-114, MCA, is amended to read:

**"16-11-114. Insignia discount.** (1) Each licensed wholesaler is entitled to purchase an insignia at full face value less the following percentage of the face value upon payment for the insignia as defrayment of the costs of affixing insignia and precollecting the tax on behalf of the state of Montana:

- (a) ~~0.90%~~ 0.478% for the first ~~2,580~~ 3,000 cartons or portion of ~~2,580~~ 3,000 cartons purchased in any calendar month;
- (b) ~~0.60%~~ 0.318% for the next ~~2,580~~ 3,000 cartons or portion of ~~2,580~~ 3,000 cartons purchased in any calendar month; and
- (c) ~~0.45%~~ 0.239% for purchases in excess of ~~5,160~~ 6,000 cartons in any calendar month.

(2) The taxes for tobacco products, other than cigarettes, that are paid by the wholesaler must be paid to the department in full less a 1.5% defrayment for the wholesaler's collection and administrative expenses and must, in accordance with the provisions of 17-2-124, be deposited by the department in the state general fund except as provided in 16-11-119. Refunds of the tax paid must be made as provided in 15-1-503 in cases in which the tobacco products purchased become unsalable."

**Section 5.** Section 16-11-119, MCA, is amended to read:

**"16-11-119. Disposition of taxes -- statutory appropriation.** (1) A sum equal to the amount necessary to purchase cigarette tax stamps must be deposited to or allocated from the state special revenue fund to the credit of the department from cigarette taxes collected under the provisions of 16-11-111, as provided in subsection (5) of this section.

(2) After the deposit or allocation in subsection (1), cigarette taxes collected under the provisions of 16-11-111 must, in accordance with the provisions of 17-2-124, be deposited first into the subaccounts in the amounts set forth in 53-6-1201(4) and then the remainder as follows:

- (a) 8.3% or \$2 million, whichever is greater, in the state special revenue fund to the credit of the department of public health and human services for the operation and maintenance of state veterans' nursing homes;
- (b) 2.6% in the long-range building program account provided for in 17-7-205;
- (c) 44% in the state special revenue fund to the credit of the health and medicaid initiatives account provided for in 53-6-1201; and
- (d) the remainder to the state general fund.

(3) If money in the state special revenue fund for the operation and maintenance of state veterans' nursing homes exceeds \$2 million at the end of the fiscal year, the excess must be transferred to the state general fund.

(4) The taxes collected under the provisions of 16-11-111(7) on tobacco products other than cigarettes must in accordance with the provisions of 17-2-124 be deposited first into the subaccounts in the amounts set forth in 53-6-1201(4) and then the remainder as follows:

(a) one-half in the state general fund; and

(b) one-half in the state special revenue fund account for health and medicaid initiatives provided for in 53-6-1201.

(5) Each fiscal year, a sum equal to the amount of money necessary to purchase cigarette tax stamps is statutorily appropriated, as provided in 17-7-502, from the state special revenue fund allocation in subsection (1) to the department for tax administration responsibilities."

**Section 6.** Section 53-6-1201, MCA, is amended to read:

**"53-6-1201. Special revenue fund -- health and medicaid initiatives.** (1) There is a health and medicaid initiatives account in the state special revenue fund established by 17-2-102. This account is to be administered by the department of public health and human services.

(2) There must be deposited in the account:

(a) money from cigarette taxes deposited under 16-11-119~~(2)(c)~~;

(b) money from taxes on tobacco products other than cigarettes deposited under 16-11-119~~(4)(b)~~; and

(c) any interest and income earned on the account.

(3) ~~This~~ Subject to subsection (4), this account may be used only to provide funding for:

(a) the state funds necessary to take full advantage of available federal matching funds in order to administer the plan and maximize enrollment of eligible children under the healthy Montana kids plan, provided for under Title 53, chapter 4, part 11, and to provide outreach to the eligible children;

(b) a new need-based prescription drug program established by the legislature for children, seniors, chronically ill, and disabled persons that does not supplant similar services provided under any existing program;

- (c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.
  - (d) an offset to loss of revenue to the general fund as a result of new tax credits; ~~and~~
  - (e) grants to schools for suicide prevention activities, for the biennium beginning July 1, 2017;
  - (f) tobacco use prevention or cessation programs administered by the department of public health and human services;
  - (g) home and community-based medicaid services waiver administered by the department of public health and human services under 53-6-402 in the form of increased access by more individuals;
  - (h) veterans' services, including suicide prevention; and
  - (i) costs associated with the Montana Health and Economic Livelihood Partnership (HELP) Act set forth in Title 53, chapter 6, part 13.
- (4) There are subaccounts in the health and medicaid initiatives account established by subsection (1).
- (a) Taxes collected under the provisions of 16-11-119 must first be deposited each fiscal year into subaccounts as follows:
    - (i) 6% of the amount in excess of fiscal year 2018 collections, but no more than \$3 million per fiscal year, into a subaccount to be used only for tobacco prevention provided for in subsection (3)(f);
    - (ii) 10% of the amount in excess of fiscal year 2018 collections, but no more than \$5 million per fiscal year, into a subaccount to be used only for home and community-based medicaid waiver services provided for in subsection (3)(g);
    - (iii) 4% of the amount in excess of fiscal year 2018 collections, but no more than \$2 million per fiscal year, into a subaccount to be used only for veterans' services, including suicide prevention, provided for in subsection (3)(h); and
    - (iv) 52% of the amount in excess of fiscal year 2018 collections, but no more than \$26 million per fiscal year, into a subaccount to be used only to provide state matching funds necessary for expanded medicaid eligibility provided for in subsection (3)(i). These funds are to be used prior to and thereby reduce funds provided for in 53-6-1304(2).
  - (b) No money may be moved or transferred out of a subaccount established under subsection (4)(a) unless the money is used for the purposes for which the subaccount was established.

(c) With the exception of subsection (4)(a)(iv), any funding appropriation made by the legislature from a subaccount established under subsection (4)(a) may be used only to increase services as provided by that subaccount and not to supplant the general fund or state special revenue for these purposes.

(d) The legislature, in providing the funding set forth in subsection (4)(a)(iv), is encouraged to investigate enhancements to the HELP Act, including but not limited to:

(i) items contained in the HELP Act oversight committee report pursuant to 53-6-1317, including cost-sharing mechanisms;

(ii) the workforce development program provided for in Title 39, chapter 12, part 1; and

(iii) any other enhancements the legislature deems necessary.

~~(4) (a) (5)~~ On or before July 1, the budget director shall calculate a balance required to sustain each program in subsection (3) for each fiscal year of the biennium. If the budget director certifies that the reserve balance will be sufficient, then the agencies may expend the revenue for the programs as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify each agency. Upon receipt of the notification, the agency shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

~~(b) Until the programs or credits described in subsections (3)(b) and (3)(d) are established, the funding must be used exclusively for the purposes described in subsections (3)(a) and (3)(c).~~

~~(5)(6)~~ The phrase "trended traditional level of appropriation", as used in subsection (3)(c), means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

~~(6)(7)~~ The department of public health and human services may adopt rules to implement this section."

NEW SECTION. Section 7. {standard} Repealer. Section 28, Chapter 368, Laws of 2015, is repealed.

NEW SECTION. Section 8. Transition. (1) On or before March 1, 2019, each cigarette wholesaler shall file a report with the department of revenue in a form prescribed by the department showing the number of stamped cigarettes and cigarette tax insignia on hand at 12:01 a.m. on January 1, 2019.

(2) Accompanying the report filed pursuant to subsection (1), each cigarette wholesaler shall demonstrate its adjustment to the payment of the new tax rate and pay the difference in tax between the former tax rate and the new tax rate on that portion of inventory of cigarettes and cigarette tax insignia subject to [this act] held by the cigarette wholesaler at 12:01 a.m. on January 1, 2019.



NEW SECTION. **Section 9. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 10. {standard} Effective dates.** (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 7] is effective June 1, 2019.

NEW SECTION. **Section 11. {standard} Applicability.** (1) Except as provided in subsections (2) and (3), [this act] applies after December 31, 2018.

(2) Section 16-11-111(1) applies to cigarettes sold by a wholesaler after December 31, 2018, that were not reported and subject to tax under 16-11-111.

(3) Section 16-11-111(7) applies to non-cigarette tobacco products sold by wholesalers after December 31, 2018.

## ARGUMENTS FOR INITIATIVE NO. 185 (I-185)

Tobacco kills. Smoking is the number one cause of preventable death. Each year, 1,600 Montanans die from smoking. Smoking causes cancer, heart disease, stroke, lung diseases, diabetes, emphysema, and chronic bronchitis.

Right now, we are all paying the price for Big Tobacco's deadly products. Whether or not you smoke, you are helping to pay the increased health care costs created by tobacco products. Treating tobacco-related diseases costs Medicaid over \$81 million each year. Today, Montana households are forced to pay an average of \$779 extra in taxes each year to help cover the cost of smoking.

**Vote Yes on I-185 to save taxpayer dollars and ask tobacco corporations and smokers to pay their fair share to fight cancer and other tobacco-related diseases. If you don't smoke, you won't pay.**

According to the American Cancer Society Cancer Action Network, increasing the state cigarette tax by \$2 per pack will:

- decrease youth smoking rates by 20.6 percent;
- prevent 8,000 Montana kids from becoming adult smokers; and
- help 9,300 adults quit smoking.

**Vote Yes on I-185 to reduce the deadly toll of tobacco on Montana families and communities.**

The money raised by I-185 will prevent the loss of existing Medicaid coverage for almost 100,000 Montanans, including thousands of veterans and their families. Medicaid helps working parents go to the doctor when they are sick and helps protect Montana families from going bankrupt. It's also a lifeline for rural hospitals. When rural hospitals stay open, it helps everyone in the community access the care they need.

Some of the funding will also go directly to veterans' nursing home care and other unmet needs like suicide prevention for veterans.

**Vote Yes on I-185 to ensure continued and improved access to health care for Montana families and veterans across Montana.**

Big tobacco corporations' prey on Montana kids, teens, and smokers, while raking in hundreds of billions of dollars in profits. Those same corporations spend billions advertising to a new generation of smokers and influencing our state policies and elections. Maybe that's why the cigarette tax hasn't been raised in Montana since 2005, even though there is broad, bi-partisan support for it.

**Vote yes on I-185 to join the American Cancer Society Cancer Action Network, American Heart Association, American Lung Association, AARP Montana, nurses, doctors, rural hospitals, veterans, and thousands of your neighbors who are tired of paying the price for Big Tobacco's costly and deadly products.**

## **ARGUMENTS AGAINST INITIATIVE NO. 185 (I-185)**

I-185 permanently locks into law a massive entitlement program but fails to allocate enough money to pay for it, putting ALL MONTANA taxpayers on the hook for millions every year.

I-185 bypasses the legislature to make Medicaid Expansion permanent, avoiding much needed evaluation and cost controls and deceptively distributing more than half of the \$74 million in new tax revenue to the state's General Fund and non-Medicaid programs.

I-185 increases taxes on tobacco products while creating a new tax on vaping products, which are not tobacco and are designed to help people stop using tobacco products.

### **HERE ARE THE FACTS:**

#### **MEDICAID EXPANSION IS A NEW GOVERNMENT ENTITLEMENT PROGRAM**

I-185 affects Medicaid Expansion that Montana's legislature passed in 2015. Today 75% of Medicaid Expansion enrollees are non-disabled adults and 55% do not have children. I-185 does not impact Medicare, the healthcare program for the nation's seniors. Nor does it impact the standard Medicaid program that provides health benefits primarily for the disabled, or the Children's Health Insurance Program (CHIP).

#### **I-185 MAKES MEDICAID EXPANSION PERMANENT WITHOUT FULLY FUNDING IT**

I-185 creates more than \$60 million per year in new spending obligations for Medicaid Expansion, but dedicates no more than \$26 million to pay for it. That means all Montana taxpayers—not just smokers—will have to make up the \$34 million annual deficit created by this unfunded mandate with higher taxes and cuts in services. Instead of fully funding Medicaid Expansion, I-185 sends more than half of the new tax revenue to non-Medicaid programs and to the state's general fund to be spent however politicians choose.

#### **I-185 CREATES A PERMANENT APPROPRIATION THAT MAY BE UNCONSTITUTIONAL**

I-185 may violate Montana's Constitution by creating an appropriation outside the legislature. Worse, the agency in charge, the Montana Department of Public Health and Human Services has been criticized for misusing taxpayer dollars and has been the subject of several negative audits. The permanent appropriation will force taxpayers to pay whatever is needed to fund Medicaid Expansion. Not even the Legislature will be able to control spending.

#### **I-185 AVOIDS NEEDED TRANSPARENCY AND ACCOUNTABILITY**

By locking Medicaid Expansion into law without planned legislative oversight, the sponsors not only avoid scheduled evaluations and cost controls, they eliminate them moving forward. I-185 fails to

include protections against waste, fraud and abuse and does nothing to fix the failing work program that was designed to help Medicaid Expansion enrollees find jobs and move off public assistance. I-185 does nothing to exclude individuals with significant assets from qualifying for services intended for the very needy.

### **VOTE NO ON I-185**

I-185 authorizes permanent spending of more than \$60 million per year that will harm Montana taxpayers for decades, forcing higher taxes on all Montanans or cuts in vital services like education, public safety and critical infrastructure. With healthcare costs spiraling out of control, taxpayers will be forced to pay whatever is needed with no way to rein in future spending.

## PROPONENTS' REBUTTAL OF ARGUMENT AGAINST I-185

The real harm to Montana taxpayers is the cost created by tobacco corporations and their deadly products.

**Right now, tobacco-related diseases cost Medicaid over \$81 million each year. Without I-185, all Montana taxpayers will continue to pay that tab.**

Vote YES on I-185 to ask that tobacco corporations and smokers pay their fair share. If you don't use tobacco, you won't pay.

I-185 will generate \$72 million in new revenue, including money to keep almost 100,000 Montanans from having their Medicaid coverage taken away. The opponents argue that this is a new Medicaid program, but that simply isn't true.

**The truth is that thousands of veterans, low-income parents, and low-wage workers are already covered by Medicaid. Without I-185, they are scheduled to lose that coverage in 2019.**

Nothing in I-185 keeps politicians in Helena from doing their jobs, but bad budgeting has already resulted in hundreds of millions in cuts to Medicaid, mental health services, and K-12 education. And just last year, the legislature rejected a tobacco tax increase even though it was supported by 77% of Montana voters. It's time for voters to have their say.

**Vote YES on I-185 to join veterans, nurses, the American Cancer Society Cancer Action Network, American Heart Association, American Lung Association, and AARP Montana, all of whom are tired of paying the price for Big Tobacco's deadly products.**

## OPPONENTS' REBUTTAL OF ARGUMENTS FOR I-185

### **DON'T BE MISLED BY THE SPECIAL INTERESTS BACKING I-185**

The hospital corporations behind I-185 are pushing it because they will directly benefit. The president of one of Montana's largest hospital chains made over \$7 million in 2016. More than a dozen other hospital executives made over \$1 million. The hospitals could make even more if I-185 passes.

### **I-185 DOES NOTHING TO BRING DOWN MEDICAID EXPANSION COSTS IN MONTANA**

Legislators planned to evaluate Medicaid Expansion in 2019 to measure its effectiveness and control costs and spending. That won't happen if I-185 passes. Worse, I-185 will make the program permanent but doesn't contain any requirements for special oversight, cost controls, accountability or transparency.

### **I-185 DOES NOT PAY THE FULL COST OF MEDICAID EXPANSION**

I-185 doesn't allocate enough money to pay for the full cost of Medicaid Expansion, leaving **ALL taxpayers** on the hook to find millions more to cover the costs.

### **I-185 IS DECEPTIVE**

I-185 raises taxes, but sends more than half of that money to the state general fund and existing programs, not to Medicaid Expansion.

It dedicates only 4% to anti-smoking programs. If we are going to force adult smokers and tobacco consumers to pay another \$74 million in new taxes, then more of the money should go toward helping them quit or keeping kids from starting. And while backers claim I-185 will help veterans, veterans' service support is capped at just 4%. Montana's veterans should not be used as political props to sell a flawed ballot measure.

### **VOTE NO ON 1-185**

**Approval Committee I-185** *Cherie Taylor, CEO, Northern Rockies Medical Center -Cut Bank, Dr. Robert Merchant National Board of the American Lung Association and Pulmonologist - Billings, Retired Marine Lt. Colonel Durward "Butch" Waddill, combat Veteran and Recipient of the Silver Star, two Bronze Stars with combat "V" and the Purple Heart*

**Rejection Committee I-185** *Senator Cary Smith, Representative Nancy Balance, Charles Denowh, Deanna Marshall, Brent Mead*

# BALLOT LANGUAGE FOR INITIATIVE NO. 186 (I-186)

## A LAW PROPOSED BY INITIATIVE PETITION

I-186 requires the Department of Environmental Quality to deny a permit for any new hardrock mines in Montana unless the reclamation plan provides clear and convincing evidence that the mine will not require perpetual treatment of water polluted by acid mine drainage or other contaminants. The terms “perpetual treatment,” “perpetual leaching,” and “contaminants” within I-186 are not fully defined and would require further definition from the Montana Legislature or through Department of Environmental Quality rulemaking.

I-186 will cost \$115,360 in its first fiscal year, increasing to \$118,767 by fiscal year 2021. These costs are associated with more staff for environmental review for mining permit applications and anticipated litigation.

YES ON INITIATIVE I-186

NO ON INITIATIVE I-186

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### THE COMPLETE TEXT OF INITIATIVE NO. 186 (I-186)

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:

**Section 1.** Section 82-4-336, MCA, is amended to read:

**“82-4-336. Reclamation plan and specific reclamation requirements.** (1) Taking into account the site-specific conditions and circumstances, including the postmining use of the mine site, disturbed lands must be reclaimed consistent with the requirements and standards set forth in this section.

(2) The reclamation plan must provide that reclamation activities, particularly those relating to control of erosion, to the extent feasible, must be conducted simultaneously with the operation and in any case must be initiated promptly after completion or abandonment of the operation on those portions of the complex that will not be subject to further disturbance.

(3) In the absence of an order by the department providing a longer period, the plan must provide that reclamation activities must be completed not more than 2 years after completion or abandonment of the operation on that portion of the complex.

(4) In the absence of emergency or suddenly threatened or existing catastrophe, an operator may not depart from an approved plan without previously obtaining from the department written approval for the proposed change.

(5) Provision must be made to avoid accumulation of stagnant water in the development area to the extent that it serves as a host or breeding ground for mosquitoes or other disease-bearing or noxious insect life.

- (6) All final grading must be made with nonnoxious, nonflammable, noncombustible solids unless approval has been granted by the department for a supervised sanitary fill.
- (7) When mining has left an open pit exceeding 2 acres of surface area and the composition of the floor or walls of the pit are likely to cause formation of acid, toxic, or otherwise pollutive solutions ("objectionable effluents") on exposure to moisture, the reclamation plan must include provisions that adequately provide for:
- (a) insulation of all faces from moisture or water contact by covering the faces with material or fill not susceptible itself to generation of objectionable effluents in order to mitigate the generation of objectionable effluents;
  - (b) processing of any objectionable effluents in the pit before they are allowed to flow or be pumped out of the pit to reduce toxic or other objectionable ratios to a level considered safe to humans and the environment by the department;
  - (c) drainage of any objectionable effluents to settling or treatment basins when the objectionable effluents must be reduced to levels considered safe by the department before release from the settling basin; or
  - (d) absorption or evaporation of objectionable effluents in the open pit itself; and
  - (e) prevention of entrance into the open pit by persons or livestock lawfully upon adjacent lands by fencing, warning signs, and other devices that may reasonably be required by the department.
- (8) Provisions for vegetative cover must be required in the reclamation plan if appropriate to the future use of the land as specified in the reclamation plan. The reestablished vegetative cover must meet county standards for noxious weed control.
- (9) (a) With regard to disturbed land other than open pits and rock faces, the reclamation plan must provide for the reclamation of all disturbed land to comparable utility and stability as that of adjacent areas. This standard may not be applied to require the removal of mine-related facilities that are valuable for postmining use. If the reclamation plan provides that mine-related facilities will not be removed or that the disturbed land associated with the facilities will not be reclaimed by the permittee, the following apply:
- (i) The postmining use of the mine-related facilities must be approved by the department.
  - (ii) In the absence of a legitimate postmining use of mine-related facilities upon completion of other approved mine reclamation activities, the permittee shall comply with the reclamation requirements of this part and the reclamation plan within the time limits established in subsection (3) for mine-related facilities that had previously been identified as valuable for postmining use.
- (b) With regard to open pits and rock faces, the reclamation plan must provide sufficient measures for reclamation to a condition:



- (i) of stability structurally competent to withstand geologic and climatic conditions without significant failure that would be a threat to public safety and the environment;
  - (ii) that affords some utility to humans or the environment;
  - (iii) that mitigates postreclamation visual contrasts between reclamation lands and adjacent lands; and
  - (iv) that mitigates or prevents undesirable offsite environmental impacts.
- (c) The use of backfilling as a reclamation measure is neither required nor prohibited in all cases. A department decision to require any backfill measure must be based on whether and to what extent the backfilling is appropriate under the site-specific circumstances and conditions in order to achieve the standards described in subsection (9)(b).
- (10) The reclamation plan must provide sufficient measures to ensure public safety and to prevent the pollution of air or water and the degradation of adjacent lands.
- (11) A reclamation plan must be approved by the department if it adequately provides for the accomplishment of the requirements and standards set forth in this section.
- (12) The reclamation plan must provide for permanent landscaping and contouring to minimize the amount of precipitation that infiltrates into disturbed areas that are to be graded, covered, or vegetated, including but not limited to tailings impoundments and waste rock dumps. The plan must also provide measures to prevent objectionable postmining ground water discharges.
- (13)(a) The reclamation plan must contain measures sufficient to prevent the pollution of water without the need for perpetual treatment.
- (b) For purposes of this subsection (13), the term "perpetual treatment" includes activities necessary to treat acid mine drainage or perpetual leaching of contaminants, including arsenic, mercury and lead.
- (c) This subsection (13) applies except in the case of a proposed amendment to an operating permit or reclamation plan pursuant to which a mine has been permitted on or before November 6, 2018.
- ~~(13)~~ (14) The reclamation plan must include, if applicable, the requirements for postclosure monitoring of a tailings storage facility agreed to by a panel pursuant to 82-4-377."

**Section 2.** Section 82-4-351, MCA, is amended to read:

**"82-4-351. Reasons for denial of permit.** (1) An application for a permit or an application for an amendment to a permit may be denied for the following reasons:

- (a) the plan of operation or reclamation conflicts with Title 75, chapter 2, as amended, Title 75, chapter 5, as amended, Title 75, chapter 6, as amended, or rules adopted pursuant to these laws;
- (b) the reclamation plan does not provide an acceptable method for accomplishment of reclamation as required by this part.

(2) ~~(A)~~ Except as stated in subsection 3, a denial of a permit must be in writing, state the reasons for denial, and be based on a preponderance of the evidence.

(3) The department shall deny an application for a permit or an application for an amendment to a permit unless the department finds, in writing and based on clear and convincing evidence, that the reclamation plan meets the requirements of 82-4-336(13). This subsection (3) applies except in the case of a proposed amendment to an operating permit or reclamation plan pursuant to which a mine has been permitted on or before November 6, 2018."

NEW SECTION. Section 3. {standard} Effective dates. [This Act] is effective upon approval by the electorate.

NEW SECTION. Section 4. {standard} Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 5. {standard} Applicability. [This act] applies after November 6, 2018

## ARGUMENTS FOR INITIATIVE NO. 186 (I-186)

**Vote YES for I-186.** This initiative protects Montana's rivers and streams and holds hard-rock mining companies accountable for cleaning up toxic water pollution from **new mines**.

I-186 will prevent irresponsible mining companies, many of which are owned by foreign corporations, from permanently polluting our rivers and streams with arsenic, mercury, lead and acid mine drainage, while leaving Montana taxpayers to pay millions in cleanup costs.

I-186 requires companies to provide **clear and convincing** evidence that any new hard-rock mine will not require perpetual treatment of water. I-186 doesn't apply to any existing mines in Montana – only new ones.

**I-186 will keep Montana's water clean, protect public health, private property rights, fish and wildlife, and our growing outdoor recreation economy.**

This is why more than 40,000 Montanans signed the petition to place it on the election ballot. It's also why I-186 is supported by parents, health professionals, outfitters, anglers, and business owners across the state.

**Mining is part of Montana's heritage and it can be done right.** Mines like Troy and Stillwater create good jobs and won't leave a legacy of polluted water. I-186 ensures that we'll see more mines like this and not bad ones, such as the three heavily polluted mines abandoned by Pegasus Gold Corp., which went bankrupt and left Montanans to pay more than \$100 million for cleanup.

The Bozeman Chronicle wrote about I-186:

***"It only makes sense that no mining project should be permitted by the state if it is going to saddle taxpayers with future cleanup costs. And there is ample reason to fear that could happen. One need only look at history for evidence. Montana is peppered with abandoned mines the state is either monitoring for pollution or actively cleaning up at a cost of hundreds of millions of dollars in taxpayer money."***

Cleanup at the Zortman-Landusky mine alone cost \$27.5 million. The perpetual treatment of polluted water from the mine costs \$1-2 million each year and will go on for generations.

Selenium pollution at the Beal Mountain Mine threatens a popular cutthroat trout stream. Roughly \$13.7 million in public funds has been spent for cleanup and ongoing water treatment. Another \$39 million is needed for a full cleanup. At the Mike Horse Mine, 26 million gallons of acid mine drainage must be captured and treated every year.

Toxic run-off from mining contaminated Helena's well water, soil and roadways, and threatened the city's water supply. The clean-up cost taxpayers millions and the treatment will never end.

Mining waste also threatens wells on private property and water used by farmers and ranchers for irrigation.

***Altogether, nearly 2,500 miles of streams in Montana are contaminated with toxic mining waste.***

**I-186 will ensure that we won't repeat these mistakes Montana families depend on clean, healthy water. So, do Montana's farms, ranches and breweries.**

**I-186 will protect public health and our children's future. Protect Montana taxpayers and our clean water, hold foreign mining companies accountable.**

**Vote YES for I-186.**

## ARGUMENTS AGAINST INITIATIVE NO. 186 (I-186)

A 'NO' vote on I-186 will protect Montana's mining jobs and keep our current permitting requirements in place.

Montana's existing mine permitting process is very extensive. In fact, Montana's mining permit requirements are among the most stringent in the world. Over 35 new state and federal laws have been enacted over the past three decades that ensure mining operations are operated responsibly. I-186 completely ignores Montana's already rigorous permitting system and is aimed at preventing future mining in Montana.

I-186 has numerous legal problems. A Montana Legislative Services' review of I-186 determined that the initiative language contains several ambiguous sections, undefined or ill-defined terms, and conflicting legal standards. These poorly defined terms will require litigation to determine the meaning of the new law and encourage unnecessary lawsuits intended to prevent mines from obtaining permits—even if they meet all of the strict, existing environmental standards in Montana. I-186 sets a standard that will not be attainable and will result in more litigation and less mining.

With existing law, Montana has successfully struck a great balance between mining and protecting the natural beauty we all treasure. I-186 upsets that balance.

The mining industry has created thousands of high-paying jobs over generations, keeping families in Montana. I-186 will create uncertainty in our mining industry, discouraging investors from expanding existing mines and proposing new mines, which will cause the loss of thousands of new and existing mining jobs. I-186 will also cause significant job losses in the community businesses that support mining.

I-186 will dramatically reduce the revenues mining brings to our State. Mining delivers, on average, \$42 million in state and local tax revenue per year. These funds improve our schools, repair our roads, pay our teachers, and provide first responders the tools they need to keep us safe. Mining projects currently seeking permits—that will be unattainable under I-186—would add hundreds of millions in local tax revenue and salaries for Montanans over the life of the mines.

Montana's mineral resources play a critical role in today's high-tech world. These resources are essential to manufacturing the devices we rely on every day for communications, renewable energies such as wind and solar power, research, and national security. I-186 would prevent these critical mineral resources from being developed.

With strict water quality protections already in place, a move to prevent new mines makes no sense for Montana.

Vote 'NO' on I-186 to keep Montana's existing permitting process in place and protect the future of our state.

## PROPONENTS' REBUTTAL OF ARGUMENT AGAINST I-186

**“When you’re done clean up your mess – something I learned in Kindergarten,”** said Great Falls Mayor Bob Kelly, describing the purpose of I-186.

**Voting YES for I-186 will hold mining companies accountable for keeping Montana’s water clean – simple as that.**

**No longer will irresponsible, foreign mining companies be able to come to Montana, pollute our water, and leave Montana with multi-million-dollar cleanup bills.** Opponents are distorting facts to scare mine workers and mislead Montana voters. The figure they use for tax revenue generated by mining includes all type of mining. **Let’s be clear: I-186 applies only to new hard-rock mines.** Other types of mines aren’t affected, nor are current hard-rock mines and expansions.

Montana currently has no way to deny a permit for a mine that will leave behind perpetual pollution from acid mine drainage, arsenic, lead and mercury. I-186 will fix that. Maine, Michigan and New Mexico enacted similar laws that have resulted in new, more responsible mining operations. **Voting YES on I-186 will make sure new mines are done right.**

**I-186 will also protect Montana’s thriving outdoor recreation economy,** which depends on clean rivers and streams and accounts for more than **71,000 jobs, \$7 billion** annually in consumer spending and **\$286 million** in annual state and local tax revenues. I-186 is pro-Montana.

Our families, towns, businesses, farms and ranches **count on clean water for drinking, irrigating and recreating.**

**Vote YES to protect our clean water, public health, livelihoods and Montana’s culture of trust and accountability.**

## OPPONENTS' REBUTTAL OF ARGUMENT FOR I-186

I-186 is unnecessary. Today, Montana law protects our water resources, ensures mines are operated responsibly, and protects taxpayers from ever having to pay for mine reclamation.

Proponents of I-186 use inaccurate examples of past mining problems that have already been addressed by new state and federal laws. This is why Montana's Department of Environmental Quality has recently stated that our state has "no known gaps" in our environmental protections. I-186 will not improve Montana's water quality and it puts in place unattainable and unnecessary standards that will prevent future mining in Montana.

Montana's current laws protect Montana taxpayers by requiring mines to set aside funds to specifically address land reclamation and water protection. Today, Montana law ensures taxpayers are protected and that mine reclamation costs are borne by mining companies.

The mining industry in Montana is responsible for over 14,000 high-paying jobs and generates nearly \$42 million in annual tax revenue used by state and local governments to improve the lives of Montanans. I-186 would decrease future funding for law enforcement, first responders, schools, road maintenance, parks, healthcare, and other critical services for Montanans.

I-186 will end future mining in Montana and the tax revenue it would generate, which is particularly devastating for our rural communities.

I-186 will INCREASE the burden on taxpayers by preventing future mines from being permitted.

**VOTE NO on I-186** to protect Montana mining and jobs.

**Approval Committee I-186** David Brooks, Executive Director Montana Trout Unlimited, Jim Klug, Director of Operations - Yellow Dog Flyfishing Adventures, Diane Bristol, Sr. Director - Simms Fishing Products

**Rejection Committee I-186** Senator Chas Vincent, Kristen Juras, Alan Joscelyn, Alan Ekblad, Courtney Young

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**November 6, 2018**

Election Day - most Polls open  
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