



Dear Governor Bullock & Secretary Stapleton: March 31, 2020

We agree with emergency declarations of health and other public officials. However, compliance with social distancing requests makes it much more difficult to obtain the signatures from voters needed by June 19, 2020, to place our initiative (I-187) on the fall 2020 ballot.

Consequently, we have enhanced our proposed March 25 actions to provide a non-notarized voter-registration submission and absentee ballot-filing approach to facilitating the Constitutional right to petition government.

Additions to previous suggestions include reference to § 1-6-105, MCA, allowing unsworn declarations to replace previously notarized affidavits and adoption of reimbursement language in your previous voting order, and a request for an extension of time to gather signatures. We also eliminated whereas clauses to match the format of your more recent orders.

Accordingly, pursuant to § 1-6-105, MCA; § 2-4-315, MCA; § 2-4-303, MCA; § 10-3-104(3) (MCA), and Administrative Rules of Montana (ARM) § 1.3.308 we respectfully request you to promulgate the attached emergency orders and rules.

Cordially,

Rev. Susan K. DeBree on behalf of the MTCARES, LLC Board,

Rep. Mary Ann Dunwell, on behalf of other I-187 signature gatherers.

Russell L. Doty, Pro Bono Counsel to MTCARES, Montana Law License # 2472

Tom Towe, legal advisor

Information required by ARM § 1.3.308(1)(a)(i):

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Addresses of other interested persons are too numerous to list. They include:

- 1) Montana county election officials,
- 2) all utilities under the jurisdiction of the Montana Public Service Commission,
- 3) the Montana Consumer Council,
- 4) Montana Rural Electric Cooperatives, and
- 5) various consumer, environmental, business and industry groups, other initiatives in process, and news media.

In lieu of serving all the above interested persons, please give notice pursuant to ARM § 38.2.1801, to all of the above interested parties as members of the public and rule that it is otherwise sufficient notice that the documents in this proceeding be posted on an appropriate state website and that documents submitted by petitioners also be posted at [www.mtcare.org](http://www.mtcare.org).

STATE OF MONTANA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER No. ?-2020

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EXECUTIVE ORDER FURTHER IMPLEMENTING EXECUTIVE ORDER No. 2-2020 IN THE CURRENT MONTANA STATE OF EMERGENCY DUE TO COVID-19 BY SUSPENDING § 13-27-302, MCA, AND ISSUING EMERGENCY RULES MEANT TO MINIMIZE, DURING THIS CRISIS, FACE-TO-FACE CONTACT DURING THE PROCESS OF EXERCISING THE CONSTITUTIONAL RIGHT TO PETITION GOVERNMENT.

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**Emergency & rulemaking authority.** In the case of a declared emergency, the governor may suspend regulatory statutes or rules of any state agency pursuant to § 10-3-104(2), MCA, and may issue, amend and rescind regulations pursuant to § 10-3-104(3), MCA.<sup>i</sup> An agency may adopt an emergency rule effective for 120 days pursuant to MCA § 2-4-303, MCA.<sup>ii</sup> And an interested person or legislator (on behalf of an interested person when the legislature is not in session) may request adoption of a rule pursuant to § 2-4-315, MCA.<sup>iii</sup>

**Legal rights & responsibilities.** The US Constitution, Amendment I provides:

Congress shall make no law ...abridging ... the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The Montana Constitution, Article. II says:

Section 1. POPULAR SOVEREIGNTY. All political power is vested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

Section 2. SELF-GOVERNMENT. The people have the exclusive right of governing themselves as a free, sovereign, and independent state.

Section 3. INALIENABLE RIGHTS. All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities. ...

Section 6. FREEDOM OF ASSEMBLY. The people shall have the right peaceably to assemble, petition for redress or peaceably protest governmental action. ...

Section 8. The public has a right of participation in their government. ...  
[and]

Section 13. RIGHT OF SUFFRAGE. All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage;

The Montana Constitution, Article. III, Section 4 says:

Section 4. INITIATIVE. (1) The people may enact laws by initiative on all matters except appropriations of money and local or special laws.

(2) Initiative petitions must contain the full text of the proposed measure, shall be signed by at least five percent of the qualified electors in each of at least one-third of the legislative representative districts and the total number of signers must be at least five percent of the total qualified electors of the state. Petitions shall be filed with the secretary of state at least three months prior to the election at which the measure will be voted upon;

§ 13-27-210, MCA, provides:

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

**Description of how this emergency affects legal rights.** People are not allowed to assemble in large groups because of various COVID-19 emergency declarations. Thus, it becomes more difficult:

A. for people to exercise their US First Amendment Constitutional right to assemble and gain signatures to petition government by initiative during those assemblies;

B. for people to exercise their Montana Constitution:

- i. Article III, Section 4 right to “enact laws by initiative;
- ii. Article II, Section 6 right to petition for redress governmental action;

C. for people to obtain their Montana Constitution Article II, Section 3 right to a “clean and healthful environment”; and

D. for persons to enforce compliance with social distancing requests by preventing an individual from “attempting to obtain signatures on a petition for a ballot issue” without simultaneously infringing on constitutional rights and statutory restrictions;

**No rational basis or compelling state interest exists to support initiative signature gathering notarization requirements.** Pursuant to the federal and state emergency declarations citizens are being urged to practice social distancing. That makes face-to-face gathering of

signatures on an initiative petition and obtaining multiple face-to-face notarizations or expensive electronic notarizations now required by § 13-27-302, MCA, for signatures from each county difficult if not impossible.

To replace a sworn notarized statement, § 1-6-105, MCA, permits an unsworn written declaration subscribed with the date and place of signature by a Montanan declaring "... under penalty of perjury that the foregoing is true and correct."iv On March 27, 2020, (¶ 15)v the Chief Justice of Montana's Supreme Court ordered all courts to apply the provisions of §1-6-105, MCA, that provide for the use of declarations rather than requiring notarized affidavits.

The federal False Claims Act (18 USC § 1001 et seq.) generally prohibits knowingly and willfully making false or fraudulent statements, or concealing information, in "any matter within the jurisdiction" of the federal government of the United States;<sup>[1]</sup> The federal False Claims Act is used in many contexts, for example to reach cover-up crimes such as perjury, false declarations, and obstruction of justice and government fraud cases, and<sup>[10]</sup> in 1934, the requirement of an intent to defraud was eliminated. The Montana False Claims Act (§ 17-8-401, MCA, et seq.) is modeled after the federal False Claims Act and allows individuals with information related to fraud, waste, and abuse being perpetrated on the Montana government to file a lawsuit on behalf of the government. Thus, notarization is not needed to prosecute or deter fraud because of § 1-6-105, MCA, and the federal and state false claims acts as indicated by the fact that:

1. electors can register to vote based on their dated signature on a voter registration card mailed to the county where they live without that registration card being notarized;<sup>vi</sup>
2. pursuant to § 13-27-304, MCA, county officials are not required to submit a notarized affidavit when forwarding verified sheets containing the signatures of electors on a ballot initiative to the secretary of state but can submit an unnotarized form;<sup>vii</sup>
3. pursuant to § 13-13-241, MCA, persons voting absentee are not required to submit a notarized absentee ballot when providing their signature to county with the signed signature envelope containing their ballot secrecy envelope; and

4. pursuant to § 13-10-501, MCA, *et. seq.*, independent candidates not participating in a primary are not required to submit a notarized affidavit when forwarding the signatures of electors to a county.

A 2019 Montana law (§ 1-5-602(8), MCA) allows for electronic notarization of documents but no electronic notary currently exists in Montana. Notaries existing outside of Montana charge \$25 per electronic notarization. § 13-27-201(2), MCA, imposes a limit of no more than 25 sheets (containing in some cases approximately 250 signatures) that can be notarized at a time. Sometimes petition sheet with only one or two signatures must be notarized and sent to one of 56 Montana counties. These electronic notarization and sheet limitation requirements create an outrageously expensive obstruction like a *de facto* “poll tax” levied for signature gatherers and citizens to exercise their constitutional right to enable persons to petition their government;

In summary, it is incongruent to require signature gatherers to present a notarized form when submitting signatures to the county, when county officials, independent candidates petitioning to run in an election, electors voting absentee, or electors registering to vote are not required to present a notarized form when submitting signatures to the county or state. The fact that notarization is not currently needed to protect against fraud is further evidenced by the fact that federal courts have adopted a statute that allows any person to avoid the cumbersome and expensive requirement of a notary by signing a simple statement that his or her statement is true and given under the penalties of perjury--this system works well and is much more convenient for persons wishing to give an unsworn statement.

Finally, the Constitution does not require notarization of a signature gatherer’s work. So, pursuant to § 10-3-104(2), MCA, and to provide equal protection of the law pursuant to the 14<sup>th</sup> amendment of the US Constitution and Article II, Section 4 of the Montana Constitution, the governor may suspend § 13-27-302, MCA, a regulatory statute, thereby eliminating the requirement that signatures on a ballot initiative be submitted with a notarization during this health emergency when face-to-face signature gathering and notarization are not advisable.<sup>viii</sup> And the Governor or Secretary of State or both may authorize use of § 1-6-105, MCA, to replace the notarization requirement.

**No rational basis, compelling state interest or statutory basis exists to support requiring all signatures of electors from a county to be on a separate initiative petition**

**processed by that county.** § 13-27-302, MCA, is being interpreted to mean that a person signing in one county away from where they vote must have their signature submitted with an accompanying notarized affidavit to their county by a signature gatherer in order for their signature to be counted. Signatures are now processed pursuant to § 13-27-301, MCA.<sup>ix</sup> Presently the wording “original signatures must be submitted to the official responsible for registration of electors in the county in which the signatures were obtained” is interpreted by election administrators to mean that the original signatures must be submitted to the official responsible for registration of electors in the county in which the elector is registered. That interpretation is contrary to the wording of the statute resulting in several hundred signatures per ballot initiative being rejected because occasionally signatures from multiple counties are on one petition sheet.

The unified state electronic elector registration system now operating makes it possible for an election worker in any county to see the voter registration record of anyone in Montana and note in that system whether that elector has signed an initiative. If a person mistakenly signs on the wrong county sheet for gathering petition signatures, rather than disqualifying the signature, that signature can be entered into the computer and counted. The signature then will show up in the state’s computer as a signature in the county where the voter is registered.

Allowing an election worker in any county to enter a signature of an elector from another county also eliminates the boundary confusion arising about where to file a petition when a legislative district covers more than one county, as for example in the district north and east of White Sulphur Springs.

Whatever compelling state interest or rational basis that existed for the requirement (that an election worker from a county where an elector is registered is the only one who can enter the signature for the person from that county) became obsolete and unreasonable with the advent of the unified statewide electronic elector registration system. It is not an undue burden to require election workers to enter initiative signatures no matter which Montana county the elector is registered in because election workers now must enter a signature that has been disqualified anyway, so the time to deal with a signature is roughly the same regardless of whether a signature is accepted or rejected. Thus, elimination of the processing requirement that the location of an election worker tallying initiative signatures must be the same as the location of

the voter registration of an elector, will mean several hundred electors will not have their signatures disqualified when no compelling state interest or rational basis for the rejection exists.

Modifying the procedure for processing signatures by allowing election workers to enter a signature from any Montana County no matter where in the state the elector signed, facilitates the right of electors to petition their government without being restricted by a practice of processing those signatures which no longer has a rational basis or compelling state interest for the processing practice.

**NOW, THEREFORE, I, STEVE BULLOCK**, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution and the laws of the State of Montana, Title 10, Chapter 3, MCA, specifically § 10-3-104(2) & (3), MCA, and under other applicable statutes, to standardize notarization requirements, and to facilitate the continued constitutional rights to petition government via submission of absentee ballot initiative or constitutional ballot initiative petitions, while also protecting the public health, do hereby declare that:

1) pursuant to § 10-3-104(3), MCA; § 13-27-302, MCA, is suspended for 120 days so that ballot initiative petition signatures or constitutional ballot initiative petition signatures need not be accompanied by a notarized affidavit from the signature gatherer so long as pursuant to § 1-6-105, MCA, that gatherer signs an unnotarized certification of signatures like that in the emergency rule in ¶2(A), substantially complying with § 13-27-302, MCA, and replacing the notary requirement with an acknowledgment that the person's statement is true and given under the penalties of perjury.

2) pursuant to § 10-3-104(2), MCA, issue the following emergency rule effective for the next 120 days:

A. Unless a ballot initiative is accompanied by a notarized affidavit pursuant to subsection 2(B) below, in place of the § 13-27-302, MCA, affidavit previously required to be filed with ballot initiative petition signatures or constitutional ballot initiative petition signatures, an unnotarized certification of signatures form with substantially the following wording shall be filed with ballot initiative petition signatures or constitutional ballot initiative petition signatures:

I, (name of person who is the signature gatherer), swear or affirm under penalty of perjury the following statements to be true (check all that apply): that I, having:

\_\_\_\_\_ signed the attached initiative petition;

\_\_\_\_\_ gathered the signatures on the attached initiative petition while observing a person signing;

\_\_\_\_\_ received by mail an attached petition containing an original signature; or

\_\_\_\_\_ received an authenticated electronic signature on an attached petition;

I believe the signatures on the petitions to which this form is attached on the stated dates, are genuine, are the signatures of the persons whose names they purport to be, and are the signatures of Montana electors who are registered at the address or have the telephone number following the person's signature, and that the signers knew the contents of the petition before signing the petition.

\_\_\_\_\_  
(Date on which the first signature was gathered)

\_\_\_\_\_  
(Signature of petition signature gatherer)

\_\_\_\_\_  
(Address of petition signature gatherer)

B. If an election worker encounters ballot initiative petition signatures or constitutional ballot initiative petition signatures not accompanied by an affidavit previously required by § 13-27-302, MCA, but accompanied instead by an unsworn certification of signatures form specified in § 2A above, those signatures shall be accepted without the need for an affidavit and processed as they were processed prior to the suspension of § 13-27-302, MCA, except that the procedure in ¶ 3 also shall be followed.

C. If an election worker encounters ballot initiative petition signatures or constitutional ballot initiative petition signatures accompanied by a notarized certification of signatures form previously required by § 13-27-302, MCA, those signatures shall be accepted and processed as they were prior to the suspension of § 13-27-302, MCA, and in addition the procedure in ¶ 3 also shall be followed;

3) pursuant to § 10-3-104(2), MCA, issue the following emergency rule effective for the next 120 days:

A. In order to process signatures from multiple Montana counties more efficiently, if when reviewing signatures on a ballot initiative, or constitutional ballot initiative an election worker encounters a signature from an elector registered to vote in a county other than the county where the election worker is processing signatures, the worker shall:



a. accept that signature as valid in the unified state electronic elector registration system if the address or other information on the petition demonstrates the elector is still voting in the county other than the one where the signature is being processed;

b. note in the unified statewide electronic elector registration system the name of the county where the signature is being processed in any fields provided for that purpose by the administrator of the unified statewide electronic elector registration system; and

c. may seek reimbursement from the state Department of Administration for costs incurred while processing more than 500 signatures of electors physically voting in another county or by voters returning a petition through the mail, to be paid from the fund provided at § 10-3-312, MCA, or through federal emergency assistance and response funds if available, subject to the approval of the Office of Budget and Program Planning. Further guidance will be distributed to counties on how to obtain this reimbursement. Nothing in this Directive prevents counties from seeking additional reimbursement from the federal government or the Secretary of State if federal emergency assistance is made available.

4) Pursuant to § 10-3-104(2), MCA, issue the following emergency rule effective for the next 120 days:

A) An elector may include with the elector's primary election absentee ballot any signed "Petition to Place Initiative No. ??? on the Election Ballot." plus the affirmation required by ¶ 2A above.

B) The county or state shall not be required to provide with a primary election ballot or by other means prior to a primary election, a copy of any blank "Petition to Place Initiative No. ??? on the Election Ballot."

C) The proponents of any "Petition to Place Initiative No. ??? on the Election Ballot" may provide by mail, a newspaper, or via printing from a website, a copy of a blank "Petition to Place Initiative No. ??? on the Election Ballot" with instructions on how one or more electors may sign the blank petition and submit to the electors' county, the signed original of the "Petition to Place Initiative No. ??? on the Election Ballot" plus the affirmation required by ¶ 2A above in a ballot envelope but outside of the secrecy envelope with that electors' absentee ballot or by otherwise mailing the signed petition to the county separate from the absentee ballot.

D) If the ballot petition is being included in the envelope with an absentee ballot, any signed petitions must be placed outside of the secrecy envelope within the signature envelope and additional postage attached to the signature envelope if necessary.

E) A county election worker shall handle the signature envelope in accordance with § 13-13-241, MCA.

F) If the signature on the signature envelope is determined to be that of a registered elector, any signed “Petition to Place Initiative No. ??? on the Election Ballot” also signed by that elector, appearing within the signature envelope beside a secrecy envelope shall be processed as specified in subparagraph G.

G) The county election worker shall remove any signed “Petition to Place Initiative No. ??? on the Election Ballot” from the signature envelope and

- i. if the petition signature matches that on the ballot envelope, place the petition in a separate group to be processed and accepted as if it had been submitted with a notarized affidavit or an unnotarized ¶ 2A certification of signatures form of an initiative signature gatherer;
- ii. if any signed petition included in the signature envelope contains more than one signature, the election worker shall indicate on the Petition the signature to be counted and processed if a ¶ 2A is not also included;
- iii. all other electors whose signatures appear on the petition shall be counted if they are accompanied by an unnotarized ¶ 2A certification of signatures form or § 13-27-303, MCA, notarized affidavit;
- iv. if the signatures other than the signature of the elector who submitted the ballot envelope are not accompanied by an unnotarized ¶ 2A certification of signatures form or § 13-27-303, MCA notarized affidavit, those signatures shall not be counted.

H) If any signed “Petition to Place Initiative No. ???” is found in the secrecy envelope with an absentee ballot, the county election worker shall remove it and any accompanying unnotarized ¶ 2A certification of signatures form or affidavit from the secrecy envelope while maintaining the secrecy of the ballot and place such Petition and accompanying form or affidavit (if any) (affixed together) in a separate group away from the group of absentee

ballots and away from the group of other signed Petitions in the signature envelope outside of the ballot envelope;

- i. if the signed petition included in the group of signatures from the secrecy envelope contains one signature, that signature shall be counted;
- ii. if any signed petition included in the group of signatures from the secrecy envelope contains more than one signature, the election worker shall count the signatures only if they are accompanied by an unnotarized ¶ 2A certification of signatures form or an § 13-27-302, MCA, affidavit;
- iii. if the signatures other than the signature of the elector who submitted the ballot envelope are not accompanied by an unnotarized ¶ 2A certification of signatures form or § 13-27-303, MCA, notarized affidavit, those signatures shall not be counted;

This Order is effective immediately.

GIVEN under my hand and the GREAT  
SEAL of the State of Montana this \_\_\_\_ day  
of \_\_\_\_\_, 2020.

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STEVE BULLOCK, Governor

ATTEST:

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COREY STAPLETON, Secretary of State

We also considered and rejected the suggestion that the governor might waive the need to collect 5% of the signatures required to put an initiative on the ballot. We rejected the suggestion because the 5% provision is in the Montana Constitution which the Governor does not have power to suspend:

Art. III, Section 4. INITIATIVE. ...

(2) Initiative petitions ... shall be **signed by at least five percent of the qualified electors** in each of at least one-third of the legislative representative districts and the total number of signers must be at least five percent of the total qualified electors of the state. ...

The governor has authority pursuant to suspend a statute or rule in an emergency:

**10-3-104. General authority of governor.** (1) The governor is responsible for carrying out parts 1 through 4 of this chapter. ...

(2) In addition to any other powers conferred upon the governor by law, the governor may:

(a) **suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or orders or rules of any state agency if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster;**

**Therefore, the governor does not appear to have the power to waive the 5% signature requirement because it is in the constitution and not a statute.**

However, the Legislature may act during an emergency without regard to Art III, Section 4(2):

Art. III, Section 2. CONTINUITY OF GOVERNMENT. ... The **legislature may enact laws** to insure [sic] the continuity of government **during a period of emergency without regard for other provisions of the constitution.** They shall be effective only during the period of emergency that affects a particular office or governmental operation.

**So, the legislature could waive the 5% requirement, but not the governor.**

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<sup>i</sup> MCA § 10-3-104. **General authority of governor.** (1) The governor is responsible for carrying out parts 1 through 4 of this chapter. ...

(2) In addition to any other powers conferred upon the governor by law, the governor may:

(a) **suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or orders or rules of any state agency if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster; ...**

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(3) Under this section, the governor may issue executive orders, proclamations, **and regulations** and amend and rescind them. All executive orders or proclamations declaring or terminating a state of emergency or disaster must indicate the nature of the emergency or disaster, the area threatened, and the conditions that have brought about the declaration or that make possible termination of the state of emergency or disaster.

ii **MCA § 2-4-303. Emergency or temporary rules.** (1) (a) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 30 days' notice and states in writing its reasons for that finding, it may proceed upon special notice filed with the committee, without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period not longer than 120 days, after which a new emergency rule with the same or substantially the same text may not be adopted, but the adoption of an identical rule under **2-4-302** is not precluded. Because the exercise of emergency rulemaking power precludes the people's constitutional right to prior notice and participation in the operations of their government, it constitutes the exercise of extraordinary power requiring extraordinary safeguards against abuse. An emergency rule may be adopted only in circumstances that truly and clearly constitute an existing imminent peril to the public health, safety, or welfare that cannot be averted or remedied by any other administrative act. The sufficiency of the reasons for a finding of imminent peril to the public health, safety, or welfare is subject to judicial review upon petition by any person. The matter must be set for hearing at the earliest possible time and takes precedence over all other matters except older matters of the same character. The sufficiency of the reasons justifying a finding of imminent peril and the necessity for emergency rulemaking must be compelling and, as written in the rule adoption notice, must stand on their own merits for purposes of judicial review. The dissemination of emergency rules required by **2-4-306** must be strictly observed and liberally accomplished.

(b) An emergency rule may not be used to implement an administrative budget reduction.

iii Petition for adoption, amendment, or repeal of rules. An interested person or, when the legislature is not in session, a member of the legislature on behalf of an interested person may petition an agency requesting the promulgation, amendment, or repeal of a rule. Each agency shall determine and prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition. Within 60 days after submission of a petition, the agency either shall deny the petition in writing or shall initiate rulemaking proceedings in accordance with 2-4-302 through 2-4-305. A decision to deny a petition or to initiate rulemaking proceedings must be in writing and based on record evidence. The written decision must include the reasons for the decision. Record evidence must include any evidence submitted by the petitioner on behalf of the petition and by the agency and interested persons in response to the petition. An agency may, but is not required to, conduct a hearing or oral presentation on the petition in order to develop a record and record evidence and to allow the petitioner and interested persons to present their views. [Emphasis added.]

iv **1-6-105. Unsworn declarations -- penalty of perjury.** (1) Whenever, under any law of this state or under any rule, order, or requirement made under the law of this state, any matter is

required or permitted to be supported, evidenced, established, or proved by a person's sworn written declaration, verification, certificate, oath, or affidavit, the matter may with like force and effect be supported, evidenced, established, or proved by an unsworn written declaration, certificate, verification, or statement that is subscribed by the person as true under penalty of perjury in substantially the following form:

(a) If executed within the state:

"I declare under penalty of perjury that the foregoing is true and correct.

.....

Date and place Signature"

(b) If executed in any place outside the state:

"I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

.....

Date and place Signature"

(2) A deliberate falsification in any declaration pursuant to this section constitutes the offense of perjury as provided in **45-7-201** and is punishable as the offense of false swearing as provided in **45-7-202**. A declaration under penalty of perjury executed in accordance with any provision of this code is not limited to the official proceedings referenced in **45-7-201**.

(3) This section does not apply to writings requiring an acknowledgment, deposition, oath of office, or oath required to be taken before a special official other than a notary public.

v

[https://cdn.ymaws.com/www.montanabar.org/resource/resmgr/covid19/shelter\\_in\\_place\\_032720\\_ord.pdf](https://cdn.ymaws.com/www.montanabar.org/resource/resmgr/covid19/shelter_in_place_032720_ord.pdf)

vi

<b>APPLICANT AFFIRMATION</b>	
<i>I affirm under penalty of perjury that the information on this application is true, that I am a citizen of the United States, that I will be at least 18 years old on or before the next election, that I will have been a resident of Montana for at least 30 days prior to the next election, and that I am not serving a felony conviction in a penal institution nor have been found to be of unsound mind by a court. I understand that if I have given false information on this application, I may be subject to a fine or imprisonment, or both, under federal and/or state law.</i>	
Signature* _____	Date* _____
<small>THE AFFIRMATION ON THIS APPLICATION FOR VOTER REGISTRATION MUST BE SIGNED BY THE APPLICANT – FAILURE TO DO SO WILL PREVENT APPLICATION FROM BEING PROCESSED.</small>	

vii **MCA § 13-27-304. County official to forward verified sheets.** The county official verifying the number of registered electors signing the petition shall forward it to the secretary of state by certified mail with a certificate in substantially the following form attached:

To the Honorable \_\_\_\_\_, Secretary of State of the state of Montana:

I, \_\_\_\_\_, \_\_\_\_\_ (title) of the County of \_\_\_\_\_, certify that I have examined the attached sheets of the petition for (referendum, initiative, constitutional convention, or constitutional amendment) No. \_\_\_\_ in the manner prescribed by law; and I believe that \_\_\_\_ (number) signatures in (Legislative Representative District No. \_\_\_\_ or the County of \_\_\_\_)

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(repeat for each district or county included in sheet or section) are valid; and I further certify that the affidavit of the signature gatherer of the petition is attached.

Signed: \_\_\_\_\_ (Date) \_\_\_\_\_ (Signature)

Seal \_\_\_\_\_ (Title)

<sup>viii</sup> **13-27-302. Certification of signatures.** An affidavit, in substantially the following form, must be attached to each sheet or section submitted to the county official:

I, (name of person who is the signature gatherer), swear that I gathered the signatures on the petition to which this affidavit is attached on the stated dates, that I believe the signatures on the petition are genuine, are the signatures of the persons whose names they purport to be, and are the signatures of Montana electors who are registered at the address or have the telephone number following the person's signature, and that the signers knew the contents of the petition before signing the petition.

\_\_\_\_\_  
(Date on which the first signature was gathered)

\_\_\_\_\_  
(Signature of petition signature gatherer)

\_\_\_\_\_  
(Address of petition signature gatherer)

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_

Seal \_\_\_\_\_

(Person authorized to take oaths)

\_\_\_\_\_  
(Title or notarial information)

<sup>ix</sup> **MCA § 13-27-301. Submission of petition sheets -- withdrawal of signatures.** (1) Signed sheets or sections of petitions with original signatures must be submitted to the official responsible for registration of electors in the county in which the signatures were obtained no sooner than 9 months and no later than 4 weeks before the final date for filing the petition with the secretary of state.

(2) If it is impractical to submit signed sheets or sections of petitions with original signatures by the deadline provided in subsection (1), a copy or facsimile may be submitted to the proper county official by the deadline. Signed sheets or sections of petitions with original signatures must be submitted within 7 calendar days after the deadline. Failure to submit signed sheets or sections of petitions with original signatures within 7 calendar days will invalidate the signed sheets or sections submitted by copy or facsimile.