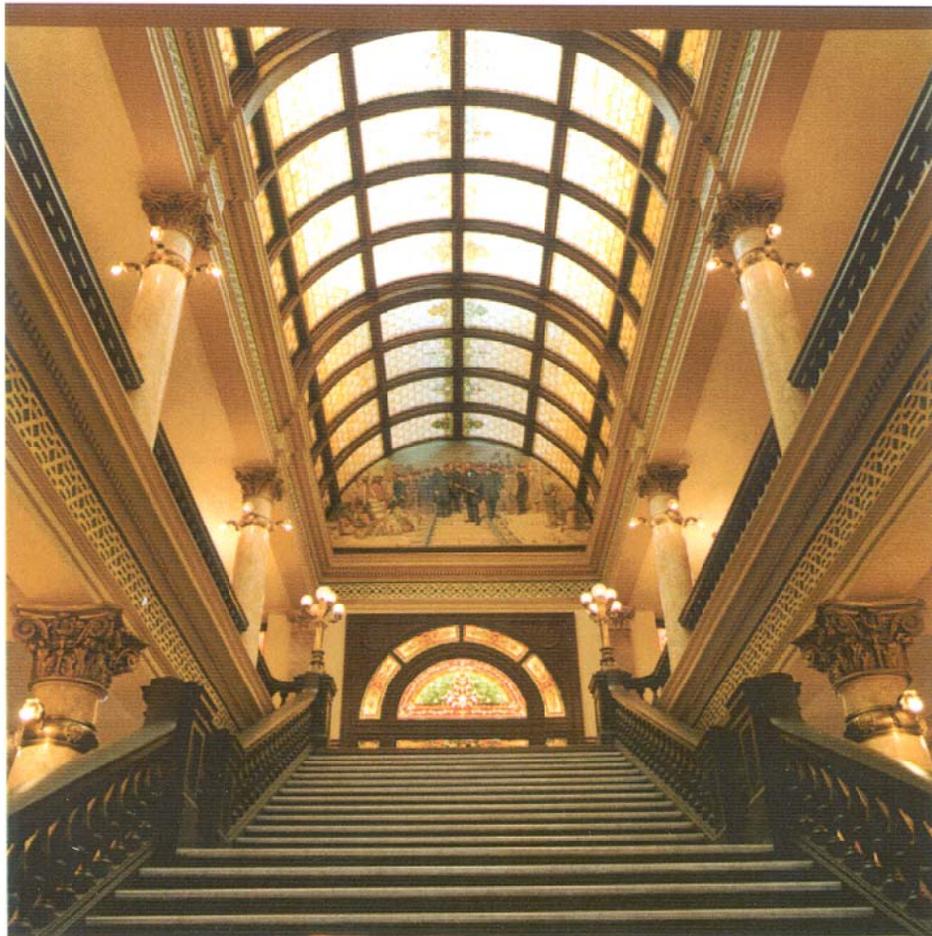




2006
VOTER INFORMATION PAMPHLET



VOTE NOVEMBER 7

**AN OFFICIAL PUBLICATION OF
MONTANA SECRETARY OF STATE BRAD JOHNSON**

A Message from Secretary of State Brad Johnson



Dear Montana Voter,

I am pleased to provide this Voter Information Pamphlet to assist you in making decisions regarding how you will cast your vote on several initiatives that will be on the ballot during the General Election this year.

The Montana Constitution reserves for Montanans the right to directly initiate change in our government. This is done through the initiative and referendum process where individuals, groups and the legislature propose constitutional or statutory changes. Citizens gather signatures on initiative petitions to have those proposed changes placed on the ballot so that all registered voters may have a voice in that decision. This year the ballot will include several constitutional and statutory initiatives proposed by citizens as well as one constitutional amendment proposed by the legislature.

In addition to the initiatives, I have included a number of items in this pamphlet designed to assist you in voting. You will find information on each of the political parties as well as contact information for local election offices and facts regarding new changes in voting laws.

You will also find more information regarding elections on my web site at www.sos.mt.gov, or call my office toll-free at 1-888-884-VOTE (8683).

As Montana's Chief Elections Officer I cannot over stress the importance of informed participation in our democracy. Our government is never better than we demand it to be or worse than we allow it to be. I urge each of you to carefully read this pamphlet, ask questions and be prepared to cast an informed vote during this General Election. Your vote is your voice in government. Make your voice be heard.

A handwritten signature of Brad Johnson in blue ink. The signature is written in a cursive style and is positioned above the printed name.

Brad Johnson, Secretary of State

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If you would like to receive additional copies of the VIP, or would like to receive it in large print, in Braille, on a CD, electronically, online, or in another accessible format, please contact the Secretary of State's Office at 1-888-884-VOTE (8683), go to our website at www.sos.mt.gov, or email soselection@mt.gov.

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What Is the Voter Information Pamphlet?

The Voter Information Pamphlet (or VIP) is published by the Secretary of State to provide Montana voters with information on statewide ballot measures. The Secretary of State distributes the pamphlets to the county election officials, who mail a VIP to each household with an active registered voter.

Who writes the information in the VIP?

The Attorney General writes an explanatory statement for each ballot measure. The statement, not to exceed 100 words, is required to be a true and impartial explanation of the purpose of each measure in easy-to-understand language. The Attorney General also prepares the fiscal statement, if necessary, and “for” and “against” statements for each issue.

Pro and con arguments and rebuttals are written by committees appointed by the sponsors of the measures and by state officials. Arguments are limited to one page and rebuttals to a half page. All arguments and rebuttals are printed as filed by the committees and do not necessarily represent the views of the Secretary of State or the State of Montana.

Can I get the VIP in a different format?

If you would like to receive the Voter Information Pamphlet in large print, in Braille, on a CD, electronically, online, or in another accessible format, please contact the Secretary of State’s Office at 1-888-884-VOTE (8683), go to our website at www.sos.mt.gov, or email soselection@mt.gov.

The Secretary of State has a telecommunications device for the deaf (TDD) at (406) 444-9068. Audio and large-print versions of the VIP are available by request from local libraries throughout the state.

For more information on elections, visit the Secretary of State’s website at www.sos.mt.gov. You also may contact the office directly on a toll-free hotline set up to answer questions on registering and voting; that number is 1-888-884-VOTE (8683).

The information that follows for each proposed ballot issue is the official ballot language written by the Attorney General's office, the text of each ballot issue, and the arguments and rebuttals for and against each ballot issue. The arguments and rebuttals have been prepared by each committee appointed to support each ballot issue and each committee appointed to oppose each ballot issue. The opinions stated in the arguments and rebuttals do not necessarily represent the views of the Secretary of State or the State of Montana. The State also does not guarantee the truth or accuracy of any statement made in the arguments or rebuttals.

CONSTITUTIONAL AMENDMENT No. 43

AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE IV, SECTION 8, ARTICLE VI, SECTIONS 1, 2, 3, 4, 6, AND 7, AND ARTICLE X, SECTION 4, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE NAME OF THE STATE AUDITOR BE CHANGED TO THE INSURANCE COMMISSIONER.

The 2005 Legislature submitted this proposal for a vote. It would amend Montana's Constitution to change the name of the office of state auditor to the insurance commissioner.

- FOR changing the name of the state auditor to the insurance commissioner.

- AGAINST changing the name of the state auditor to the insurance commissioner.

The PROPONENT argument and rebuttal for this measure were prepared by State Senator Duane Grimes and State Representative Dave Gallik.

The OPPONENT argument and rebuttal for this measure were prepared by State Representative Wayne Stahl.

THE COMPLETE TEXT OF CONSTITUTIONAL AMENDMENT NO. 43 (C-43)

Section 1. Article IV, section 8, of The Constitution of the State of Montana is amended to read:

"Section 8. Limitation on terms of office. (1) The secretary of state or other authorized official shall not certify a candidate's nomination or election to, or print or cause to be printed on any ballot the name of a candidate for, one of the following offices if, at the end of the current term of that office, the candidate will have served in that office or had he not resigned or been recalled would have served in that office:

(a) 8 or more years in any 16-year period as governor, lieutenant governor, secretary of state, ~~state auditor~~ insurance commissioner, attorney general, or superintendent of public instruction;

(b) 8 or more years in any 16-year period as a state representative;

(c) 8 or more years in any 16-year period as a state senator;

(d) 6 or more years in any 12-year period as a member of the U.S. house of representatives; and

(e) 12 or more years in any 24-year period as a member of the U.S. senate.

(2) When computing time served for purposes of subsection (1), the provisions of subsection (1) do not apply to time served in terms that end during or prior to January 1993.

(3) Nothing contained herein shall preclude an otherwise qualified candidate from being certified as nominated or elected by virtue of write-in votes cast for said candidate."

Section 2. Article VI, section 1, of The Constitution of the State of Montana is amended to read:

"Section 1. Officers. (1) The executive branch includes a governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and ~~auditor~~ insurance commissioner.

(2) Each holds office for a term of four years which begins on the first Monday of January next succeeding election, and until a successor is elected and qualified.

(3) Each shall reside at the seat of government, there keep the public records of his office, and perform such other duties as are provided in this constitution and by law."

Section 3. Article VI, section 2, of The Constitution of the State of Montana is amended to read:

"Section 2. Election. (1) The governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and ~~auditor~~ insurance commissioner shall be elected by the qualified electors at a general election provided by law.

(2) Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary elections, or so otherwise comply with nomination procedures provided by law that the offices of governor and lieutenant governor are voted upon together in primary and general elections."

Section 4. Article VI, section 3, of The Constitution of the State of Montana is amended to read:

"Section 3. Qualifications. (1) No person shall be eligible to the office of governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, or ~~auditor~~ insurance commissioner unless he is 25 years of age or older at the time of his election. In addition, each shall be a citizen of the United States who has resided within the state two years next preceding his election.

(2) Any person with the foregoing qualifications is eligible to the office of attorney general if an attorney in good standing admitted to practice law in Montana who has engaged in the active practice thereof for at least five years before election.

(3) The superintendent of public instruction shall have such educational qualifications as are provided by law."

Section 5. Article VI, section 4, of The Constitution of the State of Montana is amended to read:

"Section 4. Duties. (1) The executive power is vested in the governor who shall see that the laws are faithfully executed. He shall have such other duties as are provided in this constitution and by law.

(2) The lieutenant governor shall perform the duties provided by law and those delegated to him by the governor. No power specifically vested in the governor by this constitution may be delegated to the lieutenant governor.

(3) The secretary of state shall maintain official records of the executive branch and of the acts of the legislature, as provided by law. He shall keep the great seal of the state of Montana and perform any other duties provided by law.

(4) The attorney general is the legal officer of the state and shall have the duties and powers provided by law.

(5) The superintendent of public instruction and the ~~auditor~~ insurance commissioner shall have such duties as are provided by law."

Section 6. Article VI, section 6, of The Constitution of the State of Montana is amended to read:

"Section 6. Vacancy in office. (1) If the office of lieutenant governor becomes vacant by his succession to the office of governor, or by his death, resignation, or disability as determined by law, the

governor shall appoint a qualified person to serve in that office for the remainder of the term. If both the elected governor and the elected lieutenant governor become unable to serve in the office of governor, succession to the respective offices shall be as provided by law for the period until the next general election. Then, a governor and lieutenant governor shall be elected to fill the remainder of the original term.

(2) If the office of secretary of state, attorney general, ~~auditor~~ insurance commissioner, or superintendent of public instruction becomes vacant by death, resignation, or disability as determined by law, the governor shall appoint a qualified person to serve in that office until the next general election and until a successor is elected and qualified. The person elected to fill a vacancy shall hold the office until the expiration of the term for which his predecessor was elected."

Section 7. Article VI, section 7, of The Constitution of the State of Montana is amended to read:

"**Section 7. 20 departments.** All executive and administrative offices, boards, bureaus, commissions, agencies and instrumentalities of the executive branch (except for the office of governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and ~~auditor~~ insurance commissioner) and their respective functions, powers, and duties, shall be allocated by law among not more than 20 principal departments so as to provide an orderly arrangement in the administrative organization of state government. Temporary commissions may be established by law and need not be allocated within a department."

Section 8. Article X, section 4, of The Constitution of the State of Montana is amended to read:

"**Section 4. Board of land commissioners.** The governor, superintendent of public instruction, ~~auditor~~ insurance commissioner, secretary of state, and attorney general constitute the board of land commissioners. It has the authority to direct, control, lease, exchange, and sell school lands and lands which have been or may be granted for the support and benefit of the various state educational institutions, under such regulations and restrictions as may be provided by law."

Section 9. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2006 by printing on the ballot the full title of this act and the following:

- FOR changing the name of the state auditor to the insurance commissioner.
- AGAINST changing the name of the state auditor to the insurance commissioner.

Argument For C-43

The 2005 Legislature has asked that the people of Montana vote on whether to amend the Montana State Constitution to change the name of the State Auditor to Insurance Commissioner. The citizens of Montana would be better served by adopting this name change.

The name of an office created by the state constitution should reflect the purpose of the office and what the office holder does. Currently the Montana State Auditor does not audit in the traditional sense. The term "state auditor" is confusing to consumers and causes misunderstandings and delays. Many states use the name "insurance commissioner" for this type of office because it best describes the main function of the office, which is the regulation of the insurance industry.

When dealing with issues related to insurance, many find these issues to be complex and at times need to seek assistance. Intuitively, a person seeking information from the government on issues of insurance or issues related to securities, which the State Auditor also regulates, would start their search for assistance by looking up the term "insurance." However, unless you are aware that the State Auditor regulates the insurance and securities industry you would not make the connection that you would need assistance from the State Auditor.

All Montanans will deal with issues of insurance throughout their lives. Indeed, if we want to drive on the roads of this great state we are required to carry liability insurance. Whether it is vehicle insurance, life insurance, disability insurance, or numerous other lines of insurance available, there is one office in Montana that is in charge of regulation. Let's make sure that the name of the office is descriptive of what that office does.

More and more time demands are being placed upon us. Anything that could streamline and assist the tasks in our daily lives would be a welcome change. Changing the name from "state auditor" to "insurance commissioner" is one action we can collectively take to simplify Montanans' lives and make state government more straightforward and understandable.

Argument Against C-43

The Constitution of the State of Montana should never be changed without a very compelling reason. Changing the name of the State Auditor's Office to the Insurance Commissioner to align the duties of the office with the title of that office is not a compelling reason. This constitutional amendment only applies a band aid to a real problem in state government and does not fit the duties of the office to the title of the office.

Currently the Auditor's Office regulates insurance companies and securities companies. Many insurance companies' business operations include banking. Many banks also deal in insurance. However, the banking industry in Montana is regulated by the Department of Administration. Insurance, banking, and securities industries should all be regulated by one agency. The legislature should consolidate those regulatory duties and then ask the people of Montana to change the name of the office. That name should reflect all of the duties of the office to allow easy recognition in case of complaints or other problems. Examples might include: the Office of Insurance, Banking, and Securities, or the Office of the Commissioner of Insurance, Securities, and Banking.

The Constitutional Convention of 1972 contemplated changing the name of this office but decided against that action.

Another option is eliminating the State Auditor's Office as a constitutionally-mandated office and transferring these duties to another department.

Changing the name of a constitutionally-mandated office will be expensive. The costs of changing web sites, computer programs, public notifications, general supplies, labor, etc. cannot be ignored.

This constitutional amendment needs to be voted down.

Proponents' Rebuttal of Argument Against C-43

Those opposing C-43 argue that the Legislature should do a bureaucratic shuffle of the duties of the State Auditor's Office. For good reason the Legislature has not done this agency shuffling. The opponents also propose another option, eliminate the Auditor's Office. It is essential that we have our State protecting consumers of insurance products and guarding against securities scams, by an independently elected official with a title reflecting what that office does. This is too important of a responsibility to simply shuffle to a Department whose department head is not directly responsible to the people who elected them. Although, it makes for interesting conversation to discuss the bureaucratic shuffle or the elimination of the office, that is not before the citizens of Montana for a vote. What Montanans have been asked to vote on is whether the office should be more user-friendly by giving it a name that reflects exactly what that office does. This is a compelling reason and it makes sense for the people of Montana to change the name of the office to Insurance Commissioner. C-43 deserves your support.

Opponent's Rebuttal of Argument for Approval of C-43

Changing the name of the State Auditor to the Insurance Commissioner may solve the name recognition problem for citizens with insurance questions and complaints, but citizens with problems and complaints about securities will still be confused. We should not frivolously change the constitution. Amendment C-43 only corrects part of the problem. We must do better.

Vote no on C-43

Constitutional Initiative No. 97

A CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION

The Montana Constitution currently prohibits appropriations by the legislature that exceed anticipated revenue. This measure adds a constitutional spending limit that would prohibit increases in appropriations greater than the combined growth rate of population and inflation. It allows appropriations up to the largest spending limit for any previous biennium. Emergencies, debt payments, pro-rata tax rebates, various appropriations expressly provided by the Montana Constitution, and expenditures from funding sources including the federal government, constitutionally created trusts, and certain user fees are not included in the spending limit. The legislature may exceed the spending limit only with voter approval.

This measure may require reduced future expenditures in several areas of government services where caseloads historically have grown at a rate exceeding combined growth in population and inflation, such as correctional population and Medicaid recipients, or may require reduced future expenditures in other areas to offset those increasing caseload costs.

- FOR limiting the increase in appropriations to the combined growth rate of population and inflation, or the largest spending limit for any previous biennium.
- AGAINST limiting the increase in appropriations to the combined growth rate of population and inflation, or the largest spending limit for any previous biennium.

The PROPONENT argument and rebuttal for this measure were prepared by Representative Scott Mendenhall, Senator Joe Balyeat, CPA, and Representative George Everett.

The OPPONENT argument and rebuttal for this measure were prepared by Douglas H. Neil, County Commissioner Daniel D. Watson, Teresa Olcott Cohea, Max Logan, and Judie Woodhouse.

THE COMPLETE TEXT OF CONSTITUTIONAL INITIATIVE NO. 97 (CI-97)

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

Section 1. Article VIII, section 9, of the Constitution of the State of Montana is amended to read:

“Article VIII, section 9. Balanced budget and spending limit. (1) Appropriations by the legislature shall not exceed anticipated revenue and are subject to a state spending limit prohibiting appropriations for a biennium of a total amount of money that is more than the greater of the two following amounts:

- (a) the “state spending limit” which shall be the sum of the total amount of legislative appropriations for the immediately preceding biennium and the product of that total amount of appropriations multiplied by the sum of the percentage change in inflation plus the percentage change in state population; or
- (b) The largest state spending limit as calculated under subsection (1)(a) for any previous biennium.

(2) For the purposes of this section “inflation” means the change for the most recently published two-year period preceding the commencement of a biennial legislative session, expressed as a percentage in the consumer price index for all urban consumers, west region, all items as calculated by the Bureau of Labor Statistics of the United States Department of Labor, or as calculated in a successor index.

(3) For purposes of this section, state population shall be determined by the most recently published annual federal census estimates for Montana representing the nearest two-year period preceding the commencement of a biennial legislative session, and such number shall be adjusted every decade to match the results of federal census for Montana.

(4) If the legislature transfers the responsibility for providing a government service previously provided by the state to local or tribal governments, the state spending limit as calculated pursuant to subsection (1) shall be reduced accordingly in an amount that reflects the actual cost reduction to the state, or in the cases where costs for the responsibility were shared the reduction amount shall reflect the state’s share.

(5) The legislature may only attain the authority to appropriate in excess of the state spending limit with approval by a vote of the people submitted in accordance with Article III, section 5. Accordingly, a ballot question may be presented to voters for the approval or rejection of an authority to exceed the state spending limit by a specified amount, but may not be presented in a form requesting voter approval or rejection of a specific appropriation or appropriations.

(6) For the purposes of this section, “the total amount of legislative appropriations” shall include all legislative appropriations except the following categories:

(a) moneys designated by the legislature for a reserve fund to be used as safeguard against shortfalls in state revenue below the state spending limit. The transfer of money between the reserve fund and the state treasury is not an appropriation for purposes of calculating the state spending limit; however, any moneys that are held in such a fund which are later appropriated from the state treasury or appropriated directly from the reserve fund must be included within the total amount of legislative appropriations unless otherwise exempt under this subsection (6);

(b) appropriations for emergencies as may be defined by law and threats to the continuity of government if appropriated:

(i) pursuant to Article III, section 2, for the purposes of legislative actions to ensure continuity of government during periods of emergency or enemy attack;

(ii) by vote of three-fourths (3/4) of the members of each house of the legislature if the appropriation is for a matter that meets the definition of an emergency pursuant to law and is not anticipated to be an ongoing expense and is not intended to fund ordinary operations of government;

(iii) pursuant to law, by a majority vote, of each house of the legislature in an amount that does not exceed \$16 million, adjusted for inflation and population growth in a manner similar to section 1, subsection (1) as of the effective date of [this amendment]; or

(iv) pursuant to Article VI, section 13, where the governor calls out the militia to aid in the execution of laws, suppress insurrection, repel invasion, or protect life and property in natural disasters.

(c) appropriations of bond proceeds or other funds derived from borrowing if payment of principal and interest on such borrowing is applied to the state spending limit or otherwise excluded under subsection 6(d);

(d) payment of principal and interest on state general obligation bonds, bonded indebtedness or other long-term debt issued or incurred prior to January 1, 2007, and on any state general obligation bonds issued after January 1, 2007, if such bonds are also approved by voters;

(e) appropriations of moneys received from the federal government;

(f) appropriations of moneys voluntarily donated to the state or a state agency;

(g) appropriations of the proceeds from the sale of property at full market value to non-governmental entities;

(h) money appropriated for pro-rata tax rebates;

(i) money appropriated for refunds of user charges or fees, and appropriations funded by user charges or fees to the extent that such charges or fees reasonably reflect the actual cost to the state of providing such goods or services and the purchase by the user is discretionary and not a requirement to operate a business, seek employment in a trade or practice in a profession;

(j) appropriations from any constitutionally created trust that are necessary to the administration of such trust, including appropriations of moneys that are income earned on assets in permanent endowment funds, trust funds, deferred compensation funds or pension funds that are credited to those funds and expended to meet the obligations of the funds pursuant to the constitutional provision creating the fund, including administrative expenses to operate any such funds, which include, but are not limited to appropriations made pursuant to:

(i) the public school fund pursuant to Article X;

(ii) the public retirement system pursuant to Article VIII, section 15;

(iii) the resource indemnity trust pursuant to Article IX, section 2 for the reclamation of lands disturbed by the taking of natural resources;

(iv) the principal and interest from the coal severance trust fund pursuant to Article IX, section 5;

(v) the noxious weed management trust fund pursuant to Article IX, section 6; or

(vi) the tobacco settlement trust fund pursuant to Article XII, section 4;

(k) appropriations of highway revenues pursuant to Article VIII, section 6;

(l) appropriations made by the legislature in fulfillment of obligations to provide for identification, acquisition, restoration, enhancement, preservation, and administration of cultural resources pursuant to Article IX, section 4;

(m) appropriations for special sessions of the legislature made pursuant to Article V, section 6, or Article VI, section 11;

(n) appropriations for districting and apportionment made pursuant to Article V, section 14;

(o) appropriations of special levies on livestock and on agricultural commodities for disease control and indemnification, predator control, and livestock and commodity inspection, protection, research, and promotion made pursuant to Article XII, section 1(2);

(p) appropriations made by the legislature in fulfillment of the constitutional obligation to fund an officer of consumer counsel so that consumer interests are represented before the public service commission or successor agency, pursuant to Article XIII, section 2; and

(q) appropriations for a constitutional convention made pursuant to Article IX, section 5.

(7) If a court of competent jurisdiction in a final order shall adjudge any spending category, or revenue source, exempt from [this amendment], the process of computing the state spending limit shall be adjusted accordingly and the remaining provisions shall be in full force and effect.

(8) Any person residing in Montana or doing business in Montana has standing to enforce these provisions and, if successful, shall be awarded legal costs and reasonable attorney fees.

(9) It is the intent of the voters in passing [this amendment] that interpretations which better restrain growth in government spending are favored over interpretations which do not restrain such spending.

NEW SECTION. Section 2. Saving clause. This amendment does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this amendment].

NEW SECTION. Section 3. Severability. If a part of this amendment is invalid, all valid parts that are severable from the invalid part remain in effect. If part of this amendment 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 4. Applicability. This amendment applies to legislative proceedings begun after [the effective date of this amendment], and applies to the legislative session commencing in 2007, using the biennial budget adopted in 2005 as the immediate preceding biennium plus and including appropriations from the December, 2005 special session of the legislature.

NEW SECTION. Section 5. Effective date. This amendment is effective upon approval by the electorate.

Argument For CI-97

- **CI-97 is Montana's Stop Over-Spending (SOS) initiative. It caps state government spending growth to the combined growth in inflation plus population; *unless the voters approve higher spending*.** 84,000 Montanans signed CI-97, almost twice the required number.
- Montana currently spends **\$8.2 billion** per biennium for a population of less than one million people. Each biennium, **Montana government spends \$35,000 for every family of four** – even though the average wages are only about \$27,000 annually!
- **Montana's current budget increased \$1 billion** over the last budget – the highest increase in history.
- This huge increase occurred because Montana's **politicians ignored Montana's old statutory spending cap**. For 24 years, Montana's spending cap controlled excessive budget increases, while still adequately funding all government functions; with only minor inadvertent cap violations.
- Unfortunately, last year **Montana's Attorney General declared the statutory spending cap unconstitutional**. To restore a budget cap, Montanans must vote for a *constitutional* ballot issue – CI-97.
- Similar to Montana's old cap, **CI-97 doesn't cut any government programs**. CI-97 allows the state budget to grow to meet needs – *inflation plus population growth*.
- Due to Montana Supreme Court rulings, **CI-97 can only protect the General Fund** from excess spending growth – which **only represents 38%** of Montana's total budget.
- **CI-97 is flexible. It has numerous exclusions**, including: all federal money, trust funds, special revenue accounts (like highway construction), rainy-day reserve funds, emergencies, and roughly 15 other exemptions.
- CI-97 is reasonable. **26 other states already have spending limitations**; and several others have initiatives in progress.
- **CI-97 vastly improves upon other spending caps**; like Colorado's TABOR. Unlike TABOR, CI-97 doesn't ratchet spending backward during recession. CI-97's flexibility encourages politicians to establish a rainy-day emergency fund and rebate excess taxes.
- **CI-97 puts voters in charge of their government**. If state politicians want to spend more than allowed, they have to ask Montana voters; who can always be trusted to make the right decision. Last fall, Colorado voters proved this "ultimate safety valve" works by approving excess spending.
- Unfortunately, **unlike Colorado, Montana's government spending is outrageous**. Nationwide, Colorado spending (as a percentage of income) is the lowest, while Montana spending is one of the highest.
- Academic research proves **excess government spending causes slow wage growth**. It's no surprise Montana wages rank near the bottom of the nation's barrel. Colorado, conversely, has shown some of the nation's fastest wage growth during its years under TABOR. Washington and Oklahoma showed similar fast economic growth while under tax and expenditure limitations.

This proves **CI-97 is the right choice** – politicians should live by the same budgeting standards that Montana families and businesses live by every day. Our families can't just vote themselves a raise to spend beyond our means, and under CI-97, politicians can't either. **CI-97 will stop out-of-control government spending during boom times, and instead encourage responsible saving for future lean times**. Or, better yet – government can *give the money back to taxpayers when it collects excess taxes*.

✓ **VOTE YES on CI-97.**

Argument Against CI-97

CI-97 (SOS) is an out-of-state gimmick that creates problems rather than solutions. It limits state spending to a rigid formula that slowly strangles the state budget, hamstringing the state's ability to provide basic public services.

CI-97 is not a homegrown effort. National groups are spending millions to push this measure in Montana and elsewhere. We don't need their out-of-state agenda forced on Montana. Montana's constitution already requires a balanced state budget that protects against overspending. (Article VIII, Section 9)

Our concerns about CI-97 are not speculation. They are based on what happened in Colorado, the only state with a measure like CI-97. Colorado's version of CI-97 harmed public health and safety, K-12 and higher education, firefighting and police services, agriculture, and roads. Seniors lost their property tax exemption and saw major cuts in home health care. Fees – such as fishing, hunting, and car licenses and water user fees – rose drastically in Colorado.

Fed up, Coloradans voted to suspend their version of CI-97 in 2005. The state's business community led the charge to suspend it.

Governor Schweitzer wants to give a property tax rebate of \$400 to Montana homeowners. Rebates under CI-97 would have to be on a pro-rata basis, benefiting out-of-state corporations and wealthy people the most. Montana homeowners lose under CI-97.

In Montana, we know too well what happens when state budget cuts go too far: the burden falls on local taxpayers, and property taxes rise. We've seen it for years with school funding. If CI-97 hog-ties Montana's state budget, counties will see increased pressure to make up for the shortfalls.

Even in good economic times when the state has more revenue, the money can't be used to improve roads and schools or invest in economic development. The CI-97 cap would not allow it.

CI-97 invites frivolous lawsuits by allowing anyone, even out-of-state individuals and corporations with interests in Montana, to sue the state over compliance. Montana taxpayers would pay for these lawsuits. Because the CI-97 language is so complex, we can expect plenty of lawsuits.

In our representative democracy, we elect people to make tough decisions and respond to citizens' concerns. CI-97 removes the ability of elected officials to make important budget decisions and gives that authority to a rigid formula. This is a radical and permanent change to Montana's constitution that will make public officials less accountable.

Twenty-one states recently considered and rejected measures like CI-97. Republicans and Democrats in these states worked together against this bad idea, just as they have in Montana. Colorado remains the only state to pass it, and they recently suspended it.

CI-97 is nothing but a shell game that would hurt the people of Montana, raise fees and property taxes, and keep average Montanans paying the bill – just as in Colorado. We should learn from Colorado's mistake and vote against CI-97.

Proponents' Rebuttal of Argument Against CI-97

Opponents' fear-filled fiction vs. **the facts**–

- **Because Montana's statutory cap was overturned**, two Montana legislators proposed CI-97 at 2005's special session. Almost half Montana's legislators supported their proposal.
- **Non-Montana national organizations are spending bundles against CI-97** – statewide mailings, fulltime staff, imported phony “experts”...
- Opponents claim problems may occur “*when state budget cuts go too far*”; that's completely irrelevant because **CI-97 doesn't cut any state budgets**. **CI-97 allows them reasonable growth – by inflation plus population increases**.
- **Montana's current balanced budget provision doesn't stop over-spending**. Tax-and-spend politicians keep over-spending, while increasing taxes to balance budgets.
- **25 states besides Colorado have spending caps**.
- **CI-97 vastly improves Colorado's TABOR**. No budget downsizing, no overall budget limit, numerous exemptions (i.e., federal funding) allowing unrestricted growth for 62% of Montana's budget, and reasonable growth for 38% (discretionary spending).
- Fee increases? **Montana's CI-97 doesn't even contain the tax limitation component which caused Colorado to raise fees instead**. CI-97 actually discourages large fee increases because politicians couldn't spend more than CI-97's allowable budget increases anyway.
- **CI-97 does mirror TABOR's voter rights** – Coloradoans got to vote on (and approved) excess spending last fall. TABOR was validated, not eliminated – **voters can be trusted to do what's best**.
- **CI-97 doesn't bar flat \$400 rebates** – Rebates are simply part of the governor's budget. Additional proportionate tax refunds could occur beyond the budget limit.
- **Politicians don't swear to stop over-spending, they do swear to uphold Montana's constitution**. No lawsuits will occur if politicians comply.

That's why Montana needs a constitutional spending cap – **CI-97!**

Opponents' Rebuttal of Argument for Approval of CI-97

Unfortunately, CI-97 proponents attempt to mislead voters with bogus numbers and arguments.

- CI-97 barely qualified for the ballot. Supporters claim they gathered 84,000 signatures. Out-of-state groups pushing CI-97 brought in out-of-state petitioners and paid them per signature. But only 48,016 signatures were certified as valid. The rest were fraudulent, duplicates, or otherwise invalid.
- CI-97's rigid formula (inflation-plus-population) is **unworkable**. It will not allow the state to keep up with the cost of providing services – just as in Colorado.
 - *Inflation* (Consumer Price Index) measures what consumers buy, *not* what state government buys. The state buys things like firefighting and health services. These costs increase much faster than the CPI.
 - *Overall population* does not reflect the rapid growth in Montana's senior population, which relies more on public services.
- CI-97 affects more than Montana's general fund. It will cause higher fees and local property taxes by shifting the burden of funding services to local governments.
- The \$8.2 billion proponents mention includes billions in **federal support funds**. To claim it's all state spending is **grossly misleading**.
- Montana is not a big-spending state. We rank in the bottom third in government spending as a percentage of income. (*Bureau of Economic Analysis*)

Job and wage growth in Montana are now increasing faster than the national average. (*Bureau of Labor Statistics*) We are finally headed in the right direction. Why gamble on CI-97, another out-of-state gimmick like energy deregulation? **Vote NO on CI-97.**

Constitutional Initiative No. 98

A CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION

Montana statutes currently provide for the recall of public officials, including state court justices or judges, for physical or mental lack of fitness, incompetence, violation of the oath of office, official misconduct, or conviction of a felony offense. This measure amends the Montana Constitution to provide for recall by petition of state court justices or judges for any reason. It is effective upon approval.

- FOR amending the Montana Constitution to provide for recall by petition of state court justices or judges for any reason.
- AGAINST amending the Montana Constitution to provide for recall by petition of state court justices or judges for any reason.

The PROPONENT argument and rebuttal for this measure were prepared by State Representative Edward B. Butcher, State Representative Diane Rice, and State Representative Michael Lange.

The OPPONENT argument and rebuttal for this measure were prepared by the Honorable John C. Harrison, former Montana Supreme Court Justice; the Honorable Jean Turnage, former Montana Supreme Court Chief Justice; and the Honorable John C. Sheehy, former Montana Supreme Court Justice.

THE COMPLETE TEXT OF CONSTITUTIONAL INITIATIVE NO. 98 (CI-98)

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

Section 1. Article VII is amended to read:

NEW SECTION. [Section 12]. (1) This amendment shall subject to recall each elected justice or judge of the state or its political subdivisions including a justice or judge appointed to an elected judicial office.

(2) A petition for recall may be filed by up to three qualified electors serving as chief petitioners.

The chief petitioners shall:

(a) provide a justification statement, not exceeding 200 words, declaring the reasons for the recall;

(b) circulate the petition in an approved form; and

(c) file the signed petitions with the appropriate election administrator for verification and certification.

(3) No petition for recall may be filed sooner than 60 days following the time the justice or judge takes office.

(4) The sufficiency of the justification statement required under subsection (2) is a political question answered solely by the qualified electors participating in the recall election and no judicial recall petition shall otherwise be subject to judicial inquiry or review. The justification statement is sufficient if it sets forth any reason acknowledging electoral dissatisfaction with a justice or judge notwithstanding good faith attempts to perform the duties of the office.

(5) Notwithstanding the review protections granted under subsection (3) a petitioner or petitioners providing a justification statement shall not be shielded from responsibility for any untrue statements contained in the justification statement.

(6) Prior to circulation, a recall petition shall be approved as to form. The appropriate elections officer is the officer who is provided by law to accept the declaration of nomination or petition for nomination for such office. A judicial recall petition shall be examined for form and shall be approved or denied for circulation within three business days. A petition shall be approved as to form if it contains a justification statement and includes a circulation sheet that includes signer information categories sufficient to identify qualified electors signing the petition.

(7) Signed circulation sheets containing the required number of signatures shall be submitted to the officer responsible for registration of electors in the county in which the signatures were obtained within 3

months of the time the petition was approved. The required number of signatures shall serve as prima facie evidence of a completed recall that is qualified for election. The required number of signatures shall be:

(a) for an office of justice or judge subject to statewide election, at least 10% of the number of votes cast in the previous election to fill that office; or

(b) for any other office of a justice or judge, at least 15% of the number of votes cast in the previous election to fill that judicial office.

(8) The county clerk in each county in which a judicial recall petition is submitted shall have up to 15 business days to examine the filed signatures and determine whether invalid signatures, if any, exist in such number so as to render the filing incomplete. A recall petition meeting prima facie filing requirements shall not be determined incomplete unless a sufficient number of invalid signatures is identified. The clerk shall certify such to the appropriate elections officer with whom the recall petition is to be filed.

(9) In the case of a statewide election the secretary of state shall have 10 days to tabulate certified signatures from the county; and in the case of districts which are not statewide districts the appropriate election officer or officers shall have 5 days to tabulate certified signatures.

(10) A special election shall be held on the question of recall within 75 days of the filing of a complete recall petition; however, if an election is already scheduled for that electoral district within 90 days of filing, the question of recall may be included in such election. The call for a special election shall be made by the governor in the case of an office subject to statewide election or by the official(s) authorized to call a special election for a political subdivision in the case of all other offices.

(11) If a justice or judge prevailed in a recall vote once during a term of office, the legislature may require the posting of a bond by any subsequent chief petitioners in an amount sufficient to offset the government cost of a subsequent unsuccessful recall election during that term of office.

(12) All other procedural statutory recall provisions not inconsistent with the design of this amendment may be provided by law. This amendment is self-executing and shall supplant any inconsistent statutory recall provisions. This amendment provides a method of removing justices and judges in addition to Article VII, section 11, and does not exist as a substitute for Article VII, section 11.

NEW SECTION. Section 2. Severability. If part of this amendment is invalid all valid parts remain in effect. If part of this amendment 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 3. Saving clause. This amendment does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this amendment.

NEW SECTION. Section 4. Effective date. This amendment is effective upon approval by the electorate.

Argument For CI-98

We Americans have a unique relationship to our courts. Judges are seen as public servants, who must rule fairly and be accountable to the people. In Montana, where judges are elected for very long terms, accountability is only meaningful if the people can democratically remove bad and biased judges between elections. Yet, our current recall law is so weak that it protects bad judges and makes recall almost impossible. CI-98 re-establishes judicial accountability with a recall process that is accessible, yet intentionally difficult to abuse.

Everyone deserves a good judge. The vast majority of judges do an admirable job. But what of those few who don't? Those who may rule with an obvious bias or political agenda? Those who legislate from the bench? Those who put our families and communities in peril by turning violent criminals and pedophiles out on the streets? Those who trample our constitutional rights? How would you feel if you were a victim of such a judge, and knew that in Montana, nothing could be done?

A fundamental democratic right. In 1976, the people passed an initiative aimed at guaranteeing our right to recall any elected officials, including judges, who abuse their power. But a few months later, it was gutted when the legislature created "grounds" for recall so narrow and so restrictive, that since that time, the people have not been able to recall a single judge, no matter how awful his or her record.

Who judges the judges? CI-98 provides the opportunity to take a measured and serious look at a judge's performance, and when that performance is truly deplorable, to remove the person from office. Here is how it would work:

- After the judge is in office at least 60 days, a petition may be circulated, stating the reasons for the recall. These reasons may not be overruled by another judge.
- Petitioners have 3 months to gather signatures representing at least 10 percent of the total votes cast in a previous statewide election (15% for local races.)
- If the petition is successful, a special election will be held within 75 days, or within 90 days of another election. If the judge or justice wins the election, any future recall efforts must cover all costs up front.

Why is CI-98 so needed? While judges and supreme court justices are subject to elections every 6 to 8 years, poor judges can create enormous abuse and hardship while serving their terms. That is precisely why, in a free society, constitutions provide for the more immediate remedy of recall, in extreme situations.

Recall of any elected official should never be taken lightly. The very strict requirements of CI-98 ensure that it will not be used as a casual means of political harassment. But it will be a powerful tool for judicial accountability and democratic oversight of a branch of government that for too long has been too removed from the will of the people.

Argument Against CI-98

Montana's electors should reject Constitutional Initiative No. 98.

Montana already has, since 1976, a sensible and workable Recall Act that applies not only to justices and judges but to every person holding an elective public office. The present Recall Act requires as a basis for a Recall Petition that public officers are lacking in physical or mental fitness, are incompetent, have violated the oath of office, have committed official misconduct or a felony. In other words, the public officer must be correctly accused of a wrongful act to be required to face a recall election.

Initiative 98 provides that 3 electors may file a recall petition against a justice or judge for any reason, claiming judicial dissatisfaction with the justice or judge.

The rights and protection of our citizens are dependent upon a fair, impartial and unbiased judiciary. If the judges were confronted with the threat of constant and repeated recall elections, they would be distracted from the performance of their duties and subjected to great expense in defending recall elections.

Consider that when a judge makes a decision that is fair, impartial and a correct application of the law and evidence, he or she may nevertheless be faced with a recall election. In any contested court proceeding, including bitter divorce cases, one of the parties will be the losing party and of course dissatisfied.

Consider a criminal case where a person is wrongfully accused of crime and the evidence used to convict is obtained by clear violations of the Constitution, a judge must deny such offered evidence and dismiss the case. The judge that upheld constitutional protections may face a recall election.

Constitutional Initiative No. 98 (CI-98) is bad public policy, unwise and unneeded and should be rejected by the electorate.

Proponents' Rebuttal of Argument Against CI-98

Saying Montana citizens have a right to recall is sort of like claiming that communist Russia had free elections. In both cases, there may be a “law” on the books, but that doesn’t mean you can exercise your rights in any meaningful way.

Here is the record: in the twenty-nine years that the Recall Act has existed, every official who challenged his recall on the “grounds” the legislature created, has had the recall action thrown out by a judge. Opponents call this “sensible and workable.” A law that will not allow us to challenge judges who throw violent criminals and pedophiles out on the street, “legislate” radical political agendas or destroy our constitutional freedoms. Currently, not even blatant bias is “acceptable” grounds for recall.

Opponents’ arguments reflect the premise that we cannot be trusted with the right to recall bad judges, because we’d retaliate against good judges for petty reasons. They say if someone gets mad over a divorce ruling, they will gather thousands of signatures and get the judge recalled. Utter nonsense!

Montana’s current recall law was reduced to a sham by politicians who did not want to face the accountability of the recall process. CI-98 rights that wrong. It sets the recall bar extremely high to remove any possibility of misuse. Moreover, it entrusts Montanans with a sacred democratic responsibility: the ability to take action against the worst of judges, and bring them to a public vote. Vote for accountability and responsible public policy. VOTE YES FOR CI-98.

Opponents' Rebuttal of Argument for Approval of CI-98

Clearly, if passed, CI-98 can be used to intimidate and harass sitting judges. Just the presence of a law like CI-98 would be a threat to the judge's ability to decide issues impartially.

A single dissatisfied person could file a petition to recall a judge, for any imaginary reason at all. No public official is given the power to correct the petition in any way. Did the judge act in the highest good faith? Tough luck! The petition drive goes on, no matter how good the judge really is.

Then begins the scramble for signatures, sometimes by paid solicitors. CI-98 lowers the number of signatures needed. If enough are obtained, a special election on the recall must follow, or be a part of regular elections. It is the public who pays for these elections. It is the judge who must pay for his defense to the recall.

People of good sense will see the dangers lurking in CI-98 and vote against it. The stability and quality of Montana's judiciary is truly at stake here. Our court system is working well, and does not need this kind of fixing. We respectfully ask you to vote against CI-98.

Initiative No. 151

A LAW PROPOSED BY INITIATIVE PETITION

This measure raises the state minimum wage to the greater of either \$6.15 an hour or the federal minimum wage. This measure also adds an annual cost-of-living adjustment to the state minimum wage. Under existing law, the state minimum wage is equal to the federal minimum wage, which is \$5.15 an hour with no cost-of-living adjustment. This measure does not change the \$4.00 an hour minimum wage for a business whose annual gross sales are \$110,000 or less. This measure would take effect January 1, 2007.

This measure would have no significant impact on the revenues, expenditures, or the fiscal liability of the state.

- FOR raising the state minimum wage to the greater of either \$6.15 an hour or the federal minimum wage, plus an annual cost-of-living adjustment.
- AGAINST raising the state minimum wage to the greater of either \$6.15 an hour or the federal minimum wage, plus an annual cost-of-living adjustment.

The PROPONENT argument and rebuttal for this measure were prepared by Tim Kennedy - Small Business Owner - Mom's Famous Soup and Salad; Jacquie Helt - President, Montana State AFL-CIO and Executive Officer UNITE HERE ! Local 427; and Steve Bullock, Director, Raise Montana.

The OPPONENT argument and rebuttal for this measure were prepared by Riley Johnson, Brad Griffin, Merisa Saunders, and Webb Brown.

THE COMPLETE TEXT OF INITIATIVE NO. 151 (I-151)

Section 1. Section 39-3-409 MCA is amended to read:

“39-3-409. Adoption of minimum wage rates -- exception.

(1) The ~~commissioner shall adopt rules to establish~~ a minimum wage ~~that~~, except as provided in subsection ~~(2)~~ (3), must be the ~~same~~ greater of either:

(a) the minimum hourly wage rate as provided under the federal Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), excluding the value of tips received by the employee and the special provisions for a training wage; or

(b) \$6.15 an hour, excluding the value of tips received by the employee and the special provisions for a training wage.

(2)(a) The minimum wage is subject to a cost-of-living adjustment, as provided in subsection (2)(b).

(b) No later than September 30 of each year, an adjustment of the wage amount specified in subsection (1) of this section shall be made based upon the increase, if any, from August of the preceding year to August of the year in which the calculation is made in the consumer price index, U.S. city average, all urban consumers, for all items, as published by the bureau of labor statistics of the United States department of labor.

(c) The wage amount established under this subsection (2):

(i) must be rounded to the nearest five cents; and

(ii) becomes effective as the new minimum wage, replacing the dollar figure specified in subsection (1), on January 1 of the following year.

~~(2)~~ (3) The minimum wage rate for a business whose annual gross sales are \$110,000 or less is \$4 an hour.”

Section 2. Effective Date. [This act] is effective on January 1, 2007.

Argument For I-151

People who work full-time for a living should not have to live in poverty.

The current minimum wage in Montana is \$5.15 an hour.

(39-3-409 Montana Code Annotated)

A person working full-time at the minimum wage in Montana will earn wages of \$10,712 a year.

(\$5.15 an hour x 40 hours a week x 52 weeks = \$10,712)

An annual wage of \$10,712 is 31% less than the federal poverty level for a family of three.

(Congressional Research Service Memorandum – “Historical Relationship Between the Minimum Wage and Poverty, 1959 to 2005”)

Montana’s minimum wage was last raised 10 years ago – in 1996.

(Small Business Job Protection Act of 1996, Public Law 104-188, Signed into Law 8/20/1996)

In 1996 the average price for a gallon of gas in Montana was \$1.53 a gallon.

(American Petroleum Institute – “Changes in the Major Components of Gasoline Prices, 1967-2004”)

At today’s gas prices the average person spends \$7,967 per year just to drive a car.

(AAA Study – “Your Driving Costs 2006”)

A year of child-care in Montana costs an average of \$5,710 for care of a pre-schooler.

(National Child Care Resource and Referral Agencies – “2004-2005 Price of Child Care”)

Since 1996, 23 states have already raised the minimum wage for their workers.

(Associated Press, July 17, 2006 – “Minimum Wage Push Focusing on State Level”)

Over 50% of all Americans live in states that have passed minimum wages higher than Montana’s.

(Economic Policy Institute – “Minimum Wage Issue Guide: FAQs”)

I-151 would raise the minimum wage in Montana by \$1.00 an hour to \$6.15 an hour.

Give Montana workers a raise.

It’s fair.

It’s right.

It’s time.

Vote for I-151

This Ballot Argument Submitted by:

Tim Kennedy - Small Business Owner - Mom’s Famous Soup and Salad

Jacquie Helt - President, Montana State AFL-CIO and Executive Officer, UNITE HERE ! Local 427

Steve Bullock, Director, Raise Montana

Argument Against I-151

- **Read the fine print – I-151 is an ANNUAL price increase.**

The dollar per hour increase is nothing but a Trojan Horse that hides the annual Consumer Price Index (CPI) increase. While focusing on the initial \$1 per hour hike, proponents have slipped in an annual inflation factor that will cripple small businesses. And if double-digit inflation returns, that means double-digit labor increases – every year.

- **Big city prices for Montana’s rural small businesses.**

The CPI is calculated using prices from 87 of America’s biggest cities – *not a single one of them in Montana!* Nor are there any in three of our neighboring states. So, when the price of a latté increases in New York and Los Angeles, labor costs will go up in Eureka and Ekalaka. I-151 puts us at the mercy of out-of-state shopping trends.

- **I-151 leaves small businesses vulnerable.**

The unpredictable nature of the CPI increase seizes economic control from small business. Since wages are the largest expense in most businesses, any price increase has a significant impact. It is essential that small business owners set wages and raises based on merit, education/training, productivity, and other factors, not a volatile government mandate.

- **I-151 is mandated inflation.**

When faced with automatic pay hikes, business owners will be forced to increase prices every year. Simple economics require that costs, on a whole range of goods and services, will be passed on to consumers whenever possible. This will create a spiral of inflation, driving up costs. Montanans, especially retirees and those on fixed incomes, will pay a heavy price.

- **I-151 takes a bad idea and makes it worse.**

Government-mandated wage increases are a bad idea in the first place. Everyone would like to see people earning more money. But nearly four out of five Montanans feel increasing business activity and providing better education and training are better ways to raise wage levels, rather than increasing the minimum wage. The last few years, we’ve seen how the market reacts to an improved economy around Montana – higher wage levels for workers. And according to the latest government statistics, Montana has only about 5,000 employees classified as making entry-level or minimum wage. Many of those are restaurant workers not counting tip income. Others are new to the workforce and quickly move on to higher wages after proving their value.

- **I-151 is BAD for Montana.**

It’s a sneaky way to force an annual price increase based on out-of-state, big city prices. It leaves small businesses vulnerable and mandates unlimited inflation on Montana consumers. And it compounds a bad method of increasing wages.

Read the fine print – and vote NO on I-151!

Proponents' Rebuttal of Argument Against I-151

- **Read the fine print— I-151 is an ANNUAL price increase. FALSE**
No fine print...I-151 is one paragraph long and adds a fair and predictable standard based on what businesses charges consumers. If the price of bread and milk increase, shouldn't the salaries of hard-working minimum wage earners increase, too?
- **Big city prices for Montana's rural small businesses. FALSE**
The CPI is the fairest of yardsticks and is universally accepted ...in Montana. It is used to set governmental salaries, adjust taxes and retirement, even increase how much these lobbyists arguing against I-151 can spend on influencing legislation before making it public!
- ~~**I-151 leaves small businesses vulnerable. FALSE**~~
I-151 makes labor costs predictable. Like all of us, businesses need the ability to plan and prepare for change. The CPI takes politicians out of setting the minimum wage, replacing them with an established market calculation.
- ~~**I-151 is mandated inflation. FALSE**~~
Businesses raise prices. You think a hamburger today costs the same as in 1997, the last time the minimum wage was increased? Are the dues the Chamber of Commerce charges businesses the same today as they were then? Hardly.

Prices increase naturally over time. So do salaries. The minimum wage earner hasn't had a pay increase in 10 years, yet must pay higher prices. That's not right.
- ~~**I-151 is BAD for Montana. FALSE**~~
I-151 is good for Montana. 20+ states have already increased their minimum wage, and their state's businesses have not been hurt. Neither will ours.

Opponents' Rebuttal of Argument for Approval of I-151

- **Why did proponents choose not to focus on the most dangerous part of their proposal; the annual inflation factor called the Consumer Price Index?**
- **I-151 will impose big city price increases on Montana.** The Consumer Price Index is calculated by taking prices from America's 87 largest cities. None of those cities are in Montana and none are in three of our surrounding states.
US Bureau of Statistics
- **Wages in Montana will be determined by an out of state index.** Do Montanans really want to be forced into spiraling labor and price hikes?
- **Economic experts, including Alan Greenspan, agree that an increase in the minimum wage results in fewer job opportunities for entry level workers—particularly the least-skilled.** Sadly, these are the very individuals that minimum wage increases are supposed to help. "Product Market Evidence on the Employment Effects of the Minimum Wage," Federal Reserve Bank of Chicago, 2003
- **A large percentage of Montana's 5000 minimum wage earners are restaurant servers and are either teenagers living with their working parents, adults living alone, or a married couple -- often with a spouse earning a higher income.** The reason people agree to work as a restaurant server is because they can make considerably more than minimum wage with tips. The restaurant industry also provides flexible hours and advancement opportunities.
- **Read the fine print and Vote No on I-151.**

Initiative No. 153

A LAW PROPOSED BY INITIATIVE PETITION

This measure prohibits former state legislators, appointed officials, department directors, elected officials and their personal staff, from becoming licensed lobbyists within 24 months after departure from state government.

- [] FOR prohibiting certain former state officials and staff from becoming licensed lobbyists within 24 months following their departure from state government.

- [] AGAINST prohibiting certain former state officials and staff from becoming licensed lobbyists within 24 months following their departure from state government.

The PROPONENT argument and rebuttal for this measure were prepared by Governor Brian Schweitzer, Reverend George Harper and State Representative Dave Wanzenreid.

The OPPONENT argument and rebuttal for this measure were prepared by Jon Metropoulos, State Representative Ron Devlin and Linda Stoll.

THE COMPLETE TEXT OF INITIATIVE NO. 153 (I-153)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA

NEW SECTION. Section 1. Prohibition of lobbying by former government personnel. (1)

An individual may not be licensed as a lobbyist and a principal may not directly authorize or permit lobbying by an individual, if during the 24 months prior to applying for a license that individual served as a state legislator, elected state official, department director, appointed state official, or a member of a certain personal staff, as defined by 2-18-101, MCA.

(2) The prohibition in subsection (1) does not apply to an individual who seeks a license to serve as a lobbyist as part of the individual's responsibilities as an employee of state or local government.

NEW SECTION. Section 2. Codification. Section 1 is intended to be codified as an integral part of Title 5, chapter 7, part 3, and the provisions of Title 5, chapter 7, apply to section 1.

NEW SECTION. Section 3. 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.

Argument For I-153

I am proud to join Reverend George Harper and Representative Dave Wanzonried in writing this statement, not as Governor -- but as a private citizen like Dave and George, concerned about the future of our state and the strength of our democracy in the face of increasing lobbying scandals around the nation.

Ballot Initiative 153 will regulate the lobbying industry and keep our government clean, by setting out a two-year ban on lobbying by former government officials. If it passes, I-153 will be among the strongest lobbying reform measures in America.

The Problem

Montana needs tougher laws to control the lobbying industry and its interaction with government officials, known as the "revolving door". It is currently legal for top government officials, including legislators and even the governor and his top staff, to leave office and immediately go to work as lobbyists representing the very industries that they once set policy for. This type of maneuver is at the center of the Washington, DC lobbying scandals and it occurs routinely in state government. It puts a "for-sale" sign on public service and allows well-funded advocacy groups to buy access at the expense of the ordinary citizen who should be government's first concern. And it tempts officials to focus on lucrative opportunities at the end of their tenure. To borrow a sports analogy, if an NFL referee officiates the Super Bowl, and on the next day gets hired by the winning team for a big salary, would you feel the game had been honestly officiated? We need to know that our public servants are working for us, not cutting deals for private industry with hopes of landing a job when they leave office.

The Solution

I-153 proposes a simple solution. It requires top state officials to wait two years before they may become licensed lobbyists. This waiting period applies to the people in government with the greatest power, including 1) legislators, 2) all of the elected officials of the executive branch, 3) the justices of the Supreme Court, 4) the top officials of the University system, and 5) the personal staff of elected officials. The waiting period does not apply to non-exempt state workers or local or county officials and does not prohibit representing oneself before the government. It also does not affect volunteer or other minimal lobbying. It only applies to paid, professional lobbying that requires a license.

The purpose of government is to serve citizens and society, not professional lobbyists and their clients. We'll let our federal officials figure out how to clean up the mess in Washington. Meanwhile, we, the people, can lead the way in Montana by passing I-153 to keep our state government clean.

Brian Schweitzer

Rev. George Harper

Rep. Dave Wanzonried

Argument Against I-153

If you are a member of a church, hunting and fishing organization, union, volunteer firefighter's organization, or women's group, if you own a small business or if you are retired, chances are your interests were represented in the last legislature by a lobbyist. Most of the people who participate in these and other groups with you are Montanans. Today you have the right to choose whomever you think is the most effective advocate to look out for your interests. **Initiative 153 would take that right away.**

Scandals in Washington D.C. are the reason for this proposal. But Montana is not Washington D.C. Here in Montana, through the Commissioner of Political Practices, we know how much money is being spent on lobbying and by whom. We already require lobbyists to register, and to track and report expenditures and contacts with legislators. In addition, Montana's Constitution mandates open meetings, open public records and full public participation in the workings of our government. This includes the right to know who lobbyists are and who they work for, ensuring that communication with government officials is open for all to see.

I-153 does not deal with any problem that exists in Montana. No corruption in the legislative and lobbying communities or in state government has been shown. I-153 would not better Montana's government, but it will infringe on our right to hire people of our choice to help us communicate with and persuade state government. I-153 will ban a narrow group of individuals from serving as lobbyists, even though no need has been shown for this restriction on their rights and yours. The only ones who will benefit are long-entrenched lobbyists – because they will not be limited by I-153 – and state government officials and bureaucrats – who will be able to influence the Legislature without competition from other well-informed individuals representing non-governmental interests.

I-153 bars individuals who have served honorably from helping fellow Montanans communicate with the Legislature and other branches of government. The individuals affected by I-153 still have something to offer the State of Montana and should not be treated as if their character is suspect. Barring them from this employment would harm not only them, but Montanans, just like you, who wish to use their expertise to communicate with state government.

Finally, hiring such lobbyists benefits the legislative and governing process, results in better laws, and helps Montanans communicate effectively with their government. The truth of this is shown by the fact that the Governor had four registered lobbyists working directly for him last session, two of whom were former legislators. Similarly, the State of Montana had more than 80 registered lobbyists, almost 20% of the lobbyists that worked with the 2005 Legislature. No other organization, corporation, business or citizen's group employed as many lobbyists as did the State. Clearly, state government understands the value of lobbyists, including those who are former legislators.

It is unfair, and unwise, to allow government to have this advantage while taking it away from everyone else.

Proponents' Rebuttal of Argument Against I-153

- 1) Initiative 153 does not in any way affect the right of a citizen to petition government or hire an advocate. Rather, it requires top government officials to "sit out" for two years before they may lobby for hire. As far as we know, there is no "right" to retain the lobbying services of a retired official whose chair in the capitol is still warm, nor is there a right to sell influence after leaving office.
- 2) Our opponents seem to believe that lobbyists serve the public at large. They do not. They represent special interests. Elected officials represent citizens. It's what they are pledged and paid to do.
- 3) If an official wants to lobby for a good cause immediately upon retiring from service, I-153 allows him to do so on a volunteer basis. If he wants to lobby for big bucks, he must wait two years.
- 4) As lobbyists, our opponents know quite well that the lack of separation between government and the lobbying profession is a problem in Helena and Washington alike. It has been a factor in major policy failures, like energy deregulation, which was a success for energy lobbyists and energy companies but a disaster for citizens.
- 5) Opponents' last paragraph is inaccurate. There is nothing wrong with somebody leaving the legislature to work in the executive branch, or leaving the private sector to work for the government. The problem arises when public servants quickly migrate into private for-profit lobbying and end up selling influence.

Opponents' Rebuttal of Argument for Approval of I-153

I-153 would prohibit groups representing Montana citizens from hiring the lobbyists of their choice—former legislators and some state employees who could not lobby for two years after leaving office.

But state or local government bureaucrats who lobby as a part of their job would not be affected. Former legislators could lobby for the state, but not for the AARP, the Montana Catholic Conference, the Montana Education Association-Montana Federation of Teachers, the National Rifle Association, Montana Cattle Women, Inc., the Montana Grain Growers Association, or any of the hundreds of organizations that hire lobbyists.

If I-153 is a good idea, it should apply to government bureaucracy as well as Montana citizens.

But I-153 is not a good idea. Today, you have the right to hire whomever you believe will best represent your interests to the Montana Legislature. If I-153 passes, only state and local governments will have that right.

Montana's Constitution guarantees open government, and that guarantee applies to lobbying activities. Entities that lobby must report their expenses, and those reports are open for everyone to see.

I-153 may make for good political rhetoric, but it is bad government.

Initiative No. 154

A LAW PROPOSED BY INITIATIVE PETITION

Current law allows state and local governments to take or damage private property for public use, on payment of just compensation. First, this initiative requires governments to waive any new regulation that reduces property values, unless they compensate owners for the reduced value. This requirement does not apply to public health and safety.

Second, this initiative prohibits governments from taking private property if they intend to transfer an interest in the taken property to another private party. This prohibition does not apply to private utility, water, transportation, and mining projects currently defined as public uses.

This initiative requires significant state and local government expenditures to respond to additional property owner claims. Further expenditures to pay property owner claims will depend on future policy choices, and whether state and local governments decide to waive regulations instead of paying claims.

- FOR requiring governments to waive regulations that reduce property values unless they compensate owners, and prohibiting takings intended to transfer property to private parties.
- AGAINST requiring governments to waive regulations that reduce property values unless they compensate owners, and prohibiting takings intended to transfer property to private parties.

The PROPONENT argument and rebuttal for this measure were prepared by State Senator Joe Balyeat, CPA; and the Honorable Ken Miller, former State Senator.

The OPPONENT argument and rebuttal for this measure were prepared by the Honorable Dorothy Bradley, former State Representative; the Honorable Charles Tooley, former Billings Mayor; County Commissioner Connie Eissinger; County Commissioner Doug Kaercher; and the Honorable Ron Erickson, former State Representative.

THE COMPLETE TEXT OF INITIATIVE NO. 154 (I-154)

WHEREAS, Article II, section 29, of the Constitution of the State of Montana declares in no uncertain terms that private property shall not be taken or damaged for public use without just compensation to the full extent of the loss; and

WHEREAS, Article II, section 3, provides, within its provisions, the inalienable rights of all Montana citizens the right to pursue life's basic necessities including defending liberties, acquiring, possessing and protecting property; and

WHEREAS, Article II, section 17, provides that no person shall be deprived of life, liberty, or property without due process of law; and

WHEREAS, despite these Constitutional protections, in government actions, the rights of private property owners are often ignored and the compensation provided is not just compensation in that property owners do not appear to be compensated for property taken or damaged for public use to the full extent of the loss.

NOW THEREFORE, as these rights clearly exist and with an intent to protect private property from the state to the full extent of a loss due to state action resulting in private property being taken or damaged.

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

Section 1. Section 70-30-101, MCA, is amended to read:

~~“70-30-101. Definitions Eminent domain defined.~~ (1) Eminent domain is the right of the state to take private property for public use. This right may be exercised in the manner provided in this chapter.

(2) (a) Damages to property occur when government regulations enacted after acquisition of an ownership interest in real property result in diminished value or economic loss to the private property subject to the government regulation.

(b) Damages do not occur when government regulations, including court orders, are enacted for protection of public health and safety including fire and building codes, health and sanitary regulation, solid or hazardous waste regulations, housing of dangerous felons or sexual offenders, commonly and historically recognized nuisances under common law prohibiting or eradicating blight, obscenity, nude dancing, junk or abandoned vehicles or any property used in connection with any criminal activity.

(3) Just compensation is:

(a) in the case of the taking of property the current fair market value for the property and improvement sought to be taken plus costs, interest and attorney fees as well as diminished value resulting from costs or losses incurred with respect to relocation or closing of a business;

(b) if the property taken is an individual's principal residence just compensation is 125% of the fair market value, plus costs, interest, and attorney fees; or

(c) in the case of damages to property that is damaged, the depreciation in the current fair market value, plus costs, interest and attorney fees as well as diminished value resulting from costs or losses incurred with respect to relocation or closing of a business.

Section 2. 70-30-301, MCA, is amended to read:

“70-30-301. Hearing -- judge to preside -- determinations by condemnation commissioners.

(1) The condemnation commissioners shall meet at the time and place stated in the order appointing them. The meeting time may not be more than 10 days after the order of appointment. The commissioners shall examine the ~~lands~~ property sought to be taken. At a time appointed by the judge and within the 10-day period, the commissioners shall hear the allegations and evidence of all persons interested in ~~each parcel of land~~ the property sought to be taken.

(2) The hearing must be attended by and presided over by the presiding judge, who shall make all necessary rulings upon procedure and the admissibility of evidence.

(3) (a) At the conclusion of the hearing, the judge shall instruct the commissioners as to the law applicable to their deliberations and shall instruct them that their duty is to determine, based solely upon their examination of ~~lands~~ property, the evidence produced at the hearing or hearings, and the instructions of the court, the appropriate findings provided for in subsections (3)(b) through (3)(d).

(b) The commissioners shall determine the current fair market value of the real property sought to be taken and all improvements pertaining to the real property and of each separate estate and interest in the real property and improvements. If the real property consists of different parcels, the current fair market value of each parcel and each estate or interest in the real property must be separately assessed.

(c) (i) If the property sought to be taken constitutes only a part of a larger parcel, the commissioners shall determine the depreciation in current fair market value that will accrue to the remaining parcel by reason of the condemnation and any improvements made to the affected property ~~and the construction of the improvements in the manner proposed by the condemnor.~~

~~—(ii) The commissioners shall also determine how much the remaining parcel and each estate or interest in the remaining parcel will be benefited, if at all, by the construction of the improvements proposed by the condemnor. If the benefit is equal to the amount assessed under subsection (3)(c)(i), the compensation to the condemnee is limited to the value of the portion taken. However, if the benefit is less than the amount assessed under subsection (3)(c)(i), the benefit to the condemnee must be deducted from the amount assessed under subsection (3)(c)(i) and the remainder is the only amount allowed in addition to the current fair market value.~~

(d) If the property sought to be taken is for a railroad, the commissioners shall also determine the cost of good and sufficient fences along the line of the railroad and the cost of cattle guards where fences may cross the line of the railroad.

(e) Through examination of the property, the commissioners shall determine the appropriate payment for damages to the property taken, as well as to any remaining parcel of property that may be adversely impacted by the project, to assist the court in making a final determination pursuant to 70-30-309.

(4) When there are two or more estates or divided interests in property sought to be taken, the condemnor is entitled to have the amount of the award for the property first determined as between the condemnor and all condemnees claiming any interest in the property. In the same proceeding, the respective rights of each of the condemnees in and to the total award must be determined by the

commissioners, under supervision and instruction of the court, and the award must be apportioned accordingly.”

Section 3. 70-30-304, MCA, is amended to read:

“70-30-304. Appeal to district court from assessment of condemnation commissioners. (1)

Any party may appeal from any assessment made by the condemnation commissioners in the court in which the report of the commissioners is filed. The appeal must be taken within 30 days after the service upon the parties of the notice of the filing of the award. The appealing party shall serve notice of the appeal upon the opposing party or the opposing party's attorney and shall file the notice of appeal in the district court in which the action is pending. The appeal must be tried upon the same notice and in the same manner as other civil actions. Unless a jury is waived by the consent of all parties to the appeal, the appeal must be tried by a jury. The amount to which the condemnee may be entitled, by reason of the taking of the condemnee's property, must be reassessed as prescribed in this part for the assessment of that amount by the commissioners.

(2) Upon any verdict or assessment by the commissioners becoming final, judgment must be entered declaring that upon payment of the amount of the verdict or assessment, together with the interests and costs allowed by law, if any, the condemnor has the right to construct and maintain the public use project and to take the property described in the verdict or assessment for the use and purposes for which the property has been taken. The rights granted in the verdict or assessment remain in the condemnor and the condemnor's heirs, successors, or assigns forever.

(3) If the party appealing from the award of the commissioners does not succeed in changing to the appellant's advantage the amount finally awarded in the proceeding, the appellant may not recover the costs of the appeal, ~~but all the costs of the appellee in the appeal must be taxed against and recovered from the appellant.~~ However, upon the trial of the appeal, the appellant may contest the right of any party to any of the property mentioned and set forth or involved in the appeal that was located after the preliminary survey of any highway or railroad, seeking to condemn a right-of-way pursuant to the provisions of this chapter if the condemnation proceedings are begun within 1 year after the preliminary survey.”

Section 4. 70-30-322, MCA, is amended to read:

“70-30-322. Option of original owner or successor in interest to purchase at sale price. (1)

Except as provided in subsections (2) and (3), the owner from whom the real property interest was originally acquired by eminent domain or otherwise or the owner's successor in interest, if there is a successor in interest, must be notified by the seller by certified mail and has a 30-day option from the date of a sale provided for in 70-30-321 to purchase the interest by offering an amount of money equal to the highest bid received for the interest at the sale. ~~If more than one person claims an equal entitlement, the option may not be exercised.~~

(2) In any case where the seller is a government entity or the intended use by a purchaser, other than the optionholder, is different from the purpose for which the property was condemned, the optionholder may purchase the interest by offering an amount equal to the lesser of :

(a) the highest bid received; or

(b) the price paid to the original owner at the time of condemnation excluding costs and fees.

(3) Except as provided in subsection (4), if bids are not received by the seller and the optionholder indicates in writing to the seller that the optionholder wishes to exercise the option, the seller shall have the real property interest appraised and sell the interest at that price to the optionholder.

(4) If bids are not received and the seller is a government entity the optionholder may purchase the interest by offering an amount equal to the lesser of:

(a) the appraised value; or

(b) the price paid to the original owner at the time of condemnation excluding costs and fees.

(5) When an interest, other than a fee simple interest, in property that has been acquired for a public purpose by right of eminent domain, or otherwise, is abandoned or when the purpose for which it was acquired is terminated, the property reverts to the original owner or the original owner's successor in interest.

(6) The rights of the optionholder with respect to subsections (2)(b) and (4)(b) of [this section] to purchasing the interest in the condemned property at the original price paid expire 15 years after the date of the condemnation.”

NEW SECTION. Section 5. Limitation on public use. (1) Notwithstanding 70-30-102, MCA, government entities may not exercise the power of eminent domain with an intention to directly or indirectly transfer a possessory interest in the property taken to another private party, except where:

(a) the purpose of the condemnation relates to improved or unimproved property that constitutes a danger to the safety and health of the community by reason of dilapidation, lack of ventilation, light and sanitary facilities, deleterious land use or any combination of these factors as determined by:

(i) clear and convincing evidence; and

(ii) in a manner that separately accounts for each parcel or property interest sought to be taken;

(b) the property is necessary for transportation or utility facilities or transmission or pipeline systems or as enumerated as a public use in 70-30-102, MCA; or

(c) the condemnation involves the conveyances of interests lesser than fee title to a privately owned business to provide incidental retail services in a public facility designed primarily to serve the patrons of the facility.

(2) For the purposes of [this section], granting a mortgage or other security interests in the property to be taken for the purpose of financing the project for which the condemned property is to be used does not constitute an intention to directly or indirectly transfer a possessory interest in the property to another private party.

NEW SECTION. Section 6. Just Compensation for damaged property. (1) The current owner of private real property is entitled to just compensation when property is damaged by the enactment or enforcement of government regulations.

(2) If the right to use, divide, possess, sell or improve real property is directly impaired by a government regulation after the effective date of [this Act] the owner of the property shall be entitled to just compensation. Prior to filing a claim for just compensation under [this section], a property owner shall not be required to pursue or exhaust administrative remedies but must make a written demand to the government body that enacts or enforces the damaging regulation. Such demand may be submitted at any time from the enactment, up through a two year period from the initial enforcement of a damaging regulation, seeking just compensation, a permanent waiver from the regulation or a retraction of the regulation by the government body that enacted the regulation.

(3) A government body receiving a written demand pursuant to [subsection (2)] must, within a 90 day period following the date of receipt of the written demand and without requiring that the property owner participate in any administrative proceedings, take final action to permanently waive the regulation as applied to the affected parcel, retract the regulation or pay just compensation. If the government body does not satisfy the written demand by providing the amount demanded for just compensation or permanently removing the effect of the regulation within the 90 days from the filing of the demand, a prevailing owner shall have a cause of action for just compensation and shall be entitled to attorney fees, costs, and expenses incurred in pursuing the action. The government may, at any time prior to final proceedings on the disposition of the property owner's claim, take final action to permanently waive the regulation as applied to the affected parcel, retract the regulation or pay just compensation in satisfaction of the claim, but the government shall also pay actual attorney fees, costs, and expenses incurred in pursuing the action.

(4) An owner of real property affected by enforcement of a government regulation may apply to use or develop the affected property in a manner consistent with the permissible uses of the property in existence after the effective date of [this Act] or the date upon which the owner acquired record title in the property, whichever is later. If a permissible use under [this section] is not granted by the governing body within 120 days following the application for permit, the owner shall have a claim for just compensation and shall, if the owner prevails, be entitled to attorney fees, costs, and expenses incurred in pursuing the action.

(5) For purposes of [this section] the date upon which the owner acquires record title in the property, in the case of property held by lineal descendants of a property owner and acquired by such descendants through devise or gift shall be the date their predecessor in interest acquired title to the property. This subsection [subsection 5] applies to all interests acquired in the transfer of legal title and not just instances where the interest acquired is the same.

(6) This section [section 6] shall not apply to government regulations enforced pursuant to [section 1, subsection (2)(b)] of [this Act].

NEW SECTION. Section 7. Codification instruction. [Sections 5 and 6] are intended to be codified as an integral part of Title 70, chapter 30, part 2, and the provisions of Title 70, chapter 30, part 2 apply to [sections 5 and 6].

NEW SECTION. Section 8. Severability. If part of [this Act] is invalid all valid parts remain in effect. If 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 9. Saving clause. [This Act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of [this Act].

NEW SECTION. Section 10. Applicability. [This Act] applies to government actions, condemnations, and the sale of previously condemned property, occurring after the effective date of [this Act].

NEW SECTION. Section 11. Effective date. [This Act] is effective upon approval by the electorate.

Argument For I-154

I-154 is the **Protect Our Homes** initiative. It guards your home, business, and private property against abusive practices by over-ambitious politicians and special interests.

- Last year, the U.S. Supreme Court's *Kelo* decision ruled that **government could use eminent domain to seize your property and re-transfer it to a mall developer**. You could have a big box store where your living room once was. The only justification needed for bulldozing your home is government's desire to collect higher taxes from a commercial development.
- The Court ruled this broader eminent domain interpretation would apply **unless your state passes a law like I-154, that prohibits this abuse**.
- **Since Kelo, eminent domain abuse has skyrocketed** – nationwide, nearly 6000 properties either threatened or taken – working class homes, businesses, elderly widows' houses, even churches. No one is safe. For many families, the American Dream of home ownership is being destroyed by an unholy alliance of ambitious politicians and commercial interests.
- **I-154 says “Not in Montana.” It preserves the historical purpose of eminent domain** – your property could only be taken for true public purposes – highways, utilities, etc.
- *Kelo*'s eminent domain bulldozer is government theft – plain and simple. That's why **laws similar to I-154's eminent domain restriction are already enacted or currently progressing in 35 states**.
- **I-154 protects your property from excessive and abusive regulations** that reduce the value of your land and restrict your ability to use it as you would like. Under I-154, you'd have an avenue of legal relief by filing protest within two years. If you're successful, regulators would have three choices:
 - A) Exempt you from the unnecessary regulation, **or**
 - B) Repeal the unnecessary regulation entirely, **or**
 - C) Compensate you for your property value loss.

Only if option C is chosen, would government costs result.

- **I-154 is balanced. It only targets abusive property regulations** – it doesn't apply to any already existing zoning or regulation, new health and safety regulations, or privately imposed subdivision covenants. I-154 includes numerous reasonable exemptions – allowing new regulations for sanitation, fire and building codes, solid waste, hazardous waste, common nuisances, blight, obscenity, junk vehicles, dangerous felons, sexual offenders, and property used in connection with criminal activity.
- The uninformed try telling us that eminent domain abuses “can't happen in Montana.” They rely on a **1995 Montana court decision that is no longer relevant, now that federal law has changed under Kelo**. The only way to safeguard our homes from the tax-seeking Bulldozer is to pass I-154.

I-154 protects our freedom by limiting the power of government over our property, establishing a fair playing field for appealing regulatory abuses, and ensuring that no commercial interest can use eminent domain to rob us of our property for personal gain. If you believe in limiting government power, if you believe in fundamental private property rights, if you believe in reasonable compensation when government reduces your property value, if you want to protect YOUR home –

✓ **Vote YES on I-154.**

Argument Against I-154

I-154 means higher taxes for Montana families and big breaks for special interests.

Out-of-state special interests are pushing a classic bait-and-switch on Montana voters. They want you to believe I-154 is about stopping abuses of eminent domain. But in fact, the fine print creates *massive new loopholes for irresponsible development* — at huge cost for taxpayers.

I-154 is unfair. I-154 allows irresponsible developers and special interests to **dodge basic rules that benefit everyone.** Montana communities put these laws on the books to protect our kids, the value of our homes, clean water, water rights, and neighborhoods. These local, democratic laws will be tossed out *unless we pay special interests to follow them.*

Here's how I-154 would work: I-154 creates a radical, expensive new “pay or waive” system. Imagine a developer wants to put a gravel pit next to your home or an adult bookstore near a daycare. Under I-154, you and your neighbors cannot regulate these activities — unless you pay the developer. In other words, taxpayers must pay special interests to follow the rules. Montana taxpayers would have to pay — even if a proposed development would damage our own property values.

That's backwards. That's not the Montana way.

Who pays? Your pocketbook and your community. Local taxpayers will be forced to pay millions to developers just to enforce existing laws. As a result, cities and counties will be forced to cut services like fire and police protection or raise your taxes to keep your community safe. The governor's budget director said: “The impact ... is potentially tens of millions of dollars for claims and additional costs.” He added that families and business owners who pay local property taxes would bear the brunt. These dollars would go to special interests — with zero benefits for the average Montana family. The *only* other option would be to waive the rules that protect the things that belong to all of us — our natural beauty, clean water and friendly communities.

I-154 will trigger endless lawsuits. The initiative is so poorly written, it leaves many important questions unanswered. This will lead to endless and expensive lawsuits. Who decides where and when it applies? How much will each case cost which taxpayers? What money will be left for schools and roads?

I-154 destroys the existing balance. In Montana, locally elected officials work hard to balance new development with the rights of existing neighbors and property owners. I-154 throws that balance into chaos. It puts *your* property rights — and your community — at risk.

All Montanans cherish property rights. However, the right to develop one's property does not include the right to damage the property — or the quality of life — on the other side of the fence. Montana's current system protects property rights on *both* sides of the fence. **I-154 is a radical, expensive, unnecessary measure that will cause major harm to families, communities, and businesses.**

Say NO to the TAXPAYER TRAP. Vote NO on I-154.

Proponents' Rebuttal of Argument Against I-154

I-154 – written by Montanans, for Montanans.

I-154 won't cause any of opponents' dire predictions because:

- ✓ **It's not retroactive.** ALL existing land-use regulations and zoning remain effective. Opponents' claim that "taxpayers must pay developers ...to enforce existing laws" and "laws will be tossed out" is 100% false.
- ✓ **It exempts all new regulations for health/safety.** Claiming I-154 hampers "protecting our kids, clean water, and water rights..." is pure hooey.
- ✓ **It exempts all private subdivision covenants.** Neighborhoods will be destroyed? Baloney.
- ✓ **It keeps all existing ordinances, and permits *new* regulations** for sanitation, fire/building codes, solid/hazardous waste, common nuisances, blight, obscenity and other adult businesses, junk vehicles, criminals, etc. Claiming we couldn't regulate adult bookstores, gravel pits, and developers is false.
- ✓ **I-154 doesn't require spending ANY taxpayer dollars.** If a new excessive regulation doesn't fit one of I-154's many exceptions, the property owner could protest within 2 years. But even if successful, it doesn't mean he'll receive money. Officials can just exempt his property from new regulations. I-154 will cost taxpayers millions? Hogwash.
- ✓ **I-154 changes nothing respecting property rights disputes.** Courts will continue deciding cases as always.
- ✓ Claiming I-154's eminent domain protection is "bait-and-switch" is utterly false. I-154 is necessary because the federal *Kelo* decision trumped Montana's 1995 case. **Current Montana law specifies – condemnation is allowable for "all public uses authorized by the U.S. government."**
- ✓ Opponents' claim that I-154 creates "massive loopholes for developers" is malarkey. **I-154 restricts developers from using tax-hungry governments to confiscate your property.**

I-154 protects your home – **Vote YES.**

Opponents' Rebuttal of Argument for Approval of I-154

I-154 is bait-and-switch. Reforming "eminent domain" is only bait. Beware of the "switch."

Initiative-154 is a tax trap. Supporters barely mention costs to taxpayers. No wonder, because costs are staggering. A similar law recently took effect in Oregon. Already, special interests there are demanding \$4 billion from taxpayers, according to the *Salem Statesman Journal*.

I-154 works by creating a sweeping, new "pay-or-waive" system that guts everyday rules we use to protect our homes, clean water, and property. That system forces taxpayers to pay irresponsible developers *just to follow the law like everyone else*. If a developer doesn't like a rule, he simply demands a payoff for alleged losses. I-154 hands a blank check to certain developers, which means more taxes for average Montanans.

Imagine the kind of irresponsible development that I-154 could unleash in your neighborhood: An adult bookstore? A high-density development? A motorcycle racetrack? A gravel pit? The choice would be to accept the degradation of your neighborhood and property, or pay the developer not to act. **I-154 actually harms your property rights.**

Again, I-154 is NOT about eminent domain. Kelo isn't possible in Montana. Even the National Association of Realtors, which defends property rights, reports Montana "explicitly prohibited the use of eminent domain to acquire property for economic development" because of our current laws and legal cases.

The loopholes are enormous. No wonder out-of-state developers are pushing I-154 on Montana — they will benefit at our expense. **Vote NO on the tax trap. Vote NO on I-154.**

Political Parties of Montana

These statements have been prepared by the political parties. They do not necessarily represent the views of the Secretary of State or the State of Montana, but are included to provide information to the voters on the political parties that have qualified for the ballot.

CONSTITUTION PARTY

The Constitution Party of Montana is a political party that believes the purpose of government is to protect the individual citizen's right to life, liberty and property. It is not the role of government (Federal or State) to burden the people with thousands of unjust and unneeded laws; or to act as "nursemaid" by instituting countless social programs. Citizens must have the FREEDOM to succeed (or to fail) without government's interference. In order to accomplish this, we must:

- ◆ Restore the United States to "One Nation Under God."
- ◆ Restore Limited Constitutional Government.
- ◆ Protect the Inalienable Right to Life for All, including the Unborn, Aged and Infirm.
- ◆ Protect the Individual Right to Keep and Bear Arms.
- ◆ Rein in an Out-of-Control Judiciary.
- ◆ Protect God-ordained Marriage and Family.
- ◆ Restore National Sovereignty.
- ◆ Stop All Unconstitutional Spending - returning Hard-earned Tax Dollars to the People.
- ◆ Abolish the Federal Reserve and Restore Constitutional Money.
- ◆ Protect our Borders.
- ◆ Maintain a Strong National Defense.
- ◆ End Federal Control of Education and Welfare.
- ◆ Protect Private Property.
- ◆ Rescind NAFTA and GATT.

We invite all Montanans who love liberty and justice to join with us in our pursuit of restoring our civil government to our country's founding principles.

Jonathan D. Martin, State Chairman

Constitution Party of Montana

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DEMOCRATIC PARTY

Montana Democrats are the common sense Party of working families, seniors, farmers, ranchers and children across Montana. In 2005, we kept our promise to create good paying jobs, support public school classrooms, promote alternative energy to reduce our dependence on foreign oil, and make healthcare more affordable for families.

Together we worked to move Montana forward by:

- Improving access to public lands for hunting, fishing and recreation.
- Helping thousands of small businesses provide health coverage for their employees.
- Creating scholarships so that more students can afford to go to college in Montana.
- Providing historic funding increases for Montana classrooms.
- Providing health care to thousands of Montana children.

We did all of this without raising taxes. In fact, we eliminated the business equipment tax for more than 13,000 small businesses to help them be more productive and profitable.

In 2007 we will secure a \$400 property tax rebate for every resident Montana homeowner, to help families cope with high utility and gas prices. We will suspend the Water Tax and rebate the funds to all Montanans who paid between \$20 - \$400. Democrats will give all the money to hardworking Montanans, not to big out-of-state corporations.

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LIBERTARIAN PARTY

The Montana Libertarian Party is the real choice for less government, lower taxes, and more freedom. The Libertarian Party believes in economic and personal freedom. People should be free to make their own choices, provided they don't infringe on the equal right of others to do the same. Government's only role should be to protect people's right to make their own choices in life, so they can reap the rewards of their successes and bear personal responsibility for their own mistakes.

The Montana Libertarian Party is dedicated to:

- * Reducing tax burdens and government spending, so that people can keep more of **their** money.
- * Improving education by empowering parents not bureaucrats, to make important decisions for our children.
- * Protecting the right to keep and bear arms, and the elimination of Victim Disarmament laws.
- * Safer neighborhoods by punishing violent criminals rather than wasting resources prosecuting victimless crimes.
- * A cleaner environment through PRIVATE property rights, legal accountability, and personal responsibility.

If you're tired of the promises of the majority, we invite you to join us as we fight for everyone's liberty on every issue, all the time.

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REPUBLICAN PARTY

The philosophy of the Montana Republican Party is grounded in personal responsibility and individual initiative. We believe that private citizens, not government, hold the solutions for most of the problems facing our state. Therefore we stand for smaller government, more local control, and greater personal freedom. We are the party of traditional values and we will continue to fight to keep our families strong.

Our major initiatives in 2007 will include an 8% property tax reduction for homeowners and small business, the repeal of the water adjudication tax, a 5% reduction in college tuition, and an income tax deduction for individuals who purchase their own health insurance. We also pledge to provide a \$250 tax credit to teachers who provide their own classroom supplies, and to pass stronger sex predator legislation to keep our children safe.

Republican lawmakers have a proven track record of fiscal responsibility on the state and federal level both in controlling government spending and providing tax relief. The tax relief that we provided over the last decade has spurred Montana's economy and is directly responsible for the strong economic growth we're experiencing today. Voting for Republican candidates will ensure that type of growth into the future.

Montana Republican Party
PO Box 935
Helena, MT 59624
(406) 442-6469
www.mtgop.org

Voting in Montana Elections

Registering to vote is easy. You can fill out a card at your county elections office, generally the county courthouse. Cards are also available online at www.sos.mt.gov and in most phone books, as well as at your driver's license bureau.

WHAT SHOULD I KNOW ABOUT VOTING AT THE POLLS?

Find the location of your polling place on your voter registration confirmation card. Or, you can call your county election administrator for the location. *See the list on page 50.*

When you enter your polling place, an election judge will greet you, ask your name, and confirm that you are registered to vote in that precinct. He or she will also ask you to show one form of ID. This can be any current photo ID that shows your name (for example, a driver's license, school ID, state ID, or tribal ID) or a current utility bill, bank statement, paycheck, voter confirmation notice, government check or other government document that shows your name and current address.

If you forget your ID, you have many options. You can return to the polls when you have it, fill out a polling place elector ID form, or vote a provisional ballot, which will be counted if your identity and eligibility to vote can be verified.

WHAT IS THE PROCESS FOR VOTING ABSENTEE?

In order to vote absentee, you will need to fill out an application, available from your county election administrator or on the Secretary of State's website at www.sos.mt.gov. You may apply for an absentee ballot up until noon on the day before the election. When you receive your absentee ballot, fill in all of your choices. Then, place the ballot in the secrecy envelope that is provided for your use, follow all enclosed directions, and send the ballot to your county election administrator.

HOW DO I VOTE A BALLOT?

Be sure to follow the voting instructions. Always mark your vote for only one issue or candidate, except where the instructions tell you that you can vote for more than one.

If you damage your ballot, make a mistake on it, or overvote, do not throw away your ballot, try to erase it, or scratch out a mistake – just ask an election judge for a new one. You may skip any offices without invalidating your ballot.

HOW DO I VOTE A PROVISIONAL BALLOT?

You have the option to vote a provisional ballot if your identity or eligibility to vote is questioned. If you are a provisional voter, an election judge will give you a ballot with a special provisional envelope for you to fill out.

What's New for the 2006 Election Season

PERMANENT ABSENTEE VOTING

Starting in 2006, you have the right to request that an absentee ballot be mailed to you for each election in which you are eligible to vote a ballot. You can specify on your absentee ballot application or on your absentee ballot materials that you would like absentee ballots mailed to you in future elections.

If you choose to be placed on the permanent absentee list, you have the responsibility to complete and return an address confirmation form sent out before each election. If you do not complete and return this form to your county election administrator, you will not receive absentee ballots unless you later request them.

VOTING SYSTEMS FOR PEOPLE WITH DISABILITIES

Starting with the 2006 elections, all voters have the option to use voting equipment specially designed for those with visual or mobility impairments. These voting systems, known as AutoMARKs, were purchased by the Secretary of State's office using federal funding.

A person using the AutoMARK may make his or her choices by pressing on the touch screen or by using a keypad that has raised buttons in the shape of arrows for ease of use, and which also includes markings for people who are able to read Braille. Voters may also ask an election judge for headphones, which voters can use to hear a computer voice that will read the ballot to them. The AutoMARK will allow individuals to confirm their choices, will mark a ballot based on those choices, and lastly, will print a regular paper ballot for deposit in the ballot box.

No one is required to vote on the AutoMARK systems, and they will not tabulate any individual's votes.

LATE REGISTRATION

Beginning with elections after July 1, 2006, individuals have the right to register and vote up to and including on Election Day at the county election office, if they miss the deadline to register to vote 30 days or more before the election.

An elector who chooses this option must still have been a resident of Montana for at least 30 days before the election. A statewide voter database will ensure that individuals do not vote in multiple counties.

How to Contact Your County Election Office

Area Code 406

COUNTY	CONTACT NAME	ADDRESS	PHONE	FAX	E-MAIL
Beaverhead	Rosalee Richardson	2 S Pacific St No 3, Dillon 59725	683-3720	683-3778	clerk@co.beaverhead.mt.us
Big Horn	Cyndy R Maxwell	PO Box 908, Hardin 59034	665-9730	665-9738	cmaxwell@co.bighorn.mt.us
Blaine	Sandra L Boardman	PO Box 278, Chinook 59523	357-3240	357-2199	sboardman@co.blaine.mt.gov
Broadwater	Judy R Gillespie	515 Broadway St, Townsend 59644	266-3443	266-3674	treas@co.broadwater.mt.us
Carbon	Jo-Ann Staudinger	PO Box 887, Red Lodge 59068	446-1220	446-2640	elections@co.carbon.mt.us
Carter	Pamela Castleberry	Box 315, Ekalaka 59324	775-8749	775-8750	ccnrc@midrivers.com
Cascade	Peggy Carrico	Box 2305, Great Falls 59403	454-6803	454-6725	elections@co.cascade.mt.us
Chouteau	JoAnn L Johnson	Box 459, Fort Benton 59442	622-5151	622-3012	joann59442@yahoo.com
Custer	Marie Wehri	1010 Main, Miles City 59301	874-3343	874-3452	m.wehri@co.custer.mt.us
Daniels	Kristy Jones	Box 247, Scobey 59263	487-5561	487-5583	danclkrec@yahoo.com
Dawson	Maurine Lenhardt	207 West Bell, Glendive 59330	377-3058	377-1717	mldawclerk@midrivers.com
Deer Lodge	Marie Hatcher	800 Main, Anaconda 59711	563-4060	563-4001	adlclerkrec@onewest.net
Fallon	Brenda J Wood	Box 846, Baker 59313	778-7106	778-2048	falloncc@midrivers.com
Fergus	Kathy Fleharty	712 W Main, Lewistown 59457	538-5242	538-9023	hartyflek@hotmail.com
Flathead	Paula Robinson	800 S Main, Kalispell 59901	758-5536	758-5877	electionweb@co.flathead.mt.us
Gallatin	Shelley Vance	311 W Main Rm 103, Bozeman 59715	582-3060	582-3068	elections@gallatin.mt.gov
Garfield	Janet Sherer	Box 7, Jordan 59337	557-2760	557-2765	gccr@midrivers.com
Glacier	Sylvia Berkram	512 E Main, Cut Bank 59427	873-3609	873-2125	glaciercounty@yahoo.com
Golden Valley	Mary Lu Ringler	PO Box 10, Ryegate 59074	568-2231	568-2428	ringlerml@yahoo.com
Granite	Blanche Pederson	Box 925, Philipsburg 59858	859-3771	859-3817	graclerk@co.granite.mt.us
Hill	Diane E Mellem	Courthouse, Havre 59501	265-5481 x221	265-2445	mellemd@co.hill.mt.us
Jefferson	Bonnie Ramey	Box H, Boulder 59632	225-4020	225-4149	bramey@jeffco.mt.gov
Judith Basin	Amanda H Kelly	Box 427, Stanford 59479	566-2277 x109	566-2211	akelly@co.judith-basin.mt.us
Lake	Kathie Newgard	106 4th Ave E, Polson 59860	883-7268	883-7230	knewgard@lakemt.gov
Lewis & Clark	Paulette DeHart	316 N Park Ave Rm 168, Helena 59623	447-8338	457-8598	pdehart@co.lewis-clark.mt.us
Liberty	Maureen Cicon	Box 459, Chester 59522	759-5365	759-5395	clerk@co.liberty.mt.gov
Lincoln	Coral M Cummings	512 California, Libby 59923	293-7781 x200	293-8577	lcclerk@libby.org
Madison	Peggy Kaatz Stemler	Box 366, Virginia City 59755	843-4270	843-5264	pkaatz@madison.mt.gov
McCone	Maridel L Kassner	Box 199, Circle 59215	485-3505	485-2689	clerk@midrivers.com
Meagher	Cameron Lowe	Box 309, White Sulphur Sprgs 59645	547-3612 x2	547-3388	clowe@meaghercounty.org
Mineral	Katherine Jasper	Box 550, Superior 59872	822-3521	822-3579	clrkrecr@blackfoot.net
Missoula	Vickie Zeier	200 W Broadway, Missoula 59802	523-4751	523-2921	vzeier@co.missoula.mt.us
Musselshell	Jane E Mang	506 Main, Roundup 59072	323-1104	323-3303	mshlccoc@midrivers.com
Park	Denise Nelson	414 E Callender St, Livingston 59047	222-4111	222-4193	clerkrecorder@parkcounty.org
Petroleum	Mary L Brindley	Box 226, Winnett 59087	429-5311	429-6328	mbrindley@mt.gov
Phillips	Laurel N Hines	Box 360, Malta 59538	654-2423	654-2429	clerkrecorder@phillipscounty.mt.gov
Pondera	Janice Hoppes	20 4th Ave SW, Conrad 59425	271-4000	271-4070	clerkrec@3rivers.net
Powder River	Karen D Amende	Box 270, Broadus 59317	436-2361	436-2151	kamende@prco.mt.gov
Powell	Karla M Rydeen	409 Missouri, Deer Lodge 59722	846-3680 x223	846-3891	krydeenmt@yahoo.com
Prairie	Lisa Kimmet	Box 125, Terry 59349	635-5575	635-5576	clerkrecorder@prairie.mt.gov
Ravalli	Nedra P Taylor	215 S 4th St Ste C, Hamilton 59840	375-6550	375-6326	recorder@ravallcounty.mt.gov
Richland	Penni D Lewis	201 W Main, Sidney 59270	433-1708	433-3731	penniclerkrec@richland.org
Roosevelt	Cheryl A Hansen	400 2nd Ave S, Wolf Point 59201	653-6229	653-6289	chansen@rooseveltcounty.org
Rosebud	Geraldine Custer	Box 47, Forsyth 59327	346-7318	346-7551	clerkandrecorder@rangeweb.net
Sanders	Pat Ingraham	Box 519, Thompson Falls 59873	827-6922	827-6970	pingraham@metnet.mt.gov
Sheridan	Mary Lynch	100 W Laurel Ave, Plentywood 59254	765-3403	765-2609	mlynch@co.sheridan.mt.us
Silver Bow	Mary McMahan	155 W Granite Rm 208, Butte 59701	497-6342	497-6328	clerkrec@co.silverbow.mt.us
Stillwater	Pauline M Mishler	Box 149, Columbus 59019	322-8000	322-8007	pmishler@co.stillwater.mt.us
Sweet Grass	Sherry Bjorndal	Box 888, Big Timber 59011	932-5152	932-3026	sgclerk1@cablemt.net
Teton	Paula J Jaconetty	Box 610, Choteau 59422	466-2693	466-3244	paula@3rivers.net
Toole	Mary Ann Harwood	226 1st St S, Shelby 59474	424-8300	424-8301	tcclerk@3rivers.net
Treasure	Ruth L Baker	Box 392, Hysham 59038	342-5547	342-5445	clerkrecorder@rangeweb.net
Valley	Lynne Nyquist	501 Court Sq Box 2, Glasgow 59230	228-6226	228-9027	llyquist@co.valley.mt.us
Wheatland	Mary E Miller	Box 1903, Harlowton 59036	632-4891	632-4880	wccr@mtintouch.net
Wibaux	Patricia Zinda	PO Box 199, Wibaux 59353	796-2481	796-2625	wibauxco@midrivers.com
Yellowstone	Duane Winslow	Box 35002, Billings 59107	256-2740	254-7940	dwinslow@co.yellowstone.mt.us

Ballot Measure Worksheet

Mark your choices on this worksheet and then take it with you on Election Day as a reminder.

CONSTITUTIONAL AMENDMENT 43

- FOR changing the name of the state auditor to the insurance commissioner.
- AGAINST changing the name of the state auditor to the insurance commissioner.

CONSTITUTIONAL INITIATIVE 97

- FOR limiting the increase in appropriations to the combined growth rate of population and inflation, or the largest spending limit for any previous biennium.
- AGAINST limiting the increase in appropriations to the combined growth rate of population and inflation, or the largest spending limit for any previous biennium.

CONSTITUTIONAL INITIATIVE 98

- FOR amending the Montana Constitution to provide for recall by petition of state court justices or judges for any reason.
- AGAINST amending the Montana Constitution to provide for recall by petition of state court justices or judges for any reason.

INITIATIVE 151

- FOR raising the state minimum wage to the greater of either \$6.15 an hour or the federal minimum wage, plus an annual cost-of-living adjustment.
- AGAINST raising the state minimum wage to the greater of either \$6.15 an hour or the federal minimum wage, plus an annual cost-of-living adjustment.

INITIATIVE 153

- FOR prohibiting certain former state officials and staff from becoming licensed lobbyists within 24 months following their departure from state government.
- AGAINST prohibiting certain former state officials and staff from becoming licensed lobbyists within 24 months following their departure from state government.

INITIATIVE 154

- FOR requiring governments to waive regulations that reduce property values unless they compensate owners, and prohibiting takings intended to transfer property to private parties.
- AGAINST requiring governments to waive regulations that reduce property values unless they compensate owners, and prohibiting takings intended to transfer property to private parties.

Key Election Reminders

- ◆ Remember, if you damage your ballot, make a mistake on it, or overvote, do not throw away your ballot, try to erase it, or scratch out a mistake – just ask an election judge for a new one.
- ◆ November 7 is Election Day. The polls are open from 7 a.m. to 8 p.m. in most localities. Precincts of 200 or fewer voters may open their polling places at noon. Check your local media or county election office (see page 50 of this pamphlet) for the polling times and places in your area.
- ◆ Don't forget to bring your ID when you vote!

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COUNTY ELECTION ADMINISTRATOR
County Courthouse