

## SENATE BILL NO. 311

INTRODUCED BY R. WEBB

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS REGARDING THE LEGISLATIVE VETO  
5 OVERRIDE VOTING PROCESS; REQUIRING EACH LEGISLATOR TO VOTE; PROVIDING FOR ALL BALLOTS  
6 TO BE OPENED AT THE SAME TIME; PROVIDING THAT A FAILURE TO VOTE IS A VOTE TO OVERRIDE;  
7 AMENDING SECTION 5-4-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 5-4-306, MCA, is amended to read:

12 **"5-4-306. Return when legislature not in session -- process for veto message or polling -- vote**  
13 **required.** (1) If, on the day the governor desires to return a bill without approval and with objections to the bill to  
14 the house in which it originated, that house has adjourned for the day, but not for the session, the governor may  
15 deliver the bill with the message to the presiding officer, secretary, clerk, or any member of that house. The  
16 delivery is as effectual as though returned in open session if the governor, on the first day the house is again in  
17 session, by message, notifies it of the delivery and of the time when and the person to whom the delivery was  
18 made.

19 (2) If the legislature is not in session when the governor vetoes a bill, the governor shall return the bill  
20 with the reasons for the veto to the secretary of state. If the bill was not approved by two-thirds of the members  
21 voting on the final vote on the bill, the secretary of state shall within 5 working days of receipt of the bill and veto  
22 message mail a copy of the title of the bill and the veto message to each member of the legislature. If the bill was  
23 approved by two-thirds of the members voting on the final vote on the bill, the secretary of state shall poll the  
24 members of the legislature. The secretary of state shall within 5 working days of receipt of the bill and veto  
25 message send by certified mail to each legislator, at an address provided by the legislator, a copy of the bill and  
26 the veto message, a ballot, a return envelope, instructions for casting a vote, and notice of the date by which each  
27 legislator shall return a vote. The date for return must be within 30 days after the date on which the bill, veto  
28 message, and voting instructions are sent.

29 (3) A legislator ~~may~~ shall cast and return a vote by:

30 (a) delivering the ballot and return envelope in person; ~~or by~~

- 1           **(b)** mailing the ballot in the return envelope by regular mail, postage paid; or by  
2           **(c)** sending the ballot by facsimile transmission to the office of the secretary of state.  
3           **(4)** A legislator may not change the legislator's vote after the ballot is received by the secretary of state.  
4   The secretary of state shall tally the votes within 1 working day after the date for return of the votes. All returned  
5 ballots must be opened at the same time, within the presence of the secretary of state and one poll watcher from  
6 the majority party and one from the minority party. If a legislator fails to return a ballot, the secretary of state shall  
7 tally the legislator's vote as a vote to override the veto.  
8           **(5)** If two-thirds or more of the members of each house vote to override the veto, the bill becomes law.  
9           ~~(3)~~**(6)** The legislature may reconvene to reconsider any bill vetoed by the governor when the legislature  
10 is not in session by using the statutory procedure provided for convening in special session."

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12           **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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