

Glenda Wiles

From: MACO <MACO@mtcounties.org>
Sent: Thursday, June 28, 2018 1:55 PM
To: MACO
Subject: Legislative-initiated special session call for July

Commissioners:

It has come to our attention there may be a move afoot to call the Montana Legislature back into session. Certain members believe that the best way to address specific contentious issues is to submit questions directly to the voters through a legislative referendum process. That process would require a special election to be conducted in January or February of 2019 (at exactly the same time as the regular session of the Legislature would be meeting).

In advance of a legislative call, I'm asking your position on such an election and process. This would be an unbudgeted special in-person election for items that could be legislatively addressed, but that the Legislature chooses to submit to the voters. The items under discussion are Medicaid expansion and another version of a mining referendum.

In order to be compensated for the unbudgeted costs of such a special election, the Legislature would have to appropriate funds. There is a general consensus among those calling for a special session that appropriating funds would not be possible because it changes the approval process for legislative referendum (it would require a special appropriation subject to the Governor's review and approval or veto). If you would advocate for a special election to be conducted by mail ballot in order to make the special election as efficient as possible, that too would require legislation authorizing such an election and be subject to the Governor's review and approval/veto. Neither of those options appear to be supported by the folks discussing the special session call. The process isn't so much important as your position on such a special session call.

I think our responses to this inquiry could be a general YES; a general NO because it is something that can be addressed in the regular session; a NO unless the State provides the funding for the special election; a NO unless the State provides the funding AND the ability to make it a mail ballot election (my preferred recommendation); or something else you choose. The MACo Executive Committee has generally recommended a NO unless funding and a mail ballot election is authorized.

The Clerk and Recorders are polling their members to get estimated costs and their general opinion, so the question is out there. This is still preliminary, but I wanted you to know the conversation is occurring and encourage you to reach out to your area legislative members to discuss your thoughts!

Let me know if you need any additional information.

Eric Bryson

Montana Association of Counties

(406) 449-4360 (Office)

(406) 461-2084 (Cell)

Email: ebryson@mtcounties.org

www.mtcounties.org