



1 determine if a majority are in favor of a special session.

2 (b) the house or senate ethics committee may request the director of the legislative services  
3 division to determine if a majority are in favor of a special session.

4 (2) The request must include:

5 (a) the conditions warranting the call of a special session;

6 (b) the purposes of the special session;

7 (c) draft legislation, resolutions, or legislative rules to be proposed during the special session

8 drafted by the legislative services division as provided in subsection (3); and

9 (d) the proposed convening date and time of the special session.

10 (3) A legislator may request the legislative services division staff to draft legislation to be proposed  
11 during the special session."

12

13 **Section 3.** Section 5-3-106, MCA, is amended to read:

14 **"5-3-106. Procedure for polling legislators.** (1) Within 5 days after receiving a request, the  
15 secretary of state or the directr shall send to all legislators by certified mail a ballot that contains:

16 (a) the names of the legislators making the request;

17 (b) the reasons for calling the special session;

18 (c) the purposes of the special session;

19 (d) draft legislation, resolutions, or legislative rules to be proposed during the special session

20 drafted by the legislative services division as provided in 5-3-105;

21 (e) the requested convening date and time of the special session;

22 (f) subject to subsection (2), the date by which legislators shall return the ballot, which may not be  
23 more than 30 days after the date of the mailing of the ballots; and

24 (g) a stamped return envelope.

25 (2) Within 2 calendar days after receiving a request to consider an existing state of emergency or  
26 disaster declared under the authority of 10-3-303, the secretary of state shall send a ballot that complies with  
27 subsection (1) using any reasonable and reliable means, including electronic delivery, and is not required to  
28 use certified mail. The date by which legislators shall return the ballot specified in this subsection (2) may not

1 be more than 7 calendar days after the date the ballots were sent."

2

3 **Section 4.** Section 5-3-107, MCA, is amended to read:

4 **"5-3-107. Notice of time of approved special session.** If a majority of the legislators reply  
5 affirmatively to the poll, the secretary of state or director shall notify each legislator of the time and day on which  
6 the special session shall convene."

7

8 **Section 5.** Section 5-3-108, MCA, is amended to read:

9 **"5-3-108. Failure to approve special session -- ballots void.** (1) Subject to subsection (2), if a  
10 majority of the legislators fail to approve the call for a special session within 30 days after the secretary of state  
11 or director mails the ballots or notifies each legislator, all ballots are void and may not be used again.

12 (2) When the purpose of the special session is to consider an existing state of emergency or  
13 disaster declared under the authority of 10-3-303, if a majority of the legislators fail to approve the call for a  
14 special session within 7 calendar days after the secretary of state or director sends the ballots or notifies each  
15 legislator pursuant to 5-3-106(2), all ballots are void and may not be used again.

16 (3) If a poll is not approved under subsection (1) or (2), the entire process must be repeated to call  
17 the legislature into special session."

18

19 **NEW SECTION. Section 6. Effective date.** [This act] is effective on passage and approval.

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