



Overview of 2013 Choice-Related Bills: Explanation of Votes

The Legislative Referendum Process

This year, the legislature utilized the legislative referendum process in a manner which was particularly detrimental for reproductive rights. As you will see, in the five bills which were scored on the Legislative Scorecard, two of them were legislative referendums. A legislative referendum is similar to a citizen's initiative with a couple of major differences: 1) You do not have to meet a voter signature quota to put a legislative referendum on the ballot and 2) the referendum is initiated by an individual legislator, not by a group of concerned citizens who are interested in addressing an issue via a direct vote of the citizenry.

In each of the two cases listed below, the legislator sponsoring the original bill, also sponsored a referendum with the exact same language. The original bills both had contingency language saying that if the bill becomes law, the referendum is nullified. This strategy ensures that the legislator gets two bites at the apple: if the legislator is not able to pass his bill into law, then he gets another chance to pass the referendum through the legislature. If the referendum passes with a simple majority vote, the issue will appear on the ballot for a direct vote of the people.

Perhaps it is time to think about limiting either the number of legislative referendums that can be passed in any given session, or requiring 2/3 of the legislature to pass a referendum, in order to curb this obvious misuse of the process.

HB 104, Criminal Offense Involving the Death of an Unborn Child (Keith Regier, R- Kalispell): PASSED

NARAL took no position on the amended bill and members of the legislature were not scored on it.

HB104 criminalizes deliberate acts of violence that result in fetal death. HB 104 was amended significantly in the Senate to address issues brought forward by NARAL and its partners in the Reproductive Rights Coalition. The amended bill uses medically and scientifically accurate terms, and it removes the possibility that a woman suffering a miscarriage or seeking an abortion would be charged with a crime, or that her health care provider would be charged with a crime. This bill, like two other pieces of anti-choice legislation that passed, was set to be followed up by a legislative referendum if it failed. Because of this, we worked to neutralize the bill, and when the amendments were adopted, withdrew our opposition to it. We chose this strategy because Montana's anti-choice movement has successfully used the referendum strategy to chip away at reproductive rights. Governor Bullock allowed HB104 to become law without his signature.

HB 239, Define the Scope/Boundaries of Human Sexuality/Reproduction Education K-12 (Cary Smith, R-Billings): PASSED, Vetoed by the Governor

NARAL POSITION: Opposed

Because HB239 did not actually restrict access to abortion, it received the lightest weight on our scorecard.

HB239 limits the information that students would receive in comprehensive sex education and requires children to obtain parental permission ("opt-in") before they could participate in sex ed classes. It disallows the use of any information or education services brought by any individual or organization that provides abortion services. It also disallows information about LGBT issues. Contingency language in this legislation dictated that if this bill became law, the referendum would be nullified. Since the Governor vetoed this bill, the referendum (HB 423) moved forward for a vote.

HB 423, Legislative Referendum to Define the Scope/Boundaries of Human Sexuality/Reproduction Education K-12 (Cary Smith, R-Billings): FAILED

NARAL POSITION: Opposed

Because HB239 did not actually restrict access to abortion, it received the lightest weight on our scorecard.

Mirroring the language in HB 239, HB 423 sought to limit the information that students would receive in comprehensive sex education and required parents to opt-in on behalf of their children. The referendum would have put the vote directly to the electorate. This bill failed on a tie vote on the Senate floor.

HB 391, An Act Requiring Parental Consent Prior to an Abortion for a Minor (Jerry Bennett, R-Libby): PASSED

NARAL POSITION: Opposed

Because this bill would have restricted access to abortion for teens, but not other Montana women, it received a middle weight on our legislative scorecard.

HB391 requires a parent to *consent* to an abortion for a girl under 18 - with no exceptions for rape or incest. The girl must obtain notarized consent. If enacted, this dangerous and unnecessary proposal will prevent young women in abusive or dysfunctional households from obtaining an abortion. Once again, the threat of a legislative referendum forced NPCM and its allies to consider an alternative strategy: **The consensus was to let the bill become law, without the Governor's signature, thereby nullifying the referendum, and then to challenge it immediately in court. That court challenge is underway now.** Because a similar measure requiring parental notification was declared unconstitutional in Montana in the late 1990s, we believe the court challenge will be successful.

HB 521, Referendum Requiring Parental Consent Prior to an Abortion for a Minor (Jerry Bennett, R-Libby): PASSED

NARAL POSITION: Opposed

Because this bill would have restricted access to abortion for teens, but not other Montana women, it received a middle weight on our legislative scorecard.

This referendum mirrored language in HB 391 requiring a minor under the age of 18 to get notarized parental consent before obtaining abortion services. This was a follow-up to the 'parental notification' ballot initiative that passed just a few months prior during the last election. However, this bill would have affected thousands more young Montana women as it increased the age of young women affected from 16 and younger to those under the age of 18. Because Governor Bullock allowed the companion bill HB391 to become law (without his signature) this referendum was nullified. This was a bold strategic move that leaves the choice community free of any anti-choice referenda to fight during the next electoral cycle.

HB 619, Constitutional Amendment to Specify No Right to Abortion or its Public Funding (Wendy Warburton, R-Havre): FAILED

NARAL POSITION: Opposed

Because this bill would have had the greatest effect on the largest number of Montana women, it received the most weight on our legislative scorecard.

HB619 attempted to amend the state constitution, which requires a 2/3 vote of the entire legislature in order to pass. Montana's constitution protects the right to choose as a fundamental right and to a greater extent than the U.S. Constitution. HB619 would have amended the state constitution to strip away that protection – which would have weakened legal protections for the right to choose for all Montana women, especially and including women who receive their health insurance from the government, and potentially allowed many anti-choice laws to be enacted in the future.

House Votes 2013 Legislative Session



Last Name	First Name	Party/City	HB 239	HB 423	HB 391	HB 521	HB 619	%
Ankney	Duane	R - Colstrip	Y	N	Y	N	N	75
Balance	Nancy	R - Hamilton	Y	Y	Y	Y	Y	0
Bangerter	Liz	R - Helena	Y	Y	Y	Y	Y	0
Bennett	Gerald	R - Libby	Y	Y	Y	Y	Y	0
Bennett	Bryce	D - Missoula	N	N	N	N	N	100
Berry	Tom	R - Roundup	Y	N	Y	N	Y	25
Blasdel	Mark	R - Somers	Y	Y	Y	Y	Y	0
Blyton	Joanne G.	R - Joliet	Y	Y	Y	Y	Y	0
Boland	Carlie	D - Great Falls	N	N	N	N	N	100
Brockie	Clarena	D - Harlem	N	N	N	N	N	100
Brodehl	Randy	R - Kalispell	Y	Y	Y	Y	Y	0
Calf Boss Ribs	Forrestina (Frosty)	D - Heart Butte	N	N	N	N	N	100
Clark	Christy	R - Choteau	Y	Y	Y	Y	Y	0
Coffin	Douglas	D - Missoula	N	N	N	N	N	100
Connell	Pat	R - Hamilton	Y	N	Y	Y	Y	5
Cook	Rob	R - Conrad	Y	N	Y	N	Y	25
Court	Virginia	D - Billings	N	N	N	N	N	100
Cuffe	Mike	R - Eureka	Y	Y	Y	Y	Y	0
Curtis	Amanda	D - Butte	N	N	N	N	N	100
Doane	Alan	R - Bloomfield	Y	Y	Y	Y	Y	0
Dudik	Kimberly	D - Missoula	N	N	N	N	N	100
Eck	Jenny	D - Helena	N	N	N	N	N	100
Edmunds	Champ	R - Missoula	Y	Y	Y	Y	Y	0
Ehli	Ron	R - Hamilton	Y	Y	Y	Y	Y	0
Fiscus	Clayton	R - Billings	Y	Y	Y	Y	Y	0
Fitzpatrick	Steve	R - Great Falls	Y	Y	Y	Y	Y	0
Flynn	Kelly	R - Townsend	Y	Y	Y	Y	Y	0
Galt	Wylie	R - Martinsdale	Y	Y	Y	Y	Y	0
Gibson	Steve	R - East Helena	Y	Y	N	N	N	90
Glimm	Carl	R - Kila	Y	Y	Y	Y	Y	0
Greef	Edward	R - Florence	Y	Y	Y	Y	Y	0
Gursky	Jenifer	D - Missoula	N	N	N	N	N	100
Hagan	Roger	R - Great Falls	N	N	Y	Y	N	60
Hagstrom	Dave	R - Billings	Y	Y	Y	Y	Y	0
Halvorson	David	R - Sidney	Y	Y	Y	Y	Y	0
Hansen	Kristin	R - Havre	Y	Y	Y	Y	Y	0
Harris	Bill	R - Winnett	Y	Y	Y	Y	Y	0
Hertz	Greg	R - Polson	Y	Y	Y	Y	Y	0
Hill	Ellie	D - Missoula	N	N	N	N	N	100
Hollandsworth	Roy	R - Brady	Y	N	Y	N	N	75
Hollenbaugh	Galen	D - Helena	N	N	N	N	N	100
Hoven	Brian	R - Great Falls	Y	N	N	N	Y	45
Howard	David	R - Park City	Y	Y	Y	Y	Y	0
Hunter	Chuck	D - Helena	N	N	N	N	N	100
Ingraham	Pat	R - Thompson Falls	Y	Y	Y	Y	Y	0
Jacobson	Tom	D - Great Falls	N	N	N	N	N	100
Jones	Donald	R - Billings	Y	Y	Y	Y	Y	0
Kary	Douglas (Doug)	R - Billings	Y	Y	Y	Y	Y	0
Kerns	Krayton	R - Laurel	Y	Y	Y	Y	Y	0
Knudsen	Austin	R - Culbertson	Y	Y	Y	Y	Y	0



House Votes 2013 Legislative Session (continued)

Last Name	First Name	Party/City	HB 239	HB 423	HB 391	HB 521	HB 619	%
Lang	Mike	R - Malta	Y	Y	Y	Y	Y	0
Laszloffy	Sarah	R - Laurel	Y	Y	Y	Y	Y	0
Lavin	Steve	R - Kalispell	Y	Y	Y	Y	Y	0
Lenz	Dennis Robert	R - Billings	Y	Y	Y	Y	Y	0
Lieser	Ed	D - Whitefish	N	N	N	N	N	100
Lynch	Ryan	D - Butte	N	N	N	N	N	100
MacDonald	Margie	D - Billings	N	N	N	N	N	100
McCarthy	Kelly	D - Billings	N	N	N	N	N	100
McChesney	Bill	D - Miles City	N	N	N	N	N	100
McClafferty	Edie	D - Butte	N	N	N	N	N	100
McNally	Mary	D - Billings	N	N	N	N	N	100
McNiven	Jonathan	R - Huntley	Y	Y	Y	Y	Y	0
Mehlhoff	Robert (Bob)	D - Great Falls	N	N	N	N	N	100
Miller	Mike	R - Helmville	Y	Y	Y	Y	Y	0
Moore	David "Doc"	R - Missoula	N	N	N	N	N	100
Neill	Reilly	D - Livingston	N	N	N	N	N	100
Noonan	Pat	D - Ramsay	N	N	N	N	N	100
O'Hara	Jesse	R - Great Falls	Y	Y	Y	Y	Y	0
O'Neil	Jerry	R - Columbia Falls	Y	Y	Y	Y	Y	0
Osmundson	Ryan	R - Buffalo	Y	Y	Y	Y	Y	0
Pease-Lopez	Carolyn	D - Billings	N	N	N	N	N	100
Peppers	Patricia Rae	D - Lame Deer	N	N	N	N	N	100
Pierson Jr.	Gordon	D - Deer Lodge	N	N	N	N	N	100
Pomnichowski	Jennifer "JP"	D - Bozeman	N	N	N	N	N	100
Price	Jean	D - Great Falls	N	N	N	N	N	100
Randall	Lee	R - Broadus	Y	Y	Y	Y	Y	0
Redfield	Alan	R - Livingston	Y	Y	Y	Y	Y	0
Regier	Keith	R - Kalispell	Y	Y	Y	Y	Y	0
Reichner	Scott	R - Bigfork	Y	Y	Y	Y	Y	0
Salomon	Daniel	R - Ronan	Y	Y	Y	Y	Y	0
Schreiner	Casey	D - Great Falls	N	N	N	N	N	100
Schwaderer	Nicholas	R - Superior	Y	Y	Y	Y	N	50
Shaw	Ray	R - Sheridan	Y	N	Y	N	N	75
Smith	Bridget	D - Wolf Point	N	N	N	N	N	100
Smith	Carey	R - Billings	Y	Y	Y	Y	Y	0
Squires	Carolyn	D - Missoula	N	N	Excused	N	N	100
Steenberg	Tom	D - Missoula	N	N	N	N	N	100
Swanson	Kathy	D - Anaconda	N	N	N	N	N	100
Vance	Gordon	R - Bozeman	Y	Y	Y	Y	Y	0
Wagoner	Kirk	R - Montana City	Y	Y	Y	Y	Y	0
Warburton	Wendy	R - Havre	Y	Y	Excused	Y	Y	0
Washburn	Ted	R - Bozeman	Y	Y	Y	Y	Y	0
Welborn	Jeffrey	R - Dillon	Y	N	Y	N	N	75
White	Kerry	R - Bozeman	Y	Y	Y	Y	Y	0
Whitford	Lea	D - Cut Bank	N	N	N	N	N	100
Williams	Kathleen	D - Bozeman	N	N	N	N	N	100
Wilmer	Franke	D - Bozeman	N	N	N	N	N	100
Wilson	Nancy	D - Missoula	N	N	N	N	N	100
Woods	Tom	D - Bozeman	N	N	N	N	N	100
Zolnikov	Daniel	R - Billings	Y	Y	Y	Y	N	50

Senate Votes 2013 Legislative Session



Last Name	First Name	Party/City	HB 239	HB 423	HB 391	HB 521	HB 619	%
Arntzen	Elsie	R - Billings	Y	Y	Y	Y	Y	0
Arthun	Ron	R - Wilsall	Y	Y	Y	Y	Y	0
Augare	Shannon	D - Browning	N	N	N	N	N	100
Barrett	Debby	R - Dillon	Y	Y	Y	Y	Y	0
Barrett	Dick	D - Missoula	N	N	N	N	N	100
Blewett	Anders	D - Great Falls	N	N	N	N	N	100
Boulanger	Scott	R - Darby	Y	Y	Y	Y	Y	0
Brenden	John	R - Scobey	Y	Y	Y	Y	Y	0
Brown	Dee	R - Hungry Horse	Y	Y	Y	Y	Y	0
Brown	Taylor	R - Huntley	Y	Y	Y	Y	Y	0
Buttrey	Edward	R - Great Falls	Y	Y	Y	Y	Y	0
Caferro	Mary	D - Helena	N	N	N	N	N	100
Driscoll	Robyn	D - Billings	N	N	N	N	N	100
Essmann	Jeff	R - Billings	Y	Y	Y	Y	Y	0
Facey	Tom	D - Missoula	N	N	N	N	N	100
Fielder	Jennifer	R - Thompson Falls	Y	Y	Y	Y	Y	0
Hamlet	Bradley	D - Cascade	N	N	N	N	N	100
Jackson	Verdell	R - Kalispell	Y	Y	Y	Y	Y	0
Jent	Larry	D - Bozeman	N	N	N	N	N	100
Jergeson	Greg	D - Chinook	N	N	N	N	N	100
Jones	Llew	R - Conrad	Y	Y	Y	Y	Y	0
Kaufmann	Christine	D - Helena	N	N	N	N	N	100
Keane	Jim	D - Butte	N	N	N	N	N	100
Larsen	Cliff	D - Missoula	N	N	N	N	N	100
Lewis	Dave	R - Helena	Y	Y	Y	Y	Y	0
Malek	Sue	D - Missoula	N	N	N	N	N	100
Moore	Frederick (Eric)	R - Miles City	Y	Y	Y	Y	Y	0
Murphy	Terry	R - Cardwell	Y	Y	Y	Y	Y	0
Olson	Alan	R - Roundup	Y	N	Y	N	N	75
Peterson	Jim	R - Buffalo	Y	N	Y	Y	Y	5
Phillips	Mike	D - Bozeman	N	N	N	N	N	100
Priest	Jason	R - Red Lodge	Y	Y	Y	Y	Y	0
Ripley	Rick	R - Wolf Creek	Y	N	Y	Y	Y	5
Rosendale	Matthew	R - Glendive	Y	Y	Y	Y	Y	0
Sales	Scott	R - Bozeman	Y	Y	Y	Y	Y	0
Sesso	Jon	D - Butte	N	N	N	N	N	100
Sonju	Jon	R - Kalispell	Y	Y	Y	Y	Y	0
Stewart-Peregoy	Sharon	D - Crow Agency	N	N	N	N	N	100
Taylor	Janna	R - Dayton	Y	Y	Y	Y	Y	0
Thomas	Fred	R - Stevensville	Y	Y	Y	Y	Y	0
Tropila	Mitch	D - Great Falls	N	N	N	N	N	100
Tutvedt	Bruce	R - Kalispell	N	N	Y	Y	Y	10
Van Dyk	Kendall	D - Billings	N	N	N	N	N	100
Vincent	Chas	R - Libby	Y	Y	Y	Y	Y	0
Vuckovich	Gene	D - Anaconda	N	N	N	N	Y	50
Walker	Edward	R - Billings	Y	Y	Y	Y	Y	0
Wanzenried	David	D - Missoula	N	N	N	N	N	100
Webb	Roger	R - Billings	Y	Y	Y	Y	Y	0
Windy Boy	Jonathan	D - Box Elder	N	N	Y	Y	Y	10
Wittich	Art	R - Bozeman	Y	Y	Y	Y	Y	0