

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

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

NEW SECTION. **Section 1.** Article XIII of The Constitution of the State of Montana is amended by adding a new section 8 that reads:

Section 8. Powers of artificial persons.

(1) The State extends to artificial persons only those powers defined as artificial person powers, and no others, as a condition of state-conferred legal status and charter privileges. Any action taken outside those powers with respect to political spending power is ultra vires and void; any such ultra vires exercise results, as a matter of law, in the withdrawal of all charter privileges, subject only to reinstatement pursuant to procedures enacted by the legislature during its first regular session following January 1, 2027, upon full disgorgement of amounts expended in such activity and certification of future compliance, together with such additional conditions as the legislature considers appropriate.

(2) As used in this section, the following definitions apply:

(a) “Artificial person” means an entity whose existence or limited liability shield is conferred by Montana law, including an entity organized or existing under the laws of another jurisdiction that is authorized to transact business, is otherwise transacting business, or holds property in Montana. An entity organized or existing under the laws of another jurisdiction that directly or indirectly undertakes, finances, or directs the exercise of political spending power in the state of Montana is conclusively considered to be transacting business in this state for purposes of this section.

(b) “Artificial person powers” means powers necessary or convenient to carry out lawful business or charitable purposes as provided by statute, excluding political spending power.

(c) “Charter privilege” means any legal benefit to an artificial person that exists only because the state of Montana confers it.

(d) “Political spending power” means the legal capacity to expend money or anything of value to influence the outcome of a vote of the electorate.

(i) The term does not include the distribution of bona fide news, commentary, or editorial content unless the publishing entity is owned or controlled by a political party, a political committee, or a candidate.

(ii) Political spending power may be exercised by political committees, as provided by law.

NEW SECTION. Section 2. Effective date. If approved by the electorate, [this act] is effective January 1, 2027.