

SAMPLE PETITION — SUBMITTED FOR COUNTY ATTORNEY REVIEW

Pursuant to Mont. Code Ann. § 13-28-201(3)(a) | Version 2 — Incorporating Private Attorney Revisions | June 15, 2026

Submitted by Kassi Solberg to the Yellowstone County Election Administrator for referral to the Yellowstone County Attorney. This petition sheet is NOT authorized for public circulation until written notice of approval as to form is received from the County Attorney pursuant to § 13-28-201(4)(c). Upon approval, the County Attorney’s statement of purpose and implication (≤135 words) and the designated ballot issue number assigned by the Election Administrator (§ 13-28-201(3)(b)) will replace the bracketed placeholders below.

PETITION TO PLACE [PROPOSED ORDINANCE NO. _____] ON THE ELECTION BALLOT

[Ordinance number to be assigned by Yellowstone County Election Administrator upon approval — Mont. Code Ann. § 13-28-201(3)(b)]

If **15%** of Yellowstone County, Montana voters sign this petition (16,560 signatures based on 110,397 registered voters as of November 5, 2024), this proposal will appear on the election ballot of Yellowstone County to be conducted on **November 3, 2026**. If a majority of voters vote for this proposal at that election, it will become law. [Auth.: Mont. Code Ann. §§ 13-28-201(2), 13-28-104]

We, the undersigned Yellowstone County, Montana voters, propose that the County Election Administrator place the following proposal on the election ballot:

[Petition title and statement of purpose and implication — to be prepared by Yellowstone County Attorney, not to exceed 135 words, per Mont. Code Ann. § 13-28-201(5) — insert here upon approval]

- YES on [Proposed Ordinance No. _____] [Mont. Code Ann. § 13-28-201(6)(b)]
- NO on [Proposed Ordinance No. _____]

Voters are urged to read the complete text of the proposal, which appears on the reverse side of or attached to this sheet. A signature on this petition is only to put the proposal on the ballot and does not necessarily mean the signer agrees with the proposal. [Mont. Code Ann. § 13-28-202(4)(c)]

WARNING A person who purposefully signs a name other than the person’s own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both. [Mont. Code Ann. § 13-27-241]

Each person is required to sign the person’s name and list the person’s address or telephone number in substantially the same manner as on the person’s voter registration form or the signature will not be counted. In place of a residence address, the signer may provide the signer’s post-office address or the signer’s home telephone number. [Mont. Code Ann. § 13-28-202(4)(e), (5)]

| # | Signature | Date Signed | Residence Address, Post-Office Address, or Home Telephone Number | Printed Last Name and First and Middle Initials | Office Use Only |
|----|-----------|-------------|--|---|-----------------|
| 1 | | | | | |
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| 3 | | | | | |
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| 9 | | | | | |
| 10 | | | | | |

CIRCULATOR AFFIDAVIT

Required by Mont. Code Ann. § 13-28-203 (Ch. 225, L. 2025)

I, _____ (printed name of signature gatherer), swear that I gathered the signatures on the petition sheet to which this affidavit is attached on the stated dates; that I believe the signatures on the petition are genuine, are the signatures of the persons whose names they purport to be, and are the signatures of Yellowstone County, Montana electors who are registered at the address or have the

telephone number following the person's signature; and that the signers knew the contents of the petition before signing the petition.

Date on which the FIRST signature on this sheet was gathered: _____

Signature of petition signature gatherer: _____

Address of petition signature gatherer: _____

Subscribed and sworn before me this _____ day of _____, 20_____

Seal

_____ (Person authorized to take oaths)

_____ (Title or Notarial Information)

THE YELLOWSTONE COUNTY DATA CENTER INITIATIVE

Complete Text of Proposed Ordinance — Version 2 (Private Attorney Revised Draft)

Required to accompany each signature sheet per Mont. Code Ann. § 13-28-202(2)(c)

WHEREAS, the Board of County Commissioners of Yellowstone County, Montana, is authorized to adopt zoning regulations and land use controls pursuant to Mont. Code Ann. §§ 76-2-201 through 76-2-227; and

WHEREAS, the electors of Yellowstone County reserve the power of initiative to propose ordinances pursuant to Mont. Const. Art. XI, § 8 and Mont. Code Ann. § 7-5-131; and

WHEREAS, large-scale data center facilities impose significant demands on local electrical infrastructure, water resources, quality of life, enjoyment of private property, and land use that affect all residents of Yellowstone County; and

WHEREAS, the electors of Yellowstone County seek to ensure that decisions regarding the construction or expansion of Data Centers within the county reflect the direct will of the voters;

NOW, THEREFORE, the electors of Yellowstone County, Montana propose the following ordinance:

SECTION 1. DEFINITIONS

1.01 “Data Center” is a facility whose primary purpose is to house computer servers, internet nodes, or other technological means and devices, for the following types of uses: web hosting organizations, large enterprises or other internet service organizations, artificial intelligence applications, or any other form of data storage. The term “data center” shall include the networking equipment, related computing infrastructure, environmental controls, buildings and structures, security systems, and any other equipment necessary for storing, processing, and distributing data and applications.

A non-exhaustive list of examples of the term “data center” includes: server farm, telecom hotel, carrier hotel, darkened datacenter, and co-location center.

The term “data center” shall *not* include a facility whose primary purpose is to provide traditional telecommunications services per Mont. Code Ann. § 53-19-302, or “retail telecommunications” services per Mont. Code Ann. § 15-53-129.

1.02 “Yellowstone County” means the entirety of Yellowstone County, Montana, including all incorporated cities and towns within its boundaries, to the full extent permitted by law.

1.03 “Construction” means any physical building, development, or site preparation activity undertaken for the purpose of creating a new Data Center facility.

1.04 “Expansion” means any increase in the gross square footage, electrical capacity, computing capacity, or water consumption capacity of an existing Data Center facility.

SECTION 2. RESTRICTION ON DATA CENTER CONSTRUCTION AND EXPANSION

2.01 Effective immediately upon certification of election results by the Yellowstone County canvassing board following the November 3, 2026 general election, Yellowstone County may not authorize, license, permit, or otherwise approve the construction, expansion, or continued operation of any Data Center anywhere within Yellowstone County without prior approval via a special election in which **two-thirds (2/3) of all registered voters in Yellowstone County** approve. [Auth.: Mont. Code Ann. §§ 13-28-104, 7-5-131]

2.02 The restriction in Section 2.01 applies to all applications for construction permits, special use permits, conditional use permits, zoning variances, and any other land use authorizations required for Data Center construction, expansion, or ongoing operation, whether submitted before or after the effective date of this ordinance.

2.03 This ordinance is intended to affect operations occurring within the physical footprint and electrical and water capacity for any authorization, license, or permit which existed as of the effective date of this proposed ordinance, as well as any licenses, permits, or authorizations to be obtained in the future. Accordingly, Data Center facilities in operation as of the effective date of this ordinance will no longer be allowed to continue their operations under any existing authorizations, licenses, or permits within Yellowstone County without prior approval via a special election in which **two-thirds (2/3) of all registered voters in Yellowstone County** approve. [Auth.: Mont. Code Ann. §§ 13-28-104, 7-5-131]

SECTION 3. SPECIAL ELECTION PROCEDURE

3.01 Any person or entity seeking approval for Data Center construction, ongoing operation, or expansion shall petition the Yellowstone County Board of County Commissioners to call a special election. The Board shall place the measure before registered Yellowstone County voters. Approval requires affirmative votes from two-thirds (2/3) of all registered voters in Yellowstone County. [Auth.: Mont. Code Ann. § 13-28-104]

SECTION 4. SEVERABILITY

4.01 If any provision of this ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the ordinance and the application of its provisions to other persons or circumstances shall not be affected.

SECTION 5. EFFECTIVE DATE

5.01 This ordinance takes effect immediately upon certification of the election results by the Yellowstone County canvassing board following the November 3, 2026 general election, if approved by a majority of voters voting on this measure. [Auth.: Mont. Code Ann. § 13-28-104]

CONTROLLING STATUTORY AUTHORITY

| Citation | Subject / Relevance |
|------------------------------------|--|
| <i>Mont. Const. Art. XI, § 8</i> | Mandates local initiative and referendum power for all local governments |
| <i>Mont. Code Ann. § 7-5-131</i> | Right of initiative and referendum reserved to electors of each local government |
| <i>Mont. Code Ann. § 13-28-101</i> | General provisions — local government ballot issues |

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| <i>Mont. Code Ann. § 13-28-102</i> | “Local government” includes county; election may be held at primary or general election |
| <i>Mont. Code Ann. § 13-28-103</i> | Petition must address one single comprehensive subject |
| <i>Mont. Code Ann. § 13-28-104</i> | Majority vote required to enact; effective after canvass |
| <i>Mont. Code Ann. § 13-28-201</i> | Procedure; 15% of 110,397 registered voters = 16,560 signatures required; 21-day County Attorney review |
| <i>Mont. Code Ann. § 13-28-202</i> | Form of petition (legal size max 8.5×14, ordinance number, warning language, signature lines) |
| <i>Mont. Code Ann. § 13-28-203</i> | Notarized circulator affidavit required on each sheet |
| <i>Mont. Code Ann. § 13-28-204</i> | Signature gathering may begin up to 1 year before Aug. 12, 2026 filing deadline |
| <i>Mont. Code Ann. § 13-28-205</i> | BOCC has 60 days to act upon receipt of qualified petition; if no action, issue goes to voters |
| <i>Mont. Code Ann. § 13-28-206</i> | Election administrator certifies signatures |
| <i>Mont. Code Ann. §§ 76-2-201–227</i> | County zoning authority — BOCC authorized to regulate land use |
| <i>Mont. Code Ann. § 15-53-129</i> | Retail telecommunications excise tax definitions — source of exclusion in § 1.01 |
| <i>Mont. Code Ann. § 53-19-302</i> | Montana Telecommunications Access Program — cited in § 1.01 exclusion [see County Attorney Review Note 4] |
| <i>Mont. SB 212 (2025), “Right to Compute Act”</i> | RISK: Strict scrutiny standard applies to govt. restrictions on computational resources — heightened risk given expanded scope of Version 2 |

SAMPLE PETITION — VERSION 2 — NOT FOR CIRCULATION — PENDING YELLOWSTONE COUNTY ATTORNEY APPROVAL PER MONT. CODE ANN. § 13-28-201(4)

Submitted by: Kassi Solberg | nodcinyc@gmail.com | 208-651-4953 • Election Administrator: Dayna Causby | dcausby@yellowstonecountymt.gov | 406-256-2740