

SENATE BILL NO. 187

INTRODUCED BY BALYEAT, JACKSON, HINKLE, CURTISS, SHOCKLEY, TUTVEDT, MURPHY, BALES,
 BRENDEN, J. PETERSON, GEBHARDT, DE. BARRETT, LAIBLE, T. BROWN, ESSMANN, WARBURTON,
 MENDENHALL, BONIEK, MILLER, BENNETT, RANDALL, O'HARA, ZINKE, BUTCHER, MORE, KASTEN,
 KERNS, ANKNEY, BARKUS, HIMMELBERGER, REICHNER, ROBERTS, SALES, SMITH, VANCE, BLACK

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
 AMENDMENT TO ARTICLE V, SECTION 14, OF THE MONTANA CONSTITUTION PROVIDING FOR A
 ONE-PERCENT POPULATION DEVIATION FROM THE IDEAL POPULATION FOR LEGISLATIVE DISTRICTS;
 ALLOWING EXCEPTIONS FOR KEEPING POLITICAL SUBDIVISIONS INTACT AND FOR COMPLIANCE WITH
 THE FEDERAL VOTING RIGHTS ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Article V, section 14, of The Constitution of the State of Montana is amended to read:

"Section 14. Districting and apportionment. (1) The state shall be divided into as many districts as
 there are members of the house, and each district shall elect one representative. Each senate district shall be
 composed of two adjoining house districts, and shall elect one senator. Each district shall consist of compact and
 contiguous territory. All districts shall be as nearly equal in population as is practicable, within a plus or minus
one-percent relative deviation from the ideal population of a district as calculated from information provided by
the federal decennial census. The relative deviation may be exceeded FOR AN INDIVIDUAL DISTRICT only when
necessary to keep political subdivisions intact or to comply with the federal Voting Rights Act.

(2) In the legislative session following ratification of this constitution and thereafter in each session
 preceding each federal population census, a commission of five citizens, none of whom may be public officials,
 shall be selected to prepare a plan for redistricting and reapportioning the state into legislative districts and a plan
 for redistricting the state into congressional districts. The majority and minority leaders of each house shall each
 designate one commissioner. Within 20 days after their designation, the four commissioners shall select the fifth
 member, who shall serve as chairman of the commission. If the four members fail to select the fifth member within
 the time prescribed, a majority of the supreme court shall select him.

(3) Within 90 days after the official final decennial census figures are available, the commission shall file

1 its final plan for congressional districts with the secretary of state and it shall become law.

2 (4) The commission shall submit its plan for legislative districts to the legislature at the first regular
3 session after its appointment or after the census figures are available. Within 30 days after submission, the
4 legislature shall return the plan to the commission with its recommendations. Within 30 days thereafter, the
5 commission shall file its final plan for legislative districts with the secretary of state and it shall become law.

6 (5) Upon filing both plans, the commission is then dissolved."
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8 NEW SECTION. **Section 2. Effective date.** This amendment is effective upon approval by the
9 electorate.
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11 NEW SECTION. **Section 3. Submission to electorate.** This amendment shall be submitted to the
12 qualified electors of Montana at the general election to be held in November 2010 by printing on the ballot the
13 full title of this act and the following:

14 [] FOR requiring a 1% population deviation in legislative districts with exceptions for keeping
15 political subdivisions intact and compliance with the federal voting rights act.

16 [] AGAINST requiring a 1% population deviation in legislative districts with exceptions for keeping
17 political subdivisions intact and compliance with the federal voting rights act.

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