



AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE MONTANA CONSTITUTION TO REVISE THE METHOD OF QUALIFYING AN INITIATIVE FOR THE BALLOT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, voters at the November 5, 2002, general election approved amendments to this article changing signature requirements for initiative petitions from "at least five percent of the qualified electors in each of at least one-third of legislative representative districts" to "at least five percent of the qualified electors in each of at least one-half of counties"; and

WHEREAS, in 2005 in *Montana Public Interest Research Group v. Johnson*, 361 F. Supp. 2d 1222 (D.C. Mont. 2005), the federal District Court declared that the newly approved constitutional county distribution requirements for signatures for initiative petitions violated the Equal Protection Clause of the 14th Amendment to the United States Constitution because they allocated equal power to counties of unequal populations; and

WHEREAS, the federal District Court permanently enjoined Montana from enforcing the county distribution requirements; and

WHEREAS, subsequently, the Attorney General of Montana issued an opinion, 51 A.G. Op. 2 (2005), holding that the judicial decision restored the original legislative district distribution requirements as they existed before the approval of the invalid amendments; and

WHEREAS, the court's decision and the Attorney General's opinion did not alter the official, printed text of Article III, section 4, as amended, but they did affect the meaning and interpretation of that section; and

WHEREAS, the current official text of the Montana Constitution is confusing and inaccurate and does not reflect the current state of the law to qualify an initiative for the ballot; and

WHEREAS, the Montana Constitution's text should accurately reflect how an initiative may qualify for the ballot; and

WHEREAS, this amendment will ensure public transparency by conforming the official text of the Montana Constitution with current initiative petition signature requirements.

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

**Section 1.** Article III, section 4, of The Constitution of the State of Montana is amended to read:

**"Section 4. Initiative.** (1) The people may enact laws by initiative on all matters except appropriations of money and local or special laws.

(2) Initiative petitions must contain the full text of the proposed measure, shall be signed by at least five percent of the qualified electors in each of at least ~~one-half of the counties~~ one-third of the legislative representative districts and the total number of signers must be at least five percent of the total qualified electors of the state. Petitions shall be filed with the secretary of state at least three months prior to the election at which the measure will be voted upon.

(3) The sufficiency of the initiative petition shall not be questioned after the election is held."

**Section 2. Two-thirds vote required.** Because [section 1] is a legislative proposal to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

**Section 3. Effective date.** [This act] is effective upon approval by the electorate.

**Section 4. Submission to electorate.** [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2020 by printing on the ballot the full title of [this act] and the following:

- YES on Constitutional Amendment \_\_\_.
- NO on Constitutional Amendment \_\_\_.

- END -

I hereby certify that the within bill,  
HB 0245, originated in the House.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

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Chief Clerk of the House

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

HOUSE BILL NO. 245

INTRODUCED BY S. GUNDERSON

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