

1 HOUSE BILL NO. 244

2 INTRODUCED BY S. GUNDERSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
5 AMENDMENT TO ARTICLE XIV, SECTION 9, OF THE MONTANA CONSTITUTION TO REVISE THE METHOD
6 OF QUALIFYING A CONSTITUTIONAL AMENDMENT BY INITIATIVE FOR THE BALLOT; AND PROVIDING
7 AN EFFECTIVE DATE."

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9 WHEREAS, voters at the November 5, 2002, general election approved amendments to this article
10 changing signature requirements for constitutional amendments by initiative petitions from "at least ten percent
11 of the qualified electors in each of two-fifths of the legislative districts" to "at least ten percent of the qualified
12 electors in each of at least one-half of the counties"; and

13 WHEREAS, in 2005 in *Montana Public Interest Research Group v. Johnson*, 361 F. Supp. 2d 1222 (D.C.
14 Mont. 2005), the federal District Court declared that the newly approved county signature distribution
15 requirements for petitions for constitutional amendments by initiative violated the Equal Protection Clause of the
16 14th Amendment to the United States Constitution because they allocated equal power to counties of unequal
17 populations; and

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

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

23 WHEREAS, the court's decision and the Attorney General's opinion did not alter the official, printed text
24 of Article XIV, section 9, as amended, but they did affect the meaning and interpretation of that section; and

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

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

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

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

Section 1. Article XIV, section 9, of The Constitution of the State of Montana is amended to read:

"Section 9. Amendment by initiative. (1) The people may also propose constitutional amendments by initiative. Petitions including the full text of the proposed amendment shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of ~~at least one-half of the counties~~ two-fifths of the legislative districts.

(2) The petitions shall be filed with the secretary of state. If the petitions are found to have been signed by the required number of electors, the secretary of state shall cause the amendment to be published as provided by law twice each month for two months previous to the next regular state-wide election.

(3) At that election, the proposed amendment shall be submitted to the qualified electors for approval or rejection. If approved by a majority voting thereon, it shall become a part of the constitution effective the first day of July following its approval, unless the amendment provides otherwise."

NEW SECTION. **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.

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

NEW SECTION. **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 -

