

## 1 HOUSE BILL NO. 245

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 III, SECTION 4, OF THE MONTANA CONSTITUTION TO REVISE THE METHOD  
6 OF QUALIFYING AN INITIATIVE FOR THE BALLOT; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

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

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

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

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

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

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

