

SENATE BILL NO. 148

Hargrove

INTRODUCED BY

[Handwritten signatures: C. J. ... , Burnett, J. B. ...]

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE XIV, SECTION 9, OF THE MONTANA CONSTITUTION TO PROVIDE THAT INITIATIVE PETITIONS FOR CONSTITUTIONAL AMENDMENTS MAY NOT BE CHALLENGED AFTER THE ELECTION."

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 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.

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

NEW SECTION. Section 2. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot the full title of this act and the following:

[] FOR providing that initiative petitions for constitutional amendments may not be challenged after the election.

[] AGAINST providing that initiative petitions for constitutional amendments may not be challenged after the election.

-END-



SENATE BILL NO. 148

Hargrove

Burnett *J. B. Burr*
James H. Hargrove

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE XIV, SECTION 9, OF THE MONTANA CONSTITUTION TO PROVIDE THAT INITIATIVE PETITIONS FOR CONSTITUTIONAL AMENDMENTS MAY NOT BE CHALLENGED AFTER THE ELECTION."

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-END-



CONSTITUTIONAL AMENDMENT

SENATE BILL NO. 148

Hargrave

Burnett *J. B. Burr*
Young *Husting*

1

2 INTRODUCED BY

3

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 PROVIDE THAT
6 INITIATIVE PETITIONS FOR CONSTITUTIONAL AMENDMENTS MAY NOT BE CHALLENGED AFTER THE
7 ELECTION."

8

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

10

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

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

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

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

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

23

24 NEW SECTION. Section 2. Submission to electorate. This amendment shall be submitted to the
25 qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot
26 the full title of this act and the following:

27 [] FOR providing that initiative petitions for constitutional amendments may not be challenged
28 after the election.

29 [] AGAINST providing that initiative petitions for constitutional amendments may not be
30 challenged after the election.

-END-



SB 148

THIRD READING



HOUSE COMMITTEE OF THE WHOLE AMENDMENT

Senate Bill 148
Representative Simpkins

March 28, 1995 8:47 am
Page 1 of 2

Mr. Chairman: I move to amend Senate Bill 148 (third reading copy -- blue).

Signed: *Mick Simpkins*
Representative Simpkins

And, that such amendments to Senate Bill 148 read as follows:

1. Title, line 5.
Following: the first "TO"
Insert: "ARTICLE IV, SECTION 7, AND"

2. Title, line 6.
Strike: "INITIATIVE PETITIONS FOR"
Strike: "NOT"
Following: "CHALLENGED"
Insert: "ONLY ON CONSTITUTIONAL GROUNDS"

3. Page 1, line 10.
Insert: "Section 1. Article IV, section 7, of The Constitution of the State of Montana is amended to read:

"Section 7. Ballot issues -- challenges -- elections. (1) An initiative or referendum that qualifies for the ballot under Article III or Article XIV shall be submitted to the qualified electors as provided in the Article under which the initiative or referendum qualified unless a new election is held pursuant to this section.

(2) A preelection challenge to the procedure by which an initiative or referendum qualified for the ballot or a postelection challenge to the manner in which the election was conducted shall be given priority by the courts.

(3) ~~if~~ Subject to Article XIV, section 9, if the election on an initiative or referendum properly qualifying for the ballot is declared invalid because the election was improperly conducted, ~~the secretary of state shall submit~~ the issue shall be submitted to the qualified electors at the next regularly

ADOPT

28-8

SB 148

REJECT

HOUSE

scheduled statewide election unless the legislature orders a special election."

Renumber: subsequent sections

4. Page 1, line 22.

Strike: "The sufficiency of"

Insert: "If approved by the qualified electors,"

Strike: "petition"

Strike: "not"

Strike: "after the election is held"

Insert: "only on its constitutionality"

5. Page 1, line 27.

Strike: "initiative petitions for"

Following: "amendments"

Insert: "enacted by initiative"

Strike: "not"

Following: "challenged"

Insert: "only on its constitutionality"

6. Page 1, line 29.

Strike: "initiative petitions for"

Following: "amendments"

Insert: "enacted by initiative"

Strike: "not"

7. Page 1, line 30.

Following: "challenged"

Insert: "only on its constitutionality"

-END-

Conference Committee
on SB 148
Report No. 1, April 11, 1995

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 148, met and considered:

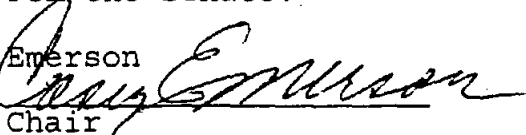
House Committee of the Whole amendments to the third reading copy -- blue, dated March 28, 1995.

We recommend that the amendments considered above to SB 148 be acceded to by the Senate.

And that this Conference Committee report be adopted.

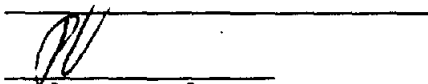
For the Senate:

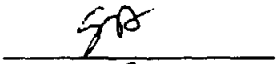
Emerson


Chair

Bishop


Bartlett


Amd. Coord.


Sec. of Senate

For the House:

Simpkins


Chair

Jore

Tropila

ADOPT

REJECT

SB 148
CCR #1

831000CC.SP.V

CONSTITUTIONAL AMENDMENT

1 SENATE BILL NO. 148

2 INTRODUCED BY EMERSON, BURNETT, BAER, HARGROVE, HARDING, KEATING, MESAROS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
5 AMENDMENT TO ARTICLE IV, SECTION 7, AND ARTICLE XIV, SECTION 9, OF THE MONTANA
6 CONSTITUTION TO PROVIDE THAT INITIATIVE PETITIONS FOR CONSTITUTIONAL AMENDMENTS MAY
7 NOT BE CHALLENGED ONLY ON CONSTITUTIONAL GROUNDS AFTER THE ELECTION."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 SECTION 1. ARTICLE IV, SECTION 7, OF THE CONSTITUTION OF THE STATE OF MONTANA IS
12 AMENDED TO READ:

13 "Section 7. **Ballot issues -- challenges -- elections.** (1) An initiative or referendum that qualifies for
14 the ballot under Article III or Article XIV shall be submitted to the qualified electors as provided in the Article
15 under which the initiative or referendum qualified unless a new election is held pursuant to this section.

16 (2) A preelection challenge to the procedure by which an initiative or referendum qualified for the
17 ballot or a postelection challenge to the manner in which the election was conducted shall be given priority
18 by the courts.

19 (3) ~~if~~ Subject to Article XIV, section 9, if the election on an initiative or referendum properly
20 qualifying for the ballot is declared invalid because the election was improperly conducted, ~~the secretary~~
21 ~~of state shall submit~~ the issue shall be submitted to the qualified electors at the next regularly scheduled
22 statewide election unless the legislature orders a special election."

23
24 **Section 2.** Article XIV, section 9, of The Constitution of the State of Montana is amended to read:

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

29 (2) The petitions shall be filed with the secretary of state. If the petitions are found to have been
30 signed by the required number of electors, the secretary of state shall cause the amendment to be published

1 as provided by law twice each month for two months previous to the next regular state-wide election.

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

5 ~~(4) The sufficiency of IF APPROVED BY THE QUALIFIED ELECTORS, the initiative petition shall not~~
6 ~~be questioned after the election is held ONLY ON ITS CONSTITUTIONALITY."~~

7

8 NEW SECTION. Section 3. Submission to electorate. This amendment shall be submitted to the
9 qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot
10 the full title of this act and the following:

11 [] FOR providing that ~~initiative petitions for~~ constitutional amendments ENACTED BY
12 INITIATIVE may ~~not~~ be challenged ONLY ON ITS CONSTITUTIONALITY after the election.

13 [] AGAINST providing that ~~initiative petitions for~~ constitutional amendments ENACTED BY
14 INITIATIVE may ~~not~~ be challenged ONLY ON ITS CONSTITUTIONALITY after the election.

15

-END-