

ON THE QUESTION OF AMENDING THE  
CONSTITUTION OF THE STATE OF MONTANA TO PROVIDE  
FOR THE APPORTIONMENT OF THE LEGISLATIVE ASSEMBLY

The following is a true and exact copy of Section 2, Article VI of the Constitution of the State of Montana as it exists at the present time:

"Sec. 2. The legislative assembly shall provide by law for an enumeration of the inhabitants of the state in the year 1895, and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for representatives on the basis of such enumeration according to ratios to be fixed by law."

The following is a true and exact copy of Section 3, Article VI of the Constitution of the State of Montana as it exists at the present time:

"Sec. 3. Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of representative districts."

The following are true and exact copies of Sections 4 and 45, Article V, and Sections 4, 5 and 6 of Article VI of the Constitution of the State of Montana as they exist at the present time; all of which are PROPOSED FOR REPEAL by this amendment:

ARTICLE V.

"Sec. 4. The legislative assembly of this state, until otherwise provided by law, shall consist of sixteen members of the senate, and fifty-five members of the house of representatives.

It shall be the duty of the first legislative assembly to divide the state into senatorial and representative districts, but there shall be no more than one senator from each county. The senators shall be divided into two classes. Those elected from odd-numbered districts shall constitute one class, and those elected from even-numbered districts shall constitute the other class; and when any additional senator shall be provided for by law, his class shall be determined by lot.

One-half of the senators elected to the first legislative assembly shall hold office for one year, and the other half for three years; and it shall be determined by lot immediately after the organization of the senate, whether the senators from the odd or even-numbered districts shall hold for one or three years."

The following is a true and exact copy of the PROPOSED AMENDMENT to Section 2, Article VI of the Constitution of the State of Montana:

"Section 2. (1) The senate and house of representatives of the legislative assembly each shall be apportioned on the basis of population.

(2) The legislative assembly following each census made by the authority of the United States, shall revise and adjust the apportionment for representatives and senators on the basis of such census.

(3) At such time as the constitution of the United States is amended or interpreted to permit apportionment of one house of a state legislative assembly on factors other than population, the senate of the legislative assembly shall be apportioned on the basis of one senator for each county."

The following is a true and exact copy of the PROPOSED AMENDMENT to Section 3, Article VI of the Constitution of the State of Montana:

"Section 3. Senatorial and representative districts may be altered from time to time as public convenience may require. When a senatorial or representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be."

"Sec. 45. When vacancies, caused by death, occur in either house of the legislative assembly, such vacancies shall be filled by appointment by the board of county commissioners of the county from which such vacancy occurs. All vacancies occurring from any other cause shall be filled by election upon proclamation of the governor."

#### ARTICLE VI.

"Sec. 4. Whenever new counties are created, each of said counties shall be entitled to one senator, but in no case shall a senatorial district consist of more than one county."

"Sec. 5. The senatorial districts of the state shall be constituted and numbered as follows:

The county of Beaverhead shall constitute the first district, and be entitled to one senator.

The county of Madison shall constitute the second district, and be entitled to one senator.

The county of Gallatin shall constitute the third district, and be entitled to one senator.

The county of Jefferson shall constitute the fourth district, and be entitled to one senator.

The county of Deer Lodge shall constitute the fifth district, and be entitled to one senator.

The county of Missoula shall constitute the sixth district, and be entitled to one senator.

The county of Lewis and Clark shall constitute the seventh district, and be entitled to one senator.

The county of Choteau shall constitute the eighth district, and be entitled to one senator.

The county of Meagher shall constitute the ninth district, and be entitled to one senator.

The county of Silver Bow shall constitute the tenth district, and be entitled to one senator.

The county of Custer shall constitute the eleventh district, and be entitled to one senator.

The county of Yellowstone shall constitute the twelfth district, and be entitled to one senator.

The county of Dawson shall constitute the thirteenth district, and be entitled to one senator.

The county of Fergus shall constitute the fourteenth district, and be entitled to one senator.

The county of Park shall constitute the fifteenth district, and be entitled to one senator.

The county of Cascade shall constitute the sixteenth district, and be entitled to one senator."

"Sec. 6. Until an apportionment of representatives be made in accordance with the provisions of this article, they shall be divided among the several counties of the state in the following manner:

The county of Beaverhead shall have two (2).

The county of Madison shall have two (2).

The county of Gallatin shall have two (2).

The county of Jefferson shall have three (3).

The county of Deer Lodge shall have seven (7).

The county of Missoula shall have five (5).

The county of Lewis and Clark shall have eight (8).

The county of Choteau shall have two (2).

The county of Meagher shall have two (2).

The county of Silver Bow shall have ten (10).

The county of Custer shall have two (2).

The county of Yellowstone shall have one (1).

The county of Fergus shall have two (2).

The county of Park shall have two (2).

The county of Cascade shall have two (2).

The counties of Dawson and Cascade shall have (1) jointly.

The counties of Deer Lodge and Beaverhead shall have one (1) jointly.

The counties of Jefferson and Gallatin shall have one (1) jointly.

THE FORM IN WHICH THE QUESTION ON AMENDING THE CONSTITUTION WILL BE PRINTED ON THE OFFICIAL BALLOT AT THE GENERAL ELECTION, NOVEMBER 8, 1966 IS AS FOLLOWS:

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Attorney General's Explanatory Statement

This amendment would require the membership of both houses of the Montana legislature to be based on population so that each member of the legislature will represent approximately the same number of people.

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AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF MONTANA AN AMENDMENT TO THE MONTANA CONSTITUTION RELATING TO THE APPORTIONMENT OF THE LEGISLATIVE ASSEMBLY; AMENDING SECTIONS 2 AND 3, ARTICLE VI; AND REPEALING SECTIONS 4 AND 45, ARTICLE V, AND SECTIONS 4, 5 AND 6, ARTICLE VI.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 2, Article VI of the constitution of the state of Montana is amended to read as follows:

"Section 2. (1) The senate and house of representatives of the legislative assembly each shall be apportioned on the basis of population.

(2) The legislative assembly following each census made by the authority of the United States, shall revise and adjust the apportionment for representatives and senators on the basis of such census.

(3) At such time as the constitution of the United States is amended or interpreted to permit apportionment of one house of a state legislative assembly on factors other than population, the senate of the legislative assembly shall be apportioned on the basis of one senator for each county."

Section 2. Section 3, Article VI of the constitution of the state of Montana is amended to read as follows:

"Section 3. Senatorial and representative districts may be altered from time to time as public convenience may require. When a senatorial or representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be."

Section 3. Sections 4 and 45, Article V, and Sections 4, 5 and 6 of Article VI of the constitution of the state of Montana are repealed.

☐

For the above amendment.

☐

Against the above amendment.

CHAPTER NO. 273  
MONTANA SESSION LAWS 1965

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF MONTANA AN AMENDMENT TO THE MONTANA CONSTITUTION RELATING TO THE APPORTIONMENT OF THE LEGISLATIVE ASSEMBLY; AMENDING SECTIONS 2 AND 3, ARTICLE VI; AND REPEALING SECTIONS 4 AND 45, ARTICLE V, AND SECTIONS 4, 5 AND 6, ARTICLE VI.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 2, Article VI of the constitution of the state of Montana is amended to read as follows:

"Section 2. (1) The senate and house of representatives of the legislative assembly each shall be apportioned on the basis of population.

(2) The legislative assembly following each census made by the authority of the United States, shall revise and adjust the apportionment for representatives and senators on the basis of such census.

(3) At such time as the constitution of the United States is amended or interpreted to permit apportionment of one house of a state legislative assembly on factors other than population, the senate of the legislative assembly shall be apportioned on the basis of one senator for each county."

Section 2. Section 3, Article VI of the constitution of the state of Montana is amended to read as follows:

"Section 3. Senatorial and representative districts may be altered from time to time as public convenience may require. When a senatorial or representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be."

Section 3. Sections 4 and 45, Article V, and Sections 4, 5 and 6 of Article VI of the constitution of the state of Montana are repealed.

Section 4. When this amendment is submitted to the electors of Montana, there shall be printed on the ballot the title and sections 1, 2 and 3 of this act and the following words:

" ☐ For the above amendment.

☐ Against the above amendment."

Approved: March 9, 1965

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THE NUMBER AND FORM IN WHICH REFERENDUM NO. 64 WILL APPEAR UPON THE OFFICIAL BALLOT AT THE GENERAL ELECTION NOVEMBER 8, 1966, IS AS FOLLOWS:

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Attorney General's Explanatory Statement

This referendum would authorize the legislature to continue the three cent per package cigarette tax now imposed to redeem the bonds issued to pay the World War I, World War II, and Korean War Veterans' Bonus and levy a similar tax on other tobacco products. The proceeds of these taxes would be used to finance construction and remodeling of state buildings.

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AN ACT SUBMITTING TO THE ELECTORATE AT THE NOVEMBER 1966 GENERAL ELECTION THE QUESTION OF WHETHER OR NOT A TOBACCO TAX SHOULD BE LEVIED FOR THE PURPOSE OF FINANCING THE COST OF CONSTRUCTING AND REMODELING STATE BUILDINGS.

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For Referendum Measure No. 64

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Against Referendum Measure No. 64

CHAPTER NO. 264  
MONTANA SESSION LAWS 1965

AN ACT SUBMITTING TO THE ELECTORATE AT THE NOVEMBER 1966 GENERAL ELECTION THE QUESTION OF WHETHER OR NOT A TOBACCO TAX SHOULD BE LEVIED FOR THE PURPOSE OF FINANCING THE COST OF CONSTRUCTING AND REMODELING STATE BUILDINGS.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Upon the approval of the electors of this state, to be determined by their vote at the general election to be held in November of 1966, the three cent (3¢) per package cigarette tax authorized by Section 84-5606, Subdivision 3 and 4, R.C.M. 1947, and a tax in an amount to be fixed by law on all other tobacco products may be levied and collected for the purpose of financing the cost of constructing and remodeling state buildings.

Section 2. This referendum shall be submitted to the electors on an official ballot which shall contain the title of this act and the number of the referendum. The question shall be presented in substantially the following form:

☐ For Referendum Measure No. \_\_\_\_\_.

☐ Against Referendum Measure No. \_\_\_\_\_.

Approved: March 9, 1965



ON THE QUESTION OF AMENDING THE  
CONSTITUTION OF THE STATE OF MONTANA BY ADDING  
A PROVISION FOR CONTINUITY OF STATE AND LOCAL GOVERNMENTS  
DURING EMERGENCIES CAUSED BY AN ENEMY ATTACK

THE FORM IN WHICH THE QUESTION ON AMENDING THE CONSTITUTION  
WILL BE PRINTED ON THE OFFICIAL BALLOT AT THE GENERAL ELECTION,  
NOVEMBER 8, 1966, IS AS FOLLOWS:

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Attorney General's Explanatory Statement

This amendment allows the legislature to disregard certain provisions of the Montana constitution for the purpose of passing laws to allow state and local governments to continue to function during an emergency caused by an enemy attack. Such laws could be in force only for the period of the emergency.

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AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN  
AMENDMENT TO THE CONSTITUTION OF MONTANA BY ADDING A NEW SEC-  
TION TO PROVIDE FOR THE CONTINUITY OF STATE AND LOCAL GOVERN-  
MENTS IN A PERIOD OF EMERGENCY CAUSED BY ENEMY ATTACK NOTWITH-  
STANDING OTHER CONSTITUTIONAL PROVISIONS.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF  
MONTANA:

Section 1. A new section is added to the constitution of the state of Montana to read as follows:

"Section \_\_\_\_\_. The legislative assembly in order to insure continuity of state and local governmental operations in a period of emergency resulting from a disaster caused by enemy attack may enact laws:

(1) To provide for prompt and temporary succession to the powers and duties of elected and appointed public officers who are killed or incapacitated.

(2) To adopt other measures that may be necessary to insure the continuity of governmental operations.

Such laws shall be effective only during the emergency that affects a particular office or governmental operation, and such laws may deviate from other provisions of the Montana constitution, including but not limited to the following sections:

- (1) Section 3, Article X, seat of state government.
- (2) Section 2, Article XVI, seat of county governments.
- (3) Section 16, Article VII, succession to governor.
- (4) Section 4, Article XVI, vacancy on board of county commissioners.
- (5) Section 6, Article XVI, other vacancies in county government.
- (6) Section 45, Article V, vacancies in legislative assembly.
- (7) Section 11, Article VII, special legislative sessions.
- (8) Section 5, Article V, length of legislative session.
- (9) Section 10, Article V, quorum to do business in each house.
- (10) Section 6, Article XIX, location of county offices.
- (11) Section 1, Article VII, duties of executive officers of state.
- (12) Section 7, Article VII, appointments by governor."

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FOR THE ABOVE AMENDMENT.

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AGAINST THE ABOVE AMENDMENT.



CHAPTER NO. 243  
MONTANA SESSION LAWS 1965

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO THE CONSTITUTION OF MONTANA BY ADDING A NEW SECTION TO PROVIDE FOR THE CONTINUITY OF STATE AND LOCAL GOVERNMENTS IN A PERIOD OF EMERGENCY CAUSED BY ENEMY ATTACK NOTWITHSTANDING OTHER CONSTITUTIONAL PROVISIONS.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. A new section is added to the constitution of the state of Montana to read as follows:

"Section \_\_\_\_\_. The legislative assembly in order to insure continuity of state and local governmental operations in a period of emergency resulting from a disaster caused by enemy attack may enact laws:

- (1) To provide for prompt and temporary succession to the powers and duties of elected and appointed public officers who are killed or incapacitated.
- (2) To adopt other measures that may be necessary to insure the continuity of governmental operations.

Such laws shall be effective only during the emergency that affects a particular office or governmental operation, and such laws may deviate from other provisions of the Montana constitution, including but not limited to the following sections:

- (1) Section 3, Article X, seat of state government.
- (2) Section 2, Article XVI, seat of county governments.
- (3) Section 16, Article VII, succession to governor.
- (4) Section 4, Article XVI, vacancy on board of county commissioners.
- (5) Section 6, Article XVI, other vacancies in county government.
- (6) Section 45, Article V, vacancies in legislative assembly.
- (7) Section 11, Article VII, special legislative sessions.
- (8) Section 5, Article V, length of legislative session.
- (9) Section 10, Article V, quorum to do business in each house.
- (10) Section 6, Article XIX, location of county offices.

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(11) Section 1, Article VII, duties of executive officers of state.

(12) Section 7, Article VII, appointments by governor."

Section 2. When this amendment is submitted to the electors of the state of Montana as provided by law, there shall be printed on the ballot the full title and the first section of this act and the following words:

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For the above amendment.

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Against the above amendment."

Approved: March 9, 1965