

MEMORANDUM

TO: President Leo Graybill, Jr.
Convention Officers
Rules Committee Members
Committee Chairmen

SUBJECT: TYPE AND DATE OF ELECTION FOR ADOPTION OF PROPOSED CONSTITUTION BY VOTERS

OPINION: A SPECIAL ELECTION MUST BE HELD EITHER ON JUNE 6, 1972 (WITH THE PRIMARY) OR ON NOVEMBER 7, 1972 (WITH THE GENERAL); OF THESE TWO DATES, JUNE 6th IS THE BEST.

A SPECIAL ELECTION IS REQUIRED

The voters of Montana shall adopt or reject the proposed Constitution in accordance with the provisions of our existing Constitution and the Enabling Act.

Our Constitution now provides:

Article XIX Section 8:

"...said convention shall meet within the three months after such election and prepare such revisions, alterations or amendments to the constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or rejection at an election appointed by the convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election, no such revision, alteration or amendment shall take effect."

Our Enabling Act provides:

"Section 17. (9) If a majority of the electors voting at the special election shall vote for the proposals of the convention the governor shall by his proclamation declare the proposals to have been adopted by the people of Montana. the new constitutional provisions shall take effect as provided therein, or as provided in a schedule of transitional provisions attached thereto."

"Section 19. All state and local officials shall do all those things which are appropriate to the holding of each of the special elections provided for in this act and which are required under the general election laws."

These references are self-explanatory and clearly require the calling of a special election.

Another compelling reason for the calling of a special election is the statistic that nearly twenty-five percent (25%) of all electors voting in an election in which there is a special issue, failed to vote on the question of the special issue. Since a majority of electors voting in the election is required, it is probable, if not likely, that adoption could be defeated by "failure to vote" rather than by a negative vote.

A SPECIAL ELECTION HELD BETWEEN
THE PRIMARY AND GENERAL ELECTIONS
OF 1972 IS ECONOMICALLY UNJUSTIFIABLE

Although estimates of election costs have been gathered by the commission which are somewhat lower, the information furnished the convention by the office of the Secretary of State reveals that a special statewide election would cost somewhat in excess of \$500,000. Of this, the cost of salaries of election judges and clerks would exceed \$200,000 and costs of legal advertising notices, printing of lists of registered voter's ballots, preparation of voting machines and all the necessary election supplies is estimated at about \$300,000.

In contrast, the office of the Secretary of State indicates that if a special election on the proposed Constitution were held in conjunction with another election (either primary or general) the cost is estimated at close to \$25,000. This figure includes the cost of separate ballots, miscellaneous election supplies and advertising.

It is the opinion of the office of the Secretary of State that the local clerks and recorders can best handle the adoption election in conjunction with the primary or general election.

It is, therefore, unjustifiable to further consider the question of a special election if that special election were not held either on June 6, 1972 or on November 7, 1972.

JUNE 6 IS THE BEST, PROPER AND
MOST FRUDENT DATE

If this convention concludes at the end of nine weeks (which would be March 18 or at the end of 10 weeks which would be March 25) more than two months would elapse before June 6, the primary date. Other states in recent adoption elections seem to have had better success when the election was held from two to three months after the convention adjourned.

YAKSHWAL KURRAY
Chairman, Rules Committee

Respectfully submitted:

For the best possible success within justifiable economic considerations, it is my considered opinion that June 6 is the best, proper and most prudent date for the calling of a special election on the issue of adoption.

College students will be able to vote in the June 6 election either in person or by absentee ballot.

Attached are a series of documents compiled in our investigation and research of this question together with a letter from the Secretary of State.

This convention has taken more steps toward citizen involvement by means of participation in the forms of delegate proposals, citizen suggestions and the many public hearings than any other convention. In addition, we have a public information committee and a public information director, both of which are deeply involved in the education of the public about the operation of the convention and the issues under discussion. Because of the use of all of the known methods by our convention to involve Montanans and to educate them, it is submitted that the period of time between adjournment of the convention and the vote of ratification can be shorter and still be just as effective.

Investigation with the Secretary of State, the Attorney General and the Purchasing Department of the State of Montana clearly indicates that there will be ample time to handle election to the voters and to hold the election on June 6.

Investigation reveals that there are many reasons for this and among them are the following: The delegates lose interest and momentum if the delay is too long; the tempo of the public information campaign cannot be sustained and declines. The opposition, if any, organizes best within a longer period of time; and in 1972 the national, state and local elections will be held in November and the interest surrounding these elections might conflict rather substantially with the interest of Montanans about their Constitution. In this respect, certainly the media will be more interested in the paid advertising of political candidates rather than in the public service of educating Montanans about their newly proposed Constitution.