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Montana's 1972 Constitutional Election

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On June 6, 1972 a slender majority of Montanans voting on the issue approved adoption of a new state constitution—the first major revision since statehood in 1889. Substance and possible impact of the new constitution were analysed in the preceding Public Affairs Report 11 of April, 1972. But adoption still is subject to a major court challenge to be argued July 17 and final decision regarding ratification may be months in the future.

When official canvass of the election was completed June 20 the governor promptly proclaimed the new constitution to be adopted, but opponents immediately brought a suit in the Montana Supreme Court to reverse the effect of that proclamation. They claim that the constitutional requirement of approval "by a majority of the electors voting at the election" was not satisfied because the vote favorable to adoption was less than half of the total number of ballots reported to have been issued in the special ratification election.

Meanwhile the voters have spoken about the new constitution and analysis of the vote is possible. There were some strong patterns of voting related to size and trends of population, to "reformist" posture of convention delegates, to the initial 1970 vote for calling a convention, and to traditional partisan political preferences. In the accompanying Table the counties have been ranked in the order of their support for adoption of the new constitution (Column 1). The second through fifth columns furnish additional information about the counties. The last three columns indicate the June 6 vote on three special "side issues" whose adoption depended not only on majority vote on the issue but also on adoption of the new constitution. In the Table, all figures are percentages or indexes on a 100-point scale.

To Adopt the New Constitution

The central issue whether to adopt the new constitution was approved by a vote of 116,415 to 113,883. The 2,532-vote plurality represented a margin of slightly more than one half of one percent of the total vote on the issue.

Voters in 12 counties comprising 54.9 percent of the state's population, including seven of the ten largest

cities and all but one of its major growth centers, favored the new constitution by a margin just sufficient to offset strong opposition in rural areas of declining population.

In the 20 counties with more than 10,000 population each, more than one voter in two (54.8 percent) favored adoption of the new constitution.

In the 21 counties with less than 5,000 population each, only one voter in three (33.7 percent) favored ratification.

In the nine smallest counties with less than 2,500 population each, only one voter in four (26.8 percent) favored ratification.

The seven most populous counties as a group (including Silver Bow and Gallatin that narrowly opposed ratification) supported the new constitution by a vote of 57.4 percent.

Seven of the nine major growth centers in the state favored the constitution. Reference to Column 2 of the Table shows that 12 counties reached their maximum population in the most recent 1970 census. Of this dozen "growth counties" only nine were major centers of more than 10,000 population.

By contrast the 14 counties (lowest quartile, Column 1) most opposed to adoption of the new constitution comprise 5.7 percent of the state's population and include no urban center of 2,500 population. The "growth index" in Column 2 shows that six of these 14 counties in 1970 had less than half of their maximum population during the past half century. On average the lowest quartile of 14 counties in Column 1 had, in 1970, only 57.6 percent of their maximum population since 1920.

In two congressional districts of approximately equal population, voters of the mountainous and growing western district narrowly favored adoption (50.4 percent). The eastern high-plains district has lost population in recent decades despite the presence of the state's two largest cities. Voters in the eastern district opposed the new constitution by a slender margin—48.0 percent for ratification. Of 12 counties whose voters favored ratification, eight were in the western district. The four counties in the eastern district whose voters favored ratification included four of the district's six largest cities—Billings, Great Falls, Miles City and Glendive.

form vote was defined as one favoring change from existing constitutional arrangements. It is hoped later to present the findings of this study in some detail. In the Table delegates were assigned to the county of their residence; more than half of the counties in the lowest quartile of Column 1 had no resident delegate and this may have been a factor in their low support for adoption of the new constitution. But voters in these rural counties were not indifferent to the outcome of the ratification election. The average rate of registered voters casting ballots on the constitution was higher for the small counties of the fourth quartile (71 percent) than for the populous counties of the upper quartile (68 percent) that most strongly supported ratification.

To Retain a Bicameral Legislature

There was a 56.2 percent majority to retain a bicameral legislature, with 95,259 votes for, and 122,425 votes against adoption of a unicameral legislature.

The correlation between support of unicameralism and support of the new constitution was strong, direct and evident by visual comparison of Columns 1 and 6 of the Table. The five counties that favored a one-house legislature also led the support for the new constitution and included three of the state's five largest cities. Ten of the 14 counties most strongly supporting unicameralism also were in the upper quartile of support for ratification (Column 1). Conversely 10 of the 14 counties most opposed to unicam-

	Adopt 1972 Constitution	1970 Population as % of 50-year Maximum	"Reform" Index of Delegates	1968 Presidential Preference: Per Cent Democrat	1970 Vote to Call Convention	Unicameral Legislature	Legalize Gambling	Abolish Death Penalty
Granite	38	66	—	40	61	39	70	24
Wheatland	38	45	—	40	62	38	70	29
Roosevelt	38	88	72	46	61	32	53	41
Blaine	37	70	—	45	66	37	54	39
Liberty	37	90	77	34	55	29	56	33
Golden Valley	36	44	—	35	54	26	62	27
Chouteau	36	59	26	38	54	33	55	23
McCone	36	60	—	42	68	23	43	30
Beaverhead	36	100	31	27	66	32	62	22
Fergus	35	76	57	34	64	35	59	27
Powell	34	95	—	44	54	34	59	25
<u>Judith Basin</u>	<u>33</u>	<u>51</u>	<u>38</u>	<u>40</u>	<u>55</u>	<u>31</u>	<u>59</u>	<u>23</u>
Rosebud	30	75	16	34	65	33	61	29
Madison	29	67	15	32	59	30	62	23
Sweet Grass	29	60	—	23	51	31	50	20
Treasure	28	54	17	36	55	22	54	36
Wibaux	27	47	—	38	52	31	59	41
Broadwater	27	46	—	36	62	38	60	27
Phillips	27	58	15	42	62	33	48	30
Petroleum	25	33	—	29	52	30	54	24
Fallon	24	89	—	30	47	32	52	34
Meagher	24	81	—	25	60	33	64	22
Prairie	22	44	—	29	55	25	54	36
Garfield	21	33	—	23	49	27	46	22
Carter	19	47	—	27	56	24	49	31
Powder River	18	73	38	24	48	25	54	34
Highest	71	100	84	69	75	55	73	46
Median	39	76	47	41	65	39	61	35
Lowest	18	33	15	23	37	22	43	20

Representativeness of the Convention

Comparison of Columns 5, 3 and 1 of the Table suggests strong, direct and complex relationships between the interest of a county in calling a convention (Column 1), commitment of its delegates to change (Column 3) and final vote of the county on adoption of the proposed constitution (Column 1).

Averages of indices by 14-county quartiles for each of the three columns follows:

	Column 1: To Adopt Constitution	Column 3: Reform Index of Delegates	Number of Delegates	Column 5: to Call a Convention
Upper quartile	52.4	67.8	(63)	66.6
2d quartile	43.6	38.3	(22)	60.3
3d quartile	36.6	51.4	(9)	60.0
Lowest quartile	25.0	20.2	(6)	55.2

The 14 counties most strongly supporting adoption of the new constitution (Column 1) also had the highest average score for calling a convention (Column 5) and were represented by delegates most strongly committed to making changes (Column 3). By contrast the counties least disposed to adopt a new constitution had, as a quartile group, the least interest in calling a convention and elected delegates notably less interested in making changes than the majority of delegates. Four of the six delegates elected from counties in the lowest quartile of Column 1 repudiated the constitution during the campaign for its ratification.

The "Reform" index in Column 3 was derived from analysis of 40 roll calls during the convention; a re-

ANALYSIS OF THE JUNE 6, 1972 MONTANA CONSTITUTIONAL RATIFICATION ELECTION [All Figures are Percentages]

	Adopt 1972 Constitution	1970 Population as % of 50-year Maximum	"Reform" Index of Delegates	1968 Presidential Preference: Percent Democrat	1970 Vote to Call Convention	Unicameral Legislature	Legalize Gambling	Abolish Death Penalty
Deer Lodge	71	84	67	69	68	52	70	40
Missoula	66	100	80	41	74	55	67	42
Cascade	63	100	69	50	67	51	67	33
Lewis & Clark	59	100	59	38	69	54	60	32
Flathead	59	100	69	38	75	51	61	35
Lincoln	58	100	63	46	68	46	58	35
Custer	57	92	72	36	67	38	67	39
Pondera	56	86	53	40	60	35	57	31
Mineral	56	97	--	49	65	42	73	35
Yellowstone	55	100	70	35	62	48	59	38
Ravalli	54	100	55	35	62	41	62	30
Dawson	52	92	80	37	57	36	57	42
Hill	50	93	70	51	68	40	57	40
Gallatin	48	100	74	32	70	44	52	33
Park	48	85	45	34	55	40	63	25
Silver Bow	47	74	61	64	67	44	73	39
Valley	47	67	27	42	70	34	53	39
Musselshell	45	31	23	43	47	35	63	28
Jefferson	45	100	16	46	66	45	67	30
Teton	44	84	47	39	63	36	53	25
Stillwater	43	61	40	31	53	39	58	26
Glacier	43	93	--	47	60	41	68	37
Big Horn	43	96	18	40	64	41	56	44
Daniels	42	56	--	43	63	29	51	38
Richland	42	94	62	35	63	35	55	40
Toole	41	74	40	39	37	34	65	28
Sheridan	41	42	41	49	69	32	45	46
Lake	39	100	39	33	67	40	57	32
Carbon	39	46	26	38	59	41	54	35
Sanders	39	100	84	41	61	40	60	30

eralism also were among the quartile of 14 counties most opposed to the new constitution.

This correlation probably reflects more than the simple linkage of the two issues on the ballot. Urban centers have no reason to fear loss of representation in a smaller or unicameral legislature apportioned to population, but counties of small population doubtless regard the possibility of a single-house legislature as still further erosion of their sense of legislative representation.

To Legalize Gambling

A 61 percent majority of voters favored legalization of gambling; there were 139,382 votes for, and 88,743 votes against legislative authority to legalize gambling. Although effectuation of this vote depended upon ratification of the new constitution, more votes were cast on the gambling issue than on ratification in 17 counties.

Strongest support for legalized gambling was in the western district while eastern district counties voted more modest support or actual opposition. Phillips and Garfield were the most western of five counties opposing legalization.

The upper quartile of Column 1 gave strongest average support to gambling (62 percent) while the lowest quartile of Column 1 gave least support to gambling (54 percent). This may reflect little more than linkage of the two issues on the ballot. But two cluster-patterns of voting on this issue invite further exploration:

1) A line of counties along the Milwaukee Railroad through the center of the state from Custer through Wheatland and Jefferson Counties supported gambling by 61 to 70 percent while counties immediately to the north and south supported gambling by indices in the 50s, or actually opposed legalization.

2) Of the counties casting more votes on the gambling issue than on ratification, only Mineral, Deer Lodge and Custer strongly supported gambling. The rest of the group were in two tight clusters: Toole, Liberty and Pondera; and eight counties in southeastern Montana that included Garfield and Carter opposing legalization.

To Retain the Death Penalty

Just weeks before the historic decision of the United States Supreme Court that the death penalty constitutes cruel and inhuman punishment, Montanans voted two-to-one (65.4 percent) for its retention. There were 147,023 votes cast for, and 77,733 votes cast against, its retention.

Two rather striking regional patterns appear in the voting on this issue. The quartile of 14 counties most disposed to retain the death penalty clustered in rural central Montana, bounded on the east by Garfield, the north by Chouteau and Teton, and the west by Granite and Beaverhead. The quartile of 14 counties least inclined to retain the death penalty included a scatter of six urbanized counties—Missoula, Deer Lodge, Silver Bow, Yellowstone, Hill and Custer, along with Big Horn. The other seven counties giving least support to the death penalty were clustered in the northeastern corner—Valley, Daniels, Sheridan, Roosevelt, Richland, Dawson and Wibaux.

Partisan Factor in Ratification

Comparison of 1968 presidential vote (Column 4) with the ratification vote (Column 1) suggests that democrats may have supported the new constitution more strongly than republicans. Since ratification support was generally proportionate to population, this may say little more than that democratic strength generally tends to be greater in populous centers and less in sparsely populated rural areas of Montana. Definitive analysis of this partisan factor requires analysis of voting at the precinct level.

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