

12309

IN THE SUPREME COURT OF THE STATE OF MONTANA

THE STATE OF MONTANA,
ex. rel. STANLEY C. BURGER,

Petitioner,

vs.

FORREST H. ANDERSON, as Governor
of the State of Montana,

Respondent.

No. 12310

FILED

SEP - 5 1972

Thomas J. Kearney

PETITION FOR REHEARING
CLERK OF SUPREME COURT
STATE OF MONTANA

COMES NOW, the Petitioner, Stanley C. Burger, and petitions this Court for a rehearing on the above entitled matter and decision of this Court, delivered on August 18, 1972, on the following grounds.

1. THE MAJORITY OPINION HAS OVERLOOKED THE DECISIVE QUESTION OF WHETHER THE SUPREME COURT OF MONTANA HAS AUTHORITY TO AMEND THE MONTANA CONSTITUTION BY INTERPRETATION.

The majority opinion, at Page 14, concludes that:

"Accordingly, we hold 'approval by the majority of electors voting at the election' as used in Article XIX, Section 8, of the Montana Constitution means approval by a majority of the total number of electors casting valid ballots on the question of approval or rejection of the proposed 1972 Montana Constitution. We hold that it does not refer to or include those electors who failed to express an opinion by a vote on that issue."

The traditional rule, regarding the place of the Court, in matters dealing with a State Constitution, as stated in Knight v. Shelton, 134 Fed. 423, (E.D. Ark., 1905) is:

"If there is no ambiguity in the language used, there is nothing to construe and Courts must follow the letter of the Constitution."

Our Montana Court, in Rankin v. Love, 232 P. 2d 998, 1000, 125 Mont. 184, put it this way:

"It is the duty and responsibility of this Court to ascertain the meaning of the Constitution as written, neither to add to nor to subtract from, neither to delete nor to distort."

(63)

1 In arriving at the conclusion above, the majority opinion
2 admitted, on Page 10:

3 "Applying these rules to the quoted constitutional
4 language, a literal construction would seem to
support relators."

5 What the Court is saying is that "voting at the election"
6 plainly means "voting at the election" and not "voting on issue
7 one" or "voting on the proposed Constitution". Applying a literal
8 construction to constitutional phrases is nothing new to this
9 Court. For example, in the recent decision of Forty-Second
10 Legislative Assembly v. Lemmon, 156 Mont. 416, 481 P. 2d 330, 335,
11 this Court construed the phrase "elected in the same manner" under
12 Section 8 of the same Article XIX of the Montana Constitution.
13 There the Court stated:

14 "We hold that the phrase 'elected in the same manner'
15 means exactly what it says."

16 In this case, however, having so concluded the plain, literal
17 meaning of the phrase "voting at the election", the majority
18 opinion then goes further in an apparent search for ambiguity in
19 the phrase "voting at the election" by asking the question "But
20 voting on what?" The majority opinion recites:

21 "The constitutional language does not exactly answer
22 this. However, the substance of the language of the
23 entire provision indicates that it refers to voting
24 on approval or rejection of the proposed constitution,
25 and it is to that question that the quoted language
26 is directed. There is absolutely nothing to indicate
27 that the framers had in mind a multiple issue ballot
28 wherein contingent alternative issues would be submitted
to the electors in addition to the primary question of
approval or rejection of the proposed constitution
itself. The best that can be said for relators is that
the quoted language is ambiguous when read in connec-
tion with the entire constitutional provision relating
to submission of the proposed constitution to the
electors."

29 To say that the phrase "electors voting at the election"
30 does not answer the question of "voting on what" and thereby
31 creates an ambiguity, is to simply disregard the English language,
32 the laws of Montana, and the recognition of the majority opinion.

1 This same majority opinion clearly analyzed the Montana law on
2 Page 15 of the opinion by stating:

3 "An 'elector' is a person possessing the legal quali-
4 fications that entitle him to vote. State ex. rel.
5 Lang v. Furnish, 48 Mont. 28, 134 P. 297. The word
6 'voting' means the affirmative act of marking one's
7 ballot properly and depositing it in the ballot box
8 in conformity with the election laws. Goodell v.
9 Judith Basin County, 70 Mont. 222, 224 P. 1110;
10 Maddox v. Board of State Canvassers, 116 Mont. 217,
11 149 P. 2d 112. Thus 'electors voting in the election'
12 within the meaning of Article XIX, Section 8 of the
13 Montana Constitution means those persons entitled to
14 vote who cast a properly marked ballot which is counted
15 in the election. Electors casting blank ballots,
16 unintelligible ballots, fouled, void, or illegal
17 ballots are not included as 'electors voting in the
18 election' because their ballots are not entitled to
19 be counted in the election."

20 Therefore, the phrase "electors voting at the election" means
21 simply, under Montana law, persons possessing the legal qualifica-
22 tions that entitle them to vote, who mark their ballot properly
23 and deposit them in the ballot box in confirmity with the election
24 laws, just so long as they do not turn in a blank, unintelligible,
25 fouled, void or illegal ballot. There is no election law in
26 Montana that requires the person to vote on each and every issue
27 or candidate on the ballot. Applying this definition to this
28 case, to determine whether the first issue on the ballot, being
29 the proposed basic Constitution, was adopted under Article XIX,
30 Section 8, requires the Court to count the total number of elec-
31 tors who validly voted on one or more of the issues at the elec-
32 tion, and one-half ($\frac{1}{2}$) plus one (1) must have voted for Issue
Number 1 or it failed.

Since the question of "voting on what?" is, in effect,
answered by the legal definitions of "elector" and "voting"
there is no reason or right for the majority opinion to come up
with the conclusion that the phrase "voting at the election"
really means "voting on approval or rejection of the proposed
Constitution". When the majority opinion does this, it, in fact,
amends the Constitution by judicial interpretation, and the only

1 body that has a right to amend the Constitution is the legisla-
2 ture, with the approval of the people of Montana, under Article
3 XIX, Section 9 of the Montana Constitution. The Court should be
4 reminded that the original authority for the framing of a Consti-
5 tution by the State of Montana was an authority granted by Con-
6 gress of the United States under authority of the United States
7 Constitution. The existing Constitution was so approved. Revi-
8 sions, alterations and amendments were required to be made by a
9 majority of electors voting at the election. Montana has no
10 authority to revise or alter its Constitution other than as was
11 approved by Congress of the United States. Therefore, under
12 Federal law, this Court cannot change by interpretation the words
13 used in the Constitution adopted in 1889. Further, the majority
14 opinion's inconsistency of claiming an ambiguity exists, in the
15 phrase in question, on Page 10, and then coming back on Page 15,
16 and clearly recognizing that the words used in the phrase have a
17 clear, definite and unambiguous meaning, should not be allowed
18 to stand on such an important decision such as this one. It is
19 respectfully submitted that the justices who participated in the
20 majority opinion will want to reconsider their holdings in that
21 opinion wherein the opinion is based on inconsistent premises,
22 and wherein, as a result, the Court usurps the power of the
23 legislature and the people of Montana, to amend their Constitu-
24 tion.

25 It is further pointed out to this Court, that to conclude
26 that "voting at the election" means "voting on approval or rejec-
27 tion of the proposed Constitution", is to add and imply language
28 not in the Constitution. This Court has recently, in the case
29 of State ex. rel. Kvaalen v. Graybill, St. Rept. 29, Page 313,
30 496 P. 2d 1127, 1134, refused to imply that the language of
31 Section 8 of Article XIX of the Montana Constitution gave the
32 constitutional convention the power to educate the voters and

1 expend public funds therefor. The same justices who refused to
2 imply language that didn't exist in the Kvaalen case are the same
3 justices who now have determined to imply language from Section 8
4 that does not exist. Perhaps the majority will want to reconsider
5 this inconsistency.

6 2. THE MAJORITY OPINION IS IN CONFLICT WITH A CONTROLLING
7 DECISION, FORTY-SECOND LEGISLATIVE ASSEMBLY V. LENNON, 156 MONT.
8 416, 427, 481 P. 2d 330, TO WHICH THE ATTENTION OF THE COURT WAS
9 NOT DIRECTED.

10 (a) Multiple Issues

11 On Page 10 of the opinion, the majority founds its conclu-
12 sions that "voting at the election" does not mean what it says,
13 by stating:

14 "There is absolutely nothing to indicate that the
15 framers had in mind a multiple issue ballot wherein
16 contingent alternative issues would be submitted to
17 the electors in addition to the primary question of
18 approval or rejection of the proposed Constitution
19 itself."

20 On February 22, 1971, the same three justices who signed the
21 majority opinion in this case, signed the opinion in the Forty-
22 Second Legislative Assembly of the State of Montana, and Frank
23 Murray, Secretary of State of the State of Montana v. Joseph L.
24 Lennon, Clerk and Recorder of Cascade County, Montana, 156 Mont.
25 416, 481 P. 2d 330, 338. The Lennon case was a declaratory judg-
26 ment action brought by the legislature and the Secretary of State
27 seeking determination of certain legal rights concerning the
28 calling, election of delegates, and implementation of the consti-
29 tutional convention, which convention went on to submit the ballot
30 at the election on June 6, 1972, all of which is the subject of
31 this case. In determining some of the questions raised in the
32 Lennon case, this Court was required to thoroughly analyze Article
XIX, Section 8, of the Montana Constitution, which same Section 8
is in issue in this case. At the conclusion of the Lennon

1 opinion, this Court ruled, as follows:

2 "A further observation, albeit unsolicited, is that
3 since the referendum uses the language 'revise, alter,
4 or amend the constitution' it must have been contem-
5 plated that the work of the convention might be partial
6 or total and that the individual parts might be sub-
7 mitted to the people. Therefore, each Article might be
8 separately submitted."

9 Thus, in the Lennon case, this Court found that the framers
10 of the language of Article XIX, Section 8 of the Montana Constitu-
11 tion, "revisions, alterations, or amendments to the Constitution"
12 contemplated that a constitutional convention could submit to the
13 electors an issue-by-issue ballot to vote on concerning whatever
14 revisions, alterations, or amendments to the Constitution were
15 being proposed. The framers did not idly use the plural of the
16 words. Obviously, the constitutional convention took the Supreme
17 Court at its word, and it did submit a multiple issue ballot to
18 the electors on June 6, 1972. The fact that three of the issues
19 were contingent upon the passage of the first issue does not alter
20 the fact that the multiple issues could be and were submitted to
21 the electors. The same result must follow even if the Constitu-
22 tion was submitted item by item, or article by article, whether
23 any one item or article was contingent upon any other item or
24 article.

25 For the majority opinion, in this case, to now take a posi-
26 tion completely opposite from the Lennon decision, to the effect
27 that the framers of the Constitution did not contemplate a multiple
28 issue ballot, would do great harm to the rule of law of stare
29 decisis, not to mention the public confidence in the Courts.
30 Perhaps the current majority of this Court simply forgot the
31 Lennon decision and what it stated therein, as this decision was
32 not brought to the attention of the Court by any of the twenty
legal briefs filed herein. However, it is submitted that, in
considering the Lennon decision, the majority of this Court will
wish to reconsider its position as stated on Page 10 of the

1 majority opinion in this case. As there is nothing ambiguous
2 about the phrase in Section 8 concerning the approval "by a major-
3 rity of the electors voting at the election", this Court would
4 have no right or power to interpret the phrase, and give it any
5 other meaning than what it literally says, thereby leaving as the
6 sole issue for the Court to determine the issue of whether one-
7 half ($\frac{1}{2}$) plus one (1) of the electors who voted at the election,
8 voted for Issue Number 1.

9 (b) Extraordinary majority

10 Referring again to this Court's holding in the Lennon case,
11 that the framers of the Constitution contemplated multiple issue
12 ballots, there can be no doubt that the framers also contemplated
13 that when multiple issues were submitted to the electors, in fact,
14 passage of each issue might require an extraordinary majority.
15 This will occur because invariably, some of the electors will not
16 vote on all of the issues, for various reasons, and, therefore,
17 even though a majority of those voting on a specific issue might
18 vote for the specific issue, it would not carry unless it was
19 approved by a majority of those electors who voted at the election
20 by casting a valid ballot. The effect of an extraordinary major-
21 rity opinion at Page 12, that electors who abstain from voting on
22 one of the issues, tend to help defeat the issue. However, the
23 policy of adopting the extraordinary majority on multiple issue
24 elections by the use of the language, "voting at the election"
25 when altering, revising or amending our Constitution was the
26 policy of the people of Montana when they adopted the Constitution
27 in 1889. Whether this was a good or bad policy is not now the
28 issue before the Court.

29 In this same regard, this Court's holding in the Lennon case
30 is consistent with the policy and philosophy of government, as
31 recited by this Court on Pages 13-14 of the opinion, in quoting
32 from the case of Tinkel v. Griffin, 26 Mont. 426, 68 P. 859.

1 That policy is simply that extraordinary majority requirements are
2 given support by the Courts when the language of the Constitution
3 clearly indicates such a purpose. Here, since the Lennon case,
4 the Court has concluded that the Constitution contemplated multiple
5 issue elections, and since the phrase "electors voting at the
6 election" has clear and definite meaning under Montana law, such
7 purpose is beyond cavil. Therefore, in order for this Court to
8 determine whether the first issue on the ballot was approved, it
9 must determine the count of the total number of electors who valid-
10 ly voted on one or more of the issues at the election, and then,
11 by simple mathematics, compute one-half ($\frac{1}{2}$) plus one (1) of that
12 total, and if the total of those who voted for Issue No. 1 is not
13 more than that figure, Issue No. 1 must fail. Under the figures
14 of the State Canvass Board, certified to by the Secretary of State,
15 Issue No. 1 failed by 2,386 votes. ($237,600$ divided by $2 =$
16 $118,800 + 1 = 118,801$. $118,801 - 116,415 = 2,386$).

17 In summary, after reviewing the unanimous decision of this
18 Court in the Lennon case, decided only one year ago, it is submit-
19 ted that the participants in the majority opinions in this case
20 should consider changing their position, stated on Page 14 of the
21 opinion, that "We are simply not satisfied that the framers of
22 our Constitution intended to require more than a simple majority
23 vote on approval of the proposed Constitution". As the framers
24 of the Constitution contemplated multiple issue ballots, when
25 they used the language "revisions, alterations, and amendments",
26 and as the framers of the Constitution used the language, "elec-
27 tors voting at the election" as the criteria for adoption of each
28 revision, alteration or amendment, which language is unambiguous
29 under the Montana law, this Court should be satisfied that the
30 framers of our Constitution intended the approval of each issue,
31 no matter what, must be tested by the number of electors who
32 voted a valid ballot at the election.

1 3. THE MAJORITY OPINION HAS OVERLOOKED THE FACTS THAT THE
2 ELECTORS OF MONTANA WERE LEAD TO BELIEVE THAT "VOTING AT THE
3 ELECTION" MEANT WHAT IT LITERALLY SAYS.

4 The majority opinion makes no mention of, so it apparently
5 has overlooked, the various representations made to the electors
6 that an issue would fail, including the first issue of voting for
7 or against the proposed Constitution, unless the issue received a
8 majority vote of all those voting at the election. First of all,
9 the Montana Legislature enacted Section 17, Chapter 296 of the
10 Session Laws of 1971, which is a public law, and published for all
11 to read, whereby Subsection (9) reads:

12 "If a majority of the electors voting at the special
13 election shall vote for the proposals of the convention
14 the governor shall by his proclamation declare the
15 proposals to have been adopted by the people of Mon-
16 tana."

17 Next, the electors were faced with the explanation contained
18 in the supplement, entitled "The Proposed 1972 Constitution for
19 the State of Montana" published in all newspapers throughout the
20 State of Montana, a copy of which was attached to Affidavit of
21 R. W. Harris. On Page 10, the authors, four of whom were dele-
22 gates to the constitutional convention, stated:

23 "There is also a special consideration peculiar to
24 the Montana situation. Article XIX, Section 8 of
25 the 1889 Constitution requires that any item the
26 convention submits to the people can be adopted
27 only by a majority of the electors voting at the
28 election. We know that as they go down the ballot
29 voters fail to vote in increasing numbers on each
30 subsequent item. Consequently, the likelihood of
31 a proposition failing for the lack of a majority
32 of those voting in the election increases with the
addition of each item on the ballot." (emphasis
supplied)

33 The supplement closed with paragraphs containing the follow-
34 ing words, directed to the voter:

35 "If the proposed Constitution fails, your vote on
36 the other measures--the make-up of the legislature,
37 gambling, and the death penalty--will not count
38 because they automatically fail if the proposed
39 Constitution is rejected. Second, your vote on

1 these three questions will not count unless each
2 is decided by a majority of those voting in the
3 election. If you fail to vote on any item, you
4 will aid in its defeat." (emphasis supplied)

5 The constitutional convention delegates will probably try to
6 disown this newspaper representation, but they offered no proof
7 that they did anything to alter or correct the representation,
8 prior to the election. Either they agreed with the interpreta-
9 tion or they participated in the misrepresentation by remaining
10 silent.

11 If there is any doubt by this Court that the members of the
12 constitutional convention understood that "electors voting at the
13 election" meant what it said, the Court should direct its atten-
14 tion to the comparable section in the new Constitution, Article
15 XIV, Section 7, which reads:

16 "The convention shall meet after the election of the
17 delegates and prepare such revisions, alterations, or
18 amendments to the constitution as may be deemed neces-
19 sary. They shall be submitted to the qualified electors
20 for ratification or rejection as a whole or in separate
21 articles or amendments as determined by the convention
22 at an election appointed by the convention for the pur-
23 pose not less than two months after adjournment. Unless
24 so submitted and approved by a majority of the electors
25 voting thereon, no such revision, alteration, or amend-
26 ment shall take effect."

27 Thus, we see the convention determined to change the language of
28 "electors voting at the election", as appears in the old Constitu-
29 tion, to "electors voting thereon", so that there is no longer any
30 need of determining how many electors voted on the particular
31 issues.

32 Finally, the electors of the state were presented with an
official ballot. In explaining to the elector how the election
would work, the constitutional convention authors placed the
following instruction on the center of the ballot, and outlined
it in black:

"The proposed Constitution will include a bicameral
(two houses) legislature unless a majority of those
voting in this election vote for a unicameral (one
house) legislature in Issue 2."

1 Thus, it seems everyone, including both the legislature and
2 the constitutional delegates knew and recognized that the phrase
3 in Section 8 "majority of the electors voting at the election"
4 meant that each issue on the ballot could be enacted only if it
5 received the affirmative vote for by a majority of those who cast
6 a valid ballot at the election. It is submitted that the majority
7 of the Court, after looking over these omitted facts and issues,
8 should agree with these interpretations. However, if the majority
9 of the Court determines to follow its current opinion of the lan-
10 guage used, then at least the Court should grant relief to all the
11 electors who labored under the representations made to them by
12 the State Legislature and the constitutional convention, and upon
13 which they relied in not voting on some of the issues. This
14 relief should be that the Court declare this election to be void,
15 and direct a new election with proper representations made to the
16 electors as to what effect each vote or non-vote on each issue
17 will have. Justice to the people of Montana demands no less!

18 4. THE COURT HAS OVERLOOKED THE FACT THAT THE LANGUAGE IN
19 SECTION 8 AND 9 OF ARTICLE XIX, ON THE THREE DIFFERENT ELECTION
20 PROCEEDINGS MUST REFER TO THE CRITERIA FOR ADOPTION, THEREBY
21 EVIDENCING THE INTENT OF THE FRAMERS.

22 The majority opinion, on Pages 10-11, after erroneously con-
23 cluding that the phrase "electors voting at the election" was
24 ambiguous, went on to suggest that the language used by the
25 framers in the three different elections contemplated in Sections
26 8 and 9 of Article XIX is no evidence of any differing intent by
27 the framers of those Sections as to the criteria for adoption or
28 passage of the issues to be determined in the three elections.
29 The three elections and the language used are as follows:

30 Section 8. In a call for a convention, the call is adopted
31 "If a majority of those voting on the question shall
32 declare in favor of such constitution."

Section 8. As a result of a constitutional convention,

1 proposing revisions, alterations, or amendments, "unless
2 so submitted and approved by a majority of the electors
3 voting at the election, no such revision, alteration or
4 amendment shall take effect."

5 Section 9. Concerning constitutional amendments sub-
6 mitted to the electors, "and such as are approved by
7 a majority of those voting thereon shall become part
8 of the constitution."

9 Now, if the language "voting on the question" and "voting at
10 the election" and "voting thereon" is not evidence of the intent
11 of the framers as to the type of majority needed to adopt or
12 approve a proposal, what language would the majority ever look to
13 to determine the intent of the framers? These language differences
14 are more than the result of "inherent constitutional differences in
15 the elections themselves, which, in turn, requires different lan-
16 guage", as concluded by the majority opinion on Page 11.

17 To begin with, in calling a constitutional convention, Sec-
18 tion 8 recites that:

19 "The legislative assembly may at any time, by a vote
20 of two-thirds of the members elected to each house,
21 submit to the electors of the state the question
22 whether there shall be a convention to revise, alter,
23 or amend this constitution."

24 The majority opinion suggests that this call is normally held at
25 a general election, and, thus, the phrase requiring a "majority
26 of those voting on the question" was employed only to distinguish
27 the constitutional referendum question from other general election
28 issues. (See Page 11 of opinion) However, since the call may be
29 submitted "at any time" and not just at a general election, how
30 could one conclude that the language "voting on the question" was
31 used only to distinguish between the call issue and "general elec-
32 tion issues"? Isn't it more reasonable to conclude that the lan-
33 guage was used to give direction as to what percentage of electors
34 must vote for the call, in order to determine if the call passed?

35 Secondly, the majority opinion recites, at Page 11, the
36 following:

37 "The language of Section 8, that we must construe---
38 'a majority of the electors voting at the election'

1 was used because a separate election is required for
2 approval or rejection of a constitution proposed by
3 a constitutional convention and there is no need to
4 differentiate between approval or rejection of a
5 proposed constitution at such separate election and
6 issues at some other election held at the same time."

7 Of course, this statement omits the fact that Section 8
8 reads:

9 "Said convention shall meet within three months after
10 such election and prepare such revisions, alterations,
11 or amendments to the constitution as may be deemed
12 necessary...and unless so submitted and approved by a
13 majority of the electors voting at the election, no
14 such revision, alteration or amendment shall take
15 effect." (emphasis supplied)

16 Thus, from the language "revisions, alterations or amendments"
17 it is clear, as this Court previously concluded in the Lennon
18 case, that multiple issues were contemplated at the special elec-
19 tion by the framers of Section 8. Therefore, there is a "need to
20 differentiate between" the various issues. This is the very
21 reason the language "approved by a majority of the electors voting
22 at the election" becomes important in determining which issues are
23 approved and which are not.

24 In summary, the premises upon which the majority opinion
25 attempted to determine that the differences in the language used
26 in the three elections was no evidence of a differing intent on
27 the part of the framers, but only the result of differences in
28 the elections themselves, simply do not stand the test under any
29 sound logic or reasoning. The differences in the language used
30 in the three elections can only indicate a differing intent on
31 the part of the framers when it came to the approval or adoption
32 of the various issues involved in the three different elections.
33 This, the majority opinion overlooked.

5. THE MAJORITY OPINION HAS OVERLOOKED THE FACT THAT IF THE
COURT IS TO ALLOW THE MEMBERS OF THE STATE BOARD OF CANVASSERS TO
IMPEACH THEIR OWN CANVASS, BY MERE AFFIDAVIT, THAT THIS COURT DOES
NOT HAVE THE INFORMATION BEFORE IT TO MAKE A VALID DETERMINATION
AS TO THE TOTAL NUMBER OF ELECTORS VOTING AT THE ELECTION.

1 (a) The majority opinion, on Page 16 concludes:

2 "Accordingly, the figure of 237,600 labeled 'total
3 number of electors voting at the election' on the
4 Secretary of State's Certificate is demonstrably
5 incorrect, and the disputable statutory presumption
6 of correctness of such figure (Section 93-1301-7)15))
7 must yield to the facts."

8 The majority opinion arrived at this conclusion from reading
9 the affidavits of the State Canvassing Board and the Secretary of
10 State all of which claimed that "the phrase 'total number of
11 electors voting' as used in the canvass and certificate, refers
12 to the total number of electors appearing at the polls and receiv-
13 ing ballots, plus the number of electors receiving and returning
14 absentee ballots." All the affidavits give the Court no clue as
15 to how the State Canvassing Board claims to have come by this
16 wisdom, it can only be surmised that the affidavits were based on
17 assumptions that the County Canvassing Boards arrived at their
18 figures of "Number of Electors Voting" as appears on the County
19 forms, from directions given to them in the letter from the
20 Secretary of State dated June 2, 1972. In that letter, the
21 Secretary of State requests that the County canvassers arrive at
22 the figure of "Number of Electors Voting" by entering "The total
23 number of votes cast taken from your poll book". The majority
24 opinion has overlooked the fact that a poll book is not a mere
25 registration book. A poll book is defined in Section 23-3610,
26 R.C.M., 1947, as follows:

27 "Each precinct shall keep a list of persons voting
28 and the name of each person who votes shall be entered
29 in it and numbered in the order of voting. This list
30 is known as the poll book."

31 As the majority opinion recognized, on Page 15 of the
32 opinion:

33 "The word 'voting' means the affirmative act of marking
34 one's ballot properly and depositing it in the ballot
35 box in conformity with the election laws."

36 Thus, by definition, the poll book carries only the list of

1 electors who have affirmatively acted by marking their ballot
2 properly and depositing it in the ballot box in conformity with
3 the election laws. In effect, the poll book carries only a net
4 figure, and not a gross figure, as concluded by the affidavits
5 of the State Canvassing Board. Thus, the majority opinion has
6 overlooked, and the Court should conclude that the affidavits
7 are wrong and unsupported, and the Court should conclude that
8 the County Canvassers' figures of "Number of Electors Voting" are
9 correct. 237,600 electors properly voted at the election, and
10 this Court has received no valid evidence to the contrary. In
11 support of this, the affidavits of the County Clerk and Recorder
12 of Gallatin and Big Horn Counties, have been filed in this matter,
13 copies of which are attached as Exhibits "A" and "B" to this
14 Petition. The Court will note that in both instances, these
15 County Clerk and Recorders did just what the law requires, and
16 submitted a poll book net figure of 11,658, in the case of Galla-
17 tin County, and 2,717 in the case of Big Horn County, as the
18 "Number of Electors Voting".

19 In summary, the Secretary of State's Certificate is demon-
20 strably correct, and this Court must presume it to remain correct,
21 unless and until facts were presented to the Court showing other-
22 wise. 237,600 electors did cast a valid ballot at the election.

23 (b) The majority opinion concludes on Page 16 of the opinion
24 that it feels that it can make a determination of the correct
25 figure on the total number of electors voting at the election, by
26 looking at the printed report of the official canvass, county by
27 county, thus avoiding the necessity of a recount or recanvass of
28 the election of June 2, 1972. The majority opinion holds:

29 "If we take the total number of electors who cast
30 ballots that were counted on the issue receiving
31 the largest total vote, this should approximate the
32 total number of electors voting in the election."

32 The majority opinion then reasons that at least 230,298 electors

1 cast a valid ballot, because that was the totals voting on Issue
2 Number 1. The majority finally reasons that another 290 more
3 electors cast valid ballots because it finds that in 18 of the 56
4 counties, the gambling issue, Issue No. 3, received that many more
5 valid votes that did the first issue. However, the majority opin-
6 ion has overlooked the fundamental rules of mathematics in arriv-
7 ing at its conclusion that only 230,588 electors voted at the
8 election.

9 Some elementary examples prepared by prominent statisticians
10 should serve to point out to the majority its errors in mathe-
11 matics.

12 Let us consider the following hypothetical example:

13 Suppose there are only two counties, A and B, and the elec-
14 tion returns are reported as below:

15

16 County	Constitution	Legislature	Gambling	Death Penalty
17 A	2	0	0	0
18 B	1	1	2	1

19

20 Using the procedure on which the majority opinion's decision
21 was based, it is determined that there were four (4) electors
22 voting; two (2) in County A, because the constitutional issue
23 received the highest total vote, and two (2) in County B, because
24 the gambling vote exceeded the constitutional vote by one (1).

25
26 In County A the facts are evident: There were two (2)
27 electors voting. But, in County B there are several possibilities
28 listed below allowing for at least two (2) and as many as five (5)
29 electors voting.

30 (In the following chart, X denotes a vote, and 0 denotes an
31 omission to vote on the issue.)

32

1 POSSIBILITY 1

2	Voter Number	Constitution	Legislature	Gambling	Death Penalty
3	1	X	X	X	X
4	2	<u>0</u>	<u>0</u>	<u>X</u>	<u>0</u>
5	TOTALS	1	1	2	1

6
7 POSSIBILITY 2

8	Voter Number	Constitution	Legislature	Gambling	Death Penalty
9	1	X	X	X	0
10	2	0	0	X	0
11	3	<u>0</u>	<u>0</u>	<u>0</u>	<u>X</u>
12	TOTALS	1	1	2	1

13
14
15 POSSIBILITY 3

16	Voter Number	Constitution	Legislature	Gambling	Death Penalty
17	1	X	0	X	0
18	2	0	X	0	0
19	3	0	0	X	0
20	4	<u>0</u>	<u>0</u>	<u>0</u>	<u>X</u>
21	TOTALS	1	1	2	1

22
23 POSSIBILITY 4

24	Voter Number	Constitution	Legislature	Gambling	Death Penalty
25	1	X	0	0	0
26	2	0	X	0	0
27	3	0	0	X	0
28	4	0	0	X	0
29	5	<u>0</u>	<u>0</u>	<u>0</u>	<u>X</u>
30	TOTALS	1	1	2	1

1 There are, of course, other possible voting patterns. Con-
 2 sider just Possibility 1 with only two (2) electors voting. There
 3 are four (4) possible voting patterns.

4	1) X X X X	2) X X X 0	3) X 0 X X
5	0 0 X 0	0 0 X X	0 X X 0
6			
7	4) 0 X X X	5) X 0 X 0	6) 0 X X 0
8	X 0 X 0	0 X X X	X 0 X X
9	7) 0 0 X X	8) 0 0 X 0	
10	X X X 0	X X X X	

11 NOTE: 5, 6, 7 and 8 are identical to 4, 3, 2 and 1 respectively
 12 in voting pattern. Therefore, we count only four (4) voting
 13 patterns.

14 When there are three (3) electors, as in Possibility 2, it
 15 is possible to find ten (10) voting patterns.

18	1) X X X 0	2) X X 0 0	3) X 0 X 0
19	0 0 X 0	0 0 X 0	0 X X 0
20	0 0 0 X	0 0 X X	0 0 0 X
21			
22	4) X 0 X 0	5) X 0 X 0	6) 0 X X 0
23	0 0 X 0	0 0 X X	0 0 X 0
24	0 X 0 X	0 X 0 0	X 0 0 X
25	7) 0 X X 0	8) X 0 0 0	9) 0 X 0 0
26	0 0 X X	0 X X X	X 0 X X
27	X 0 0 0	0 0 X 0	0 0 X 0
28	10) 0 0 X 0		
29	0 0 X 0		
30	X X 0 X		

When there are four (4) electors, as in Possibility 3, it is possible to find five (5) voting patterns.

1) X 0 X 0	2) 0 0 X 0	3) 0 0 X 0
0 X 0 0	X X 0 0	0 X 0 0
0 0 X 0	0 0 X 0	0 0 X 0
0 0 0 X	0 0 0 X	X 0 0 X
4) X 0 0 0	5) X 0 0 0	
0 X X 0	0 X 0 0	
0 0 X 0	0 0 X 0	
0 0 0 X	0 0 X X	

And when there are five (5) electors, as in Possibility 4, then, of course, there is only one (1) voting pattern.

Thus, in this simple example the majority opinion's method of determining the number of electors voting would have been correct in only four (4) of the twenty possible voting patterns. In other words, the majority opinion has chosen to base its decision on a premise which, at best, has only a twenty per cent (20%) chance of accuracy. Does the majority consider that good enough for the electors and citizens of Montana?

A second example pointing up the inaccuracy of the attempted mathematics practiced in the majority opinion is based on the figures certified to as correct by the State Board of Canvassers for Big Horn County.

The following table presents a possible voting pattern for the reported balloting in Big Horn County and arrives at a number of electors voting at the election, which is in agreement with the majority opinion's method. From the Canvass returns 2,620 Big Horn electors voted for or against issue one (1) and another 6 more electors voted for issue three (3), the gambling issue. (Again, an X denotes a vote on the issue, and an 0 denotes a failure to vote on the issue; the first column contains a hypothetical total of persons who voted in a hypothetical pattern.)

1 When there are four (4) electors, as in Possibility 3, it is
2 possible to find five (5) voting patterns.

3 1) X 0 X 0	2) 0 0 X 0	3) 0 0 X 0
4 0 X 0 0	X X 0 0	0 X 0 0
5 0 0 X 0	0 0 X 0	0 0 X 0
6 0 0 0 X	0 0 0 X	X 0 0 X
7		
8 4) X 0 0 0	5) X 0 0 0	
9 0 X X 0	0 X 0 0	
10 0 0 X 0	0 0 X 0	
11 0 0 0 X	0 0 X X	

12 And when there are five (5) electors, as in Possibility 4,
13 then, of course, there is only one (1) voting pattern.

14 Thus, in this simple example the majority opinion's method of
15 determining the number of electors voting would have been correct
16 in only four (4) of the twenty possible voting patterns. In
17 other words, the majority opinion has chosen to base its decision
18 on a premise which, at best, has only a twenty per cent (20%)
19 chance of accuracy. Does the majority consider that good enough
20 for the electors and citizens of Montana?

21 A second example pointing up the inaccuracy of the attempted
22 mathematics practiced in the majority opinion is based on the
23 figures certified to as correct by the State Board of Canvassers
24 for Big Horn County.

25 The following table presents a possible voting pattern for
26 the reported balloting in Big Horn County and arrives at a number
27 of electors voting at the election, which is in agreement with
28 the majority opinion's method. From the Canvass returns 2,620
29 Big Horn electors voted for or against issue one (1) and another
30 6 more electors voted for issue three (3), the gambling issue.
31 (Again, an X denotes a vote on the issue, and an 0 denotes a
32 failure to vote on the issue; the first column contains a hypo-
33 thetical total of persons who voted in a hypothetical pattern.)

	Possible Voting Pattern	Constitution	Legislature	Gambling	Death Penalty	Cumulative Total of Electors Voting
3	2,486	X	X	X	X	2,486
4	76	X	0	X	X	2,562
5	58	X	0	X	0	2,620
6	6	<u>0</u>	<u>0</u>	<u>X</u>	<u>0</u>	2,626
7	TOTAL					
8	CANVASS					
8	FIGURES					
		2,620	2,486	2,626	2,562	

There is a number of other possible voting patterns which could result in the same number of electors voting (2,626).

However, it is also possible to find a large number of voting patterns which result in other totals of electors voting. The table below gives one of the possible voting patterns which would provide for the number of electors voting to be that number (2,717) reported by the County Clerk in Big Horn County, which pattern is also consistent with the total votes cast on the four issues, as certified to by the Secretary of State.

	Possible Voting Pattern	Constitution	Legislature	Gambling	Death Penalty	Cumulative Total of Electors Voting
22	2,486	X	X	X	X	2,486
23	76	0	0	X	X	2,562
24	43	X	0	X	0	2,605
25	91	X	0	0	0	2,696
26	21	<u>0</u>	<u>0</u>	<u>X</u>	<u>0</u>	2,717
27	TOTAL					
28	CANVASS					
28	FIGURES					
		2,620	2,486	2,626	2,562	

In summary, it is possible that using the premises it did, that the majority opinion might be correct in concluding from the State Canvass Report that only 2,626 electors voted in Big

1 Horn County. However, there is a large number of other voting
2 pattern possibilities which are just as likely to have been the
3 correct total number of electors voting, including the total of
4 2,717, as certified to by the Clerk and Recorder of Big Horn
5 County. Are not the electors and citizens of Montana entitled to
6 more than a mere chance guess by the Supreme Court as to what was
7 the correct total number of electors who voted?

8 One final example.

9 The following table presents one possible voting pattern
10 which would correspond with the total number of electors voting
11 as reported by the Secretary of State.

12 (Again, an X denotes a vote on the particular issue, and an
13 0 denotes a failure of the elector to vote on that issue.)

Possible Voting Pattern	Constitution	Legislature	Gambling	Death Penalty	Cumulative Total of Electors Voting
217,684	X	X	X	X	217,684
7,072	0	0	X	X	224,756
3,139	X	0	X	0	227,895
9,475	X	0	0	0	237,370
230	0	0	X	0	237,600
TOTAL ELECTORS VOTING ON PAR- TICULAR ISSUE IN ACCORD WITH CANVASS					
	230,298	217,684	228,125	224,756	

26
27 Thus, we see that under this one and hundreds of thousands of
28 other voting patterns, the electors of Montana could have voted,
29 the totals of which would correspond with the figures arrived at
30 by the State Canvassing Board. Is this Court really ready to
31 conclude that the electors of Montana voted differently? And,
32 if so, how differently?

1 In summary, it should be clear from the above examples that
2 the majority opinion's attempt to determine the pattern of how
3 the electors of Montana voted at the election is nothing more
4 than a guess, and the probability of the guess being correct is
5 exceedingly poor. Only a recount and recanvass of the votes will
6 ever really show how the electors of Montana did vote. If the
7 majority opinion believes that the Affidavits, devoid of facts as
8 they may be, still create a question of fact to be determined,
9 then this Court must order a recount, as requested by the dis-
10 senting justices.

11 IN CONCLUSION, it should be quite clear, from a study of this
12 Petition for Rehearing, that the authors of the majority opinion
13 in this case have overlooked a controlling decision and numerous
14 facts and issues which make untenable the current majority holding
15 that "approval by a majority of electors voting at the election"
16 doesn't mean what it says. Rather, the participants in the major-
17 ity opinion should, in good faith to the rules of law, determine
18 that Issue No. One (1) can be deemed approved only if the number
19 of electors who voted for Issue No. One (1) exceeds by one or
20 more votes the total number of electors who cast valid ballots
21 at the election.

22 The Secretary of State certified that the State Board of
23 Canvassers determined that 237,600 electors voted at the election.
24 This should be sufficient for the Court to make its determination
25 that the issue was not approved. However, if the Court feels
26 there is a question of the validity of the total of 237,600, then
27 the Court should, as set forth in the dissenting opinion, order a
28 recanvass of the County precincts to determine exactly, once and
29 for all, the total number of electors who voted. Certainly, the
30 majority opinion's erroneous mathematics must be corrected.

31 If, for any reason, a majority of this Court should deter-
32 mine to continue to hold that "approval by a majority of electors

1 voting at the election" does not mean what it says, then, at
2 least, the majority of the Court should order the election to be
3 declared void for the reason of the misrepresentations made to the
4 electors of Montana by the members of both the Legislature and
5 constitutional convention that electors did not have to vote
6 against Issue Number One (1) in order to help to defeat it.

7 The Constitution of Montana is the fundamental document of
8 goverment for the people of this state. It is the heart of our
9 free society. Under the laws of Montana, as they now exist, and
10 the facts before this Court, the members of this Court cannot
11 allow the current majority opinion to stand in its current form
12 and direction.

13 The three justices comprising the majority opinion, may find
14 it difficult to think of changing their minds, by allowing a
15 rehearing, and subsequent change in the contents of the decision
16 of this Court. However, it is this Court's sworn duty to uphold
17 the law. Its goal is to seek truth and justice, under the law.
18 Until each justice is sure that he has found truth and justice in
19 this case, he should be willing and able to change his mind. A
20 matter that may not have been called to the attention of this
21 Court is that a newspaper reporter for the Great Falls Tribune,
22 reported on the front page of the issue of July 18, 1972, the day
23 after oral argument in this case, that it was the consensus of the
24 lawyer delegates to the constitutional convention that the Court
25 would vote on this issue along political lines, and he lined up
26 this Court just the way the opinions came out. Regardless of
27 this publicity, this Court must base its determination solely
28 upon the correct law. With the errors in the majority opinion
29 clearly pointed out herein, this Court now should grant a rehear-
30 ing and amend its opinion.

31 In summary, this Court should grant this Petition for Rehear-
32 ing because:

1 (1) The majority of this Court has overlooked the issue that
2 this Court has no authority to amend the Montana Constitution by
3 interpretation because, in fact, this Court's interpretation of
4 the phrase "voting at the election" disregards the unambiguous,
5 plain meaning of the words in the Constitution. "Electors voting
6 at the election" means, under previously recognized definitions
7 of this Court, "persons possessing the legal qualifications that
8 entitle them to vote, who mark their ballot properly and deposit
9 it in the ballot box in conformity with the election laws". The
10 Court should uphold the literal meaning of this phrase, and not
11 now change its meaning by interpreting it to mean "electors voting
12 on the Constitution".

13 (2) The majority opinion of this Court is in conflict with a
14 prior controlling decision of this Court, Forty-Second Legislative
15 Assembly v. Lennon, wherein this same Court found that the framers
16 of the Constitution contemplated multiple issue ballots. Having
17 contemplated multiple issue ballots, the framers and the people
18 who voted to adopt the 1889 Constitution made it clear that before
19 any revisions, or alterations of that Constitution could be
20 adopted, each issue must receive a positive vote by a majority of
21 the electors who voted at the election. Since the constitutional
22 issue did not receive such a vote at the June 6th election, the
23 issue was not adopted under Montana law.

24 (3) The majority of the Court has overlooked the fact that if
25 the constitutional issue is not to be judged by the number of
26 electors who vote a valid ballot at the election, then the elec-
27 tors of Montana had the facts misrepresented to them, not only
28 by the Legislature of Montana, but by the constitutional conven-
29 tion, all by way of statutes, newspaper supplement, and the very
30 ballot they voted. Under all of this misrepresentation, the
31 electors of Montana are entitled to relief and this Court should
32 declare the election to be void, and direct another election to

1 be held.

2 (4) The majority opinion has overlooked the facts that the
3 language in Sections 8 and 9 of Article XIX of the Montana Consti-
4 tution, on the three different election proceedings stated therein,
5 is further evidence to show that the framers intended the adoption
6 of any revisions, alterations or amendments to be governed by the
7 criteria of the number of electors who voted a valid ballot at
8 the election. The language was not the result of "inherent con-
9 stitutional differences in the elections themselves, which, in
10 turn, requires different language."

11 (5) The majority opinion has overlooked the fact that if the
12 Court is to allow the members of the State Board of Canvassers,
13 being the Governor, the Secretary of State, and the Treasurer, to
14 impeach the truth of their own canvass, by the insufficient
15 affidavits they presented, the Court then does not have the facts
16 before it to make a valid determination of how many electors voted
17 at the election. It is demonstrated that the mathematics attempt-
18 ed by the Court to arrive at the figure of 230,588 is in reality
19 a mere chance guess, and the chances of the guess being correct
20 are exceedingly poor. Further, however, mathematically the figure
21 of 237,600 could be the correct total, as demonstrated on Page 21
22 of this Petition. Thus, if the Court is to now believe that the
23 State Board of Canvassers did not correctly perform their duties
24 the first time they purportedly canvassed the votes, then the
25 only way the citizens and electors of Montana are to ever really
26 know how many electors voted at the election is for the Court to
27 order a recount and recanvass down through the County precincts.
28 Only then will Montanans know whether the proposed Constitution
29 really was or was not approved by the electors voting at the
30 election on June 6, 1972.

Respectfully submitted,

MORROW, NASH & SEDIVY, P.C.

BY: *Edward P. Sedivy, Jr.* & *Stanley C. Burger*
Attorneys for Stanley C. Burger
208 East Main Street
Bozeman, Montana 59715

1 We, the undersigned, as Intervenors, join in the foregoing
2 Petition for Rehearing.

3 Douglas Y. Freeman
4 DOUGLAS Y. FREEMAN
5 Hardin, Montana

6 HIBBS, SWEENEY, COLBERG & KOESSLER
7 P. O. Box 1321
8 Billings, Montana
9 Attorneys for Intervenors Dave M.
10 Manning, Clyde Hawks, Carl M. Smith,
11 Walter Hope, Jess J. Blankenship
12 and Herbert J. Klindt

13 Rex F. Lytle
14 BY: REX F. LYTLE

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Petition for Rehearing upon counsel of record by mailing a true copy thereof this date in an envelope with postage prepaid addressed to:

Joseph P. Monaghan
2218 Elm Street
Butte, Montana 59701

Marshall G. Candee
P. O. Box 617
Libby, Montana 59923

A. W. Scribner
Power Block Bldg.
Helena, Montana 59601

Gerald J. Neely
2822 First Ave. North
Billings, Montana

Jerome T. Loendorf
Professional Building
Helena, Montana 59601

C. W. Leaphart, Jr.
Montana Club Building
Helena, Montana 59601

Diana S. Dowling
519 N. Rodney
Helena, Montana 59601

D. Patrick McKittrick
1713 - 10th Ave. South
Great Falls, Montana

Lawrence Eck
310 N. Higgins
Missoula, Montana 59801

Franklin S. Longan
Securities Building
Billings, Montana

John Layne 3rd
1301 University Ave.
Helena, Montana 59601

Clayton R. Herron
P. O. Box 783
Helena, Montana 59601

Donald C. Robinson
Silber Bow Block
Butte, Montana 59701

William F. Meisburger
Courthouse
Forsyth, Montana 59327

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Petition for Rehearing upon counsel of record by mailing a true copy thereof this date in an envelope with postage prepaid addressed to:

Joseph P. Monaghan
2218 Elm Street
Butte, Montana 59701

Marshall G. Candee
P. O. Box 617
Libby, Montana 59923

A. W. Scribner
Power Block Bldg.
Helena, Montana 59601

Gerald J. Neely
2822 First Ave. North
Billings, Montana

Jerome T. Loendorf
Professional Building
Helena, Montana 59601

C. W. Leaphart, Jr.
Montana Club Building
Helena, Montana 59601

Diana S. Dowling
519 N. Rodney
Helena, Montana 59601

D. Patrick McKittrick
1713 - 10th Ave. South
Great Falls, Montana

Lawrence Eck
310 N. Higgins
Missoula, Montana 59801

Franklin S. Longan
Securities Building
Billings, Montana

John Layne 3rd
1301 University Ave.
Helena, Montana 59601

Clayton R. Herron
P. O. Box 783
Helena, Montana 59601

Donald C. Robinson
Silber Bow Block
Butte, Montana 59701

William F. Meisburger
Courthouse
Forsyth, Montana 59327

1 Robert L. Kelleher
2 2108 Grand Ave.
3 Billings, Montana 59103

4 Robert L. Woodahl
5 Attorney General
6 Helena, Montana 59601

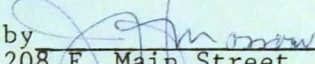
7 Calvin A. Calton
8 P. O. Box 1178
9 Billings, Montana

10 Forrest H. Anderson
11 Governor of the State of Montana
12 Helena, Montana

13 Keller, Reynolds and Drake
14 South Annex Power Block
15 Helena, Montana

16 Dated this 5th day of September, 1972.

17 MORROW, NASH & SEDIVY, P. C.

18 by 
19 208 E. Main Street
20 Bozeman, Montana
21 Attorneys for Stanley C. Burger
22
23
24
25
26
27
28
29
30
31
32

IN THE SUPREME COURT OF THE STATE OF MONTANA

THE STATE OF MONTANA, ex rel.
WILLIAM F. CASHMORE, M.D., and
STANLEY C. BURGER,

No. 12309

Relators,

vs.

FORREST H. ANDERSON, as Governor
of the State of Montana,

Respondent.

AFFIDAVIT OF R. W. HARRIS

* * * * *

STATE OF MONTANA)
: ss.
County of Yellowstone)


R. W. HARRIS, of lawful age, being first duly sworn, on
oath deposes and says:

He is now, and during the year 1972 he was, the Circulation
Manager of The Billings Gazette, a newspaper of general circulation,
printed and published at Billings, Yellowstone County, Montana.

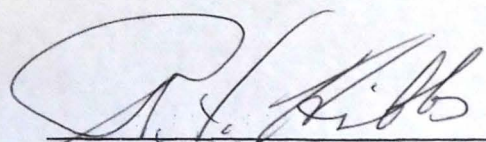
On and before May 21, 1972, The Billings Gazette, for
compensation, printed the supplement which is entitled "The Proposed
1972 Constitution for the State of Montana", a true and correct
copy of which is to this affidavit annexed, and it, The Billings
Gazette, shipped by freight a sufficient number of the copies of
said supplement and for circulation to the following named news-
papers which are regularly published in Montana, to-wit: Bozeman
Daily Chronicle, Bozeman, Montana; Montana Standard, Butte, Montana;
Dillon Daily Tribune-Examiner, Dillon, Montana; Great Falls
Tribune, Great Falls, Montana; Daily Ravalli Republican, Hamilton,
Montana; Havre Daily News, Havre, Montana; Helena Independent

1 Record, Helena, Montana; Kalispell Inter Lake, Kalispell, Montana;
2 Lewistown Daily News, Lewistown, Montana; Livingston Enterprise,
3 Livingston, Montana; Miles City Star, Miles City, Montana; and
4 Missoula Missoulian, Missoula, Montana.

5 And on May 21, 1972, The Billings Gazette included a
6 copy of said supplement with each copy of its regular Sunday edition
7 of The Billings Gazette, a newspaper, which was given distribution
8 to each purchaser and subscriber of said May 21, 1972, issue of
9 the said newspaper.

10
11 
12 R. W. HARRIS

13 Subscribed and sworn to before me this 10 day of
14 July, 1972.

15
16 
17 Notary Public for the State of Montana
18 Residing at Billings, Montana
19 My Commission expires August 21, 1972
20
21 (NOTARIAL SEAL)
22
23
24
25
26
27
28
29
30