

ORIGINAL

12309

IN THE SUPREME COURT OF THE STATE OF MONTANA

ORIGINAL

No. 12309

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

Relators,

-vs-

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

Respondent.

PETITION FOR REHEARING

OF THE RELATOR, WILLIAM F. CASHMORE, M. D.

APPEARANCES:

PAUL T. KELLER
HELENA, MONTANA

Attorney for Relator,
WILLIAM F. CASHMORE, M. D.

FILED

SEP-6 1972

Thomas J. Kearney
CLERK OF SUPREME COURT
STATE OF MONTANA

(66)

1 In this matter, the Court has rendered its opinion
2 on August 18, 1972, in a three to two decision in which
3 the majority held that the proposed Constitution was
4 adopted. The relator, WILLIAM F. CASHMORE, M. D., has
5 obtained additional time in which to file a petition
6 for rehearing, and the grounds for rehearing are as
7 follows:

8 That a line of cases and controlling decisions
9 were completely overlooked by the majority of the
10 Court in entirety in arriving at its decision in
11 this cause.

12 ARGUMENT

13 The law which was overlooked in this case by
14 both the minority and the majority opinion was the
15 matter of multiple subjects on one ballot. These are
16 controlling cases. There is a line of cases which
17 hold that when multiple issues are submitted at a
18 separate election, a person voting on any one of the
19 multiple issues is a voter at the election, and anyone
20 of the items on the ballot must receive a majority of all
21 the voters who voted on any one of the issues to carry
22 any one of them. Those cases were completely overlooked
23 by the majority and minority in either opinion.
24 We wish to call them to the attention of the Court.

25 In the case of Law vs. City and County of San
26 Francisco (1904) 144 Calif. 384, 77 P. 1014: There
27 was one ballot submitting several items relative to a
28 bond issue. The California Court made the following
29 observation:

30 "...But, upon the other hand, where
31 the meaning of the law is plain, and
32 permits of but one construction,

naught is left for a court to do but to give legal effect to its provisions. Thus, in *City of Santa Rosa v. Bowers*, 142 Cal. 299, 75 Pac. 829, this court, by the language of the law, which in terms required that the proposition ordered submitted at a general or special election must receive the assent of the majority of the qualified electors voting at the election, was reluctantly compelled to hold that the proposition there under consideration had not been carried, notwithstanding the fact that it had received the requisite majority of those voting upon the proposition."

The case of *City of Pasadena v. Chamberlain* (1923) 192 Cal. 275, 219 P. 965 is to the same effect, as is the case of *People ex. rel. Rowe v. West Side County Water District* (1952) 112 Cal. App.2d 128, 246 P.2d 119.

Again, in the case of *People ex. rel. Smith v. City of Woodlake* (1940) 41 Cal. App.2d 119, 106 P.2d 71, the statute under which the election was held required that the voters approve whether the town should be incorporated and also that they vote on the various officers for the town. The question arose as to whether all of the voters at the election were to be counted or whether only those voting on whether the town should be incorporated would be counted on the main proposition. A majority of the electors who voted upon the proposition were in favor of it but a majority of all who voted at the election were not. The Court there held:

"This language plainly implies, we think, that a majority of all the electors voting at the election is necessary to carry the proposition to reorganize."

* * *

"[2,3] The matter of electing officers was an indivisible part of the election. The law required the matters to be submitted at the same time and one the same ballot and under the same call. It would be a strained construction of the law to hold that a valid vote for officers was not a vote cast at the election. To strengthen the position we here assume, it should be noted that the Municipal Bond Act of 1901, under which many of the above-cited cases were decided, was amended, Stats. 1927, chap. 315, p. 527, to provide for the issuance of bonds when authorized by 'the votes of two-thirds of all the voters voting on any such proposition'. If the legislature had intended that the total votes cast the election here involved should be predicated on the total votes cast on the proposition, they might well have so provided. This should not be accomplished by judicial decision when the statute is clear and unambiguous. The governing statute is plain. It requires a clear majority of all votes cast at the election for the incorporation to succeed. Since that majority was not had, it follows that incorporation failed."

In the case of Carey v. Port of Seattle 27 Wash.2d 685, 179 P.2d 501, the Court had before it a question of whether a proposition had received a majority of the votes cast at an election. The Washington Court made the following observation:

"Each voter is not required to vote for each office or position appearing on the ballot. It is a matter of common knowledge that in elections, such as the 1944 general election, each voter does not vote for each office or proposition on the ballot. We know of no better method than the one prescribed by the statute of determining the number of votes cast at an election. The argument that it must be assumed that the highest number of votes (256,846 for office of commissioner of third district) cast in the county as distinguished from the state election were the total number of votes cast in the general county election is without

substantial merit. To so hold, we would have to speculate whether those voting at the general election and voting only for the two offices of county commissioner were limited to 256,845.

"Under the statute, Rem.Rev.Stat. § 5346, the county canvassing board was authorized and required to find and declare the total number of votes cast at that 1944 election, and the statement contained in that board's abstract of votes is official and must be accepted as the standard of determination of the number of persons voting at an election until properly challenged and refuted. We have consistently followed the rule that the certificate of election officials as to the number of voters voting at an election, based upon the poll books, must be accepted until impeached by direct attack."

It thus becomes very clear to us that the ballot submitted by the Convention here was all one ballot and should have been considered as one election. As stated by the Washington Court in Carey vs. Port of Seattle, 179 P.3d 501, the voters are not required to vote for each proposition on the ballot. All one must do is to look at the final tallies, and it becomes quite evident that many voters only voted one or more items on the ballot but not all four.

So the Court should not assume what occurred if a challenge of the ballots is to be made; a recount should be ordered to determine exactly what did occur, if there is any question.

The Court in its opinion referred to the affidavits of the three canvassers being the Treasurer, the Governor and the Secretary of State and says that the figures are not correct. But that is purely an assumption. Their affidavits clearly show they made no study to determine that the various County Clerk and Recorders did not do their duty.

1 The only way that could be ascertained is to do
2 as the minority says, mandamus a recount. The
3 various attorneys that appeared on the side of
4 the relators discussed this matter with several
5 County Clerk and Recorders, and the County Clerk and
6 Recorders are of the opinion that the figures submitted
7 by them were net figures and did not include spoiled
8 and void ballots.

9 The majority opinion completely disenfranchises
10 those persons who only voted on one issue. They may
11 have thought they were voting, and they were not be-
12 cause they did not vote on all four issues. There were
13 no such instructions issued to the county clerks.
14 Therefore, a new set of instructions should go out to
15 the county clerks and a recount should be ordered.

16 RULES AND LITERATURE OF THE CONVENTION

17 The Court in the majority opinion also overlooked
18 the rules laid down by the Constitutional Convention
19 itself which set up a ballot containing four separate
20 items. The Convention in appearing in Court tried
21 to change the rules. The literature of the Convention,
22 as pointed out by the briefs of amicus curiae sup-
23 porting the relator's position in this case clearly
24 showed that the Convention knew what the Constitution pro-
25 vided. They met that rule of law with their rule
26 and advised all of the voters in their various pamphlets
27 and literature that everybody should vote for all
28 four issues because a vote on one of the side issues
29 was a vote against the Constitution.

30 DECISIONS OF OTHER STATES

31 While the majority in its opinion in this
32

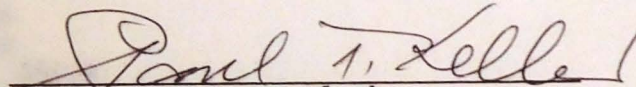
1 case said that the Tinkel and Morse cases were suffi-
2 cient to justify the opinion, we feel that they
3 cannot just brush aside those cases. A study of
4 the history of the Montana Constitution of 1889
5 was not revealing in where the language which is con-
6 tained in Section 8 of Article XIX therein came from.
7 However, in studying the language of the various states
8 and in their provisions for amendments by convention,
9 Michigan has consistently followed one rule since
10 at least 1848, and the Michigan decisions are very
11 informative. In the list which we examined of
12 constitutional provisions, Michigan is listed as
13 having the same general requirement that Montana
14 had of "a majority of those voting at the election."
15 In the Michigan cases culminating in the final case
16 of *Stoliker v. White* 359 Mich. 65, 101 NW.2d 299,
17 the Court there stated that the voters knew that by
18 failing to vote upon the Constitutional question their
19 action would have the practical effect of a vote
20 in the negative thereon. The Court went on to say that
21 since there is no way of knowing how those people
22 would have voted, the Court should not conjecture.
23 In that case, the Michigan Court pointed out that
24 for the adoption of an amendment, the Michigan Consti-
25 tution required a majority of the electors voting
26 thereon whereas in voting on a Constitution submitted
27 by the Convention, the Constitution required a
28 majority of the electors voting at such election.
29 The Michigan cases historically followed the view
30 that it must be a majority of all the electors voting
31 at the election. Since this Court, in its majority
32

1 opinion, apparently overlooked those Michigan decisions,
2 we wish to call them to the Court's attetion.

3 We, therefore, respectfully submit to this
4 Court that a rehearing should be granted in this
5 case, or at the very least as the minority opinion
6 suggests, a recount should be had so the Court would
7 be entirely familiar with what was actually done
8 by the voters at the election in this case.

9 Respectfully submitted,

10 PAUL T. KELLER

11 
12 Paul T. Keller
13 South Annex Power Block
14 Helena, Montana 59601

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing
Petition for Rehearing of the Relator, WILLIAM F.
CASHMORE, M. D., 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

Hibbs, Sweeney, Colberg & Koessler
P. O. Box 1321
Billings, Montana 59101

Douglas Y Freeman
County Courthouse
Hardin, Montana 59034

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

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

Gerald J. Neeley
2822 First Avenue North
Billings, Montana 59101

Jerome T. Loendorf
2225 11th Avenue
Helena, Montana 59601

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

Diana S. Dowling
519 North Rodney
Helena, Montana 59601

D. Patrick McKittrick
1713 10th Avenue South
Great Falls, Montana 59401

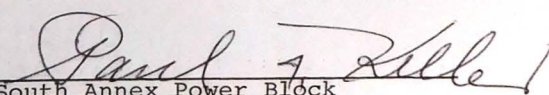
Lawrence Eck
310 North Higgins
Missoula, Montana 59801

Franklin S. Longan
Securities Building
Billings, Montana 59101

1 John Layne, III
1301 University Avenue
2 Helena, Montana 59601
3 Clayton R. Herron
P. O. Box 783
4 Helena, Montana 59601
5 Donald C. Robinson
Silver Bow Block
6 Butte, Montana 59701
7 William F. Meisburger
County Courthouse
8 Forsyth, Montana 59327
9 Robert L. Kelleher
2108 Grand Avenue
10 Billings, Montana 59103
11 Robert L. Woodahl
Attorney General
12 Helena, Montana 59601
13 Calvin A. Calton
P. O. Box 1178
14 Billings, Montana 59101
15 Forrest H. Anderson
Governor of the State of Montana
16 Helena, Montana 59601
17 Morrow, Nash and Sedivy, P. C.
208 East Main Street
18 Bozeman, Montana 59715

19 DATED this 6th day of September, 1972.

20 PAUL T. KELLER

21
22 
23 South Annex Power Block
Helena, Montana 59601
24 Attorney for the Relator,
WILLIAM F. CASHMORE, M. D.
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IN THE SUPREME COURT OF THE STATE OF MONTANA

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

Relators,

vs.

No. 12309

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

Respondent.

FILED

SEP - 5 1972

Thomas J. Kearney
 CLERK OF SUPREME COURT
 STATE OF MONTANA

A F F I D A V I T

STATE OF MONTANA)
 : SS
 County of Gallatin)

The undersigned, Carl L. Stucky, County Clerk and Recorder
 of Gallatin County, Montana, and ex officio Clerk of the Board
 of County Canvassers of Gallatin County, Montana, being first
 duly sworn, upon his oath, deposes and says:

1. That Affiant is the Clerk and Recorder of Gallatin
 County, Montana, and ex officio Clerk of the Board of County
 Canvassers of Gallatin County, Montana, and that he is the same
 Carl L. Stucky who affixed his hand and seal on the 9th day of
 June, 1972, to the full and complete Abstract of number of votes
 cast at the election for the ratification or rejection of the
 proposals of the constitutional convention on June 6, 1972 for
 the County of Gallatin, which Election Return Abstract was for-
 warded to the Office of the Secretary of State Frank Murray
 pursuant to law, a certified copy of which is attached hereto,
 marked as Exhibit "A" and by reference made a part hereof;

2. That on said Abstract there appears the phrase "number
 of electors voting 11658" and that the number 11658 was arrived
 at by the Gallatin County Canvassing Board and by myself as Clerk
 of the Board of said County Canvassers by reference to the poll

(65)

Exhibit A

1 books for each precinct in Gallatin County whereby the number of
2 ballots issued to electors were totaled and the number of
3 absentee ballots issued but not returned was subtracted therefrom,
4 and the number of spoiled or voided ballots were subtracted
5 therefrom leaving a total of 11,658 ballots that were voted on
6 by the electors of Gallatin County, Montana, for one or more
7 of the four issues on said ballot at said election.

8
9 Carl L. Stucky

County Clerk and Recorder of
Gallatin County, Montana and
ex officio Clerk of the Board
of County Canvassers of
Gallatin County, Montana

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

15 Oleta A. Davis

Notary Public for State of Montana
Residing at Bozeman, Montana
My Commission Expires: 2-1-74

16 (SEAL)
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Proposed Constitution

Number of Electors Voting 11658

ELECTION RETURNS

ELECTION FOR THE RATIFICATION OR REJECTION OF THE
PROPOSALS OF THE CONSTITUTIONAL CONVENTION, JUNE 6, 1972

For the County of Gallatin

The undersigned hereby certify that the within constitutes
a full, true and complete Abstract of Votes cast in

Gallatin County, at an election
held June 6, 1972, for:

Ratification or rejection of the proposals of the Constitu-
tional Convention.

Attest our hands this 9 day of June, 1972.

Joseph Armstrong
Clifford L. Spahr
Walter J. Jones

County
Canvassing
Board

Note: County Canvassing Board must individually sign this certificate.

FILED Office Secretary of State on the _____ day
of _____ 1972, at the hour of _____ M.

Secretary of State.

By _____ Deputy

STATE OF MONTANA

County of Gallatin } ss.

I, CARL L. STUCKY, County Clerk
and Ex-Officio Clerk of the Board of County Canvassers of
said County, do hereby certify that the within constitutes a
true, full and complete abstract of the number of votes cast in
each precinct of said County, for the proposals enumerated
herein.

Attest my hand and the seal of said County, hereto affixed

this 9 day of June, 1972.



Carl L. Stucky
County Clerk and Clerk of said Board of

County Canvassers of GALLATIN
County, State of Montana.

Ratification or Rejection of the Proposed Constitution		Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Precinct 6	Precinct 7	Precinct 8	Precinct 9	Precinct 10	Precinct 11	Precinct 12	Precinct 13	Precinct 14
1.															
FOR THE PROPOSED CONSTITUTION.		141	115	199	189	395	97	425	414	377	322	292	527	126	18
AGAINST THE PROPOSED CONSTITUTION.		199	232	264	156	275	140	292	248	297	182	221	164	179	54
2.															
2A. FOR A UNICAMERAL (1 HOUSE) LEGISLATURE.		150	116	189	147	315	102	338	332	292	267	255	415	123	17
2B. FOR A BICAMERAL (2 HOUSES) LEGISLATURE.		178	214	246	180	322	123	354	303	364	235	246	273	174	49
3.															
3A. FOR ALLOWING THE PEOPLE OR THE LEGISLATURE TO AUTHORIZE GAMBLING.		218	110	225	167	340	133	353	342	355	265	293	390	134	40
3B. AGAINST ALLOWING THE PEOPLE OR THE LEGISLATURE TO AUTHORIZE GAMBLING.		125	133	230	173	325	100	360	312	320	233	219	304	173	31
4.															
4A. FOR THE DEATH PENALTY.		224	206	304	214	382	155	443	389	470	281	321	357	216	51
4B. AGAINST THE DEATH PENALTY.		119	133	148	127	268	77	259	260	203	212	187	335	87	20

Precinct 15	Precinct 16	Precinct 17	Precinct 18	Precinct 19	Precinct 20	Precinct 21	Precinct 22	Precinct 23	Precinct 24	Precinct 25	Precinct 26	Precinct 27	Precinct 28	Precinct 29	Precinct 30	Precinct 31	Precinct 32	Precinct 33	TOTAL VOTES CAST
195	129	233	217	17	225	4		11	211	19	134	26	70						5514
109	150	443	229	55	275	24		39	329	71	297	103	281	27	187	66	13	93	5999
														87	272	111	29	192	
144	100	215	191	19	206	7		8	211	16	145	24	107	44	170	66	11	92	4839
151	163	406	226	48	273	20		38	297	67	266	91	205	66	269	101	30	176	6154
134	202	361	252	37	271	17		24	302	56	183	69	67	78	241	87	29	149	5924
								26	224	29	249	56	282						
169	77	305	182	33	218	11								37	214	88	13	132	5383
180	212	502	312	59	334	23		40	363	61	315	93	287	87	320	131	37	212	7581
122	63	154	120	9	151	5		9	161	21	110	34	58	26	133	46	5	62	3724

CERTIFIED TO BE A FULL, TRUE AND CORRECT PHOTOGRAPHIC
COPY,

DATED AT BOZEMAN, MONTANA, *June 20 1972*
Carl L. Stucky

COUNTY CLERK & RECORDER, GALLATIN COUNTY, STATE OF MONTANA

BY *Alta M. Hargan* DEPUTY

ORIGINAL

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IN THE SUPREME COURT OF THE STATE OF MONTANA

NO. 12309

THE STATE OF MONTANA, ex. rel.,)

WILLIAM F. CASHMORE, M. D. and)

STANLEY C. BURGER,)

Relators,)

-vs-

AFFIDAVIT

FORREST H. ANDERSON, as Governor of)

the State of Montana,)

Respondent.)

FILED

SEP - 5 1972

Thomas J. Kearney
CLERK OF SUPREME COURT
STATE OF MONTANA

STATE OF MONTANA,)

) ss.

County of Big Horn.)

The undersigned, Joyce Lippert, County Clerk and Recorder of Big Horn County and Ex-officio Clerk of the Board of County Canvassers of Big Horn County, Montana, being first duly sworn upon her oath, deposes and says:

I.

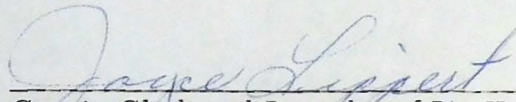
That affiant is the County Clerk and Recorder of Big Horn County and Ex-officio Clerk of the Board of County Canvassers of Big Horn County, Montana, and that she is the same Joyce Lippert who affixed her hand and seal on the 9th day of June, 1972, to the full and complete abstract of number of votes cast at the election for the ratification or rejection of the proposals of the Constitutional Convention on June 6, 1972, for the County of Big Horn, which election return abstract was forwarded to the Office of the Secretary of State, Frank Murray, pursuant to law, a certified copy of which is attached hereto marked as "Exhibit A", and by reference made a part hereof.

(64)

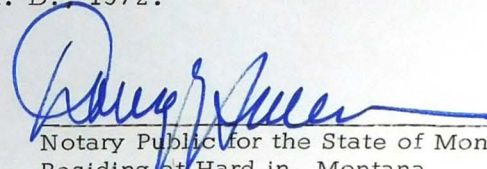
Exhibit B

II.

That on said abstract there appears the phrase "Number of Electors Voting: 2,717 " and that the number 2,717 was arrived at by the Big Horn County Canvassing Board and by myself as Clerk of the Board of said County Canvassers by references to the poll books of each precinct in Big Horn County whereby the number of ballots issued to electors were totaled and the number of absentee ballots but not returned was subtracted therefrom and the number of spoiled or voided ballots were subtracted therefrom, leaving a total of 2,717 ballots that were voted by the electors of Big Horn County, for one or more of the four issues on said ballot at said election.


County Clerk and Recorder of Big Horn County
and Ex-officio Clerk of the Board of County
Canvassers of Big Horn County, Montana

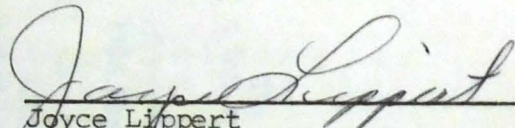
Subscribed and sworn to before me, a notary public for the State of Montana, this 14th day of July, A. D. 1972.


Notary Public for the State of Montana
Residing at Hard in, Montana
My commission expires: August 25, 1972

STATE OF MONTANA)
) ss.
County of Big Horn)

I, Joyce Lippert, the duly elected, qualified and acting County Clerk and Recorder and Ex-Officio Registrar of Big Horn County, do hereby certify that the attached copy of election returns for the ratification or rejection of the proposals of the Constitutional Convention, held June 6, 1972 as reported by the County Canvassing Board of Big Horn County, Montana and done on the 9th day of June, 1972, is a true and correct copy of that submitted to the Secretary of State of the State of Montana, said original of the copy being mailed by certified mail June 12, 1972.

Done at Hardin, Montana this 14th day of July, 1972.



Joyce Lippert
County Clerk and Recorder and
Ex-Officio Registrar

County Clerk
County Canvassers of
thin constitutes a
er of votes cast in
posals enumerated
ntly, hereto affixed
ay of June, 1972
k of said Board
ana.
Big Horn

ss.

2777

Proposed Constitution

Number of Electors Voting 2,217

ELECTION RETURNS

ELECTION FOR THE RATIFICATION OR REJECTION OF THE
PROPOSALS OF THE CONSTITUTIONAL CONVENTION, JUNE 6, 1972

For the County of Big Horn

The undersigned hereby certify that the within constitutes
a full, true and complete Abstract of Votes cast in

Big Horn County, at an election
held June 6, 1972, for:

Ratification or rejection of the proposals of the Constitu-
tional Convention.

Attest our hands this 9th day of June, 1972.

John Besel
Rick Gregory
Alex Noyes } County
Canvassing
Board

Note: County Canvassing Board must individually sign this certificate.

FILED Office Secretary of State on the _____ day
of _____ 1972, at the hour of _____ M.

Secretary of State.

By _____ Deputy

STATE OF MONTANA

County of Big Horn } ss.

I, Jaques Lippert, County Clerk
and Ex-Officio Clerk of the Board of County Canvassers of
said County, do hereby certify that the within constitutes a
true, full and complete abstract of the number of votes cast in
each precinct of said County, for the proposals enumerated
herein.

Attest my hand and the seal of said County, hereto affixed

this 9th day of June, 1972.



Jaques Lippert
County Clerk and Clerk of said Board of

County Canvassers of Big Horn
County, State of Montana.

Proposed Constitution

Number of Electors Voting 2,217

ELECTION RETURNS

ELECTION FOR THE RATIFICATION OR REJECTION OF THE
PROPOSALS OF THE CONSTITUTIONAL CONVENTION, JUNE 6, 1972

For the County of Big Horn

The undersigned hereby certify that the within constitutes
a full, true and complete Abstract of Votes cast in

Big Horn County, at an election
held June 6, 1972, for:

Ratification or rejection of the proposals of the Constitu-
tional Convention.

Attest our hands this 9th day of June, 1972.

John Basch
Rick Gregory
Alex Hayes

County
Canvassing
Board

Note: County Canvassing Board must individually sign this certificate.

FILED Office Secretary of State on the day
of 1972, at the hour of M.

Secretary of State.

By Deputy

STATE OF MONTANA

County of Big Horn } ss.

I, James Lippert, County Clerk
and Ex-Officio Clerk of the Board of County Canvassers of
said County, do hereby certify that the within constitutes a
true, full and complete abstract of the number of votes cast in
each precinct of said County, for the proposals enumerated
herein.

Attest my hand and the seal of said County, hereto affixed

this 9th day of June, 1972.



James Lippert
County Clerk and Clerk of said Board of

County Canvassers of Big Horn
County, State of Montana.

[illegible]

Ratification or Rejection of the Proposed Constitution		Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Precinct 6	Precinct 7	Precinct 8	Precinct 9	Precinct 10	Precinct 11	Precinct 12	Precinct 13	Precinct 14
1	1.														
2	FOR THE PROPOSED CONSTITUTION.	25	49	32			12	173	60	59	8	7	0		57
3	AGAINST THE PROPOSED CONSTITUTION.	34	37	72			55	143	78	70	36	34	11		48
5	2.														
6	2A. FOR A UNICAMERAL (1 HOUSE) LEGISLATURE.	24	35	43			23	132	48	58	8	14	6		41
7	2B. FOR A BICAMERAL (2 HOUSES) LEGISLATURE.	34	48	48			52	161	80	59	32	25	5		64
9	3.														
11	3A. FOR ALLOWING THE PEOPLE OR THE LEGISLATURE TO AUTHORIZE GAMBLING.	31	61	57			37	175	82	83	20	20	4		50
13	3B. AGAINST ALLOWING THE PEOPLE OR THE LEGISLATURE TO AUTHORIZE GAMBLING.	29	25	45			48	130	53	42	24	22	7		57
15	4.														
16	4A. FOR THE DEATH PENALTY.	39	60	56			41	131	82	56	38	34	5		54
17	4B. AGAINST THE DEATH PENALTY.	21	25	41			22	177	49	66	7	7	5		52