

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 1, 1979

The twenty-second meeting of the Senate Judiciary Committee was called to order by Senator Everett R. Lensink in room 331 of the Capitol Building on the above date at 9:34 a.m.

ROLL CALL:

All members were present.

RECONSIDERATION OF SENATE BILL 65:

Senator Lensink gave an explanation of how this bill, which is an act to generally revise the laws relating to elections, will be handled.

Joanne Woodgerd from the Legislative Council went over many sections of the bill. (See Exhibit A and note sections that are circled.) She stated that the most controversial part of this bill is the change to an election every year.

Senator Brown questioned if they have any cost figures and Mr. Merrill Klundt, chairman of the Montana Clerks and Recorders Legislative Committee, said that \$500,000 is fairly correct and that the figure of \$750,000 on the fiscal note is probably a little high and that if you figure in some local special districts, the extra cost will be reduced considerably.

Senator Anderson wondered about patients in Boulder voting. Joanne Woodgerd said that any voter can be challenged at the time of voting or before.

The question of recounts came up and Joanne Woodgerd said that she was not aware of any elections that were ever changed by a recount. She noted that in Ravalli County there had been a problem in that there were more ballots cast than there were people voting.

Senator Lensink asked Joan Woodgerd if she would comment on the 1/4 of 1 percent versus 1/2 of 1 percent being eligible for a recount and Ms. Woodgerd said that she did not think it would make any difference. She stated that the results are never very much off and the errors in counting are very minor. She said there may be one or two for a precinct and that they tend to compensate for the other ones. Senator Lensink asked her if in her experience she felt that 1/4 of 1 percent was enough and she replied that she did not know of anywhere that this was not enough.

Senator Towe questioned as to how much flexibility we are given in connection with voting machines and if it provides some control. Ms. Woodgerd referred him to page 163, section 196 and stated that it pretty much was kept to what is now current law.

In connection with the amendments that were offered, Ms. Woodgerd felt that if all the amendments were adopted, it would not ruin the bill and if none of the amendments were adopted, it would not ruin it either.

There was considerable discussion on voter turnout and city versus county elections. Ms. Woodgerd said that she did attend some meeting of the League of Cities and Towns and a few cities were concerned about the elections being held at the same time but there was no real objection.

Merrill commented that his concern was that in the off-year election, the turnout would be small and just not as large a group of people would be voting and he was afraid that special interest groups would be able to get voted in more easily.

Senator Galt moved that amendments 7 and 8 be adopted. After some discussion, the motion carried unanimously. Senator Towe voted no.

Senator Galt moved that amendment #6 be adopted and then withdrew his motion.

Senator Towe moved that amendments #1 through 5 be adopted. The motion carried unanimously.

Senator Brown moved adoption of amendment #9 and also insert "12 noon to 8:00 p.m." The motion carried unanimously.

Senator Towe moved that all amendments that were not highlighted be adopted. The motion carried unanimously.

Senator Brown suggested that Mr. Bell decide what he wanted done with amendment #11 and then we can come back to it.

Senator Towe moved the adoption of amendment #13. The motion carried unanimously.

Senator O'Hara moved the adoption of amendment #19. The motion carried unanimously.

Senator Galt moved that amendment #21 be adopted. The motion carried unanimously.

Senator Towe moved that amendment #22 be adopted. The motion carried unanimously.

Senator Brown moved that amendments #28, 29, and 30 be adopted. The motion carried unanimously.

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Senator Brown moved the adoption of amendment #44. The motion carried unanimously.

There was some discussion on amendment #47 and it was decided that the committee would look at this later.

At 11:30 a.m., the meeting was adjourned.

Everett R. Lensink

SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

Date 2/11/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

Please sign & return to secretary

SENATE Judiciary COMMITTEE

BILL SB 65

VISITORS' REGISTER

DATE 2/1/79

Please note bill no. (check one)
SUPPORT | OPP

NAME	REPRESENTING	BILL #	(check one) SUPPORT OPP	
Ann Woodgerd	Leg. Council	SB65		
Merrill Howard	Yell Co Clerk & Rec	"		
Lennis M. Taylor	Legislative Council	"		
Dolores E. Hughes	president MACR Club & Records Republica			
Margaret Davis	League of Women Voters	SB65		
Edith Cox	Ass. of County Treas.	S.P. 65		with amend
E. Phil M. Harding	MACR 1st Vice Pres Clerk & Recorder State	S.B.65		
Lynda S. Graham	Secretary of State	S.P. 65		
Marion F. Campbell	Secretary of State	SB.65		
John N. Hanson	Comm. Camp. Practices	"		
John Bell	Clerks & Recorders	SB65		amend
Cheryl Smith	Mont Sch Bds admin	SB65		w/amend

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Montana Legislative Council

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1979 Legislature

SENATE Bill No. 65 - Summary

AN ACT TO GENERALLY REVISE THE LAWS RELATING TO ELECTIONS.

This summary does not include discussion of form or grammatical changes. Substantive changes are briefly summerized for each section in which they occur.

Section 1. 13-1-101. Deletions are obsolete or replaced by other definitions.

- (2), (3), (7), (10) add definitions for purposes of campaign finance and practices statutes.
- (5) defines term used to indicate local election official throughout this bill.
- (6) new definition of term used to replace "voter."
- (8) clarifies what elections are general elections.
- (13) new definition to cover all types of local government.
- (14) conforms to general election definition.
- (17) clarifies what special election is.
- (18) defines term used in existing law but not defined.

Section 2. 13-1-103. Applies provision to primary election also.

Section 3. New. Replaces 13-1-105 and provides primary date for odd year election.

Section 4. 13-1-104. Lists officers elected in even and odd year elections.

Section 5. 13-1-106. Uniform hours for all polling places.

Section 6. New. Requires published notice of special elections (Notice for regular elections repealed). Allows publication by radio or television or newspaper. This provision is included in all publication requirement sections of this bill.

For Debit A.

Section 7. 13-1-112. No substantive change.

Section 8. 13-1-113. No substantive change.

Section 9. 13-1-114. Age of elector add to provision for computation of time period.

Section 10. 13-1-122. No substantive change.

Section 11. New. Names secretary of state as chief election officer and clarifies authority of secretary of state and commissioner of campaign finances and practices.

Section 12. New. General provision covering prescription of and use of forms and duties of secretary of state.

Section 13. New. Duties of secretary of state to assist local officials.

Section 14. New. Provides for county election administrator and general duties. Optional with local governing body whether officer is clerk and recorder, other official or appointee.

Section 15. New. Election records are public records.

Section 16. New. Costs of election - county governing body determines sharing of costs where necessary.

Section 17. New. Consolidates and replaces existing provisions for retention and destruction of election records.

Section 18. New. Provides what election records kept by secretary of state.

Section 19. 13-2-102. Sets deadline for submission of names by political parties and sets term of office.

Section 20. 13-2-112. Minor changes for consistency.

Section 21. 13-2-114. Adds provision to protect privacy of individuals' social security number.

Section 22. 13-2-115. Minor change for consistency.

Section 23. 13-2-116. No substantive change.

Section 24. 13-2-117. No substantive change.

Section 25. New. Replaces 13-2-116 (2) and expands provisions to cover all elections.

Section 26. 13-2-201. Allows election administrator to open office for voter registration evenings and weekends.

Section 27. 13-2-202. No substantive change.

Section 28. 13-2-203. Increases distribution of mail registration cards and requires timely return of cards.

Section 29. 13-2-205. No substantive change.

Section 30. New. Replaces 13-2-203 (5). Provides safeguard against fraudulent registrations.

Section 31. 13-2-212. No substantive change.

Section 32. 13-2-213. No substantive change.

Section 33. 13-2-214. No substantive change.

Section 34. 13-2-301. Close of registration uniform for all elections and changes time of publication of notice of close.

Section 35. 13-2-302. No substantive change.

Section 36. 13-2-401. Minor changes for consistency.

Section 37. 13-2-402. Allows cancellation in cases where authority is only implied in existing law.

Section 38. 13-2-403. Subsection (3) of 13-2-402 moved to this section and procedures clarified.

Section 39. 13-2-404. No substantive changes.

Section 40. 13-2-501. Requires elector to notify election administrator of change of residence or name and clarifies how notice given.

Section 41. New. Requires elector changing residence within county or who's name has changed to make correction in records before voting at first election at which he offers to vote after change.

Section 42. 13-2-502. Changes for consistency.

Section 43. New. Requires registration in new county of residence and clarifies when can vote absentee in former county of residence.

Section 44. 13-2-503. Amends procedures for notification of other jurisdictions of change of registration.

Section 45. 13-2-601. No substantive change.

Section 46. 13-2-603. Allows confirmation by telephone of erroneous omission of elector's name from precinct register.

Section 47. 13-3-101. No substantive change.

Section 48. 13-3-102. Changes time when precinct boundaries may be changed and provides for conforming boundaries of all types of election districts.

Section 49. 13-3-103. Requires written legal description of boundaries of precincts and election districts.

Section 50. 13-3-104. Broadens language to cover all types of election districts.

Section 51. 13-3-105. Sets time for designating polling places and provides for emergency changes.

Section 52. 13-4-101. Sets time for appointment of election judges; requires only a minimum number of judges in each precinct; designates all election workers as judges and provides for a chief judge.

Section 53. New. Replaces 13-4-102 (4) and specifies residence requirements.

Section 54. 13-4-102. Sets time for submission of names by political parties for appointment as election judges; allows all political parties participating in primary to submit lists; and allows election administrator to fill vacancies [replaces 13-4-103(2)].

Section 55. 13-4-103. Minor changes for consistency.

Section 56. 13-4-104. New material replaces wording in 13-4-203.

Section 57. 13-4-105. No substantive change.

Section 58. 13-4-106. Replaces all provisions relating to paying judges and allows paying mileage.

Section 59. 13-4-201. Deletes posting of notice of election in precincts; duties of chief election judge.

Section 60. 13-4-202. No substantive change.

Section 61. 13-4-203. Provides election administrator shall train election judges; allows individuals willing to be judges to attend training sessions; requires secretary of state to provide training materials and hold workshops for election administrators.

Section 62. New. Provides for emergency leave for election judges.

Section 63. 13-10-201. Sets beginning date for filing for office; changes deadline for filing from 40 to 50 days before primary election.

Section 64. 13-10-202. Raises salary limit for minimum filing fee to \$25.00 and minimum fee to \$15; deletes special provision for county commissioners; raises fee to \$10 for officials compensated by fees.

Section 65. 13-10-203. Minor changes for consistency.

Section 66. 13-10-204. Minor changes for consistency.

Section 67. 13-10-205.. Minor changes for consistency.

Section 68. 13-10-208. Changes date for certification of ballot for consistency and makes primary and general election provisions uniform.

Section 69. 13-10-209. Specifies provisions for ballots applying to primary only and allows not printing ballot for minor parties in primary under certain circumstances.

Section 70. 13-10-301. General provision for uniformity with general election procedures and specific provisions applying to primary only.

Section 71. 13-10-302. Clarification

Section 72. 13-10-303. Clarification

Section 73. 13-10-305. Minor changes for consistency and clarification.

Section 74. 13-10-311. Rewritten for uniformity with general election procedures and specifying primary procedures.

Section 75. 13-10-325. Changes deadline for withdrawal of candidate; provides form of withdrawal; specifies filing fee not refunded.

Section 76. 13-10-326. Vacancy provisions rewritten solve administrative and time problems.

Section 77. 13-10-327. Vacancy provisions rewritten to solve administrative and time problems.

Section 78. 13-10-328. No substantive change.

Section 79. 13-10-401. No substantive change.

Section 80. 13-10-402. No substantive change.

- Section 81. 13-10-403. Requires write in blank on ballot.
- Section 82. 13-10-405. Clarifies filing fee not required.
- Section 83. 13-10-501. Minor changes for consistency.
- Section 84. 13-10-502. Minor changes for consistency.
- Section 85. 13-10-503. Minor changes for consistency.
- Section 86. 13-10-504. Minor changes for consistency.
- Section 87. 13-10-505. Minor changes for consistency.
- Section 88. 13-10-601. Percentage of vote requirement changed for consistency - vote for successful candidate is used as basis throughout bill for uniformity.
- Section 89. 13-10-604. No substantive change.
- Section 90. 13-12-101. No substantive change.
- Section 91. 13-12-102. General revisions for consistency and to add flexibility.
- Section 92. 13-12-201. Amendments add necessary language from repealed sections relating to ballot form and certification as well as changes for consistency and flexibility.
- Section 93. 13-12-202. Amendments add necessary language from repealed sections relating to ballot form and certification as well as changes for consistency and flexibility.
- Section 94. 13-12-203. Amendments add necessary language from repealed sections relating to ballot form and certification as well as changes for consistency and flexibility.
- Section 95. 13-12-204. Minor changes for consistency.
- Section 96. 13-12-205. Requires all candidates (major and minor parties and independents) be rotated in same manner; provides method of rotating when there are more candidates than precincts in jurisdiction; allows rotation by legislative district.
- Section 97. 13-12-207. Adds offices not covered in existing law.
- Section 98. 13-12-208. Deletes detail covered by amendments to sections 13-12-201 through 13-12-203.
- Section 99. 13-12-209. Minor changes for consistency.
- Section 100. 12-12-210. Minor changes for consistency.

Section 101. 13-12-212. No substantive changes.

Section 102. New. Replaces 13-10-210.

Section 103. 13-13-101. Specifies duties implied in existing law.

Section 104. New. Replaces all or parts of 13-13-102, 13-13-105, 13-17-301, 13-18-202 and 13-18-203; minor changes for consistency.

Section 105. New. Replaces all or parts of 13-13-102, 13-13-105, 13-17-301, 13-18-202 and 13-18-203; minor changes for consistency.

Section 106. New. Replaces all or parts of 13-13-102, 13-13-105, 13-17-301, 13-18-202 and 13-18-203; minor changes for consistency.

Section 107. New. Replaces 13-13-104; adds requirement that elector give correct name and address to election judge and complete forms to make necessary corrections before voting.

Section 108. New. Replaces part of 13-13-103 and clarifies procedure for precincts using machine or devices.

Section 109. New. Replaces part of 13-13-103; minor changes for consistency.

Section 110. New. Replaces 13-13-106 and 13-13-107; minor changes for consistency.

Section 111. New. Allows taking ballot to elector able to come to premises but unable to enter polling place.

Section 112. New. Replaces 13-13-108. Clarifies provisions to insure elector may be assisted by individual of his choice without presence.

Section 113. New. Replaces 13-13-109. No substantive change.

Section 114. New. Allows additional poll watchers.

Section 115. New. Replaces 13-13-110. No substantive change.

Section 116. 13-13-201. Allows election judge to vote absentee if necessary.

Section 117. 13-13-203. Minor changes for consistency.

Section 118. 13-13-211. No substantive change.

Section 119. 13-13-212. Allow application for absentee ballot by letter rather than special form.

Section 120. 13-13-213. No substantive change.

Section 121. 13-13-214. Requires stamping ballot before sending to absentee elector and adds provisions for primary ballots.

Section 122. 13-13-221. Minor changes for consistency.

Section 123. 13-13-222. Minor changes for consistency.

Section 124. 13-13-231. Minor changes for consistency.

Section 125. 13-13-232. Minor changes for consistency.

Section 126. 13-13-233. Minor changes for consistency.

Section 127. New. Replaces 13-13-202 and 13-13-240.

Section 128. 13-13-234. No substantive change.

Section 129. 13-13-235. Changes in procedure for handling absentee ballots to conform to section 127 and clarify procedure.

Section 130. New. Replaces deleted parts of 13-13-235 and minor changes for consistency.

Section 131. 13-13-236. Changes needed for consistency.

Section 132. 13-13-301. Adds "residence" to grounds for challenge.

Section 133. New. Replaces 13-13-302; changes needed for consistency.

Section 134. 13-13-304. Minor changes for consistency.

Section 135. 13-13-306. Minor changes for consistency.

Section 136. 13-13-307. Minor changes for consistency.

Section 137. 13-13-309. Minor changes for consistency.

Section 138. 13-13-310. Minor changes for consistency.

Section 139 through Section 146. New. Nonpartisan election procedures; replaces 13-14-102 through 13-14-104, 13-14-201 through 13-14-204 and 13-14-206; revises replaced sections to cover all nonpartisan elections.

Section 147. New. Replaces 13-14-101; no substantive change.

Section 148. New. Replaces 13-14-207 and 13-14-208.

Section 149. New. Covers justices of the peace (conforms to an Attorney General opinion) and any other future judicial office, if necessary.

Section 150. New. Allows counting board to begin count before polls close at option of election administrator.

Section 151. 13-15-101. Minor changes for consistency.

Section 152. 13-15-201. Deletes provision allowing reconciling poll book and number of ballots by destroying ballots; requires written record of any discrepancies.

Section 153. 13-15-202. Subsection (3) replaces part of 13-15-201 of existing law; no substantive changes.

Section 154. 13-15-204. No substantive changes.

Section 155. 13-15-205. Minor changes for consistency.

Section 156. 13-15-301. Deleted subsection (1) covered by section 17 of this bill; no substantive changes.

Section 157. 13-15-401. Changes needed for consistency.

Section 158. 13-15-402. Changes needed for consistency.

Section 159. 13-15-403. Requires canvass board to record all write-in votes.

Section 160. 13-15-404. Revises requirements for report of canvass to conform to section 18 of this bill.

Section 161. 13-15-405. Adds provisions needed for consistency.

Section 162. 13-15-406. Adds reference to provision of campaign finances and practices act; deletes (2) because covered in other statutes.

Section 163. 13-15-501. Minor changes for consistency.

Section 164. 13-15-502. Minor changes for consistency.

Section 165. 13-15-503. Minor changes for consistency.

Section 166. New. Provisions needed for consistency with other provisions of bill.

Section 167. New. Provisions needed for consistency with other provisions of bill.

Section 168. New. Provisions needed for consistency with other provisions of bill.

Section 169. 13-15-504. Minor changes for consistency.

Section 170. 13-16-101. Minor changes for consistency.

Section 171. 13-16-201. Covers additional cases of close votes.

Section 172. 13-16-203. Minor changes for consistency.

Section 173. 13-16-204. Minor changes for consistency.

Section 174. 13-16-301. Specifies application for recount made to district court in county in which candidate resides only.

Section 175. 13-16-303. Minor changes for consistency.

Section 176. 13-16-304. Minor changes for consistency.

Section 177. 13-16-305. Minor changes for consistency.

Section 178. 13-16-307. Deletes requirement for compensation of canvassing board and clerks since county officials and employees cannot be compensated in addition to wages and costs to county can be recovered as part of recount costs; adds provision for recount on ballot issue.

Section 179. 13-16-401. Allows news media and interested citizens to observe recount.

Section 180. 13-16-402. Minor changes for consistency; subsections (5), (6) and (7) moved to sections 183 and 184 of this bill.

Section 181. New. Provisions added for recounts of votes cast by voting machines or devices.

Section 182. New. Provisions added for recounts of votes cast by voting machines or devices.

Section 183. New. Subsections (5), (6) and (7) of 13-16-402; no substantive change.

Section 184. New. Subsections (5), (6) and (7) of 13-16-402; no substantive change.

Section 185. 13-16-403. Procedures for voting machines and devices added.

Section 186. 13-16-404. No substantive change.

Section 187. 13-16-501. Subsection (1) is provision from 13-10-318; no substantive change.

Section 188. 13-16-502. No substantive change.

Section 189. 13-16-503. Require one of candidates tied to be appointed.

Section 190. 13-16-504. Require one of candidates tied to be appointed.

Section 191. 13-16-505. Require one of candidates tied to be appointed.

Section 192. 13-16-506. Require one of candidates tied to be appointed.

Section 193. New. Covers any political subdivisions not covered by preceding sections.

Section 194. 13-17-101. Revisions to cover all types of
Section 195. 13-17-102. voting machines and devices - Chapter
Section 196. 13-17-103. 18 of existing law, covering
Section 197. 13-17-104. electronic voting devices, is
Section 198. 13-17-105. repealed.
Section 199. 13-17-106.

Section 200. New. Contains provisions from 13-18-105 and allows examination and use of new types of voting machines or devices without enacting enabling legislation.

Section 201. 13-17-201. Revisions needed to cover all
Section 202. 13-17-203. types of machines or devices and
Section 203. 13-17-204. changes needed for consistency.
Section 204. 13-17-206.
Section 205. 13-17-301.
Section 206. 13-17-305.
Section 207. 13-17-306.

Section 208. 13-25-101. Sets deadline for certification of presidential candidates for general election by political parties.

Section 209. 13-25-203. Provisions for time of holding election to fill vacancy in office of United States Representative.

Section 210. New. Provides for nominating candidates for election to fill vacancy in office of United States Senator or Representative.

Section 211. 13-26-109. Requires filing an official record of action of convention to ratify amendment to United States constitution with Montana Secretary of State.

Section 214. 13-27-402. Clarifies who writes argument for voter pamphlet.

Section 215. 13-35-106. Minor changes for consistency.

Section 216. 13-35-107. Broadens coverage.

Section 217. 13-35-202. No substantive change.

Section 218. 13-35-207. Deletes (3) for consistency with change to civil penalties.

Section 219. 13-35-211. Incorporates rule of commissioner of campaign finances and practices to more specifically define electioneering; other changes for consistency.

Section 220 13-35-215, 13-35-225, 13-35-226, 13-35-231,
through 13-36-101 through 13-36-103, 13-36-202,
Section 229. 13-36-205, and 13-36-207. Changes for consistency and to clarify procedures.

Section 230 13-37-111 through 13-37-114 and 13-37-117
through 13-37-119. Clarifies authority
Section 236. of commissioner; other changes for consistency and clarify.

Section 237. 13-37-120. Deleted subsection (2) covered by 13-37-127.

Section 238 13-37-121, 13-37-123 through 13-37-127. No
through substantive change or minor changes for
Section 243. consistency.

Section 244. New. Change penalties from criminal to civil.

Section 245. New. Change penalties from criminal to civil.

Section 246. New. Change penalties from criminal to civil.

Section 247 13-37-201, 13-37-202, 13-37-205 13-37-206,
through 13-37-208 and 13-37-215. Incorporate rules
Section 252. of commissioner; minor changes for consistency and clarity.

Section 253. 13-37-216. Changes limits on contributions; broadens coverage to cover other offices.

Section 254. 13-37-217. Minor changes for consistency.

Section 255. 13-37-225. Minor changes for consistency.

Section 256. 13-37-226. Minor changes for consistency.

Section 257. 13-37-227. Allows commissioner to adopt rules relating to committees filing reports with federal election commission and out of state committees.

Section 258. 13-37-228. Broadens coverage to include political committees and clarifies provisions for carrying forward balances from one campaign to another.

Section 259. 13-37-229. Revises reporting requirements.

Section 260. 13-37-231. Incorporates rule of commissioner; minor changes for consistency.

Section 261. New. Require state and county central committees of political parties to file copy of rules with appropriate election official.

Section 262. New. Require state and county central committees of political parties to file copy of rules with appropriate election official.

Section 351 through Section 368. Amendments to Title 20, Education; requires general procedures in Title 13 be followed for school elections but leaves administration of school elections with school officials; other changes for consistency.

Section 369 through Section 374. Amendments to Title 76, Land Resources and Use, and Title 85, Water Use, for consistency with provisions of this bill.

Section 375. Transition schedule.

Section 376. Severability.

Section 377. Codification.

Section 378. Repealer.

SUGGESTED AMENDMENTS TO SB 65
(SENATORS LENSINK AND REGAN)

COMPLETE LIST OF AMENDMENTS FROM STAFF AND
THOSE OFFERED AT HEARING, 1-1-79.

1. Title, line 15. (Staff)
Strike: "13-4-106, "
2. Title, line 22. (Staff)
Following: "THROUGH"
Strike: "13-14-204, 13-14-206"
Insert: "13-14-208"
3. Page 2, line 16. (Staff)
Following: line 15
Insert: "declaration or"
Following: "nomination,"
Strike: "certificate of nomination, or"
4. Page 2, line 17. (Staff)
Following: "nomination"
Insert: "or appointment as a candidate"
5. Page 8, line 20. (Staff)
Following: "on the"
Strike: "second"
Following: "Tuesday"
Strike: "after"
Insert: "following"
6. Page 8, line 21. (Bell and Klundt - Mt. Clerk & Recorders Assn)
Following: Line 20
Strike: "September"
Insert: "June"
7. Page 9, line 5. (Bell and Klundt - Clerk & Recorders Assn)
Following: "legislature,"
Strike: "and"
Following: "court"
Insert: "and county officers"
8. Page 9, line 12. (Bell and Klundt - Clerk & Recorders Assn)
Following: "elect"
Strike: "county and"
9. Page 10, line 4. (Bell and Klundt - Clerk & Recorders Assn)
Following: line 3
Strike: lines 4 through 7 in their entirety.
Insert: "Polls must be open from 8 a.m. to 8 p.m. except
polling places having fewer than 100 registered voters
which must be open from 1 p.m. to 8 p.m. or until"

Note: School election poll hours are 12 noon to 8 p.m.
The Committee might want to consider the same hours
if this amendment is adopted. (Staff)

10. Page 11, line 9. (Staff)
Following: "of"
Strike: "a"
Insert: "an"
11. Page 12, line 10. (Bell - Clerk & Recorder's Association)
Following: Line 9
Strike: lines 10 through 13 in their entirety.
12. Page 16, line 10. (Staff)
Following: "an"
Strike: "anual"
Insert: "annual"
13. Page 17, line 18. (Staff)
Following: "plan."
Strike: remainder of lines 18
through 19 in their entirety.
14. Page 23, line 25. (Staff)
Following: "prepared"
Strike: ", "
15. Page 30, line 23. (Staff)
Following: "determine"
Insert: "precinct of"
16. Page 32, line 12. (Staff)
Following: "publish"
Insert: "or"
17. Page 23, line 7. (Staff)
Following: line 6
Strike: "elections"
Insert: "election"
18. Page 34, line 9. (Staff)
Following: "he"
Strike: "was"
Insert: "were"
19. Page 47, line 12. (Davis - League of Women Voters)
Following: "more"
Insert: "adjoining"
20. Page 49, line 14. (Staff)
Following: "in"
Strike: "[subsection (4) of section 54]"
Insert: "13-4-102(4)"
21. Page 64, line ~~20~~²¹. (Klundt - Clerk & Recorder's Association)
Following: "ballot"
Insert: "in even year elections"

22. Page 65, line 9. (Davis - League of Women Voters)
Following: "ballot"
Strike: "may"
Insert: "shall"
Following: size"
Strike: "and"
Insert: "or"
23. Page 65, line 24. (Staff)
Following: "election"
The remainder of lines 24 through line 3
on page 25 were incorrectly printed. This is
new material and should have been underlined.
On line 24 "was" and on line 25 "be" should
be deleted and should not have been printed
in the bill.
24. Page 66, line 12. (Staff)
Following: "the"
Strike: "sets"
Insert: "set"
25. Page 75, line 1. (Staff)
Following: page 74
Strike: "elections"
Insert: "election"
26. Page 75, line 7. (Staff)
Following: line 6
Strike: line 7
Insert: "independent candidates or political parties
not eligible to participate in primary"
27. Page 75, line 8. (Staff)
Following: "election"
Strike: "ballot"
28. Page 82, line 6. (Staff) - *stand*
Strike "prescribe form"
29. Page 82, line 7. (Staff)
Strike: "and"
30. Page 82, line 8. (Staff)
Strike: line 8 through line 13 in their entirety
Renumber: all subsequent subsections
31. Page 100, line 8. (Staff)
Following: "section"
Strike: "114"
Insert: "112"
32. Page 100, line 22. (Staff)
Strike: "["

33. Page 100, line 23. (Staff)
Strike: "]"
34. Page 102, line 20. (Staff)
Following: "obstruction,"
Strike: "and"
Insert: "or"
35. Page 106, line 14. (Staff)
Following: "section"
Strike: "106"
Insert: "109"
36. Page 112, line 19. (Staff)
Following: "judges--"
Strike: "pollbooks"
Insert: "pollbook"
37. Page 112, line 21. (Staff)
Following: "note on the"
Strike: "pollbooks"
Insert: "pollbook"
38. Page 118, line 3. (Staff)
Following: line 2
Strike: "13-2-512"
Insert: "[section 4]" *Section 4*
Following: "and"
Strike: "13-2-514"
Insert: "43]"
39. Page 118, line 11. (Staff)
Following: "13-13-301"
Strike: "then"
Insert: "and the challenge has been determined
in favor of the individual challenged as
provided in 13-13-307,"
40. Page 122, line 12. (Staff)
Following: line 11.
Strike: "["
Following: "14"
Strike: "]"
41. Page 122, line 17. (Staff)
Following: "section"
Strike: "137"
Insert: "141"
42. Page 126, line 11. (Staff)
Following: "each"
Insert: "vacancy for"
43. Page 126, line ¹⁴~~12~~. (Staff)
Following: "each"
Insert: "vacancy for"

44. Page 127, line 25. (Klundt - Clerk and Recorder's Association)
Following: "close"
Insert: "Any individual wishing to observe the counting board procedures must be sequestered with the board until after the polls close."

45. Page 128, line 5. (Klundt - Clerk and Recorder's Association)
Following: "counting."
Insert: "The election administrator may appoint an extra election judge to act as a marshal to be responsible for exchanging ballot boxes and pollbooks and enforcing sequestering of the board and observers."

46. Page 129, line 23. (Staff)
Following: "the"
Strike: "pollbooks"
Insert: "pollbook"

47. Page 134, line 4. (Smith - School Board Association)
Following: "administrator"
Insert: "except with regard to school district elections wherein the required envelopes or packages shall be returned to the school district clerk."

(or)

Page 303, line 6. (Staff)
Following: "govern"
Insert: "Reference to election administrator in Title 13 means clerk of the school district when the school district is conducting the election wherever the reference is not to a duty that can only be performed by an election administrator."
Note: Alternative is offered as general section to cover other problems that might arise other than the specific amendment above.

48. Page 136, line 11. (Staff)
Following: "13-15-402."
Strike: "Count"
Insert: "Canvass"

49. Page 137, line 10. (Staff)
Strike: "for errors"

50. Page 140, line 13. (Staff)
Following: "of"
Insert: "nomination or"

51. Page 142, line 17. (Staff)
Following: "it shall"
Strike: "procede"
Insert: "proceed"

52. Page 143, line 23. (Staff)
Following: "in"
Strike: "[section 160]"
Insert: 13-15-404
53. Page 152, line 13. (Staff)
Strike: "referred or submitted"
54. Page 152, line 14. (Staff)
Following: Line 13
Strike: "question"
Insert: "ballot issue"
55. Page 155, line 20. (Staff)
Following: "of the"
Strike: "ballot"
Insert: "polls"
56. Page 166, line 16. (Staff)
Following: "of"
Strike: "["
Following: "17"
Strike: "]"
57. Page 166, line 22. (Staff)
Following: "devices"
Strike: "and"
58. Page 166, line 23. (Staff)
Strike: "their duties"
59. Page 176, line 21. (Staff)
Following: "of"
Strike: "13-37-202"
Insert: "13-27_202"
60. Page 179, line 18. (Staff)
Following: "in"
Strike: "13-13-108"
Insert: "[section 111"
Following: and
Strike: "13-17-303"
Insert: "112]"
61. Page 190, line 14. (Staff)
Following: "of"
Insert: "nomination or"
62. Page 190, line 16. (Staff)
Following: "of"
Insert: "nomination or"
63. Page 200, line 23. (Staff)
Following: "candidate"
Strike: "shall"
Insert: "may"

64. Page 202, line 13. (Staff)
Following: "of"
Strike: "["
Following: "37,"
Strike: "]"

65. Page 202, line 16. (John Hanson - submitted after hearing)
Following: "amount"
Strike: remainder of line 16 and line 17
Insert: "up to \$500 or three times the amount of the
unlawful contributions or expenditures, whichever
is greater."

66. Page 202, line 20. (Staff)
Following: "or"
Strike: "["
Following: "37,"
Strike: "]"

67. Page 203, line 12. (Staff)
Following: "under ["
Strike: "section"
Insert: "sections 244 and"
Following: "245"
Strike: "and section 246"

68. Page 203, line 16. (Staff)
Following: "in["
Strike: "section"
Insert: "sections 244 and"
Following: "245"
Strike: "and section"

69. Page 203, line 17. (Staff)
Strike: "246"

70. Page 207, line 10. (Staff)
Strike: "(4)"

71. Page 216, line 10. (Staff)
Strike: "(5)"

72. Page 218, line 18. (Staff)
Following: "at"
Strike: "such an event"
Insert: "fund raising events"

73. Page 218, line 24. (Staff)
Following: line 23
Strike: "(6)"
Insert: "(7)"

74. Page 226, line 1. (Staff)
Following: "the"
Strike: "the"

75. Page 258, line 10. (Klundt - Clerk and Recorder's Assn)
Strike: "30"

*John Hanson suggested
amendments*

Legal Center
Page 259, line 14. (Staff)

Following: Line 13

Insert: "(2) A special election may not be held sooner than 60 days after the adequacy of the petition is determined by the election administrator or the governing body orders a special election."

Renumber subsequent subsections.

76. Page 259, line 15. (Staff)

Following: "the"

Strike: "elections"

Insert: "election"

77. Page 262, line 20. (Staff)

Following: [sections"

Strike: "137"

Insert: "139"

78. Page 262, line 21. (Staff)

Following: "through"

Strike: "section 144"

Insert: "146"

79. Page 268, line 17. (Staff)

Following: "administrator"

Insert: "--"

80. Page 268, line 19. (Staff)

Following: "the"

Insert: "election"

81. Page 277, line 14. (Staff)

Following: "far as"

Strike: "they are"

Insert: "it is"

82. Page 284, line 9. (Staff)

Following: "the"

Insert: "election"

83. Page 284, line 11. (Staff)

Following: "The"

Insert: "election"

84. Page 290, line 16. (Staff)

Following: "section"

Strike: "139"

Insert: "141"

85. Page 292, line 17. (Staff)

Following: "section"

Strike: "139"

Insert: "141"

86. Page 294, line 1. (Staff)

Following: "7-7-2229"

Strike: "through 7-7-2231, 7-7-2233, and 7-7-2234"

87. Page 300, line 6. (Smith, School Board Association)
Insert: all stricken material in lines 6 through 24

88. Page 309, line 21. (Smith, School Board Association)
Strike: "20"
Insert: "15"

Note: An alternative would be to move the filing date
for school trustees so ballots could be printed sooner
(Staff)

89. Page 309, line 22. (Smith, School Board Association)
Strike: "trustees"
Insert: "clerk"

(or)

Page 309, line 22. (Staff)
Strike: "trustees"
Insert: "clerk of the district"
Following: "shall"
Strike: "certify"
Insert: "prepare a certified list of"

Page 309, line 24. (Staff)
Strike: "to the"
Insert: "The"
Strike: "of the district, who"

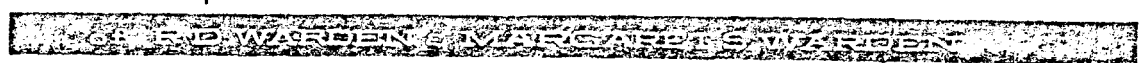
90. Page 322, line 2. (Staff)
Following: "25"
Strike: "and"
Insert: ", "
Following: "30"
Insert: ", 41, and 43"

91. Page 323, line 14. (Staff)
Strike: "13-4-106,"

92. Page 323, line 21. (Staff)
Following: "through"
Strike: "13-14-204, 13-14-206"
Insert: "13-14-208"



M Russell COLLECTION



208-THIRD AVENUE NORTH / GREAT FALLS, MONTANA 59401 / (406) 452-1222

January 22, 1979

Senator Everett Lensink, Senate Judiciary Chairman
Rep. John P. Scully House Judiciary Chairman

Since I was unable to attend the joint hearing on SB 65, I wish to submit testimony as a proponent of this bill.

The sub-committee on Election Laws, chaired by Jim Courtney with Ralph Eudaily and I worked for two years on this bill. Testimony was taken from numerous witnesses and Merrill Klundt, Yellowstone County Clerk and Recorder, headed a committee of the Clerk and Recorder's Association who worked closely with us and attended every meeting. Their cooperation was outstanding.

Generally, the bill provides that the basic statutory framework is simplified and easier to deal with by allowing less detail in law and provides for fixing the responsibility for elections at the local level and at the state level. This is greatly needed.

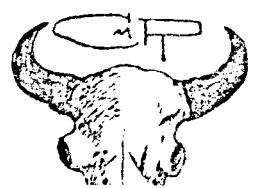
One of the needed changes was allowing printers more time to get the ballots printed. Because off-set printing has been adopted by most of the printers, there are only 3 or 4 presses in the state that lend themselves to the printing of the large ballots of recent years. Thus, if candidates file 50 days before the election instead of the 40 days in current law, this will allow more time for printing. This appears on page 58, Sec. 63.

Another section, Sec. 40-43, pages 38-41, deals with amending existing law to provide for re-registration at the polls to change an elector's address. We now have single member districts and people voting in each district should cast the vote for the representative or senator from that district. This was the purpose of single member districts. In ~~District~~ Precinct, No. 1, at the Courthouse in Great Falls, I would say that about 40% of the voters do not live in the district. Many did but when they moved to other areas of the city, they did not change the voting precinct. There has been no mandatory change in this procedure since the mid thirties. If we are to support the one vote principle, this provision allowing a voter to vote one time in the district or precinct he now votes in and providing that there be a change of address done at the polls for a future election would correct many errors.

Sincerely,

Margaret S. Warden

Margaret S. Warden



Copies for each member of House and Senate Judiciary