MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 1, 1979

The twenty-third meeting of the Senate Judiciary Committee
was called to order in room 331 at 4:16 p.m. on the above date
by Senator Everett R. Lensink. This was an extension of the
morning meeting on Senate Bill 65, which is the election bill.

ROLL CALL:

All members were present.

CONSIDERATION OF SENATE BILL 65:

John Bell, representing the Montana Association of Clerks
and Recorders, suggested an amendment on page 12, lines 10
through 13, by striking the entire subsection (7). He used as
an example that he had served in the military for 24 years and
never lost his residency and stated that this is not in conflict
with the law.

Senator Towe moved that amendment #11 be adopted. The
motion carried unanimously.

Senator Towe moved that amendment #47 be adopted, using
the language as Joan Mayer stated. The motion carried.

Senator Towe moved that amendment #75 on page 259, line 14,
(staff amendment) be adopted. The motion carried.

Senator Olson moved that amendment #87 be adopted. The
motion carried.

Senator Galt moved that amendment #88 be adopted. The
motion carried.

Senator Galt moved that the staff amendment #89 be adopted
and the motion carried.

There was some discussion on violations of the Campaign
Practices Act. Senator Brown gave an explanation of what
would happen going from a criminal penalty to a civil penalty.
Senator Towe moved amendment #65. Senator Brown commented that
there has to be an element of responsibility in the campaign.
Senator O'Hara and Senator Towe questioned as to how many cases
there have been that have not complied with this act and if they
have·trouble enforcing these requirements. The motion on this
amendment carried.

Senator Brown moved that the bill do pass, as amended.

A question came up of registering by post card and if the
card should be mailed in. Senator Lensink suggested that this
was a problem that could be taken up by a sub-committee. He

noted that this bill will have to be worked on with a sub-committee from the House and he felt that the best procedure right now is to get this bill rolling.

Senator Towe stated that in 1977, there were two substantive sections that were repealed. He felt that this was the time to reincorporate them.

Senator Lensink stated that people have worked on this bill for two years and that he did not think that every person should, at this point, put in their own little changes. He said that the bill, if it passes, can be changed at a later date and that this bill is a big improvement over what it is now.

Senator Towe asked what are we going to do about percentages. Senator Brown withdrew his motion. Senator Anderson said that he would suspect that we have a conflict in that area. Senator Towe said that we could bring the other bill off the table or could introduce a committee bill. He stated that you need a 2/3 vote to get a committee bill introduced. Senator Lensink stated that he would vote to take the other bill off the table and the more he thought about it, he really did not want to fool with this one. Senator Brown stated that he would feel more comfortable addressing the issue in a separate bill.

Senator Brown moved that Senate Bill 65 do pass, as amended. The motion carried unanimously.

There being no further business, the meeting adjourned at 5:30 p.m.

_____
SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

Please sign & return to secretary

SENATE _Judiciary_ COMMITTEE   _2nd mtg._

BILL _SB-65_   VISITORS' REGISTER   DATE _2/1/_

Please note bill no.

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPO
DENNIS M. TAYLOR	Legislative Council	65		
Glen Karich	_L & C Clk. & Rec._	65		
John Bell	_Clerk & Rec. Assn._	65		

PLEASE   LEAVE   PREPARED   STATEMENT   WITH   SECRETARY

STANDING COMMITTEE REPORT

MR. **President:**

We, your committee on ..... **Judiciary**

having had under consideration **Senate** ..... Bill No. **65**

Respectfully report as follows: That ..... **Senate** ..... Bill No. **65**

introduced bill, be amended as follows:

1. Title, line 15.
   Strike: "13-4-106, "

2. Title, line 22.
   Strike: "13-14-204, 13-14-206"
   Insert: "13-14-208"

3. Page 2, line 16.
   Following: line 15
   Insert: "declaration or"
   Following: "nomination,"
   Strike: "certificate of nomination, or"

4. Page 2, line 17.
   Following: "nomination"
   Insert: "or appointment as a candidate"

DIXRASSY

(continued)

Chairman.

5. Page 4, line 16.
   Following: "duties"
   Insert: ", except that with regard to school elections
           the term means the school district clerk"

6. Page 8, line 20.
   Following: "On the"
   Strike: "second"
   Following: "Tuesday"
   Strike: "after"
   Insert: "following"

7. Page 9, line 5.
   Following: "legislature,"
   Strike: "and"
   Following: "court"
   Insert: ", and county officers"

8. Page 9, line 12.
   Following: "elect"
   Strike: "county and"

9. Page 10, line 2.
   Strike: "For any election,"

10. Page 10, line 5.
    Strike: lines 5 through line 6 in their entirety
    Insert: "Polls must be open from 8 a.m. to 8 p.m.
            except polling places having fewer than 100 registered
            electors which must be open from 12 noon to 8 p.m."

11. Page 10, line 7.
    Strike: "p.m. of that day"

12. Page 11, line 9.
    Following: "of"
    Strike: "a"
    Insert: "an"

13. Page 12, line 10.
    Following: line 9
    Strike: Lines 10 through 13 in their entirety.
    Renumber: subsequent subsections

14. Page 16, line 10.
    Following: "an"
    Strike: "anual"
    Insert: "annual"

(Continued)

15. Page 17, line 18.
     Following: "plan."
     Strike: remainder of lines 18
         through 19 in their entirety.

16. Page 23, line 25.
     Following: "prepared"
     Strike: " ,"

17. Page 30, line 23.
     Following: " determine "
     Insert: "precinct of"

18. Page 32, line 12.
     Following: " publish "
     Insert: "a"

19. Page 33, line 7.
     Following: line 6
     Strike: " elections "
     Insert: "election"

20. Page 34, line 9.
     Following: " he "
     Strike: " was "
     Insert: "were"

21. Page 47, line 12.
     Following: " more "
     Insert: "adjoining"

22. Page 49, line 14.
     Following: "in"
     Strike: "[subsection (4) of section 54]"
     Insert: "13-4-102(4)"

23. Page 64, line 21.
     Following: "ballot"
     Insert: "in even year elections"

24. Page 64, line 24.
     Following: " election "
     The remainder of lines 24 through line 3
     on page 65 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.

(Continued)

25.   Page 65, line 9.
       Following: " ballot "
       Strike: " may "
       Insert: "shall
       Following: size "
       Strike: " and "
       Insert: "or"

26.   Page 66, line 12.
       Following: "the"
       Strike: " sets "
       Insert: "set"

27.   Page 75, line 1.
       Following: page 74
       Strike: " elections "
       Insert: "election"

28.   Page 75, line 7.
       Following: line 6
       Strike: line 7
       Insert: "independent candidates or political parties
            not eligible to participate in primary"

29.   Page 75, line 8.
       Following: "election"
       Strike: "ballot"

30.   Page 82, line 6.
       Strike: "prescribe form"

31.   Page 82, line 7.
       Strike: " and "

32.   Page 82, line 8.
       Strike: Lines 8 through 13 in their entirety
       Renumber: all subsequent subsections

33.   Page 100, line 8.
       Following: "section"
       Strike: "114"
       Insert: "112"

34.   Page 100, line 22.
       Strike: "["

(Continued)

Chairman.

35.   Page 100, line 23.
      Strike: "]"

36.   Page 102, line 20.
      Following: "obstruction,"
      Strike: "and"
      Insert: "or"

37.   Page 106, line 14.
      Following: " section "
      Strike: " 106 "
      Insert: "109"

38.   Page 112, line 19.
      Following: "judges--"
      Strike: "pollbooks"
      Insert: "pollbook"

39.   Page 112, line 21.
      Following: "note on the"
      Strike: "pollbooks"
      Insert: "pollbook"

40.   Page 118, line 3.
      Following: line 2
      Strike: " 13-2-512 "
      Insert: "[sections 41"
      Following: " and "
      Strike: " 13-2-514 "
      Insert: "43]"

41.   Page 118, line 11.
      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,"

42.   Page 122, line 12.
      Following: line 11.
      Strike: "["
      Following: "14"
      Strike: "]"

43.   Page 122, line 17.
      Following: "section"
      Strike: "137"
      Insert: "141"

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Chairman.

44.   Page 126, line 11.
       Following: "Each"
       Insert: "vacancy for"

45.   Page 126, line 14.
       Following: "Each"
       Insert: "vacancy for"

46.   Page 127, line 25.
       Following: "close."
       Insert: "Any individual wishing to observe the counting
           board procedures must be sequestered with the board
           until after the polls close."

47.   Page 128, line 5.
       Following: "counted."
       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.

48.   Page 129, line 23.
       Following: "the"
       Strike: "pollbooks"
       Insert: "pollbook"

49.   Page 136, line 11.
       Following: "13-15-402."
       Strike: " Count "
       Insert: "Canvass"

50.   Page 137, line 10.
       Strike: " for errors "

51.   Page 140, line 13.
       Following: "of"
       Insert: "nomination or"

52.   Page 142, line 17.
       Following: "It shall"
       Strike: "procede"
       Insert: "proceed"

53.   Page 143, line 23.
       Following: "in"
       Strike: "[section 169]"
       Insert: 13-15-404

54.   Page 152, line 13.
       Strike: "referral or submitted"

(Continued)

55. Page 152, line 14.
     Following: line 13
     Strike: "question"
     Insert: "ballot issue"

56. Page 155, line 20.
     Following: "of the"
     Strike: "ballot"
     Insert: "polls"

57. Page 166, line 16.
     Following: "of"
     Strike: "["
     Following: "17"
     Strike: "]"

58. Page 166, line 22.
     Following: " devices "
     Strike: "and"

59. Page 166, line 23.
     Strike: "their duties"

60. Page 176, line 21.
     Following: " of "
     Strike: "13-37-202"
     Insert: "13-27-202"

61. Page 179, line 18.
     Following: "in"
     Strike: "13-13-103"
     Insert: "[sections 111"
     Following: and
     Strike: "13-17-303"
     Insert: "112]"

62. Page 190, line 14.
     Following: "of"
     Insert: "nomination or"

63. Page 190, line 16.
     Following: "of"
     Insert: "nomination or"

64. Page 200, line 23.
     Following: "candidate"
     Strike: "shall"
     Insert: "may"

(Continued)

Chairman.

65.   Page 202, line 13.
        Following: "of"
        Strike: "["
        Following: "37,"
        Strike: "]"

66.   Page 202, line 16.
        Following: "amount"
        Strike: remainder of lines 16 and 17 in their entirety
        Insert: "up to $500 or three times the amount of the
            unlawful contributions or expenditures, whichever
            is greater."

67.   Page 202, line 20.
        Following: "or"
        Strike: "["
        Following: "37,"
        Strike: "]"

68.   Page 203, line 12.
        Following: "under ["
        Strike: "section"
        Insert: "sections 244 and"
        Following: "245"
        Strike: "and section 246"

69.   Page 203, line 16.
        Following: "in["
        Strike: "section"
        Insert: "sections 244 and"
        Following: "245"
        Strike: "and section"

70.   Page 203, line 17.
        Strike: "246"

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

72.   Page 216, line 16.
        Strike: " (5) "

73.   Page 218, line 18.
        Following: "at"
        Strike: "such an event"
        Insert: "fund raising events"

(Continued)

74. Page 213, line 24.
     Following: line 23
     Strike: "(6)"
     Insert: "(7)"

75. Page 226, line 1.
     Following: "the"
     Strike: " the "

76. Page 259, line 14.
     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:

77. Page 259, line 15.
     Following: "the"
     Strike: "elections"
     Insert: "election"

78. Page 262, line 20.
     Following: " sections "
     Strike: " 137 "
     Insert: "139"

79. Page 262, line 21.
     Following: " through "
     Strike: " section 144 "
     Insert: "146"

80. Page 263, line 17.
     Following: " administrator "
     Insert: "--"

81. Page 263, line 19.
     Following: "The"
     Insert: "election"

82. Page 277, line 14.
     Following: "far as"
     Strike: "they are"
     Insert: "it is"

83. Page 284, line 9.
     Following: "the"
     Insert: "election"

84. Page 284, line 11.
     Following: "The"
     Insert: "election"   (Continued)

85. Page 290, line 16.
    Following: " section "
    Strike: "139"
    Insert: "141"

86. Page 292, line 17.
    Following: " section "
    Strike: " 139 "
    Insert: "141"

87. Page 299, line 23
    Following: "election."
    Insert: "(1)"

88. Page 303, line 6.
    Following: line 5
    Insert: " (2) The trustee election ballots shall be
         substantially in the following form:

              OFFICIAL BALLOT
           SCHOOL TRUSTEE ELECTION

    INSTRUCTIONS TO VOTERS: Make an X or similar mark in the
    vacant square before the name of the candidate for whom
    you wish to vote.

    Vote for (indicate number to be elected) for a 3-year term:
         (List the names of the candidates for a 3-year term
         with a vacant square in front of each name.)

    Vote for (indicate number to be elected) for a 2-year term:
         (List the names of the candidates for a 2-year term
         with a vacant square in front of each name.)

    Vote for (indicate number to be elected) for a 1-year term:
         (list the names of the candidates for a 1-year
         term with a vacant square in front of each name.)"

89. Page 309, line 21.
    Strike: "20"
    Insert: " 15 "

90. Page 309, line 22.
    Following: line 21
    Strike: " trustees "
    Insert: "clerk of the district"
    Following: " shall "
    Strike: " certify "
    Insert: "prepare a certified list of"

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

92.   Page 322, line 2.
       Following: "25"
       Strike: "and"
       Insert: ","
       Following: "30"
       Insert: ", 41, and 43"

93.   Page 323, line 14
       Strike: "13-4-106,"

94.   Page 323, line 21.
       Following: "through"
       Strike: "13-14-204, 13-14-206"
       Insert: " 13-14-208"

As so amended
DO PASS

Everett R. Lensink   Chairman.