

STATE ADMINISTRATION
MARCH 4, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. on March 4, 1981, with Chairman Jerry Fedá presiding. All members were present except Representative Azzara.

Chairman Fedá opened the meeting to a hearing on SB 72.

SENATE BILL 72-SPONSOR, Senator Galt, introduced this bill to the committee. If a proposed ballot issue has an effect on the revenues, expenditures, or the fiscal liability of the state, this bill requires the budget director to prepare a fiscal note for the measure. The attorney general will then prepare a fiscal statement to appear on the petition and the ballot if the measure is placed on the ballot. If proponents or opponents of a ballot measure are dissatisfied with the fiscal statement, they may file an action in district court for judicial review of the statement. The fiscal statement also will be included in the voter information pamphlet distributed by the secretary of state. Senator Galt stated that he is not against the initiative process but feels it should be conducted in an orderly manner.

PROPOSERS

BILL HAND, Montana Mining Assoc., stated support of this bill.

ALLEN SHUMATE, citizen, arose in support of the bill.

PETER JACKSON, Western Environmental Trade Assoc. (WETA), stated support of SB 72.

FOREST BOLES, Montana Chamber, stated his support of the bill.

MIKE MALES, E.I.C., stated support of the bill and offered an amendment which is attached and is EXHIBIT 1 of the minutes.

MARK MACKIN, Citizens Legislative Coalition, stated that this bill will restrict signature gathering to an extent but moves in the direction of good, responsible government.

OPPOSERS

There were no opposers to SB 72.

SB 72 (cont.)

QUESTIONS BY THE COMMITTEE:

Sales: Do you have any objection to the amendment offered by Mr. Males?

Galt: No, I have no problems with that amendment.

Males: This merely creates a consistency for all the ballot issues.

Senator Galt closed the hearing on SB 72.

SENATE BILL 86-SPONSOR, Senator Galt, introduced SB 86 to the committee. This bill proposes a constitutional amendment to increase the number of signatures required on an initiative petition from 5% to 10% of the qualified electors in each of at least one-third of the legislative representative districts. It also increases the total number of signers required for a measure to appear on the ballot from 5% to 10% of the total qualified electors in the state. He stated that out of the 23 other states that have the initiative process, 2 require that the initiative go through the legislative process, 17 require that more than 5% of qualified electors sign the petition. Of those, 7 states require 10%, Wyoming requires 15% and Florida requires 80%.

PROPOSERS

BILL HAND, Montana Mining Assoc., stated that it is good to have more public involvement in the initiative process and makes for a more responsible voting process.

ALLEN SHUMATE, representing himself, stated that this is a good bill and he supports it.

PETER JACKSON, WETA, stated that the more involvement you get from the people the more responsible the bill becomes.

FOREST BOLES, Montana Chamber, stated support of this bill.

ROBERT HELDING, Montana Wood Products Assoc., stated that it is the proper exercise of the legislature to submit this bill to the people.

SB 86 (cont.)

OPPONENTS

MARK MACKIN, Citizens Legislative Coalition, stated his opposition to the bill.

DON JUDGE, AFL-CIO, stated that SB 86 requires a doubling of signatures needed to qualify an initiative for the ballot. This gives large corporations and big business and special interest groups an advantage in the ability to gather signatures, the result being a disenfranchising of lower income voters.

KELLY JENKINS, Common Cause, stated that the people do not like this type of legislation. He said that in regard to Senator Galt's statement that this would put Montana in time with other states; Montana is unique in that it is a large state with a sparse population and it is very difficult to gather even 5% of the electors votes. This bill, he stated, is a reaction of some small groups to the kind of initiatives that have gone on the ballot in the past.

PHYLLIS BOCK, Montana's Power to the People, stated opposition to this bill.

MIKE MALES, Environmental Information Center , EIC, stated that the people of Montana feel the initiative process is working well and we must ask ourselves, is this good legislation and do we want it on the ballot. Only 13 out of 31 initiatives have qualified for the ballot and out of those 13, 10 have passed. This shows that the process must be working. It takes a great deal of time and money to get an initiative on the ballot. The AFL-CIO tried and failed to get an initiative on the ballot and the indexing initiative failed which shows that large corporations are not always successful in getting issues on the ballot. Mr. Males submitted a proposed amendment that would clarify the wording in certain parts of this bill. A copy of the amendment is attached and is EXHIBIT 2 of the minutes.

PAT OSBORNE, Northern Plains Resource Council, stated that this bill would infringe on the initiative process.

QUESTIONS BY THE COMMITTEE:

Sales: Do any of the other states give special status to the initiatives or do they have the same status as a law that is passed?

STATE ADMINISTRATION
MARCH 4, 1981
page 4

SB 86 (cont.)

Galt: I am not aware of any special status.

Males: Many states do require special status for initiatives.

Sales: If they are given special status then I can see it being harder to get the initiatives on the ballot.

Winslow: What is this distribution restriction that you mentioned?

Males: In some states a person can gather signatures all in one area if they desire. In Montana you have to have a certain percent of the signatures from each district.

Senator Galt closed the hearing on SB 86.

SENATE BILL 87-SPONSOR, Senator Galt, introduced this bill to the committee. This bill prohibits a person or political committee from soliciting ballot issue petition signatures on election day within a polling place or within 200 feet of the polling place. The penalty for violation this provision is imprisonment for 6 months or less or a fine not to exceed \$1,000, or both.

PROPOSERS

ALLEN SHUMATE, representing himself, stated support of this bill.

BILL HAND, Montana Mining Assoc., stated that the polling place is a sacred place and this privacy should not be violated by anyone. Candidates cannot campaign there and a person should not be allowed to gather signatures there.

ROBERT HELDING, Montana Wood Products Assoc., stated that people should have time to read and understand the initiatives before they sign them. He said that gathering signatures at the polling place is an attempt to circumvent the legislative process in many ways.

FOREST BOLES, Montana Chamber, stated support of the bill.

GARY LANGLEY, National Federation of Industry & Business, stated support of this bill.

STATE ADMINISTRATION

MARCH 4, 1981

Page 5

SB 87 (cont.)

PETER JACKSON, WETA, said that the polling place should not have any harassment. There should be a "kings X" at the polls.

OPPONENTS

KELLY JENKINS, Common Cause, stated that this is unnecessary legislation. He said there can be no "kings X" at the polling places. Gathering signatures is part of the polling process and should be encouraged not discouraged. There is nothing to be gained and much to be lost with this bill.

MARK MACKIN, Citizens Legislative Coalition, stated that the polling place is a good place for gathering signatures. He stated that the number of complaints concerning harassment by petitioners was very small.

AL HUMPHREY, representing himself, stated that in his past experience in working at the polls, he has never had any complaints dealing with the initiative process or people gathering signatures.

BETTY HUMPHREY, representing herself, stated that in her work with the elections she has never had any complaints. She said that when you have to have registered voters to sign an initiative, what better place to get signatures than at the polls.

MIKE MALES, IQC, said that he did not think the people of Montana need this kind of protection.

DON JUDGE, AFL-CIO, said that the petition signer must sign the petition in the same manner as they sign when they vote and also have the voting district number on the ballot petition. It is much easier to get this information at the polling place. In his experience, he said, the harassment has come from the other side, those that are against us getting signatures.

PHYLLIS BOCK, Montana's Poser to the People, stated her opposition of this bill.

QUESTIONS BY THE COMMITTEE:

Representative O'Connell stated that there has been a problem with harassment in her district.

SB 87 (cont.)

Mueller: On what basis do you consider this bill unconstitutional?

Jenkins: On the basis of the right to petition without a compelling issue.

Spilker: The title of the bill says that this "prohibits" gathering of signatures, which is not really the intent. Would you have any objection to an amendment?

Galt: No, I think it would make it more clear.

Kanduch: Do you always inform people of what they are signing?

Jenkins: It is not always necessary, if they have questions I will answer them.

Dussault: There is sometimes gathering of signatures at the polls for zoning petitions and other issues that are not valid issues at the polling place. Why doesn't this bill prevent any kind of gathering of signatures.

Galt: I wish you would amend it that way.

Representative Pistoria commented that he has had problems of harassment in the past.

Senator Galt closed the hearing on SB 87. He said that he would like to remind the committee that this bill has nothing to do with last election or past initiatives that have failed.

SENATE BILL 105-SPONSOR, Senator Galt, introduced this bill which requires that an affidavit be attached to a ballot issue petition stating that the person circulating the petition is a registered voter in Montana and that he has personally witnessed the signatures on the petition.

PROPONENTS

Allen SHUMATE, citizen, stated support of the bill.

GARY LANGLEY, National Federation of Independent Business, stated support of this bill.

SB 105 (cont.)

PETER JACKSON, WETA, stated that there should be rules and regulations for initiatives.

BILL HAND, Montana Mining Assoc., stated support for this bill.

ROBERT HELDING, Montana Wood Products Assoc., stated support of this bill.

FOREST BOLES, Montana Chamber, arose in support of this bill.

OPPONENTS

MARK MACKIN, Citizens Legislative Coalition, stated that this is a disenfranchisement of the people in the state. He said that this bill has serious constitutional problems. To require a registered voter to personally witness the signing of the petition is harassment, he stated.

MIKE MALES, EIC, stated that he has no problem with the petition circulator being a registered voter. He stated that an out of state person can register to vote in this state so this would not solve any problem. Also he said that he could see no abuse involved in sending a petition out and having the voter sign and return it. The Clerk & Recorder checks these signatures to make sure they are registered voters.

DON JUDGE, AFL-CIO, concurred with other opponents. A copy of his written statement on SB 86, 87 and 105 is attached and is EXHIBIT 3 of the minutes.

PHYLLIS BOCK, Montana's Power to the People, stated opposition to this bill.

QUESTIONS BY THE COMMITTEE:

Mueller: What about the constitutionality problem that has been raised?

Galt: I do not think there is any problem at all.

Dussault: This bill would not allow for a petition to be left, for example, in a senior citizen center so they could study the issue before signing, is that correct?

Galt: Yes

SB 105 (cont.)

McBride: I do not see what you are trying to accomplish with this bill. You cannot be sure that a person is a registered voter or that they are even signing their own name just because you witness a signature.

Senator Galt closed the hearing on SB 105.

EXECUTIVE SESSION:

All members were present except Representative Azzara.

SENATE BILL 74-hearing 3/3/81

BE CONCURRED IN

The committee held brief discussion for the benefit of those members who were not present for the hearing.

Representative Kanduch made a motion that SB 74 BE CONCURRED IN. A vote was taken and carried unanimously with those voting. Representatives Spilker, Ryan, Winslow and Dussault abstained because they were absent for the hearing.

SENATE BILL 100-hearing 3/3/81

BE CONCURRED IN

Representative Briggs made a motion that SB 100 BE CONCURRED IN. Following brief discussion a vote was taken and carried unanimously with those voting. Representatives Spilker, Ryan and Winslow abstained.

Chairman Feda appointed Representative Mueller to carry SB 74 and 100 on the floor.

A motion was made to adjourn at 9:45 a.m.

Respectfully submitted,



G. C. "JERRY" FEDA, Chairman

Cathy Martin-Secretary

Males ①

EXHIBIT 1

3/4/81
SB 72, AMENDMENT TO INCLUDE ALL BALLOT ISSUES

SB 72 is amended by adding:

Page 6, Line 1: "Section 4. Section 13-27-315 is amended to read as follows:

"13-27-315. Section (1) same

(2) same

(3) If the ballot issue referred by the legislature has an effect on revenues, expenditures, or the fiscal liability of the state, the Attorney General shall order a fiscal note prepared in the manner provided in 13-27-312 (1).

(4) The Attorney General shall prepare a fiscal statement of no more than 25 words for each issue for which a fiscal note is prepared. (The fiscal statement, along with the other statements required by this section, shall appear in the voter information pamphlet provided for in Part 4 of this chapter and on the ballot form for the issue.

SENATE BILL 86 IS AMENDED TO READ AS FOLLOWS:

Page 2, Line 11, after "FOR": delete: "increasing"
add: "doubling"

Page 2, Lines 11-12, after "required": delete: "for initiative petitions"
add: "to place an initiative petition on
the election ballot"

Page 2, Line 14, after "AGAINST": delete: "increasing"
add: "doubling"

Page 2, Lines 14-15, after "required": delete: "for initiative petitions"
add: "to place an initiative petition on
the election ballot"

WITNESS STATEMENT

NAME Don Judge BILL No. SB 86, 87 & 105
 ADDRESS P O Box 1176 Helena DATE 3/4/81
 WHOM DO YOU REPRESENT MT STATE AFL-CIO
 SUPPORT _____ OPPOSE SB 86, 87 & 105 AMEND _____
 PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

all three bills simply place additional restrictions on the public's participation in the legislative process. Initiatives are the voting public's direct legislative process. All three of these bills limit the public's access to the political process. SB 86 requires a doubling of signatures needed to qualify an initiative for the ballot. This gives large corporations & big business, special interest groups an economic advantage in the ability to gather signatures. The result being a disenfranchising of lower income voters. SB 87 prohibiting solicitation of initiative signatures within 200 ft of polling place. Impairs voting public's access to information on ballot issues. (direct contact with circulators). Polling place is best place to gather signatures of "qualified" electors, "appropriately" signed, listing "correct" address & district numbers. SB 105 prohibits non-registered persons from circulating initiative petitions for signature gathering. Creates problems for 17 yr. olds who may have an interest in gov't. can't participate in initiative, or voting, legislative process.

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION

COMMITTEE

LL

SB 86

Date 3/4/81

GALT

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

LL SB 105

Date 3/4/81

SPONSOR GALT

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.