

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 15, 1981

The sixth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building at 10:00 a.m.

ROLL CALL: All Members of the committee were present with the exceptions of Senators Ryan and Towe.

CONSIDERATION OF SENATE BILL 104:

A BILL FOR AN ACT ENTITLED: "AN ACT
TO REQUIRE COUNTY OFFICIALS RECEIVING
INITIATIVE PETITION SHEETS TO CERTIFY
THAT EVERY SIGNATURE THEREON IS VALID."

The chairman introduced Senator Jack Galt, Martinsdale, District 23, author of the bill, to present his testimony on Senate Bill 104.

Senator Galt said this would simply require that every signature on an initiative petition be examined. Currently it is randomly done. This would not apply to the presidential petitions; the law would still let them take random samples.

PROPOSERS were called; none.

OPPOSERS:

Mike Males, Environmental Center, expressed concern about it mainly because of expense. No one has ever alleged that signatures were forged. The law allows them to check signatures at random. He had called the clerk and recorder of one county, and she said it would add drastically to the expense if they have to check every single signature. He does not see the value of this bill; he has no real opposition, just concern of expense.

Don Judge read his enclosed testimony and made a do not pass recommendation.

Mike O'Malley stated there is no justification for this bill.

Senator Galt, in closing, asked the committee if they realized that every single name is not examined. Senators Kolstad and Johnson indicated that they did not; others did not respond orally.

January 15, 1981

CONSIDERATION OF SENATE BILL 105:

A BILL FOR AN ACT ENTITLED: "AN ACT
REQUIRING THAT ONLY REGISTERED VOTERS
OF THE STATE OF MONTANA MAY CIRCULATE AN
INITIATIVE PETITION AND REQUIRING THAT
THE REGISTERED VOTER WHO CIRCULATES THE
PETITION PERSONALLY WITNESS THE SIG-
NATURES ON THE PETITION; AMENDING SECTION
13-27-302."

Senator Galt, author of the bill stated that this bill
requires a person carrying a petition to be a registered
voter in the State of Montana.

PROPOSERS: None.

OPPOSERS:

Don Judge read his enclosed statement and respectfully
recommended a do not pass.

Mike Males feels the main thing is who signs, not who
circulates. He does not see any particular abuse and says
the circulator is not that important. He does, however,
recommend an address on the affidavit of the circulator.

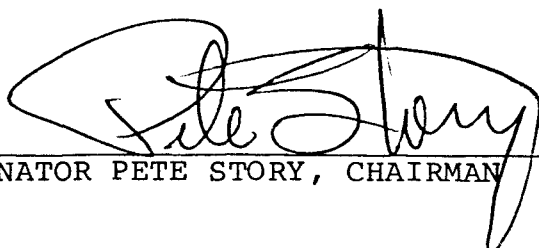
Mark Mackin opposed this bill because it would disen-
franchise young people and others who are not voters,
for example, Jehovah's Witnesses.

Senator Story asked if there were any Jehovah's Witnesses
or clerks and recorders in the room. None appeared.

Senator Galt closed by saying he is not trying to make
the initiative process harder, just cleaner and neater.
Petitions are everywhere, even in bars. It is an important
process that the initiative be carried by a person who
will witness the signatures.

Chairman Story took no further action because there were
too many absences in the committee.

ADJOURNMENT: 10:15.


SENATOR PETE STORY, CHAIRMAN

5th meeting

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 1-15-81

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	X		
Senator Allen Kolstad, V. C.	X		
Senator William Hafferman	X		
Senator H. W. Hammond	X		
Senator Jan Johnson	X		
Senator Patrick Ryan		<i>all</i> Y	
Senator Thomas Towe		X	

Each day attach to minutes.

STATE OF MONTANA

REQUEST NO. 92-81

FISCAL NOTE

Form BD 15

In compliance with a written request received Jan. 14, 1981, there is hereby submitted a Fiscal Note for Senate Bill 104 pursuant to Title 5, Chapter Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Proposed legislation requires county election officials receiving initiative petition sheets to certify every signature as valid.

ASSUMPTIONS:

1. Current initiative processing requirements of Secretary of State's office do not change.
2. Number of initiative drives attempted does not deviate from recent historical trends (5-7 per biennium).

FISCAL IMPACT:

No additional costs to agency anticipated.

LOCAL IMPACT:

Proposed legislation would increase cost to county election administrators by requiring three or four times more signatures be certified than currently. Depending on number of initiatives attempted this cost would range from \$12,000 to \$20,000 per biennium.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-16-81

DATE Jan 15, 1981

COMMITTEE ON State Administration BILL NO.

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Don Judge	Mont. State AFL-CIO		SB 104 SB 105
Leigh Kirkpatrick	Sen. Tom Howe		
Lisue Remington	Secretary of State		
Linda Graham	Secretary of State		
MIKE MALES	Gov. Tim Wier		SB 104 SB 105
M. Ed. O'Halloran	Common Cause		SB 104 SB 105
Pat Stuart	Mont. Coal Council		
Carol Beas	Citizens Legislative Coalition		SB 104 SB 105

Please fill out the other forms
is your plan to testify.

(Please leave prepared statement with Secretary)



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59601
406/442-1708

Room 100 "Steamboat Block"
616 Helena Ave.

TESTIMONY OF DONALD R. JUDGE, COPE DIRECTOR, ON SENATE BILL 104, BEFORE THE
SENATE COMMITTEE ON STATE ADMINISTRATION, JANUARY 15, 1981

Senate Bill 104 is another bill in a continuing effort to make it increasingly difficult to place an initiative on the ballot. The AFL-CIO is opposed to this bill and to any measure which weakens this constitutional right.

Current law requires that the county official receiving the petitions shall randomly select signatures on each sheet or section of the petition and compare them with the signatures of the electors as they appear in the registration records of the office. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the signatures on the registration records.

Senate Bill 104 would require that the county official review all signatures and compare them with the signatures of the electors as they appear on the registration records.

County officials even now have a hard time reviewing randomly selected signatures in addition to all the other duties they must perform during an election year. Some counties are obliged to hire extra help to comply with the provisions of the present law. If this bill is enacted, it would place an added burden and extra expense on county officials. If a county official were unable to review each and every signature on a petition, it could mean that the petition could not be certified to the Secretary of State in time to meet the deadline of submission three months prior to an election. That would mean that the efforts of those collecting the signatures and those voters signing the petition would be in vain. Perhaps that is the intent of this legislation.



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59601
406/442-1708

Room 100 "Steamboat Block"
616 Helena Ave.

TESTIMONY OF DONALD R. JUDGE, COPE DIRECTOR, ON SENATE BILL 105, BEFORE THE
SENATE COMMITTEE ON STATE ADMINISTRATION, JANUARY 15, 1981

It will come as no surprise to members of this committee that the Montana State AFL-CIO is opposed to Senate Bill 105, which is simply another one of a series of bills whose purpose is to dilute the power of Montana citizens to place an initiative on the ballot.

This bill would require that only a registered voter may circulate an initiative petition and that the registered voter personally witness the signatures.

It is entirely conceivable that someone who is not a registered voter may have a valid interest in placing an issue on the ballot and this legislation discriminates against such an individual. For instance, a seventeen year old student might have a deep concern about a particular issue and a great interest in helping to get it on the ballot. This bill would prevent that student's participation in this democratic process.

If each signature is to be personally witnessed, it seems to me that this would mean that were a petition to be circulated at a large meeting, the person circulating it would have to move from chair to chair observing each person sign. This is patently absurd.

Let me reiterate that the AFL-CIO stands in opposition to any effort to weaken a citizen's ability to place an initiative on the ballot.

NAME: Don Judge DATE: 11/15/81

ADDRESS: P.O. Box 1176 Helena

PHONE: 442-1708

REPRESENTING WHOM? Montana State AFH-CIO

APPEARING ON WHICH PROPOSAL: SB 104 & SB 105

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: written testimony submitted