

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 28, 1981

The fifteenth 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 were present, excepting Senators Johnson and Kolstad.

CONSIDERATION OF SENATE BILL #194:

AN ACT TO PROVIDE FOR THE EXERCISE OF THE
VOTING FRANCHISE BY ELECTORS UNABLE TO
VOTE BECAUSE OF UNEXPECTED EVENTS OCCURRING
A SHORT TIME BEFORE ELECTION DAY; PROVIDING
FOR EMERGENCY BALLOTS

Senator Jack Haffey, Anaconda, District 45, sponsor of the bill, states the bill will be concise, brief, and give the essence. His example was of a doctor who had been told he had not voted but could not vote because he had not requested an absentee ballot. He asked this to be reviewed and found out the laws include 1. an absentee ballot 2. people who are disabled can be helped. 3. people who cannot use the pencil or ballot machine can be assisted. He stated our laws have left a hole from noon of election day to when the polls are closed; therefore, some people are prevented from voting. This bill tries to remedy this and keep it as simple as it can for people at the polls. He wants it to give the people the maximum opportunity to vote and try to keep it "administratively handable". They want people to check the hospitals, jails, etc., to see if there are people who cannot vote; they should be able to vote.

PROPOSERS: Mark Macklin, C. T. Legislative Coalition supports this bill, realizing the costs, and encouraged them to look favorably on its intent.

OPPOSERS: Helen Kovich, Montana's Clerks and Recorders, stated they must follow the law, which requires the ballots to go to the polls before noon, indicating it would be difficult to know how many ballots they would have to get. This factor, plus requiring additional taxpayers' money, causes them to oppose.

Margaret Davis enclosed testimony for the League of Women Voters and stated they had considered similar proposals concerning people who could not get to the polls but realized they were good ideas but uncorrectible. The idea of judges

leaving the polls after 5 p. m. is a very poor one because it is a very busy time. Extra judges may have to be hired. She did not think expense is the chief problem. Her organization rises in objection to this bill to preserve the sanctity of the polling place, but they encourage everyone to vote in the election process.

Questions from the committee: Senator Hammond asked Senator Haffey to define unexpected detention in the jails. His answer was that it is a person who should have the opportunity to vote who for some reason outside of his or her own control is prevented from voting and cannot use the absentee ballot because of the time sequence.

Senator Towe asked Senator Haffey how he would respond to Mrs. Kovich's action and what ballot he would take to register them. His answer was that the election people would work out this situation, concluding with the fact that the election judges have a small supply of ballots.

Senator Towe suggested to Helen Kovich that an easier way to do it might be to take two trips. They could go to see who needs to vote, take back their applications, get the ballots and return. Her response was that she sends all ballots out, although she could save some. The distances, with twenty outlying precincts, would present a problem.

Senator Towe addressed Mrs. Davis with the suggestion that a special election judge could be hired. She referred this question to Mrs. Kovich, who answered that it could be done, but again the distance factor is a problem. Mrs. Davis pointed out that people do not like the judges leaving the polls. Senator Towe suggested different judges be hired.

Senator Story presented another problem in some areas whereby the party approves the election judges if there is a party.

Senator Hafferman indicated he is not opposed to this bill but questioned about people in far districts. Senator Towe responded by saying if the bill can be saved, it would have to be only local. Senator Hammond expressed his feeling of doubt of it working. Senator Hafferman pointed out that if it is done for cities, and not outlying areas, this could cause a conflict.

Senator Story gave an example of people who were gone on election day but not out of the county; therefore, they could not obtain absentee ballots.

Senator Hammond cited another instance whereby one could get stuck in unfavorable weather conditions and could not get to the polls.

In closing his bill, Senator Haffey stated that voting must be available to everybody, mentioning that the telephone can be used, a number of ballots can be made available, and driving long distances may be necessary. He asked the committee, "Are we doing everything we can to close as many holes as tightly as we can that prevent people from voting? We have an obligation to do this."

CONSIDERATION OF HOUSE BILL #149:

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE REIMBURSEMENT FOR EXPENSES OF MEMBERS OF THE LEGISLATURE FROM \$40 TO \$45: MAKING THE INCREASE APPLY AFTER JANUARY 4, 1981; AMENDING SECTION 5-2-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Chairman Pete Story stated the problem of Representative Lund's absence for the hearing today but said they would open it at this time because pages had been sent to find him. Later in the morning, the committee was notified that his absence was unavoidable.

PROPONENTS: None.

OPPONENTS: None.

Questions from the committee: Senator Story stated that no executive action would be done on this bill because there was no quorum.

Senator Hafferman stated that he is against it because they (the legislators) have to stop inflation.

Senator Towe indicated he is not so concerned about the possible daily increase as the other matter of expenses incurred by the legislators. For example, phone calls, postage stamps, mileage, and other expenses have no reimbursement.

Senator Hammond declared he will vote against it because it is such a small amount, and at a time to tighten up their bills, the legislators must be the first to do it.

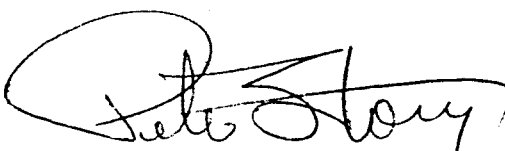
Senator Story asked the committee if they thought it would be unfair to the sponsor, Representative Lund, since he is absent. Senator Towe expressed courtesy to him saying they should hear him. Again Senator Story said there would be no executive action.

Senator Ryan agreed that they should have the author here, but he might want to amend it upward. He replied to previous statements from Senator Towe about Senators' expenses, and indicated that many of their meetings out of town are required.

Chairman Story announced voting will be done at another time. If the committee does not pass it, they will give Representative Lund an opportunity to present it to them.

Senator Towe had suggested amendments and offered to prepare them for the executive meeting.

ADJOURNMENT: 10:50.


SENATOR PETE STORY, CHAIRMAN

Each day attach to minutes.

NAME: Marion Davis DATE: 25 Nov 81ADDRESS: 917 Harrison Helena MT 59601PHONE: 443-3487REPRESENTING WHOM? League of Women Voters of MTAPPEARING ON WHICH PROPOSAL: 2B, 190DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒COMMENTS: Housework, potentially disputable
elections and ballots may result.More thought - wish as much
effort could go into getting the average
voter to participate in the election process.Cost should not be a factor in ~~making~~
~~making~~ permitting people to vote, but
the rights of all the others voting must
be considered.

1-28

Lewis and Clark County

Office of Clerk and Recorder

HELENA, MONTANA

443-1010 Ext 334

442-6880
XXXXXXXXXX

HELEN KOVICH
CLERK AND RECORDER

Mr. Chairman
Members of the Committee

Re: S. B. 194

I am speaking in opposition of Senate Bill 194 on be-half of the Montana Clerk & Recorder's Association. I do know unexpected events do happen in our lives, but in elections we must follow the law right up to the close of election at 8:00 P.M. The law does state that an application for a ballot must be signed by noon the day before election. Right after 12:00 P.M. (noon) all of the ballots and election supplies are taken to the polls.

If this bill went in to law it would be very difficult to determine how many bills to have printed for each senate and house aistrict. This is additional taxpayer money.

This is another thing to take a good look at, patients that do enter the hospital the day of election or the fellow taken to jail on election day may not even reside in the county in which they are hospitalized or put in jail.

This is fraudulent voting.

Thank you.

Helen Kovich

NAME: Mark Mackin DATE: 1-28

ADDRESS: 1316 Spring St

PHONE: 442-1177

REPRESENTING WHOM? Citizen's legislative Coalition

APPEARING ON WHICH PROPOSAL: SB 194

DO YOU: SUPPORT? / AMEND? OPPOSE?

COMMENTS: good idea & we support its
principle.

97TH CONGRESS
1ST SESSION

H. J. RES. 23

Proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1981

Mr. ROUSSELOT (for himself, Mr. McDONALD, Mr. PAUL, Mr. ASHBROOK, and Mr. COLLINS of Texas) introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens.

1 *Resolved by the Senate and House of Representatives of*
2 *the United States of America in Congress assembled (two-*
3 *thirds of each House concurring therein), That the following*
4 article is proposed as an amendment to the Constitution of
5 the United States, which shall be valid to all intents and
6 purposes as part of the Constitution when ratified by the leg-
7 islatures of three-fourths of the several States:

1 "ARTICLE —

2 "SECTION 1. The Government of the United States
3 shall not engage in any business, professional, commercial,
4 financial, or industrial enterprise except as specified in the
5 Constitution.

6 "SECTION 2. The constitution or laws of any State, or
7 the laws of the United States, shall not be subject to the
8 terms of any foreign or domestic agreement which would ab-
9rogate this amendment.

10 "SECTION 3. The activities of the United States Gov-
11 ernment which violate the intent and purposes of this amend-
12 ment shall, within a period of three years from the date of the
13 ratification of this amendment, be liquidated and the proper-
14 ties and facilities affected shall be sold.

15 "SECTION 4. Three years after the ratification of this
16 amendment the sixteenth article of amendments to the Con-
17 stitution of the United States shall stand repealed and there-
18 after Congress shall not levy taxes on personal incomes, es-
19 tates, and/or gifts."

○

DATE Jan 28

COMMITTEE ON _____ BILL NO. _____

VISITOR'S REGISTER

[illegible]

(Please leave prepared statement with Secretary)