

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION
COMMITTEE
February 4, 1983

CHAIRMAN JOE BRAND called the meeting to order at 8 a.m. in Room 129 of the Capitol. All members were present.

SENATE BILL 48

SENATOR THOMAS TOWE, sponsor of Senate Bill 48, said the measure would address mechanical problems with elections. The bill would allow county election administrators to request from the Secretary of State an abbreviated form of a certified ballot that would contain the ballot issue number and the statements of implication for or against the ballot issue. Senator Towe said the measure is needed because of the large number of ballot issues on the ballot, and because of this large number, it takes voters a long time to vote at the polling places. He said part of the problem is that present Montana law now requires a great deal of information to be put on the ballot, which complicates voting machines. He said an alternative to this legislation would be to limit the number of ballot issues on the ballot, but that would not be desirable. Senator Towe distributed a handout, which showed all of the information for one ballot issue that was placed on the ballot last fall. Towe said all this information was not needed, because some was redundant. He suggested the bill would be ideal because it would call for printing a reference sheet to be handed to voters as they come into a polling place and wait in line to vote. He said it would also simplify the ballot.

Senator Towe said the Secretary of State would furnish the abbreviated ballot form. He also said the fiscal note attached to the legislation was not appropriate. In summary, he described the measure as a good way to shorten the time for voting, but keep the voters informed. He suggested an amendment to a typographical error on page three.

PROPONENTS

Bob McCue, representing Secretary of State James Waltermire, expressed support for the bill. McCue said there were no problems with the bill, but he suggested that on page three, line seven, the phrase "when required to do so" be inserted to make the duty clear.

Bill Romine, representing the Clerks and Records Association, said the organization supports the concept of the bill, with one proviso: the committee may wish to take out the fiscal

note. He said the fiscal note was attached in the Senate, and to take off the fiscal note might mean that the bill is lost back in the Senate.

Chairman Brand introduced a letter that he had received about the measure from a Yellowstone County official. Chairman Brand said he was distressed because the letter, which could have been mailed for twenty cents, was sent by express mail and cost more than ten dollars of public funds to send.

OPPONENTS

Margaret Davis, representing the Montana League of Women Voters, said her organization opposes Senate Bill 48. She said that her organization seeks uniformity of the ballot statewide, and this measure would allow local discretion in the form of a ballot. She said 13-17-306, MCA, allows for use of paper ballots when machines are impractical, and this is the course of action that Senator Towe and his supporters should seek. She said there were other problems in Yellowstone County: few voting machines, poor arrangement at the polling places, among others. She said the information now provided on the ballot is important because not all issues get a great deal of publicity.

In closing, Senator Towe said he was not impressed with the arguments of the League of Women Voters. He said there would be no extra expense by way of the legislation. "If we want to continue to keep the ballot issue process," Towe said, "something must be done to shorten the ballot."

COMMITTEE QUESTIONS

REPRESENTATIVE BILL HAND asked Davis that with local issues is it not true that local ballots will differ from jurisdiction to jurisdiction anyway. Davis said the League of Women Voters was concerned about the statewide issues and statewide candidates being uniform on the ballots in Montana.

REPRESENTATIVE FRANCIS KOEHNKE asked what the answer is to long lines. Davis said the answer was more voting machines. She said in Yellowstone County many machines were out of order on election day.

REPRESENTATIVE BRENT BLISS asked Senator Towe when the information sheets proposed by his legislation would be received.

Senator Towe said the voters would get the information sheets when they signed in at the polling place, before signing up for voting.

REPRESENTATIVE JERRY DRISCOLL questioned the validity of having fiscal notes appear as part of the ballot information. He said it might be more appropriate to have opponents and proponents of the issue rebut the fiscal notes.

REPRESENTATIVE WALTER SALES asked if all ballot issues would be on one sheet. Senator Towe said it would be most simple that way. Representative Sales asked Davis who "we" was in her testimony. Davis said "we" was the League of Women Voters. Representative Sales asked if Davis was a registered lobbyist. Davis said, "not technically." Representative Sales asked how she gathered information from her league. Davis explained how the League of Women Voters does its work. Representative Sales asked specifically how Davis got feedback from her organization about what positions to take. Davis said she got her information from members who monitor elections. Representative Sales asked how many members of the league she conferred with. Davis said she works from the consensus of the group, which seeks uniform election laws. She said the group does not specifically discuss each bill. She said that she appears before legislative committees in favor of those bills which support techniques for running good elections. At this point, Chairman Brand halted the questioning of Davis in this regard.

Chairman Brand asked Senator Towe if it was true that Yellowstone County did not have sufficient facilities for voters. Senator Towe said the county election administrator told him that election officials are doing the best they can given their limited resources and that Yellowstone County cannot afford more voting machines. Chairman Brand asked if perhaps voters saw long lines and walked away from the polling places. Senator Towe said that may have happened, but if it did there weren't very many instances.

REPRESENTATIVE CHET SOLBERG asked if the proposed legislation would work equally well with machines or paper ballots. Senator Towe said "you may be right." He said the proposed legislation would apply equally to machines and paper ballots.

Senator Towe responding to a question by REPRESENTATIVE PAUL PISTORIA, said there were an average of three machines in each precinct in Great Falls. Representative Pistoria said that in

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Great Falls there were never less than four machines in each precinct. "You've got too conservative a Clerk and Recorder in Klundt," Pistoria said.

Romine interjected the observation that "we're confusing apples and oranges. The bill is to clear up the clutter on the ballot. This bill is not designed to solve the problem of long lines."

Chairman Brand asked why the ballots cannot be prepared better. Romine said the machines are limited in their design and are "cluttered with verbiage." He said it was a design problem. Chairman Brand asked what other states had done. Romine said he did not know. Senator Towe said he did not think that other states had the extensive ballot information requirements that Montana has.

REPRESENTATIVE HELEN O'CONNELL said that Montana is the only state "with all this garbage." She asked why it is necessary. Senator Towe said he did not know. O'Connell suggested that the proper course of action would be a bill to "eliminate all this."

Representative Pistoria asked for comment by Mike Stephen, a representative of the Montana Association of Counties. Stephen declined to comment.

THERE BEING NO FURTHER COMMENTS FROM OPPONENTS OR PROPONENTS OF SENATE BILL 48, CHAIRMAN BRAND CLOSED THE HEARING ON SENATE BILL 48.

SENATE BILL 81

SENATOR J.D. LYNCH, sponsor of Senate Bill 81, said the measure was introduced on behalf of the Montana State Volunteer Fireman's Association. He said it would raise the maximum benefit payable to a volunteer firefighter or his beneficiary from \$100 a month to \$200. He said, however, it would take one to two years before any increase could be made. He said no tax revenues would be involved. He said the increases would be funded entirely by the contributions to the system --95% of which are used for pension payments. He said that because of the nature of the increase proposed by the legislation, it would likely "take care of volunteer firemen for five sessions."

PROPOSERS

Art Korn, representing the Montana State Volunteer Firemen's Association, expressed support for the measure. He said there was not \$2.7 million in the fund.

Dave Fisher, chairman of the lobby activities for the Firemen's Association, also expressed support.

Clem DeWayne, president of the Firemen's Association, also expressed support.

THERE BEING NO FURTHER STATEMENTS BY PROPOSERS, AND NO STATEMENTS BY OPPONENTS TO SENATE BILL 81, AND NO CLOSING STATEMENT BY SENATOR LYNCH, CHAIRMAN BRAND CALLED FOR QUESTIONS BY COMMITTEE MEMBERS.

COMMITTEE QUESTIONS

REPRESENTATIVE JOHN PHILLIPS said that if the fund is healthy, more money be paid, and if it is not healthy, less money should be paid. Senator Lynch, answering a question by Representative Phillips, said the principal amount in the fund comes from a 5% premium on fire insurance policies. He said the fund is administered by the Public Employees' Retirement Division.

Representative Hand suggested the 5% premium perhaps should be lowered.

Chairman Brand asked what the effects of the recession would have on the fund as people who are strapped for money buy less fire insurance.

THERE BEING NO FURTHER QUESTIONS FROM COMMITTEE MEMBERS, CHAIRMAN BRAND CLOSED THE HEARING ON SENATE BILL 81.

SENATE BILL 116

SENATOR JAMES SHAW, sponsor of Senate Bill 116, said the measure would reduce the per diem for legislators from \$45 to \$35 daily. He said his convictions as an elected representative are to "cut state spending." He said he was convinced "we've got to cut state spending, and this is a gesture."

OPPONENTS

Representative Driscoll stated that he was an opponent to the measure.

Senator Shaw closed and Chairman Brand called for questions by committee members.

COMMITTEE QUESTIONS

REPRESENTATIVE KATHLEEN McBRIDE asked Senator Shaw that, as a freshman legislator, had he experienced many expenses. She suggested telephone calls and mailing as among those expenses. She suggested "you may have overlooked something." Senator Shaw noted that he was not a freshman legislator, having served one term 22 years ago. He said "we're not overpaid." He said Senate Bill 116 was an effort to show other state agencies "we're willing to make the first cut." He said the private sector has taken the first cut.

Representative McBride apologized for characterizing Senator Shaw as a freshman legislator. She observed that the date on the bill is retroactive. She asked, "What do you expect those of us to do who made commitments based on the \$45 a day payment?" Senator Shaw said he did not know.

Representative Phillips asked how much the savings would be by way of the bill. Chairman Brand said savings would range from \$135,000 to \$145,000.

Representative Driscoll asked if the Senate could not find some other place to cut. Senator Shaw said, "I'm not on Finance and Claims."

THERE BEING NO FURTHER QUESTIONS FROM COMMITTEE MEMBERS,
CHAIRMAN BRAND CLOSED THE HEARING ON SENATE BILL 116.

HOUSE BILL 522

Representative Hand, sponsor of House Bill 522, said the legislation would require all petitions for nomination by candidates of independent political parties to be submitted for signature verification at least one week prior to the filing deadline for the primary election. He distributed a proposed amendment to the measure to clarify the language.

PROPOSERS

Bill Romine, representing the Clerks and Recorders Association spoke in support of House Bill 522. He said it would require all petitions to be submitted to election administrators within the time limit. He called it an advantage to petition carriers, who often need to know the number of valid signatures so they won't get caught short.

THERE BEING NO OTHER PROPOSERS, AND NO OPPOSERS TO HOUSE BILL 522, REPRESENTATIVE HAND URGED ADOPTION OF THE AMENDMENT, CALLING IT AN OVERSIGHT. THERE WERE NO QUESTIONS FROM COMMITTEE MEMBERS AND CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 522.

HOUSE BILL 528

After taking a short recess, REPRESENTATIVE ESTHER BENGTON, sponsor of House Bill 528, said the measure was introduced at the request of the Montana Association of Counties. She said it is a solution to the problem that arises when county commissioners must choose legislators to represent multiple counties. She said the problem exists with how the vote of various commissioners from the various counties are to be weighed.

PROPOSERS

Mike Stephen, representing the Montana Association of Counties, said at present the county commissioners select replacement legislators. The problem is, Stephen said, that not all county commissions have three commissioners. This creates problems about equal voting representation when the legislators are chosen by more than one county commission. Stephen distributed a handout, illustrating some of the problems and the proposed solution within the legislation. He said often a problem can arise when there are two counties involved, and portions of other counties involved, in a particular district. He said the formula provides a vote per commissioner that would be weighted by population. He said that subsection B needs clarification: "c" is the number of the authorized commissioners or commission boards. He said that Legislative Researcher, Lois Menzies, has the appropriate amendment language.

Tom Beck, a commissioner of Powell County, spoke for the measure. He said there was confusion when SENATOR JOHN

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MANLEY attempt ed to resign from his position. He said that situation brought the problem to the attention of the Powell County commissioners. He said there is a particular problem in the cases of counties that have unified local governments.

Representative Francis Koehnke identified himself as a proponent of the measure.

THERE BEING NO FURTHER STATEMENTS BY PROPONENTS, AND NO OPPOSITIONS OF HOUSE BILL 528, REPRESENTATIVE BENGTON CLOSED AND CHAIRMAN BRAND CALLED FOR QUESTIONS BY COMMITTEE MEMBERS.

COMMITTEE QUESTIONS

Representative McBride asked if there would be weighted votes per commissioner. Stephen said there would be.

Representative McBride asked how the number of county commissioners would be addressed. Stephen said all commissioners would sit as one selection board. Each commissioner would be a member of the board with a particular, weighted vote. Representative McBride suggested the explanation is understandable, but is confusing as written in the legislation.

Representative Sales agreed the legislation was not clear.

Representative Phillips suggested adding the language "for each county" on page 2, line 7.

THERE BEING NO FURTHER QUESTIONS FROM COMMITTEE MEMBERS, CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 528.

EXECUTIVE SESSION

Chairman Brand noted that February 12 was the last day to request committee bills, and February 17 was the last day to introduce committee bills.

Chairman Brand introduced Jack Lowe, attorney for the campaign commissioner's office, who would take several minutes to explain a problem that exists at the office for which he is requesting consideration of a committee bill.

Lowe suggested a committee bill to amend 13-35-226, MCA, regarding the election code. He said the bill he has in

mind would protect government employees from coercion. He said at present, that section of law is not working too well. He said he wanted a bill that would protect employees in situations when pressure was put on them to support or oppose candidates. He said there was a recent case when "push came to shove." He said his office considered prosecution of an individual whose "conduct was reprehensible, but our antiquated statute did not apply."

Lowe distributed copies of the proposed committee bill, labeled "bill drafting request" (attached). He said the state needs a way to protect employees, and this simple change would do it. He called it a "salutary change." He said this bill does not have partisan implications and that he is not aware of any opposition.

REPRESENTATIVE GLENN MUELLER asked if the only change was in subsection two. Lowe agreed.

Chairman Brand asked if the problem was the lack of the word "oppose" in the statute. Lowe said that in the situation he had in mind, coercion was applied to force the state employee to oppose a candidate.

Representative McBride asked Lowe about the situation. Lowe said the statute now limits how officials can view particular acts by individuals. Representative McBride asked if there were another section to cover retaliation. Lowe said there was not but this one would if it is amended. But, he said, "your concern is also covered by the Human Rights Acts."

Representative Driscoll asked if this would stop department officials from testifying before the legislature. Lowe said it would not; he said the statute would speak to elections and election conduct.

Representative Koehnke asked if officials can testify before the Legislature on their own time. Lowe said they could.

Representative Bliss suggested it might be more appropriate to say the word "support" instead of "aid."

Representative Sales questioned whether the first section was limited to public employees. Lowe said it was not.

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Representative Pistoria asked if subsection four was now in the law. Lowe said it was.

Representative Hand MOVED that the committee do not ask for a committee bill.

Representative Hand said "if we start telling the bureau chiefs what they can or cannot do, it would interfere with their supervision of state employees." Chairman Brand noted that this proposed committee bill would address elections.

Representative Driscoll made a substitute motion that the committee proceed with drafting a committee bill. Representative McBride seconded.

REPRESENTATIVE GAY HOLLIDAY noted that subsection three does not prohibit contributions, just solicitation.

The question being called, the motion carried by unanimous voice vote. The committee agreed to have a committee bill drafted.

HOUSE BILL 528

Chairman Brand secured the consent of the committee to have Legislative Council Researcher Lois Menzies research the matter further and report for action during the executive session on Monday.

HOUSE BILL 522

Representative Pistoria MOVED DO NOT PASS.

Representative Phillips made a substitute motion DO PASS.

Representative O'Connell made a substitute motion to amend House Bill 522, REPRESENTATIVE HAMMOND seconded.

The question being called, the O'Connell substitute motion carried by unanimous voice vote.

Representative Mueller MOVED House Bill 522 DO PASS AS AMENDED, Representative Hammond seconded.

The question being called, the motion carried by unanimous voice vote. House Bill 522 was reported out do pass as amended.

SENATE BILL 48

Chairman Brand said the Secretary of State's office is concerned with the amendment to the measure, and the situation regarding a fiscal note. He said the Secretary of State's office believes the fiscal note provision should be included in the bill.

Bob McCue, representing the Secretary of State's office, said the office supports the bill, but wants the fiscal note provision to remain.

Representative Driscoll said there would be no rebuttal to the fiscal note, and that would not be fair. In his words, "they're all B.S."

Representative O'Connell suggested the changes should be made in legal requirements "for all this information."

Representative McBride questioned the typographical error on page two.

Representative Bliss MOVED the amendments to Senate Bill 48 (page three, line seven, insert verbiage). Representative Hand seconded. The question being called, the Bliss motion passed by unanimous voice vote. Senate Bill 48 was amended.

Representative Driscoll MOVED the amendments to Senate Bill 48 (page two, line four, to fix the typographical error), Representative Hammond seconded. The question being called, the Driscoll motion carried by unanimous voice vote. Senate Bill 48 was amended.

Representative Bliss MOVED Senate Bill 48 DO PASS AS AMENDED, REPRESENTATIVE CLYDE SMITH seconded.

Legislative Researcher Lois Menzies suggested a change in the title would be needed.

Representative McBride referred to page two, line four, and questioned what it said. Menzies suggested striking the word "and" on page two, line four.

Representative Hand MOVED Senate Bill 48 be amended (page two, line four), Representative Hammond seconded. The question being called, the Hand motion carried by unanimous voice vote. Senate Bill 48 was amended.

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Representative Driscoll MOVED Senate Bill 48 be amended (page four line one to strike section two subsection [e] to take fiscal note requirement off). Representative Hand seconded.

Representative Mueller spoke in opposition to the amendment. He said it was important to have the fiscal statements on the ballot statements. He said that to leave that information off would be to deny voters relevant information.

Representative Sales said that fiscal notes would still be available at polls under terms of the legislation.

Representative Driscoll noted that the fiscal note would "clutter" the machines.

Representative Hammond suggested that perhaps this should also apply to candidates.

The question being called, the Driscoll motion carried by voice vote. Voting "no" were Representatives McBride, Mueller, Phillips.

Menzies noted that there was no need to amend the title.

Representative Holliday suggested there were still problems with line four, page two.

Representative Sales MOVED Senate Bill 48 DO PASS AS AMENDED, Representative Hand seconded. The question being called, the Sales motion carried by voice vote. Voting "no" were Chairman Brand, Representatives McBride, O'Connell. Senate Bill 48 was amended.

Chairman Brand noted that Representative Driscoll would carry the measure on the House floor.

SENATE BILL 81

Representative Sales MOVED Senate Bill 81 DO PASS, Representative Driscoll seconded. The question being called, the Sales motion carried by unanimous voice vote.

Chairman Brand noted that Representative Sales would carry Senate Bill 81 on the House floor.

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SENATE BILL 116

Representative Driscoll MOVED the amendments to Senate Bill 116, REPRESENTATIVE LLOYD "MAC" McCORMICK seconded. The question being called, the Driscoll motion failed by voice vote. Voting "aye" were Representatives Hammond, Hand, Driscoll, McBride, McCormick.

Representative O'Connell MOVED Senate Bill 116 DO NOT PASS, Representative Smith seconded. The question being called, the O'Connell motion carried by voice vote. Voting "no" were Representative Sales, Solberg, Phillips, Mueller.

Representative Hammond MOVED to reconsider Senate Bill 116.

Representative Holliday questioned what the committee wanted to do.

The question being called, the Hammond motion carried by voice vote. Voting "no" were Representatives Sales, Solberg, Phillips, Mueller. Senate Bill 116 was deemed reconsidered.

Representative Driscoll MOVED that Senate Bill 116 be TABLED, Representative Hammond seconded. The question being called, the Driscoll motion carried by voice vote. Voting "no" were Representatives Solberg, Sales, Bliss, Phillips, Mueller. Senate Bill 116 was tabled.

HOUSE BILL 295

Legislative Researcher Lois Menzies said that she believed the bill did not need amending.

Representative Driscoll MOVED House Bill 295 DO PASS, Representative O'Connell seconded.

Menzies said the bill as presented would allow anyone to vote absentee.

REPRESENTATIVE FRANCIS BARDANOUVE MOVED House Bill 295 DO NOT PASS, Representative Sales seconded.

Representative Driscoll noted that this bill makes legal what is being done illegally now.

Representative Mueller said such is being done at present and the bill is not needed.

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Representative McCormick said "the law now makes a liar out of them."

Representative Bardanouve asked what opposition there was to the measure. Representative Hand said the clerks and recorders oppose the measure because of the demands it would place on their offices, and the Democrats have done a "flip-flop" on the issue, and there has been concern about the security of the absentee ballots.

Representative Driscoll said that regardless of the bill, absentee ballots continue to exist. He conceded that "maybe it does spread it out," but he said that House Bill 152, now pending, prevents any flip-flop in a voter's choice after voting absentee.

Representative Sales said the bill creates an election period of 75 days. He said it would create "one hell of a mess for clerks and recorders."

Representative Koehnke said "the people are doing it now."

Representative Hammond questioned whether the committee should wait to see what happens with House Bill 152 in the Senate.

Representative Holliday spoke of the situation under the existing law when a voter is not sure whether he/she will be able to vote on election day. Representative Driscoll noted that officials always complain of poor voter turnout, and this is one way to help promote voting.

The question being called, the Bardanouve substitute motion of DO NOT PASS failed by a roll call vote of 7 "ayes" and 11 "nays."

Reverting to the original motion, the committee consented to reversing the vote on the roll call to indicate the original motion, that House Bill 295 DO PASS, should carry by a vote of 11 "ayes" and 7 "nays." House Bill 295 was reported out DO PASS.

Chairman Brand noted that Representative Bardanouve's six treasury fund structure bills were not ready to be reported from subcommittee. He noted that Department of Administration Director, Morris Brusett, said there would be about 75 amendments for those bills. He said the bills should be ready for action on the coming Monday.

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THE MEETING WAS DECLARED ADJOURNED.



JOE BRAND, Chairman

STANDING COMMITTEE REPORT

FEBRUARY 4,
~~DECEMBER 1982~~

19 83

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 522

first reading copy (white)
color

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 13-10-503, MCA, TO PROVIDE THAT ALL PETITIONS FOR NOMINATION BY INDEPENDENT CANDIDATES OR POLITICAL PARTIES NOT ELIGIBLE TO PARTICIPATE IN A PRIMARY ELECTION MUST BE SUBMITTED FOR SIGNATURE VERIFICATION AT LEAST 1 WEEK BEFORE THE FILING DEADLINE FOR THE PRIMARY ELECTION."

Respectfully report as follows: That HOUSE Bill No. 522
be amended as follows:

1. Page 1, line 18.
Following: "filing"
Insert: ", at least 1 week before the deadline for filing,"

2. Page 1, line 23.
Strike: "at least 1 week"
Insert: "on or"

AND AS AMENDED

DO PASS

STANDING COMMITTEE REPORT

FEBRUARY 7,

19 83

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE**

Bill No. **48**

first reading copy (white)
color

"AN ACT FOR THE SIMPLIFICATION OF BALLOTS TO BE USED IN VOTING MACHINES AND DEVICES; PROVIDING THAT LOCAL ELECTION ADMINISTRATORS MAY REQUEST THAT ONLY THE BALLOT ISSUE NUMBER AND THE FOR AND AGAINST STATEMENTS APPEAR ON THE BALLOT AND THAT ALL OTHER INFORMATION BE DISTRIBUTED TO ELECTORS AS THEY ENTER THE POLLING PLACE; AMENDING SECTIONS 13-17-206 AND SECTION 13-27-502, MCA."

Respectfully report as follows: That **SENATE**

Bill No. **48**

be amended as follows:

1. Page 2, lines 4 through 5.
Strike: "subsection (3)"
Insert: "[section 2]"
Strike: "and" on line 4 through ",," on line 6.
2. Page 3, line 8.
Following: "state"
Insert: ", when required to do so,"
3. Page 4, line 1.
Strike: ", (2) (a),"

AND AS AMENDED

D.O. PASS

STANDING COMMITTEE REPORT

FEBRUARY 4,

~~JANUARY 24~~

19 83

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **81**

first reading copy (**white**)
color

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 19-12-404, MCA, TO INCREASE THE MAXIMUM AMOUNT THAT MAY BE PAID TO A QUALIFIED CLAIMANT UNDER THE VOLUNTEER FIREFIGHTERS' COMPENSATION ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That **SENATE** Bill No. **81**

DO PASS

STANDING COMMITTEE REPORT

FEBRUARY 4,

19 83

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE**

Bill No. **295**

first reading copy (**white**)
color

***AN ACT TO ALLOW ANY REGISTERED ELECTOR TO VOTE BY ABSENTEE BALLOT;
AMENDING SECTIONS 13-13-201, 13-13-203, 13-13-204, 13-13-211, AND
13-13-222, MCA.***

HOUSE

295

Respectfully report as follows: That..... Bill No.....

DO PASS

ROLL CALL

HOUSE ADMINISTRATION

COMMITTEE

48th LEGISLATIVE SESSION, 1983

Date 2/4, 1983

HB 295

Name																		
BARDANOUE	A																	
BLISS	A																	
BRAND	N																	
COMPTON	A																	
DRISCOLL	N																	
HAMMOND	N																	
HAND	A																	
HOLLIDAY	N																	
KOEHNKE	N																	
McBRIDE	N																	
McCORMICK	N																	
MUELLER	A																	
O'CONNELL	N																	
PHILLIPS	A																	
PISTORIA	N																	
RYAN	E																	
SALES	A																	
SMITH	N																	
SOLBERG	N																	

CHAIRMAN IS CIRCLED

11 "nays"
 7 "ayes"
 1 excused

VISITOR'S REGISTER

HOUSE _____ COMMITTEE _____

BILL ~~53~~ 53 48

DATE 2-4-83

SPONSOR Towe

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
B. J. Romine	Helena	Clerks + Records	X	
W. J. Davis	Helena	LWV/MT		X
Bob Albee	Helena	Sec of State	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.
WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Bill Romaine BILL No. S.B. 48

ADDRESS Helena DATE 2-4-83

WHOM DO YOU REPRESENT Clerks & Recorders

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

County of Yellowstone



DAVID L. HALLAND
Election Administrator

BILLINGS, MONTANA

February 1, 1983

Representative Joe Brand, Chairman
House Standing Committee
State Administration
State Capitol Building
Helena, Montana 59620

Dear Representative Brand:

As I will be unable to attend the hearing on Senate Bill #48 to testify in behalf of it, I would like to present some pertinent information in regards to said Bill.

It is my feeling that the major cause of long lines and waiting periods at the last General Election was due to the numerous ballot issues. Many of the electors came to the polls unprepared to vote, therefore taking time away from the voter who had previously read the literature sent to him on the issues. The average prepared voter took only a very few minutes to vote. Senate Bill #48 would alleviate this problem. The "For" and "Against" statements were more than adequate to explain the content of the question. The elector read the rest of the statement only because it appeared on the ballot.

An abbreviated form of the ballot issue would also allow a less cluttered ballot, especially where voting machines or devices are being used.

I would strongly urge the Committee to pass Senate Bill #48 as written.

Sincerely yours,

DAVID L. HALLAND
Election Administrator

DLH/pjz

MISSOULA COUNTY

ELECTION DEPARTMENT
OFFICE OF THE CLERK AND RECORDER
MISSOULA COUNTY COURTHOUSE
MISSOULA, MONTANA 59801
PHONE 721-5700, EXTENSION 468

January 6, 1983

Thomas Towe
Senate Chambers
State Capitol
Helena, MT 59620

Dear Mr. Towe:

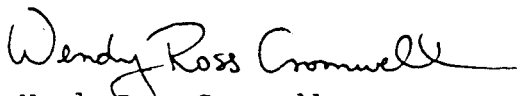
As Election Supervisor in Missoula County, I would like to express my support for Senate Bill 48, which allows ballot issues to be stated in condensed form on voting machines or devices.

Ballots are growing longer every year, and I know that Missoula is not the only county which has difficulty fitting every candidate and issue on a machine ballot. If House Bill 41 passes the legislature, the problem will be even worse, as candidates and issues for state, county and city would then be on one ballot.

I have only one suggestion. Please consider revising the last part of section 13-27-501(3) to read ..."must be distributed to each elector by an election judge after the elector signs the official register." Regular sample ballots and voter information pamphlets are already on display at the polling place for perusal by waiting voters. The voter should only need the additional ballot issue information if he chooses a machine ballot instead of a paper ballot. If extra copies of the ballot information were provided to each voter as he entered the polling place, an additional election judge would be necessary, and the extra copies would only add to the litter in the polling place.

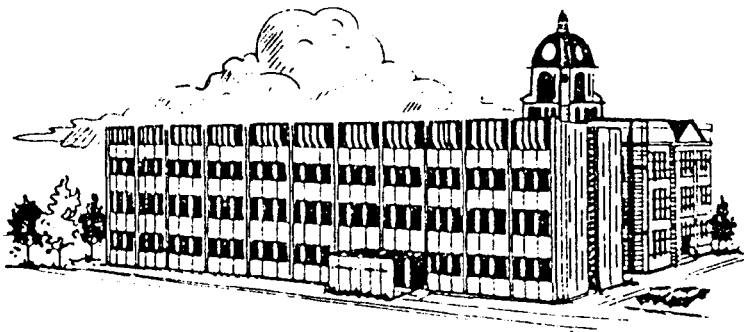
Thank you for considering my suggestion.

Sincerely,



Wendy Ross Cromwell
Recording/Elections Manager

WRC



WITNESS STATEMENT

Name MS Davis Committee On J. Admin.
Address 917 Harrison, Helena 59601 Date 4 Feb 83
Representing League of Women Voters Support _____
Bill No. SB 48 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. State ballot issues should appear on ballot (machine or paper) in uniform language across the state. All voters should have the same information.
2. We oppose "local option" on ballot ~~with~~ issue language. The problem of long lines at the polls & delay in voting would not be solved by this bill. Only adequate personnel, sufficient machines and manageable precincts would provide real relief.
3. The bill adds costs for distribution of the full ballot issue text by requiring an "election judge" distribute the information as the elector enters the poll. It does not say that the information must merely be "available" as the sponsor declares. If a uniform simplification of the information required for the ballot is deemed desirable, we would find it a more acceptable alternative.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

$$\text{Formula} \quad \frac{100}{1} \times \frac{\text{total votes for official in county}}{\text{total vote in legislative district for elected official}} \times \frac{1}{\text{No. of co. com.}} = \text{vote per commissioner}$$

EXAMPLE "A"

1978 Data - House District #27

<u>County</u>	<u>Votes</u>	<u>No. of Commissioners</u>
Granite	511	3
Lewis & Clark	402	3
Missoula	307	3
Powell	466	3
	<u>1686</u>	

Formula:

$$\text{Granite} \quad \frac{100}{1} \times \frac{511}{1686} \times \frac{1}{3} = 10.1023 \text{ votes/commissioner}$$

$$\text{Lewis \& Clark} \quad \frac{100}{1} \times \frac{402}{1686} \times \frac{1}{3} = 7.9459 \text{ votes/commissioner}$$

$$\text{Missoula} \quad \frac{100}{1} \times \frac{307}{1686} \times \frac{1}{3} = 6.0694 \text{ votes/commissioner}$$

$$\text{Powell} \quad \frac{100}{1} \times \frac{466}{1686} \times \frac{1}{3} = 9.2124 \text{ votes/ commissioner}$$

EXAMPLE "B"

1978 Date - Senate District #14

<u>County</u>	<u>Votes</u>	<u>No. of Commissioners</u>
Deer Lodge	353	5
Granite	938	3
Lewis & Clark	542	3
Missoula	472	3
Powell	1795	3
	<u>4100</u>	

Formula:

Deer Lodge $\frac{100}{1} \times \frac{353}{4100} \times \frac{1}{5}$
 $100 \times .0861 \times .20 = 1.722 \text{ votes/commissioner}$

Granite $\frac{100}{1} \times \frac{938}{4100} \times \frac{1}{3}$
 $100 \times .2288 \times .3333 = 7.6259 \text{ votes/commissioner}$

Lewis & Clark $\frac{100}{1} \times \frac{542}{4100} \times \frac{1}{3}$
 $100 \times .1322 \times .3333 = 4.4062 \text{ votes/commissioner}$

Missoula $\frac{100}{1} \times \frac{472}{4100} \times \frac{1}{3}$
 $100 \times .1124 \times .3333 = 3.7463 \text{ votes/commissioner}$

Powell $\frac{100}{1} \times \frac{1795}{4100} \times \frac{1}{3}$
 $100 \times .4378 \times .3333 = 14.5919 \text{ votes/commissioner}$

WITNESS STATEMENT

NAME Bill Romine BILL No. HB 522
ADDRESS Helena DATE 2-4-83
WHOM DO YOU REPRESENT Clerks & Recorders
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: *this bill merely gives the election administrator the opportunity to verify all petitions for nomination by independent candidates or political parties, and not just those petitions filed with the secretary of state. In this way, the persons carrying the petitions will have some additional time to get new signatures if some are incorrect.*

town

S.B. 48 Yes

S.B. 81 Lynch Yes

S.B. 116 Shaw Yes

H.B. 5277 Hand Yes

H.B. 528 Wroughton Yes

John Ryan

EXCUSE

Date: _____, 1983

Representative _____ is excused from the
committee hearing to be conducted _____, 1983.

REP. JOE BRAND, Chairman

o-0-o

PROXY

In view of the above absence, I give my proxy to

Representative _____ for bill(s) _____

_____ to follow these instructions _____

HB 528 - Yes on do pass

SB 48 Yes on do pass

SB 81 Yes on do pass

Rep. Gay Holliday
signature