

HOUSE STATE ADMINISTRATION COMMITTEE MINUTES
February 7, 1983

The State Administration Committee convened at 9 a.m. on February 7, 1983, in Room 129 of the State Capitol with Chairman Joe Brand presiding and all members present except Rep. Bardanoue, who was absent. Chairman Brand opened the meeting to a hearing on Senate Bill 183.

SENATE BILL 183

SENATOR JOSEPH P. MAZUREK, District 16, chief sponsor, said he was introducing this bill at the request of the Department of Administration, and the purpose is to enable someone who has entered into a contract with a public body to assign the contract or subcontract it with the approval of the contracting state agency. This does not relieve the original contractor from any obligation. He said the question has come up in a number of instances where a person wants to sell his business and can't assign the contract he has with the state.

VALENCIA LANE, Department of Administration, said she had requested this bill be drafted to clarify the existing language.

There were no opponents and no questions from the committee. Rep. Hand will carry this bill on the floor.

SENATE BILL 43

SENATOR LAWRENCE STIMATZ, District 43, chief sponsor, said the bill was requested by the Administrative Code Committee. It requires the necessity of the rule adopted by the agency to implement a statute be demonstrated in the agency's notice of proposed rulemaking and in the written and oral data, views and comments, or testimony submitted by the public or agency. He said this bill addresses a problem that the public has with the rule-making process - the necessity of the rule is not always clearly stated in their records or notices. Senator Stimatz went through the bill. He said State Lands wanted an amendment which was made on line 12 and he said they are now satisfied. He said what this does is give the County Commissioners or other administrators the authority to write to an agency and the agency will have to examine that rule more closely. If the party convinces the code committee of the necessity, they proceed. The agency has the power to proceed with the rulemaking whether they agree with the code committee or not. But it is an effective looking over-the-shoulder that will make the agencies more careful about their work. He said there were no opponents at the Senate hearing. He said David Niss, staff attorney of the Legal Services Division, was available to answer any technical questions.

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CHAD SMITH, Montana Hospital Association, spoke in support of the bill. He said the committee is aware hospitals are one of the most regulated of all industries as it can't change their services, can't set charges, can't build without some government authority regulating what they do. He said all this type of control is expensive and a good portion of the charge is for the extra staff needed to process regulations in order to perform within the rules made by some agency. He said rules have the force of law just as much as a statute that is passed. He said they feel the legislature should have an ongoing control over the direction of the rules. There should be a way legislated so a position is available to say a rule is not necessary. That action doesn't prevent the government agency from going ahead but they will be forced to take another look at it. If there is an over implementation of the statute and no need can be seen and the Department doesn't do anything, it can be taken to court. If it can be proven not to be needed, the court can strike it down.

SCOTT R. CURREY, Department of Labor and Industry, said they support the bill as it was amended.

DAVE WOODGERD, Department of State Lands, said they support the bill as amended.

DON McINTYRE, Department of Natural Resources and Conservation, said they support the bill as it was amended. He said the reasons they do is in the past they have had rule-making hearings where those affected by the rules under the agency are allowed to participate but little input is given. He felt the amendments were a positive and needed step.

SENATOR STIMATZ closed.

Questions were asked by the committee.

Rep. McBride asked if the Code Committee doesn't already review the regulations and rules of an agency to see if they are necessary. Senator Stimatz replied there is nothing that requires the agency to do anything about it. This would give the committee a standing and more attention would be paid to their objections. He said the administrative code committee would not be able to prevent any agency from proceeding. He said it has been historically proven that one of the chief reasons for courts throwing out the agency rulemaking is they can not document the reasonable necessity for the rule.

Mr. Niss responded to a question by saying the committee can object or advise the agency that there is a problem with their rule. If the agency agrees with the committee it will delay the adoption of the rule. If they can find no proof of the reasonableness of the rule the agency will make the choice. The

committee has no authority to say, "Hold, you must stop."

Senator Stimatz said often the reason the courts throw out a rule is that when the court looked at the proceedings they found inadequate proof for the necessity of the rule. General procedure now is that an agency will say the necessity for the rule is explicit in the statute. This is not enough for the courts. The actual necessity must be documented and be on record. All this bill does is give the authority to advise the agency and because of this being in the statute they will pay more attention to the advice. Mr. Smith responded that the real meat of the bill is on page 3, lines 9-13, whereby the agency is required to come with evidence to show the reasonable necessity.

Rep. McBride asked why we are drawing the attention only to the reasonable necessity aspect and not the conflict of statute aspect.

Chairman Brand closed the hearing on this bill and opened the hearing on HB 557.

HOUSE BILL 557

REPRESENTATIVE JACK SANDS, District 68, chief sponsor, said the bill was requested by the Secretary of State, and is to reduce some unnecessary paperwork problems that people are now having in conducting their business in his office. Current law requires that most documents filed here must be acknowledged and verified by a notary public which is to prove that person is really who he says he is and the information provided is accurate. This bill eliminates many of the requirements for acknowledgement and verification of documents that need to be signed by the secretary of state. Cases where a right is assigned would still need to be verified. Penalties for false swearing are made uniform. If anybody knowingly executes a document that contains false information that will materially affect the outcome of the proceedings, he is guilty of perjury and that penalty is not to exceed 10 years or a \$50,000 fine or both.

CLIFF CHRISTIAN, representing the Secretary of State, said this was to eliminate some unneeded paper work in their corporation section, especially with assumed business names and trade marks and limited partnerships. A number of papers here need to be rejected because they are not properly notarized. The papers they are signing will have the warning printed on that all information must be accurate or the signer will be guilty of perjury. He said the bureau chief of corporations was present to answer questions.

There were no opponents.

REPRESENTATIVE SANDS closed.

Questions were asked by the committee.

Chairman Brand asked about the penalties. Rep. Sands said it is now a misdemeanor but the bill would increase it to a felony. Mr. Christian said this would keep it in line with other penalties in other codes.

Chairman Brand closed the hearing on this bill and opened the meeting to a hearing on House Bill 559.

HOUSE BILL 559

REPRESENTATIVE JOHN PHILLIPS, District 43, chief sponsor, said the bill was requested by the Secretary of State. He said our present law has very detailed specifications concerning envelopes mailed electors in the United States service. This now doesn't comply with the federal regulations and this bill merely gives the secretary of state the perogative to print envelopes of the type that will comply. The correct term to have on the envelope is "U.S. Postage Paid" as the foreign countries to which these might be mailed don't recognize the present term "free postage." He said there is a statement of intent with the bill and he passed copies to the members (Exhibit 1). An example of the approved envelope is Exhibit 2.

CLIFF CHRISTIAN, Secretary of State's Office, spoke in support. He said he had a letter from the Department of Defense telling the state they were having problems with the ballot envelopes marked "free postage" in foreign countries as they refuse to accept that. This is Exhibit 3. He said the bill would make the laws of Montana applicable to any laws that might come down on this from the federal department.

BILL ROMINE, Clerks and Recorders, said his people actually mail out the letters. He said it doesn't make sense to lock ourselves into a statutory requirement on this. He said the authority should be given to the secretary of state to follow the federal rules on how the envelopes should look as we have to follow their regulations if we want to use the mails.

REPRESENTATIVE PHILLIPS closed.

Chairman Brand asked if there should be a fiscal note on this as new envelopes would be needed. The sponsor said there should be no extra cost above what is now appropriated as the leftovers could be used up within this country.

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Mr. Romine said there would be no extra for the state as the county contracts out the printing of the envelopes. He felt the impact would be minimal as all that is being done is to change the form.

Rep. Driscoll asked what the secretary of state has to do with it then. The sponsor replied that the statute says the secretary of state shall be the chief election officer.

Chairman Brand remembered that he had forgotten to ask for opponents. He did now but there were none. Chairman Brand closed the hearing on this bill and opened the meeting to a hearing on House Bill 547.

HOUSE BILL 547

REPRESENTATIVE BILL HAND, District 82, chief sponsor, said the bill was at the request of the County Clerks and Recorders. He said the bill requires an election administrator to assign a number to each person properly completing a registration card within three days after receiving the card, and without the number the elector's registration is not complete.

BILL ROMINE, County Clerks and Recorders, said there is nothing in the law that says when an elector becomes registered. More and more are being registered by people away from the courthouse and that person brings in the registration cards in a bunch. When are these people registered? This bill will say it is when the card comes back to the courthouse, is checked, and assigned a number. This must be done within three days of receiving the card. Mr. Romine said he could foresee a problem where someone will go to the polls and find his name not registered and he will claim that he signed a card and is registered.

MARGARET DAVIS, League of Women Voters, said they support the bill but have a question. She said the law stipulates that registration can be done up until 30 days before the elections. She said they don't want that jeopardized.

LORRAINE P. MOLITOR, Chairman of the Montana Association of Clerks and Recorders Elections Committee, spoke next and a copy of her testimony is Exhibit 4.

There were no opponents.

Questions were asked by the committee.

Rep. Driscoll said the law says you have to be registered 30 days prior to the election, so if you registered people and hand

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in their cards at 5 p.m. on the 30th day prior to election they might not technically be registered under this bill. Ms. Molitor replied that an individual is registered to vote if he signed the card 30 days before the election. Rep. Hammond asked what if it is not given a number before the 30th day. If a bundle of cards comes in and there is no opportunity to give all a number before the deadline. Ms. Molitor said if it reaches their office in time it will be numbered.

Mr. Romine said it is not the intent of the bill to keep someone from registering if the card is at the office within the 30 days. He said if this is a problem the second sentence could be left out saying the card had to receive a number within three days. Maybe we are creating a problem we didn't intend to create, although he said he still didn't think it would be a problem. The main part of the bill would still be there, saying you are a registered voter when a number is given.

Rep. McBride brought up the subject of signing a registration card and then immediately signing a petition. They are not actually a registered voter yet and perhaps should not be signing the petition. Mr. Romine said that is the law now. They may sign the card and be in another district and when that goes into the office for verification and if the card hasn't got there the signature is docked and if it's wrong its docked.

Mr. Romine said there is no intention with this bill to keep the person from signing the card and then the petition.

The question was asked how the numbers are assigned and how they stay with the voters. Mr. Romine said all registrants have a number and if you go from one precinct to another, you will be assigned a new number. You can keep your old number but if you wish to make out a new card you will get a new number. He said at times the social security number is used. He said the reason they put in the three days is that they thought the legislators might want a time set up. He said if you want to leave it out we don't see any problems with that.

The question was asked if someone brought in a whole group of cards and one got lost. Ms. Molitor said they send out a letter to each new registered voter telling them they are registered and their precinct. She said they do their best to give the card a number immediately. She said anyone who comes directly to the office gets a number immediately.

Chairman Brand closed the hearing on House Bill 547 and opened the meeting to an executive session.

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EXECUTIVE SESSION

HOUSE BILL 547 Rep. Mueller moved to strike subsection 3 in its entirety and replace with "Registration of the individual is not complete until the registration is reviewed by the election administrator's office and verified." Title would need to be changed also. The researcher was asked to make any word changes needed to have the intent worded correctly. The motion carried unanimously. Rep. Mueller moved AND AS AMENDED DO PASS and it was seconded by Rep. Smith. Rep. Driscoll said he was still concerned about what might happen if he brought in a bunch of cards at 5 p.m. on the 30th day. Ms. Menzies, the researcher, suggested eliminating the three days and then that should not be a problem. Ms. Molitor said that any card received in the office until 5 p.m., even if it comes in at 4:59 on the date, will be honored whether 200 or 500. The date is what determines when the 30 days start. Rep. Mueller withdrew his motion and Rep. Smith his second when the committee decided to have Ms. Menzies check on this point if the verification has to be done before the 30th day.

HOUSE BILL 557 Rep. Solberg moved DO PASS and Rep. Smith seconded the motion. Motion carried unanimously.

HOUSE BILL 559 Rep. Phillips moved the bill and the statement of intent DO PASS. Motion carried unanimously.

SENATE BILL 45 Chairman Brand said the suggestion was to amend page 4 by striking lines 5-9 and the reason for this is that it appears they can do this anyway.

Ms. Menzies replied to a question concerning the new language on page 4 which complements language contained in section (6)(b) on page 3. Rep. McBride offered an observation - inconsistency in what we are doing as page 3 talks about the criteria that can be used to determine whether a rule is consistent with the law. The first talks about the law not being in conflict with the statute and the second one about the reasonable necessity. It would give the committee the power to review the reasonable necessity but not the power to see if it's in conflict with the statute. If they have it, why do we need to outline the ability to check, the reasonable criteria. She said we are making the record on page 3, lines 9-13. Rep. Mueller said it appears to him that section 2 deals with the power of the committee and if you don't have this clause in here you are putting the powers of the committee on the reasonableness of the provision. He felt it was very important that it be there, otherwise it would gut the bill. Rep. McBride asked if we should consider adding some language to review that the rule is consistent and not in conflict with the statute. Rep. Mueller asked Ms. Menzies if she agreed that we should take this language out from a technical standpoint. Ms. Menzies replied that what Rep. McBride is saying is true - it is better to include the other section that says consistent and

not in conflict with the statute. She said otherwise it would be giving more emphasis to one of the ctwo criteria than the other. The first amendment requires the documentation for the reasonableness. Rep. McBride said for consistency, we should strike the amendment language on page 4 or put in other criteria. She said she would just as soon strike it as they can do it under existing rule. Ms. Menzies said with the committee's permission she would check with the code committee on this.

SENATE BILL 183 Rep. Sales moved BE CONCURRED IN. Rep. O'Connell seconded the motion. Motion carried unanimously. Rep. Joe Hammond will carry this bill on the floor.

HOUSE BILL 528 Chairman Brand requested Ms. Menzies to go through a suggested amendment. It was on page 2, line 7, to strike "voting commissioners" and the following "board" insert "of the committee whose vote is being determined." Rep. Smith moved the amendment and Rep. Hammond seconded the motion. The motion carried unanimously. Rep. Smith moved AND AS AMENDED DO PASS. Rep. Mueller seconded the motion. The motion carried un-animously.

HOUSE BILL 52 Chairman Brand said this bill was tabled. Rep. McBride said she has talked to Rep. Schontz but hasn't heard back from him so requested that this bill stay on the table for now.

SENATE BILL 48 Chairman Brand said this bill had received a DO PASS AS AMENDED before. However, it was learned by the researcher that the bill needs another amendment. Ms. Menzies said that the previous Friday there was a lot of debate over using "and" and "or", and what the statutes said without any of the amendments. She said she had checked with Bob McCue from the Secretary of States office, and he had no objections to the following amendment: Strike on page 2, line 4, "and" through "ballot" on line 6 and leave the amendment on section 2. She said that in practice, the Secretary of State will list the items listed in subsection (2)(a) through (2)(f) whether or not they are contained in the legislative act or petition. Rep. Mueller moved to amend with this new amendment. Rep. Hammond seconded the motion and it carried unanimously. Rep. Sales moved AND AS AMENDED DO PASS. Rep. Driscoll seconded the motion. The motion carried unanimously. Rep. Driscoll will carry this bill on the floor.

Meeting adjourned at 11:10 a.m.

Respectfully submitted,



JOE BRAND, CHAIRMAN

Emelia A. Satre, Rlief Sec

STANDING COMMITTEE REPORT

FEBRUARY 7,

19 83

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE**

Bill No. **557**

first reading copy (**white** color)

"AN ACT TO AMEND AND GENERALLY REVISE THE LAWS RELATING TO THE REQUIREMENTS FOR EXECUTING CERTAIN DOCUMENTS FILED WITH THE SECRETARY OF STATE; PROVIDING PENALTIES FOR MAKING FALSE STATEMENTS; AMENDING SECTIONS 30-13-203, 30-13-207, 30-13-212, 30-13-311, 30-13-313, 30-13-318, 35-1-201, 35-1-209, 35-1-212, 35-1-213, 35-1-306, 35-1-412, 35-1-602, 35-1-612, 35-1-804, 35-1-805, 35-1-901, THROUGH 35-1-903, 35-1-907, 35-1-908, 35-1-911, 35-1-1008, 35-1-1013, 35-1-1017, 35-1-1101, 35-2-413, 35-2-1201, 35-6-201, 35-15-201, 35-15-204, 35-15-205, 35-15-305, 35-15-804, 35-17-202 THROUGH 35-17-204, 35-17-504, 35-18-203, THROUGH 35-18-206, 35-18-401, 35-18-402, 35-18-404, 35-18-405, AND 35-18-501, MCA."

Respectfully report as follows: That **STATE ADMINISTRATION**

Bill No. **557**

DO PASS

STANDING COMMITTEE REPORT

FEBRUARY 7,
~~JANUARY 11~~

19 83

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 559

first reading copy (white)
color

A BILL FOR AN ACT ENTITLED: * AN ACT TO REMOVE THE STATUTORY SPECIFICATIONS CONCERNING ENVELOPES IN WHICH BALLOTS ARE MAILED TO ELECTORS IN THE UNITED STATES SERVICE; PROVIDING THAT SUCH SPECIFICATIONS BE PRESCRIBED BY THE SECRETARY OF STATE CONSISTENT WITH FEDERAL REGULATIONS; AMENDING SECTION 13-13-214 MCA.*

Respectfully report as follows: That HOUSE Bill No. 559

DO PASS

Statement of Intent Attached

STATEMENT OF INTENT
House Bill No. 559

A statement of intent is required for this bill because section 1 grants the Secretary of State the authority to adopt rules prescribing the information and graphics to be printed on both the envelope in which a ballot is mailed to an elector in the United States Service and the return envelope. Rules are to be adopted under the Montana Administrative Procedure Act.

The Legislature intends that this grant of authority to adopt rules be used only to eliminate inconsistencies that now exist between the specifications established in 13-13-114(4) and existing requirements of federal law. The rules adopted must be consistent with regulations established by the federal election commission, U.S. postal service, or other federal agency. The rules must allow for mailing and return of the ballot free of U.S. postage if that is permitted by the U.S. postal service. The rules may not require information and graphics which are not specifically required by the regulations of a federal agency.

STANDING COMMITTEE REPORT

FEBRUARY 7,
~~JANUARY 1983~~

19 83

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE**

Bill No. **183**

first reading copy (**white**)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAWS RELATING TO
TRANSFER OF STATE CONTRACTS; AMENDING SECTION 19-04-105, MCA."**

Respectfully report as follows: That **SENATE**

Bill No. **183**

~~XXXXX~~ **BE CONCURRED IN**
DO PASS

STANDING COMMITTEE REPORT

FEBRUARY 7,
~~XXXXXXXXXX~~

19 83

MR. SPEAKER.....

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **523**

first reading copy (white)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A WEIGHTED VOTING PROCESS
IN THE SELECTION OF A PERSON TO FILL A LEGISLATIVE VACANCY IN THOSE
LEGISLATIVE DISTRICTS CONSISTING OF ALL OR PARTS OF MORE THAN ONE COUNTY;
AMENDING SECTION 5-2-402, MCA."**

Respectfully report as follows: That **HOUSE** Bill No. **523**

be amended as follows:

- 1. Page 2, line 7.
- Strike: "voting commissioners"
- Following: "board"
- Insert: "of the commissioner whose vote is being determined"

AND AS AMENDED

DO PASS

House State Administration Committee

Bill Summaries

Monday, February 7, 1983

- HB 547 (Hand): This bill requires an election administrator to assign a number to each person properly completing a registration card within 3 days after receiving the card. Without assignment of this number, the elector's registration is incomplete.
- HB 557 (Sands): Requested by the Secretary of State, this bill provides that the execution of a document to be filed with the Secretary of State constitutes an affirmation by the person executing the document that the facts in the document are true. The bill requires that the Secretary of State provide for the printing of a warning to this effect on each form prescribed by him. If an individual signs a false statement, he may be subject to the penalties of perjury. (A person convicted of perjury shall be punished by imprisonment in the state prison for a term not to exceed 10 years or punished by a fine of not more than \$50,000, or both.)
- HB 559 (Phillips): Current law provides very detailed specifications concerning envelopes in which ballots are mailed to electors in the United States service. This bill, requested by the Secretary of State, removes these statutory requirements and permits the Secretary of State to prescribe specifications consistent with regulations established by federal agencies. (A statement of intent must accompany this bill.)
- SB 45 (Stimatz): Under the Montana Administrative Procedure Act, no rule adopted by an agency is valid or effective unless it is reasonably necessary to implement the purpose of the statute. This bill, requested by the Administrative Code Committee, requires that this necessity be demonstrated in the agency's notice

of proposed rulemaking and in the written and oral data, views, comments, or testimony submitted by the public or the agency. SB 45 also permits the Committee to review this record and advise the agency whether a rule is reasonably necessary.

SB 183 (Mazurek):

Requested by the Department of Administration, this bill prohibits a state contract or order from being transferred, assigned, or subcontracted without written approval of the state. The approval of a transfer, assignment, or subcontract does not release the original obligor or his sureties from their obligations to the state.

WITNESS STATEMENT

NAME David W. Woodgerd BILL No. SB 45

ADDRESS Helena DATE 2-7-83

WHOM DO YOU REPRESENT Dept. of State Lands

SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Department of state Lands supports SB 45 as amended. The amendments are necessary to clear up language problems with the original bill.

WITNESS STATEMENT

Name Dan MACINTYRE Date 3/6/83
Address _____ Support ?
Representing DNRC Oppose ? _____
Which Bill ? SB 45 Amend ? _____
Comments: DNRC supports SB45 as amended.

Please leave prepared statement with the committee secretary.

STATEMENT OF INTENT

Bill No. _____ [LC 983]

A statement of intent is required for this bill because section 1 grants the Secretary of State the authority to adopt rules prescribing the information and graphics to be printed on both the envelope in which a ballot is mailed to an elector in the United States service and the return envelope. Rules are to be adopted under the Montana Administrative Procedure Act.

The Legislature intends that this grant of authority to adopt rules be used only to eliminate inconsistencies that now exist between the specifications established in 13-13-214(4) and existing requirements of federal law. The rules adopted must be consistent with regulations established by the federal election commission, U.S. postal service, or other federal agency. The rules must allow for mailing and return of the ballot free of U.S. postage if that is permitted by the U.S. postal service. The rules may not require information and graphics which are not specifically required by the regulations of a federal agency.

EX-2

U. S. Postage Paid
42 USC 1973dd



PAR AVION

ELECTION ADMINISTRATOR

County

Montana

OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL

To:

Envelope No. 13

WITNESS STATEMENT

NAME Bill Rameck BILL No. 117559

ADDRESS 46 Ave DATE 2-1-79

WHOM DO YOU REPRESENT Seaman's Union

SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



FEDERAL VOTING ASSISTANCE PROGRAM
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

RECEIVED
MAY 27 11 12 AM '82

May 18, 1982
SECRET OF STATE

The Honorable Jim Waltermire
Secretary of State
Capitol Building
Helena, Montana 59601

Dear Mr. Waltermire:

It has been brought to my attention by the Postal Service that some areas are not using proper markings on their envelopes to transmit election materials. My March 1979 letter to you outlined the specifications required by the Postal Service for expeditious transmittal of election materials including ballots. We suggested at that time that upon depletion of current stocks of envelopes all future envelopes should meet the enclosed specifications to insure compatibility with the automatic mechanization program of the Postal Service and proper accounting of franked mail.

The main violation which has been noted by the Postal Service is the continued use of the term "Free of U.S. Postage" or "Postage Free" on the envelopes instead of the now required term "U.S. Postage Paid, 42 U.S.C. 1973 dd." The main problem occurs in international mailings. Foreign post offices will not accept mail with the term "Free of U.S. Postage" or "Postage Free". Therefore mail with these obsolete terms addressed to a foreign country may be returned or not handled by the foreign postal officials.

I would appreciate your assistance in stressing the importance of each area adopting the format of the envelopes at enclosures (1) and (2). Our 1980 Post-Election Survey indicated that mail delays were a significant barrier for many absentee voters. Anything we can do to help the Postal Service will improve this situation.

Enclosure (1) contains a sample of the envelope design to send election material to citizens covered by the Federal Voting Assistance Act or the Overseas Citizens Voting Rights Act. Enclosure (2) contains a sample of the return envelope design for use by citizens in returning the ballot. The envelope dimensions are indicated on the enclosures. Enclosure (3) is a sample of the color ink, Pantone 1930, which is recommended. This color ink will meet the print reflectance specifications when used on light colored or white paper. If a dark paper stock is used, you may have to use a darker shade of red ink. If this is the case, check with your local Post Office to be sure you meet the print reflectance specifications.


The Postal Service has instituted a system of Facing Identification Marks (FIM) which consists of a bar pattern printable by conventional processes. The FIM pattern is placed at the top and near the right hand corner of mailpieces to enable automatic detection of the indicia and facing of the mail. This pattern must be used on franked mail. The horizontal distance from the first bar to the right edge of the mailpiece should be two inches, plus or minus 1/8 inch.

You may obtain this information from your local post office by requesting a copy of the envelope specifications and the film negative used for franked or postage paid mail.

The Postal Service has indicated they will still handle envelopes with the obsolete markings for domestic or APO/FPO addresses only. If you cannot use the required indicia on international mail, you must affix (pay) postage for international airmail on these mailings. I urge all election administrators to check their election transmittal envelopes to be sure they are in compliance with the requirements. We would appreciate it if you would make this information known to all appropriate officials in your jurisdiction.

Thank you for your assistance. If we can be of any assistance, please let me know.

Sincerely,


Henry Valentino
Director

Enclosures

Expedited Handling: Envelope dimensions and format

ENCLOSURE (1)

MAX

Height 6 1/8 inches
Length 11 1/2 inches

MIN

Height 3 1/2 inches
Length 5 inches

(Use red ink
Pantone 193U)

BALLOT TRANSMISSION ENVELOPE

(SAMPLE)

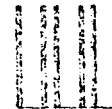
SECRETARY OF STATE OF MARYLAND

Montgomery County Elections Board

Montgomery County Court House

1234 Main Street

Anywhere, USA 00000



U.S. Postage Paid
42 USC 1073dd

PAR AVION

OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL

To:

.....

.....

Expedited Handling: Envelope dimensions and format

MAX
Height 6 1/8 inches
Length 11 1/2 inches

MIN
Height 3 1/2 inches
Length 5 inches

BALLOT RETURN ENVELOPE

(If mailed in non U.S. Postal System - Voter must pay postage)

Name and complete address

.....
.....
.....
.....
.....



U.S. Postage Paid
#2 USC 107cdd

PAR AVION

OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL

SECRETARY OF STATE OF MARYLAND
Montgomery County Elections Board
Montgomery County Court House
1224 Main Street
Anywhere, USA C0000

PANTONE
193U

WITNESS STATEMENT

NAME W. H. Romine BILL No. SB 547

ADDRESS Albany DATE 5-2-83

WHOM DO YOU REPRESENT clerk-recorders

SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

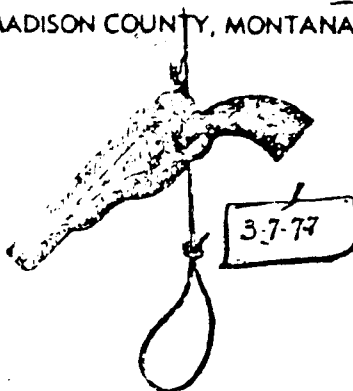
Comments: This bill clarifies the time when a person actually becomes registered. The present law does not define this point. This bill is necessary because of the large number of people who are registering at places other than the courthouse.

EX-4

Office of County Recorder

MADISON COUNTY, MONTANA

LORRAINE P. MOLITOR
County Recorder



Box 366
VIRGINIA CITY, MONTANA
59755

TO: THE HONORABLE BILL HAND AND MEMBERS OF THE 48TH. LEGISLATURE

FROM: Lorraine P. Molitor, Madison County Recorder, Chairman of the Montana Association of Clerk & Recorders Elections Committee.

Re: Proposed legislation to amend section 13-2-114 by adding new language to clarify when a voter is considered registered.

According to a memo from the office of the Secretary of State issued 25 February 1980 and I quote "We also wanted to clarify that there is no specific Attorney General opinion of the exact time when an elector is registered to vote". "It was our attorney's feeling that an individual is registered when the form is completed and delivered to the deputy registrar or designated agent (federal post office). It is the responsibility of the individual or the deputy registrar to see that the cards are turned in at the time limits set by law."

The Association of Clerk and Recorders takes exception to this "feeling" for the reasons set forth below.

1. Voters can now register to vote by simply completing a Registration by mail card and signing it before another voter qualified to vote in the county in which he resides. This often leads to difficulties, namely:
 - a. It is the responsibility of the prospective voter to mail the card, postage paid to the election administrator of the county in which he resides. 13-2-203. Sometimes this card is pocketed or set aside and is never delivered to the registrar. Sometimes cards are witnessed by circulators of petitions who misplace the card and never deliver it to the election administrator. Sometimes voter registration drives are held at fairs, malls or other public places and cards are lost or misplaced, and never reach the election administrator, meanwhile the prospective voter thinks that he is now a qualified voter.
 - b. Many times the card does reach the election administrator, but is improperly completed and must be returned to the prospective voter for correction. It is possible that the returned card never reaches the proper destination, or is never corrected and returned to the election administrator.
 - c. 13-2-207 requires the election administrator to mail a notice, affirming registration and giving the location of voter's polling place. This card cannot be forwarded, but must be returned to the election administrator who must investigate the reason for the cards return. The proposed legislation states that the election

administrator must assign a number to each voter within three work-
ing days of receipt of a properly completed registration card, at
which time the aforementioned card will be mailed and the elector
is considered registered.

2. In addition to the problem of Registrations by Mail, most elect-
ion administrators have Deputy Registrars and Notary Publics who
have qualified as Deputy Registrars who are trained in our office
in the proper procedures for registering voters. (13-2-102) Dep-
uty registrars have 3 days in which to mail completed registration
cards to the Election Administrator. Sometimes these cards must
also be returned for correction. Madison County has 26 deputy reg-
istrars residing in rural areas who are available to prospective
registrants who may not be able to come to the courthouse. These
deputies perform a valuable service, because in most cases they
complete cards satisfactorily and give valuable information to voters,
however, 3 or more days may elapse before cards reach our office.
3. In a recent voter registration drive conducted by the office of the
Secretary of State voters were asked to send their completed cards
to that office first and then they were forwarded on to us. Some
of those cards never reached our offices and others had to be re-
turned to registrants for correction.
4. 13-27-102. WHO MAY PETITION states as follows "A petition for the
initiative, the referendum, or to call a constitutional convention
may be signed only by a qualified elector of the state of Montana."
If, as the attorney from the secretary of state's office feels, a
voter is registered when the form is completed and delivered to a
deputy registrar or designated agent, it is quite possible that we
would be checking a petition and disallowing names of qualified el-
ectors whose cards had not reached our office.

For the reasons listed above and many more, too numerous to mention here,
The Clerk and Recorder's Association contends that persons desiring to be-
come legally registered Montana voters should come to our offices, and we
will immediately register and assign numbers to them, or they may register
with a deputy registrar or by mail and consider themselves legally regis-
tered upon receipt of affirmation from the office of their election adminis-
trators.

Thank you for your kind attention and I hope that you will find merit in
this legislation and give it your support.


Laurine P. Malitor
Madison County Recorder & Election Administrator

cc Kerry Keyser
William Romine

WITNESS STATEMENT

Name Jacqueline P. Malton Date 7 Feb 1983
 Address Box 366 Support ?
 Representing _____ Oppose ? _____
 Which Bill ? HB 547 Amend ? _____

Comments: The Montana Association of Clerks & Recordars & Election Administration support & need this bill passed -

Deputy Registrars and others who may register voters should know & inform prospective voters that his registration must be checked for accuracy of information thereon by the election administrator who will in turn, within 3 working days, issue a voter identification card if all information approved. The Election administrator must follow up on problem Registrations to get election properly registered.

A voter who registers with the office of the Election Administration is considered immediately registered when he signs his card.

Please leave prepared statement with the committee secretary.

Jacqueline P. Malton