

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

February 28, 1983

The thirty-sixty meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on February 28, 1983 at 10:00 a.m. in Room 331 of the State Capitol Building in Helena, Montana.

ROLL CALL: Those present were Senators Story, Marbut, Manning and Towe. Senator Towe was late and Senator Hazelbaker stood in for a quorum.

The meeting was called to hear H.B.83, H.B.138, H.B.199, H.B.216 and H.B.233.

CONSIDERATION OF HOUSE BILL NO.83:

"AN ACT TO AMEND SECTION 13-1-106, MCA, TO REQUIRE THAT ELECTION POLLS OPEN AT 7 A.M."

REPRESENTATIVE ANDREA HEMSTED introduced this bill to the committee and said that the change of time for the polls to be opened would allow those going to work at 7:00 a.m. to stop and vote and it would not cause the problems of waiting until 5:00 p.m. to vote. She said a number of other western states open their polls at 7:00 p.m.

PROPOSERS:

CLIFF CHRISTIAN, with the Secretary of State spoke as a proponent and stated that it would alleviate the great crunch between 5:00 p.m. and 8:00 p.m.

REPRESENTATIVE KITSELMAN testified as a proponent said that in his precinct.

REPRESENTATIVE HEMSTED closed by saying passage of this bill and allowing the polls to open at 7:00 a.m. would allow more accessibility to the polls.

QUESTIONS OF THE COMMITTEE:

SENATOR MARBUT questioned the possibility of closing the polls at 7:00 p.m. instead of 8:00 p.m.

CLIFF CHRISTIAN stated that he would have no trouble with that but that 8:00 p.m. has been a long-time tradition and people would have to be well advised.

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REPRESENTATIVE KITSELMAN said that a 7:00 p.m. closing time would only give those leaving work at 6:00 p.m. one hour to vote.

There were no opponents.

The meeting closed on H.B.83.

CONSIDERATION OF HOUSE BILL 233:

"AN ACT RELATING TO THE REPORTING AND MAINTAINING OF ELECTION RECORDS BY MUNICIPALITY; AMENDING ..."

REPRESENTATIVE KITSELMAN, District 60, Billings, Montana, introduced H.B.233 and said that this bill deletes municipality from the statutes and says that you can report the results of the election by precincts. He read a letter from Kay Rexsford, Clerk and Recorder in Treasure County, Hysham, Montana, who said that the information entered on the record in the codes annotated requires that votes be listed by precinct municipality district or portion of a district in a county or the total county. The precincts in Treasure County are established without a reference to municipal boundries and that the town of Hysham is included in precinct number 4 which includes areas and holders outside of Hysham. It is impossible to determine the votes by municipality of the county. Representative Kitselman said that he also was told by Marian Campbell, Secretary of States office, election supervisor, that the past 10 years that particular statute has not been enforced.

PROPOSERS:

CLIFF CHRISTIAN, with the Secretary of State, spoke as a proponent and said that this bill will clean of the statutes that are not enforced.

BILL ROMINE, representing the Clerk and Recorders, stated that they support the bill.

OPPOSERS: None

QUESTIONS OF THE COMMITTEE:

SENATOR TOWE questioned the language on page 3 and said that it looks like it is putting back in what they are trying to take out.

BILL ROMINE stated that he presumes that everything after "for municipal elections" would pertain to just that.

CLIFF CHRISTIAN said that he is not concerned about being sued if that is their concern.

SENATOR MARBUT cited "Citizens vs Lockport" in New York that went to court where it was found an election was held in a city and a county, where the results of that election were felt quite differently by the different groups of citizens. Independent calculations and totals of those results must be made and both groups must vote in favor of the issue. He said this might have great bearing on the city-county election.

REPRESENTATIVE KITSELMAN closed by addressing the point that the only other way you could have this statute work is that anytime there is any annexation the precinct lines must be redrawn. If you remove this with the language you have now you will still have that accountability by precinct. If there is a question regarding annexation or consolidation of Missoula, then prior to the vote, initiated by three voters, they have to have the decreasing lines redrawn to show which is municipal and which is county. If this law remains on the books, then every precinct within the state of Montana must redraw the lines everytime there is a change.

REPRESENTATIVE KITSELMAN said that there is a clear definition of what is municipal and what is county. This is not being done and if you were to do it, it would be very expensive.

The meeting closed on H.B. 233.

CONSIDERATION OF HOUSE BILL 138:

"AN ACT PROVIDING FOR FURNISHING OF ELECTOR LISTS AND ELECTOR MAILING LABELS TO ANY ELECTOR; AND PROVIDING THE BASIS FOR CHARGES FOR PRECINCT REGISTERS, ELECTOR LISTS, OR MAILING LABELS IF THE REGISTRAR CHARGES FOR THESE ITEMS; AMENDING SECTION 13-2-122, MCA."

REPRESENTATIVE EUDAILY, District 100, Missoula, Montana, introduced this bill by saying that it was at the request of the Missoula Central Election Supervisor, EXHIBIT 1. He stated that it addresses a problem that they had in Missoula prior to the 1982 election and that could be a problem anywhere they might have precinct registrars on the computer where they are reproduced in large numbers. Representative Eudaily showed samples of the mailing labels. House Bill 138 does four things; it adds elector lists, and mailing labels on line 14 and 15, it identifies an official register; the second change shown, changes 'person' to 'elector' on line 16, as private corporations were defined as a person. The third change

is the addition "for noncommercial use" on page 17; the election supervisor does not feel that the local taxpayer should subsidize private companies or individuals so they could use the mailings for door to door solicitations. Fourth, it provides a means for the county to recover actual costs if they so desire. He cited a situation in Missoula where in 1980 they offered mailing labels to the candidates who were told that they would be charged .0065¢, so for 3992 labels it cost \$26.28. This year they said it would be 3¢ apiece. He stated that he was designated to go and ask them to compromise, then the county attorney got involved and he wanted to charge 5¢ apiece. They have now agreed to 1¢ apiece. House Bill 138 will clean up the language and also allow the counties to recover actual costs if they so wish to.

PROPOSERS:

BILL ROMINE testified as a proposer, EXHIBIT 2. He said that it appears to him that the word "elector" on page 1, line 16 is going to cause a problem. It does not indicate an elector from where... therefore, maybe it would be better to use the word person.

OPPOSERS: None

QUESTIONS OF THE COMMITTEE:

SENATOR TOWE asked Representative Eudaily to comment on Mr. Romine's testimony.

REPRESENTATIVE EUDAILY said he was not sure if "elector" is defined in the statutes but it seems that was the definition. He said he does not see why an elector from another county would come in for the list.

SENATOR TOWE said you run also for the congressional district.

Discussion on who would not or would be allowed to purchase the list continued.

SENATOR TOWE read the definition of "elector". "ELECTOR" means an individual qualified and registered to vote under state law.

SENATOR MARBUT asked when you expect to enforce non-commercial use.

REPRESENTATIVE EUDAILY said it is not fool proof and he does not know if you can enforce it.

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SENATOR TOWE questioned whether this bill would obligate mailing labels.

MR. ROMINE stated the word "or" gives them a choice.

The meeting closed on H.B.233.

CONSIDERATION OF HOUSE BILL 216:

AN ACT TO COMPENSATE MEMBERS OF THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION AT THE SAME RATE AS MEMBERS OF THE LEGISLATURE; AMENDING SECTION 5-1-104, MCA."

REPRESENTATIVE EUDAILY, District 100, Missoula, Montana, introduced this bill by saying that it is by the request of the Montana Districting and Reapportionment Committee. On the last page of their report they handed out at the beginning of the session they had a bill request on the last page. This bill compensates the commission at the same rate as the legislature. This also addresses people serving the state providing service. No fiscal impact will be felt until 1989.

PROPOSERS: None

OPPOSERS: None

QUESTIONS OF THE COMMITTEE: None

The meeting closed on H.B.216.

EXECUTIVE SESSION:

ACTION ON H.B.216:

SENATOR TOWE MOVED H.B.216 BE CONCURRED IN.  
MOTION PASSED

ACTION ON H.B.83:

This bill was discussed and it was decided by the committee to hold this bill. Senator Marbut was assigned as a committee of one.

ACTION ON H.B.138:

SENATOR MARBUT MOVED H.B.138 BE CONCURRED IN.  
MOTION PASSED.

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ACTION ON HOUSE BILL 233:

SENATOR MANNING MOVED THAT H.B.233 BE CONCURRED IN.  
MOTION PASSED.

The committee members making the above motions were assigned to carry the said bills onto the floor.

The meeting adjourned at 11:30 a.m.

A handwritten signature in cursive script, reading "Pete Story". The signature is written in dark ink and is positioned above a horizontal line.

CHAIRMAN, Senator Pete Story

# ROLL CALL

STATE ADMINISTRATION

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/28/83

-----				SENATE SEAT #
NAME	PRESENT	ABSENT	EXCUSED	
SENATOR PETE STORY, Chairman	X			45
SENATOR H. W. HAMMOND, Vice Ch				34
SENATOR REED MARBUT	X			44
SENATOR LARRY TVEIT				33
SENATOR R. MANNING	X			48
SENATOR LAWRENCE STIMATZ				7
SENATOR THOMAS TOWE	X			26
SENATOR HAZELBAKER, Quorum standin X				

Each day attach to minutes.

DATE February 28, 1983

COMMITTEE ON

## VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)



WITNESS STATEMENT

Name Bill Romaine Committee On State Ad  
Address Helena Date 2-28-83  
Representing Clerks + Recorders Support X  
Bill No. H.B. 233 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. the statistics compiled by this section of law are not used by anyone. they are difficult to compile, since the clerks keep records according to precincts, which divide & cross over from municipalities to counties & finally, as for purely municipal elections, the bill does provide for
2. maintaining municipal election records.

3.

4.

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

# MISSOULA COUNTY

*D. S. Tully*

ELECTION DEPARTMENT  
OFFICE OF THE CLERK AND RECORDER State Admin.  
MISSOULA COUNTY COURTHOUSE  
MISSOULA, MONTANA 59801  
PHONE 721-5700, EXTENSION 468  
January 11, 1983

EXHIBIT 1  
Feb. 28, 1983

House Committee on State Administration  
State Capitol  
Helena, MT 59620

Gentlemen:

I am the Elections Supervisor for Missoula County and would like to comment on HB 138.

#1 The present section 13-2-122 requires the registrar of voters to "furnish any person a copy of the official precinct registers" and to "collect a charge of 5 cents for each name entered in the official register." ~~This statute has caused problems~~ in Missoula County, where the voter registration file is maintained on computer. [In addition to precinct registers, we also have available voter lists, mailing labels and computer tape copies of the entire file.] ~~They~~ receive, and must honor (according to ~~the~~ County Attorney) requests for voter lists or labels from candidates, committees, and lately even from private corporations -- all considered to qualify as "persons." #2

#2 There has been (and still is) a question about the appropriate charge for the material ~~we~~ supplied. A 5¢ per name charge would result in an invoice for \$2,300 for a complete list of Missoula County's voters. ~~This is much more than most candidates can afford to pay.~~ *give Missoula experience*

#3 Counties across Montana use different methods of maintaining voter registration files, from handwritten lists to Addressograph systems to computer files. It makes sense to allow each county to determine its costs in preparing lists for sale to electors who order them.

#4 I have also been very concerned about supplying voter lists to companies or individuals who wish to use them for commercial mailings or door-to-door solicitation. Surely the Legislature did not intend for voter lists to be used for commercial purposes, and so should amend the statute. Many voters would refuse to register if they knew that their names, birthdates, etc. might end up on an insurance man's mailing list. ~~The County Election Administrator's function should be to maintain records necessary for conducting legal and valid elections, not to subsidize businesses who might benefit from obtaining inexpensive lists of county voters.~~ #3

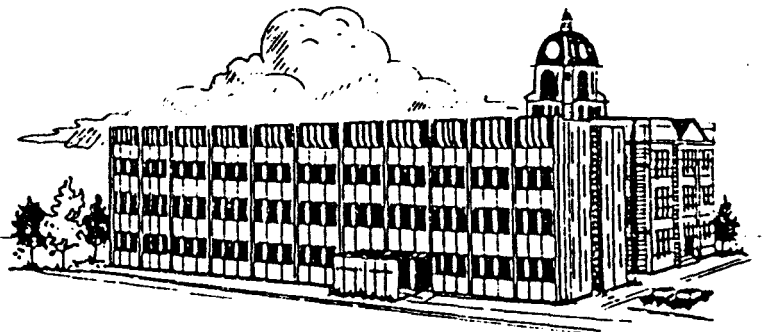
Please consider my comments when you make your committee recommendation on HB 138. Thank you.

Sincerely,

*Wendy Ross Cromwell*  
Wendy Ross Cromwell  
Recording/Elections Manager

WRC

cc: Senator Reed Marbut  
Office of the Secretary of State



# STANDING COMMITTEE REPORT

.....FEBRUARY 28..... 19 83.....

MR. ....PRESIDENT.....

We, your committee on .....STATE ADMINISTRATION.....

having had under consideration .....HOUSE..... Bill No. 233

Kitselman (Manning)

Respectfully report as follows: That.....HOUSE..... Bill No. 233

BE CONCURRED IN

~~DO NOT PASS~~

*J/c*

# STANDING COMMITTEE REPORT

FEBRUARY 28 83  
..... 19.....

MR. **PRESIDENT** .....

We, your committee on **STATE ADMINISTRATION** .....

having had under consideration **HOUSE** ..... Bill No. **216**

**Eudaily (Towe)**

Respectfully report as follows: That **HOUSE** ..... Bill No. **216**

BE CONCURRED IN

~~XXXXXX~~

# STANDING COMMITTEE REPORT

FEBRUARY 28 19 83

**PRESIDENT**

MR. ....

We, your committee on ..... **STATE ADMINISTRATION** .....

having had under consideration ..... **HOUSE** ..... Bill No. **138** .....

**Eudaily (Marbut)**

Respectfully report as follows: That ..... **HOUSE** ..... Bill No. **138** .....

be concurred in  
~~DO PASS~~