

MINUTES OF MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 1, 1983

The meeting of the Local Government Committee was called to order by Chairman George McCallum on March 1, 1983 at 12:30 p.m. in Room 405, State Capitol.

ROLL CALL: Ten Senators were present with Sen. Van Valkenburg excused.

CONSIDERATION OF HOUSEBILL NO. 172: Rep. Melvin Williams, sponsor of HB 172, asked that this bill be rescheduled in view of the fact that the fiscal note was way out of line and there were no proponents or opponents present at the meeting. He has someone working on more realistic figures and will present them when the bill is scheduled at a later date.

CONSIDERATION OF HOUSE BILL NO. 152: Rep. Kitselman, District #60, explained that this bill allows for a separate counting board for the absentee ballots and stated that in Yellowstone County in the last election there were over 7,000 absentee ballots. This takes a considerable amount of time after the polls close. If there was a separate counting board there would be less chance for error as everyone would have a fresh mind and would not be overly tired from working at the polls. The public could observe the counting but then they would be sequestered with the counting board until the polls close. It also provides that people can no longer come in on election day after having voted absentee, to vote again, and have their absentee ballot destroyed. This would only be allowed in the event of a misprinting, ballots being destroyed by fire, etc. The privilege of being able to vote twice on an election day is not extended to people voting in person and should not be given to people that have voted an absentee ballot.

Rep. Kitselman went briefly through the bill and explained the amendments that have been incorporated into the bill.

PROPONENTS: Dave Halland, Election Administrator for Yellowstone County, said that their counting board would probably start at 8 a.m. on election day and continue throughout the day. In this way they would have faster results and would not have to wait until 3 or 4 a.m. The judges would be fresh, they would not be tired and consequently would be more alert. He felt it would help the election process immensely as well as be a savings to the county. Any problems that were present in the bill have been taken care of with the amendments.

Bill Romine, representing the County Clerk and Recorders, said they support the bill. This bill does away with the ability for someone who has voted absentee to go in on election day and vote again but didn't feel this was a major problem with the bill. He urged the committee's favorable recommendation of the bill.

Bob McCue, Office of Secretary of State, said that for the reasons stated by Rep. Kitselman, they were in favor of the bill.

There were no further proponents to HB 152.

OPPONENTS: Margaret Davis, League of Women Voters, said she was not a vigorous opponent to the bill as the major objections were taken care of in the House. Her only concern was with the absentee voter not being able to vote again on election day and having their absentee ballot destroyed. She felt that the circumstances that required them to vote absentee may have changed and this is a citizen's right - to be able to vote on election day even though he has voted absentee.

DISCUSSION OF HOUSE BILL NO. 152: Sen. Marbut wondered if this would be tampering with the current law providing for the second counting board. Mr. Romine said this is for an absentee ballot counting board only.

Sen. Hammond said that if this is done on a county basis there would be some precincts where it would not be necessary. Rep. Kitselman said that is the reason the bill says "may". In a small precinct they can go with the present statutes. If a county wishes to use this method they may or they may decide not to.

Sen. Marbut asked when this counting would be done and Rep. Kitselman said it could be any time the polls are open. At 5 p.m. the day before the election, the balloting ceases and a list is compiled of the absentee voters. This is then sent to all precincts and the names are crossed off the books showing that they have voted absentee.

In closing, Rep. Kitselman said that this will save time, speed the election process, take care of potential abuses and allow for public scrutiny. As far as savings, there are 88 precincts in Yellowstone County. It costs approximately \$680 for each precinct and then this would be multiplied by 88.

The hearing closed on HB 152.

CONSIDERATION OF HOUSE BILL NO. 276: Stella Jean Hansen, said it merely amends a section that states deputy registrars may be permissive rather than mandatory. She wanted to delete the whole section but some counties still want to do it this way.

PROPOSERS: Bill Romine, supported HB 276 and said the county clerks and recorders would like it done by deputy registrars and not by mail but this will never happen. He stated they would like to see it permissive and would like to see passage of this bill.

OPPONENTS: Margaret Davis, League of Women Voters, was not vehemently opposed to this bill. She said that after a lot of work, a remodeled election code was passed in 1979. She felt that this is working very well and that it would work even better if everyone would follow it. She said that deputy registrars serve a valid purpose. They would like to see a minimum number of deputy registrars for each county and wanted the committee to be aware of the problems with local options in election laws.

DISCUSSION OF HOUSE BILL NO. 276: Sen. Hammond asked Ms. Davis if she would agree that all counties differ a great deal in size, nature and population to which she answered she did agree but did not feel there should be a lot of local options.

Chairman McCallum asked if there was an opinion by the attorney general as to any registered elector being able to register another. Mr. Romine said that this came about through the election law changes in 1979. People really register themselves. Chairman McCallum asked why there was a need for this bill. Mr. Romine said that some counties still use deputy registrars. The deputy registrars register people more accurately and the cards will be returned within three days. They are not considered registered to vote until that card is returned to the clerk and recorder.

In closing, Rep. Hansen said that in Missoula County they are doing a very good job without deputy registrars. They are instructed by the clerk and recorder on how to fill out these cards. She did not feel the card is so complicated that a person needs any type of training to complete it. She saw no reason to retain the law but was asked to make it permissive.

The hearing on HB 276 was closed.

CONSIDERATION OF HOUSE BILL NO. 289: Rep. Paul Pistoria, District #39, said that all county officials take office on the first Monday of January except the county treasurer who takes office on the first Monday of March. In years past this was because of the crunch of motor vehicle licenses during the months of January and February, however, that law has since been changed and they are now staggered throughout the year. He did not see any reason for this old statute to continue. This would simply have all elected county officials take office on the first Monday in January. The bill also provides for the transition period and there would be no double payroll for the county treasurer. This section would be phased out in four years.

PROPOSERS: Charles Graveley, representing the County Treasurers, said they were neither for or against the bill. The treasurers are about evenly divided on the bill. Some of them feel it should be left the way it is because of the workload during January.

There were no further proponents and no opponents.

There being no questions from the committee, the hearing on HB 289 was closed.

DISPOSITION OF HOUSE BILL NO. 289: Sen. Crippen MOVED HB 289 BE CON-
CURRED IN. MOTION CARRIED UNANIMOUSLY. Sen. Thomas will carry the bill on the floor.

DISPOSITION OF HOUSE BILL NO. 152: Sen. Crippen MOVED HB 152 BE
CONCURRED IN. Chairman McCallum said that he hoped the commissioners would appoint more than three members to the counting board in large precincts. It was pointed out that the bill says "three or more".

Local Government Committee
March 1, 1983
Page 4

Sen. Story felt this should be only for the problem precincts.
MOTION CARRIED UNANIMOUSLY. Sen. Crippen will carry the bill.

DISPOSITION OF HOUSE BILL NO. 276: Sen. Thomas MOVED HB 276 BE
CONCURRED IN. MOTION CARRIED with Sen. Crippen opposed. Sen.
Thomas will carry the bill.

MEETING ADJOURNED 1:50 p.m.



GEORGE MCCALLUM, CHAIRMAN

(Type in committee members names and have 50 printed to start.)

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3/1/83

NAME	PRESENT	ABSENT	EXCUSED
OCHSNER	✓		
CRIPPEN	✓		
HAMMOND	✓		
STORY	✓		
MARBUT	✓		
CONOVER	✓		
FULLER	✓		
THOMAS	✓		
VAN VALKENBURG			✓
BOYLAN	✓		
MCCALLUM	✓		

March 4, 1983

COMMITTEE ON

DATE _____
Local Government

HB 152, 172, 276, 289

VISITORS' REGISTER

[illegible]

WITNESS STATEMENT

Name Margaret S. Davis Committee On Sen. Local Govt
House State Admin
Address 917 Harrison, Helena, Montana 59601 Date ~~26 Jan 83~~ 1 Mar 83
Representing League of Women Voters of Montana Support _____
Bill No. HB 276 Oppose Oppose
Allowing the appointment of deputy registrars Amend Amend
in a county to be permissive rather than mandatory.

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

The League of Women Voters recognizes that this often a burden on the county commissioners, the parties, and the election administrator. However, there is still a need for qualified people to register voters. Post card registration is used extensively in some areas. Most people who work on registration campaigns are conscientious, but some are not. We have supported the ready availability of the cards, but in working on our own registration drives, we have valued the training provided by the election administrators for deputy registrars. If this bill passes there may be counties where no deputies are appointed and therefore no training given. Over a period of years time, party involvement in this area of the elections process could weaken and the percentage of acceptable registrations might decline. As you may have noted, election laws are subject to a lot of tinkering, Up to date training can be very important for all involved in the process.

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An amendment calling for a minimum number of appointed deputy registrars per COUNTY, rather than per precinct, would be an acceptable compromise for the League.

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

NAME:

Margaret E. Davis

DATE:

1 Mar 83

ADDRESS:

917 Harrison Helena 59607

PHONE:

443-3487

REPRESENTING WHOM?

League of Women Voters of the

APPEARING ON WHICH PROPOSAL:

HB 152

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

Disallowing a citizen the right to vote in person after he/she has voted absentee is an unnecessary abridgement of citizen rights. It encourages absentee voting which is already a problem resulting from inadequate election administration personnel and equipment. If ballots are in error or destroyed there are technical problem in administering this law. We see potential and serious problems between this bill and HB 295 (State Admin) & SB 141. The amendments to HB 152 make it much more palatable to the League as regards election security.

STANDING COMMITTEE REPORT

..... **March 1** 19 **83**

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **276**

Stella Jean Hansen (Thomas)

Respectfully report as follows: That **House** **276,** Bill No.
third reading copy,

BE CONCURRED IN

DOCKASX

STANDING COMMITTEE REPORT

March 1 19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **289**

Pistoria (Thomas)

Respectfully report as follows: That **HOUSE** Bill No. **289**,
third reading copy,

BE CONCURRED IN

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STANDING COMMITTEE REPORT

..... March 1 19 83

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 152

Kitselman (Crippen)

Respectfully report as follows: That House Bill No. 152,

third reading copy,

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