

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 24, 1985

The meeting of the State Administration Committee was called to order by Chairman Walter Sales on January 24, 1985, at 9:10 a.m. in Room 317 of the State Capitol Building.

ROLL CALL: Representative Kennerly was absent; all other members were present.

HOUSE BILL NO. 146: Rep. Earl Lory spoke to the committee as sponsor of HB 146. He explained that the bill had been amended on the floor and returned to the committee subsequent to the committee's Do Not Pass recommendation. The amendments proposed give the Department of Administration the authority to delegate supervisory construction duties on a project-by-project basis only, Lory said.

Barbara Martin, a representative of the Dept. of Administration, spoke as a proponent of the bill. No opponents spoke against HB 146.

Rep. Fritz asked who the bill would benefit, and Rep. Lory told him the most frequent beneficiaries of HB 146 would be the units of the university system, the Dept. of Fish and Game and the Dept. of Military Affairs.

Rep. Lory told Rep. Jenkins that the architecture and engineering division of the Dept. of Administration would review the qualifications of local personnel when assigning authority over construction projects.

HOUSE BILL 262: Rep. Lory introduced HB 262, of which he is the sponsor. He explained that the purpose of HB 262 is to shorten the length of campaigns, and thereby prevent the electorate from boredom and apathy in elections.

Margaret Davis, a representative of the League of Women Voters of Montana (LWVMT), spoke in support of HB 262. She said her group views the measure as a means of cutting down the high cost of running for office.

Larry Akey, Chief Deputy to the Secretary of State, spoke in favor of HB 262 on behalf of that office.

Nancy Harte, a representative of the Montana Democratic party, spoke in opposition to HB 262. She said a September primary would probably not cut down on the amount of political advertising, speech-making and door-knocking that typify a campaign. She said a summer campaign (the result of a September primary) would fail to reach many voters. She also said a summer campaign would be very difficult for candidates from agricultural backgrounds, who are most busy in the summer and fall. A copy of her testimony is attached hereto as Exhibit 2.

Carole Mackin, representing the Citizens' Legislative Coalition spoke neither in support or in opposition to HB 262, but passed out a brief history of the primary election in Montana, a copy of which is attached hereto as Exhibit 3.

Representative Lory closed discussion of HB 262, stating that the most important reason for the bill is to generate more citizen interest in elections.

HOUSE BILL 216: Rep. Janet Moore introduced HB 216 at the request of the Dept. of Administration. She said the measure is basically a "housekeeping" bill that puts policy into law.

Laurie Ekanger of the Dept. of Administration spoke in favor of the bill, saying HB 216 does not change the department's practice in requiring bid security, but clarifies the department's procedures between supplies and service contracts and construction contracts.

George Allen of the Montana Retail Association put his group on record in support of HB 216.

No opponents spoke against HB 216.

Rep. Campbell asked Eckinger why there is a difference between transactions with vendors and contractors and was told that bid security was not necessary in the purchase of most items by the state, and that to require it would mean the state would pay for unneeded protection.

Rep. Moore closed discussion on HB 216, saying the measure would eliminate red tape and save money.

HOUSE BILL 217: Rep. Moore sponsored HB 217, and introduced it in committee at the request of the Dept. of Administration.

David Ashley, representing the Dept. of Administration, spoke in support of HB 217. He said the Dept. of Military Affairs is primarily responsible for action in times of emergency and natural disaster, but the Dept. of Administration is responsible for rulemaking and payment of claims in those instances. HB 217, he said, would transfer those responsibilities to the Dept. of Military Affairs, simplifying the flow of information and the payment of claims.

Gil Gilbertson, former administrator for the Dept. of Disaster and Emergency Services, said HB 217 would make disaster services more efficient and effective.

Major Ken Cottrill, representing the Dept. of Military Affairs, spoke in support of the measure, saying it would not give that agency free use of funds but would allow more efficient use of funding authorized by the governor.

No opponents spoke against HB 217.

HOUSE BILL 227: Rep. Cal Winslow, sponsor of HB 227, spoke in support of the measure. He said the intent of the bill is to protect the sanctity of the individual's right to vote.

Margaret Davis, representing the League of Women Voters of Montana, spoke as a proponent of HB 227. She said that although the concept of exit polling is not inherently bad, the use of exit polls by major television networks to predict election returns has made some voters in western time zones feel that the importance of their votes is diminished. This, she said, is eroding the idea of the importance of every vote. A copy of her testimony is attached hereto as Exhibit 4.

Larry Akey, Chief Deputy to the Secretary of State, spoke in favor of HB 227, saying the bill would act more to protect the sanctity of the polling place than to prohibit polling for information. A copy of his statement is attached hereto as Exhibit 5.

Nancy Harte, representing the Montana Democratic Party, spoke in favor of HB 227, saying her organization supports the measure as a means of maximizing citizen participation in elections.

No opponents spoke against HB 227.

Rep. Jenkins asked Rep. Winslow if HB 227 and similar measures in other states would stop networks from making election night projections. Rep. Winslow said HB 227 would not stop such projections, it would only protect electors from questioning at the polls.

Rep. Jenkins suggested amending the bill to prohibit questioning of voters entering a polling place as well as those leaving.

Rep. Fritz asked Rep. Winslow how he responds to criticism that HB 227 denies freedom of inquiry, and was told by Rep. Winslow that voters have a right not be be hassled by pollsters.

The committee then proceeded to Executive Action on the matters before it.

HOUSE BILL 146 - EXECUTIVE ACTION: Rep. Peterson moved Do Pass as Amended on HB 146. Rep. Fritz said he supports HB 146, but wondered why members of the governor's advisory committee who requested the bill did not appear on the measure.

The committee unanimously approved the amendments to HB 146, and voted on the bill as amended. The Do Pass motion was carried, with Reps. O'Connell and Pistoria dissenting.

HOUSE BILL 262 - EXECUTIVE ACTION: Chairman Sales recommended that HB 262 be put into a subcommittee pending committee receipt of related bills. The committee approved such action and Reps. Fritz, Hayne and Peterson were named to that subcommittee. Rep. Hayne will be chairman.

HOUSE BILL 216 - EXECUTIVE ACTION: The amendment proposed to HB 216 was approved, and Rep. Harbin made a Do Pass motion which was unanimously supported by the committee.

HOUSE BILL 217 - EXECUTIVE ACTION: Rep. O'Connell made a Do Pass motion on HB 217 and the attached Statement of Intent, which was approved unanimously.

HOUSE BILL 227 - EXECUTIVE ACTION: The amendment adding a prohibition of polling voters entering the polling place was approved by committee, with Rep. Fritz voting no.

Rep. O'Connell made a Do Pass motion on HB 227 as amended.

Rep. Fritz commented that he sympathizes with the intent to avoid intrusion on the voting process, but feels that pollsters have the right to question voters. He explained that voters have the right to refuse to answer any questions they object to, and that the law does not need to coddle the voters.

Rep. Phillips said that the bill will have little or no real impact on network polling practices, but is a show of displeasure by voters in the western states.

Rep. Nelson said the issue would be better addressed with a joint resolution, and Rep. Pistoria said such a resolution will be filed.

Rep. Harbin said that 23 states have similar legislation and that a general nationwide concurrence might affect polling practices.

Rep. Cody said she has heard considerable support in her district for such legislation.

The committee voted on Rep. Connell's motion to pass as amended, and supported the measure, with only Rep. Fritz voting no.

There being no further business before the committee, the meeting was adjourned at 10:45 a.m.


WALTER R. SALES, Chairman

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

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1/24/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
HolliDay, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland		✓	
Moore, Janet	✓		
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul	✓		
Smith, Clyde	✓		

STANDING COMMITTEE REPORT

January 24

19 35

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 146

FIRST reading copy (WHITE)
color

DELEGATION OF DEPARTMENT OF ADMINISTRATION CONSTRUCTION SUPERVISION

Respectfully report as follows: That HOUSE Bill No. 146

BE AMENDED AS FOLLOWS:

- 1) Title, line 10
Strike: "RAISING"
Insert: "REMOVING"
Strike: "NUMBER OF"
Insert: "REQUIREMENT FOR DEPARTMENTAL CONCURRENCE ON CERTAIN"
Strike: "HANDLED INFORMALLY"
- 2) Page 2, line 3
Following: "delegate"
Insert: "on a project-by-project basis"

AND AS AMENDED,

DO PASS

STANDING COMMITTEE REPORT

January 24

19 25

MR. SPEAKER:

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 216

FIRST reading copy (WHITE)
color

A BILL CLARIFYING USE OF BID SECURITY IN STATE PROCUREMENTS

Respectfully report as follows: That HOUSE Bill No. 216

BE AMENDED AS FOLLOWS:

- 1) Page 3, line 1
Strike: "and services"
- 2) Page 3
Following: Line 3
Insert: "(2) For state contracts for the procurement of services, the department shall require bid security and contract performance security, except for purchases described in 18-4-305 and 18-4-306."
ReNUMBER: subsequent subsections
- 3) Page 3, line 10
Following: "11)"
Insert: "or (2)"
- 4) Page 3, line 25 through page 4, line 4
Strike: subsection (3) in its entirety
ReNUMBER: subsequent subsections

AND AS AMENDED,
DO PASS

STANDING COMMITTEE REPORT

Page 1 of 2

January 24

19 35

MR. SPEAKER:

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 217

FIRST reading copy (WHITE)
color

**A BILL TO TRANSFER EMERGENCY AND DISASTER RULEMAKING AUTHORITY
TO MILITARY AFFAIRS**

Respectfully report as follows: That HOUSE Bill No. 217

DO PASS

STATEMENT OF INTENT ATTACHED

STANDING COMMITTEE REPORT

January 24 19 25

MR. SPEAKER:

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 227

FIRST reading copy (WHITE)
color

AN ACT PROHIBITING SOLICITATION OF INFORMATION WITHIN A
POLLING PLACE AS TO HOW AN ELECTOR VOTED

Respectfully report as follows: That HOUSE BILL Bill No. 227

BE AMENDED AS FOLLOWS:

- 1) Title, line 7
Following: "THEY"
Insert: "INTEND TO VOTE OR HAVE"
- 2) Page 1, line 25
Following: "elector,"
Insert: "before or"
- 3) Page 2, line 2
Following: "elector"
Insert: "intends to vote or has"

AND AS AMENDED,
DO PASS



Exhibit 1
1/24/85
HB 262
State Administration

The League of Women Voters of Montana
816 Flowerree
Helena, Montana 59601

24 January 85

HB 262 - Setting the primary election the first Tuesday after the second Monday in September and eliminating the presidential preference primary....

The League of Women Voters supports this bill.

Campaign spending has been one of the fastest growing industries in Montana. It is a growth industry in which very few Montana citizens take pride, however. In fact, many are appalled.

The length of time between the June primary and the November general elections is a contributing factor to the escalating cost of running for office. Because of the long summer recess, candidates feel obligated to "run anew" and reacquaint themselves with the voters. The public memory may be longer than they think, but the nature of modern advertising almost demands that office seekers compete in the electronic and print media.

These same modern methods of advertising also make it possible to shorten the period between the primary and general elections. The long hiatus over the summer was more appropriate in by-gone days when there were bigger differences between our urban and rural populations and communication was more difficult.

A shorter campaign season would be a benefit to citizens and candidates alike.

Non-binding elections ill-serve the interests of the people. Popularity contests can only confuse the real issues and divert voter interest from activities, such as caucuses, where their participation counts.


Margaret S. Davis

for Diane Young, president, LWVMT



Exhibit #2
1/24/85
HB 262
State Administration
January 24, 1985
P.1

TESTIMONY IN OPPOSITION TO HOUSE BILL 262 -- PRIMARY ELECTIONS

My name is Nancy Harte, representing the Montana Democratic Party. The Democratic Party opposes House Bill 262.

This bill contains some very disturbing elements, such as the proposal to move the primary now held in June to the second Monday in September. The goal of such a change may be to shorten the campaign season, which many people believe runs too long. In fact, a September primary probably will not cut down on the political advertisements, speeches and door-knocking that typify a campaign.

In Montana, candidates file for office in April and, unless there is a contested primary, only a low level of campaigning goes on until the June election. Most candidates then drastically cut back on campaign activity through the summer, and only gear up again after Labor Day. That leaves some 8 to 10 weeks when the level of campaigning gradually escalates until the November election.

A September primary would mean summer campaigns. While many voters typically take a break from work, candidates would be attempting to deliver their message to a missing electorate.

Montana Democratic Central Committee • Steamboat Block, Room 306 • P.O. Box 802 • Helena, MT 59624 • (406) 442-9520

Executive Board						
Bruce Nelson Chairman	Donna Small Vice Chairman	Mary Hempleman Secretary	Bobbie Wolfe Treasurer	Tony Jewett Executive Director	James Pasma Nat'l Committeeman	Dorothy Bradley Nat'l Committeewoman
Phil Campbell	Helen Christensen	Virginia Egli	Wendy Fitzgerald	Chas Jeniker	Les Morse	Les Pallett
Sharon Peterson	Gracia Schall	Barb Skelton	Clara Spotted Elk	Chuck Tooley	Mike Ward	Blake Wordal
Sen. Chet Blaylock	Rep. Dan Kemmis	Jim Foley	Rep. John Vincent	Phillis Moore		

Traditionally Montana voters have looked on the summer as a time for a break from politics, and most candidates abide by that tradition and refrain from campaigning. As someone who's worked on campaigns, I can tell you from personal experience that it's very difficult to convince candidates to campaign during the summer months.

The short time between the primary and general election allowed by September primaries also is not adequate time for the public to be adequately informed about candidates and their issues. The electorate needs time to listen to the various candidates and decide who will best represent them.

There is another very important point that we are concerned about. As you consider this bill, realize that changing the date of the primary can have a serious impact on candidates from agricultural backgrounds.

A September primary would make it very difficult for people making their living in agriculture to run for office. Summer and fall are the busiest times for our farmers and ranchers, and most cannot take time off to campaign. As it is, many candidates who are farmers or ranchers found that they had little time to campaign even with a June primary.

Many of our legislative districts are in agricultural areas, and people in agriculture often run for those seats. In this session of the Legislature, for example, almost 1/3 of the House and Senate -- 49 legislators -- are either active or retired farmers or ranchers, or are in other agriculture-related businesses. A September primary could have serious implications for those candidates.

Because maximum participation is vital to our electoral process, we urge you to keep Montana's June primary intact and kill House Bill 262.

Exhibit #3
1/24/85
HB 262
State Administration

HISTORY OF THE PRIMARY ELECTION IN MONTANA*

- 1912 The first initiative placed on a Montana ballot established the Primary Nominating Election. The initiative set up an open primary. This allows the voter to choose a party in the privacy of the polling booth. This primary nominates candidates for the US Senate, state, and local offices on a date 70 days before the general election. Approved by 78.3% of the voters.
- On the same ballot, another initiative established the Presidential Preference Primary. The initiative set this election in April. This was also an open primary. Voters chose a party and selected the candidates, their elector to the electoral college, and their delegate to the nominating conventions. Approved by 79.2% of the voters.
- 1919 In an emergency session of the legislature, called to deal with problems of the drought and depression, the Presidential Preference Primary initiative was repealed and a law was passed that would close the Primary Nominating Election to all but declared party members.
- Montanans quickly gathered the signatures necessary to place these laws on the next ballot as referenda. However, the Montana Constitution prohibited a referendum challenge of emergency legislation. Over 27,900 signatures were gathered.
- 1920 The petitioners took their case to the Montana Supreme Court. The court ruled that the legislation altering the primaries was not emergency legislation and ordered the referenda onto the next general election ballot. They also determined that enough signatures had been gathered to suspend the laws.
- April 23, 1920, the Presidential Preference Primary was held even though repealed by the legislature.
- August 24, 1920, an open Primary Nominating Election was held even though the legislature had enacted a closed election.
- In the general election, the repeal of the Presidential Preference Primary was defeated. Rejected by 56.8% of the voters.
- Also, the voters rejected the idea of a closed Primary Nominating Election. Rejected by 52.8% of the voters.
- 1923 The legislature again proposed a law repealing the Presidential Preference Primary. But this time, they made the bill a referendum to the voters for approval.
- 1924 The referendum to repeal the Presidential Preference Primary was approved by the voters. Approved by 57.5% of the voters.
- 1953 The legislature placed a referendum on the ballot to reestablish a Presidential Preference Primary that would coincide with the Primary Nominating Election.
- 1954 The voters approved an open Presidential Preference Primary coinciding with the Primary Nominating Election. Approved by 68.9% of the voters.

* From Atlas of Montana Elections, Ellis Waldron



Exhibit #4
1/24/85
HB 227
State Administration

League of Women Voters of Montana
816 Flowerree
Helena, Montana 59601

24 January 85

HB 227 - Prohibiting exit polling within 200'
of a polling place or a building in which
an election is being held

The League of Women Voters supports this bill.

Exit polling is here to stay. Like a lot of other things, it is not inherently bad; but its use has been seriously abused. As westerners we know first hand the effects of early projections based on exit polls. As the polls close in the east and the networks announce their "characterizations" or pre-determined "picks," the western time zone voter feels as though his or her vote is diminished or unimportant as an expression of his or her individual politics. This eroding of the idea that everyone's vote counts equally is the most serious and disturbing consequence of using exit polls in election reporting.

The public outrage over the television reporting of the 1980 presidential race did not cause the networks to abandon the use of exit polling. Its use increased, but the data was used more artfully. Subsequent election nights have seen poll-based commentary on the closeness of races and national trends regarding party gains in Congress long before the polls have closed nationwide. This commentary, while more subtle, is still capable of driving people to or discouraging others from going to the polls.

The League has made special efforts to monitor network election reporting since 1980. We have concluded that voluntary restraint by the electronic media offers the best remedy to the overall problem of early projections.

However, here in Montana we are concerned about our citizens' ability to go to and from the polls as freely as possible. The proposed distance limits parallel those prohibiting electioneering. The League notes that "entry polling" is not covered by this bill and we would ask the committee to consider this.

As stated before, exit polling is here to stay, as are many other kinds of campaign related public opinion polls. As interesting or important as this information might be, League members do not believe it is a legitimate substitute for actual, verifiable election returns.

The only thing worse than the present use of exit poll data, which has been fairly accurate, would be the basing of election reporting on sloppy, unrepresentative exit poll data. Efforts by irked voters to mislead poll takers might only compound the mischief. HB 227 is a reasonable approach to this activity in that the voters would have both the time and the room to decide for themselves whether to participate in an exit poll.

Margaret S. Davis
Margaret S. Davis for Diane Young, president, LWVMT



SECRET BALLOT

ILLINOIS
DEMOCRATIC PRIMARY
MARCH 20, 1984



Exhibit #
P. 2
1/24/85

This questionnaire is for DEMOCRATIC primary voters only.
It is a secret ballot. Please DO NOT sign your name.

PLEASE ANSWER BY MAKING AN X IN ONLY ONE OF THE BOXES FOR EACH QUESTION, UNLESS OTHERWISE INDICATED.

1. For whom did you just vote in the Democratic presidential primary?

- A ☐ John Glenn
- B ☐ Gary Hart
- C ☐ Jesse Jackson
- D ☐ George McGovern
- E ☐ Walter Mondale
- F ☐ Some other candidate
- G ☐ Didn't vote/not sure

2. Which ONE statement best describes how strongly you support the presidential candidate for whom you just voted?

- A ☐ I strongly support my choice.
- B ☐ I have reservations, but basically support him.
- C ☐ I don't like any of them, but I voted for the least objectionable candidate.

3. Voters choose their candidates at different times during an election campaign. When did you finally decide for whom you would vote in this Democratic presidential primary?

- A ☐ Today
- B ☐ Yesterday or over the weekend
- C ☐ Within the last month
- D ☐ More than a month ago
- E ☐ Not sure

4. For whom did you just vote in the Democratic senatorial primary?

- A ☐ Roland Burris
- B ☐ Philip Rock
- C ☐ Alex Seith
- D ☐ Paul Simon
- E ☐ Some other candidate
- F ☐ Didn't vote/not sure

5. For whom did you just vote in the Democratic primary for State's Attorney of Cook County?

- A ☐ Lawrence Bloom
- B ☐ Richard Daley
- C ☐ Some other candidate
- D ☐ Didn't vote for State's Attorney
- E ☐ Not sure

6. Are you...

- A ☐ White
- B ☐ Black
- C ☐ Hispanic
- D ☐ Oriental
- E ☐ Something else

7. Some people feel Walter Mondale has promised too many things to too many special interest groups. What about you? Do you agree or disagree with this view?

- A ☐ Agree
- B ☐ Disagree
- C ☐ Not sure

8. Which ONE statement comes closest to your feelings about Jesse Jackson?

- A ☐ I voted for Jesse Jackson because I think he can win the Democratic presidential nomination.
- B ☐ While I don't think Jesse Jackson can win the Democratic presidential nomination, I voted for him today to show my support for a black candidate.
- C ☐ I considered voting for Jesse Jackson but changed my mind.
- D ☐ I never considered voting for Jesse Jackson.
- E ☐ Not sure

9. Do you agree or disagree with the following statement: "John Glenn has not made his stands on the nation's major issues clear to me."

- A ☐ Agree
- B ☐ Disagree
- C ☐ Not sure

10. Do you think the voters of this country are ready to elect a black President?

- A ☐ Yes
- B ☐ No
- C ☐ Not sure

11. Which ONE statement comes closest to your feelings about Gary Hart?

(CHECK ONLY ONE)

- A ☐ I feel that Gary Hart has newer and better ideas than do the other Democratic candidates.
- B ☐ I don't feel that Gary Hart's ideas are very different from those of his opponents.
- C ☐ Gary Hart's ideas are not clear to me.
- D ☐ Not sure

12. Do you agree or disagree with the following statement: "While Jesse Jackson has made some anti-Semitic comments, his later explanations have convinced me that he doesn't really dislike Jews."

- A ☐ Agree
- B ☐ Disagree
- C ☐ Not sure

13. Did Mayor Harold Washington's announcement of his preference for Jesse Jackson...

- A ☐ Make you more likely to vote for Jackson
- B ☐ Make you less likely to vote for Jackson
- C ☐ Make no difference in your vote
- D ☐ Not sure

14. How effective do you think Walter Mondale would be as President?

- A ☐ Very effective
- B ☐ Somewhat effective
- C ☐ Not very effective
- D ☐ Not sure

PLEASE COMPLETE OTHER SIDE

Ex. #5
1/34/85
HB-227

TESTIMONY OF THE OFFICE OF THE SECRETARY OF STATE
HB 227

Mr. Chairman, members of the Committee, my name is Larry Akey and I'm Chief Deputy to the Secretary of State. I'm here to testify as a proponent of HB 227 which, incidentally, was signed by 56 of your fellow legislators.

HB 227 is a very uncomplicated bill. It simply seeks to amend existing state law restricting electioneering as people enter the polls to include soliciting information from electors as they leave the polling place.

HB 227 is not an "exit polling" bill. It contains no language specifically referring to that activity. Rather, it merely prohibits anyone from interrogating an elector who has cast his ballot and is in the act of leaving the polls as to whether that elector has voted for or against a candidate or ballot issue.

The restrictive perimeter around the polling place is no different than what it has been regarding electioneering since 1977 -- 200 feet.

The only purpose of HB 227 is to protect the decorum and the sanctity of the polling place for all Montanans by disallowing any individual from stopping any elector for the purpose of gathering information on how that elector voted. It's like prohibiting someone from standing right outside of the church door and asking what you prayed for.

All of you are aware of the real importance of people turning out to vote. If any of you doubt the importance of a simple vote, I'd invite you to ask Representative Garcia about it. A strong democracy requires the active participation of the American people. What we need to focus on, and commit to, is to encourage every eligible citizen to exercise his or her right to vote by ensuring that the activity is as free from hassle as possible.

The Legislature has already said it is in the state's interest to prohibit some types of activities in an around the polling place. This bill simply adds an item -- the solicitation of information on how an elector voted -- to that list of prohibited activities.

Now, one effect this bill will have is to make exit polling much more difficult and much less statistically reliable. In fact, it may make exit polls so unreliable that the networks won't be able to use them for making early projections.

Elections are news worthy events. They always have been. But now we have something called "media ratings" where major TV networks compete for first place in the ratings system. First place is awarded to the network that comes up with the news first. Now, I don't have any problem with the idea of competing for first place -- it's something all of you have gone through for the right to be here today. But, we're not talking about reporting the news. We're talking about creating the news by projecting the outcome of elections before the polls close.

In 1984, the Council of State Governments issued a report on a study that was done with regards to the 1980 early projections that Ronald Reagan had defeated Jimmy Carter nearly three hours before the polls closed on the West Coast -- two hours before the polls closed in Montana. To quote that report..."one comprehensive study of election reporting and voter turnout showed a 22 percent dropoff in expected probability of voting by eligible West Coast voters who had not yet voted when they heard that Reagan had defeated Carter. According to the Speaker of the Washington State House of Representatives, this dropoff may have affected the outcome of a U. S. Senate race and several legislative contests."

There's no intention here to prevent the media from reporting the news but we are concerned when the media creates the news -- especially when it has an impact on how we elect our government. And especially when it has the effect of telling the people their vote really doesn't count any more.

Now many of you may have heard about the recent agreement between Congressman Swift and the networks where the networks have agreed not to offer the public early projections -- but that agreement is hinged on an agreement that there will be a uniform poll closing throughout the six time zones in the United States.

We have serious problems with the "Swift agreement" -- it is always a problem when the Congress begins mixing into matters that rightfully belong to the individual states. We don't think the Federal government should be allowed to set the time for closing the polls in Montana. Despite the fact that every other year, there are from one to three federal positions on the Montana ballot, the election still belongs to the state of Montana. Jim will actively oppose any federal intervention into dictating the time for closing the polls in this state.

Moreover, uniform poll closing is not the panacea it seems to be. You can bet that if Congress sets a uniform poll closing time, they won't leave the polls on the East Coast open until 10:00 or 11:00 P.M. A good portion of the networks' viewing audience would be in bed before any results were in using that approach. Instead, you can bet, Congress would retain

an early evening poll closing on the East Coast forcing the polls out west to close earlier than they currently do. This can only serve to make voting more difficult for those of us in the western states and particularly for those whose only chance to vote comes after their work day ends.

Let me summarize. This bill is intended to protect the dignity and decorum of our polling places. If it serves to restrict exit polling and early projections, so much the better.

Other states have adopted similar legislation. In fact, 23 other states have either specific or general language that accomplish precisely what this bill seeks to accomplish. Jim intends to continue working through the National Association of Secretaries of State to encourage other states to adopt similar legislation. I earnestly solicit your support of HB 227. Thank you.

1 STATEMENT OF INTENT

2 HB Bill No. 217

3
4 A statement of intent is required for this bill because
5 it transfers rulemaking authority from the department of
6 administration to the department of military affairs. It is
7 the intent of the legislature that in developing rules under
8 this act, the department of military affairs look to the
9 rules of the department of administration under 10-3-311,
10 MCA, so that affected political jurisdictions are assured of
11 some continuity in the administration of disaster and
12 emergency relief.

PROPOSED AMENDMENT TO HB216 - INTRODUCED BILL

- 1) Page 3, line 1
Following: "supplies"
Strike: "and services,"
Insert: ", "
- 2) Page 3
Following: line 8
Insert: "(2) For state contracts for the procurement of services, the department shall require bid security and contract performance security, except for purchases described in 18-4-305 and 18-4-306."
Renumber: Subsequent sections
- 3) Page 3, line 25
Strike: Section (3) in its entirety.

Amendment Passed

PETITION

HB 218

We the Undersigned support "An Act to Abolish Columbus Day as a Legal Holiday and Designate the Fourth Friday In November as a Legal Holiday; Amending Sections 1-1-216 and 20-25-306 MCA"

Butte Silver Bow Employees

- 1 Patsy Johnston 309 Hambley Hgts
- 2 Len Walsh 724 Myer Ave
- 3 Patsy O'Leary 3601 Albany
- 4 Barbara Mulholland 3326 Poplar
- 5 Helen McKenney 1905 Hancock
- 6 Dolores Weller 2325 Walnut
- 7 Marie King 205 N. Crystal
- 8 Barbara Sullivan 2001 Massachusetts
- 9 Fleece Gray 218 No. Washington
- 10 Ed Russell 2340 South Ave
- 11 Chuck Krause 1010 Lewisohn St
- 12 R O Leary 3601 Albany
- 13 Patsy Dorson 3214 Sheridan
- 14 Tom Byrne 3460 St. Ann
- 15 Robert Russell 925 Lewisohn
- 16 Tom Byrne 1837 Princeton
- 17 Gary Rowe 3020 Princeton
- 18 Jeanline Norton 1938 Gaylord
- 19 Judy Vincke 1020 Maryland
- 20 Ann Fuchs 2855 St Ann
- 21 [Signature] 1461 Longfellow
- 22 Ann Lynn Campana 1325 W. Quarts St

- | | | |
|----|----------------------|-------------------------|
| 24 | Mrs. English | 2295 W Elm |
| 25 | Michael Kallid | 1109 Stul |
| 26 | Cathy Petersen | 2097 Reversueat. |
| 27 | Suzella Magtill | 1012 Nevada |
| 28 | Norma Lowrey | 934 W Copper |
| 29 | Sheila St. Pierre | 649 A Main |
| 30 | Milton Zeigler | 1001 O Main |
| 31 | Karen Goodall | 1494 Junior St Box 3344 |
| 32 | Noralee Driscoll | 2340 So. Drive |
| 33 | Jan Smith | 2807 Elm |
| 34 | Florence Teller | 1909 S. Arizona |
| 35 | Lynn Christie | 2037 Aberdeen |
| 36 | Shirley Colvin | West of Whitehall |
| 37 | Kathi Albee | 1117 W Galena |
| 38 | Margie Quen | 2216 S. Beech Row E 100 |
| 39 | Larry Keeler | 844 W. Granite |
| 40 | Bonnie Brophy | 3600 Hancock |
| 41 | Jack Richardson | 1250 U. Washburn |
| 42 | Paul M. Smith | 1300 W. Elm |
| 43 | John B. Paul | 304 Mo Washington |
| 44 | Patrick M. Callaghan | 3123 John Ave. |

Copy to Deputy of H. St. ...
Committee

Mark Mackin
Rt 2 Bx 2184
Whitehall, MT

Testimony on HB161- Winslow

I support HB161 as a very positive step. Limits are needed to head off the rise in campaign spending in all elections, including ballot issues. The problem is not the money itself, but the decline in the quality of the political dialogue in all campaigns. Instead of spending time with voters, candidates are busy fund-raising to get the mega-bucks to buy more one-minute TV spots than the opposition. The voter becomes the passive observer of sophisticated propaganda efforts instead of a participant in the political process.

Money is necessary - but the need for lots of money tends to lead the campaign away from issues and policies and toward images. Reasonable spending limits would cause any campaign to spread out more at its base, enlisting volunteer input and time, and establishing interest and commitment at the grassroots. This puts depth and breadth and substance into a campaign. I think this is important because the dialogue, the political decision-making process is really more important than the conflict over power.

Specifically regarding initiatives and referenda, I suggest that the limit for ballot issues be changed to read \$100,000. The fairness question has often been raised in initiative campaigns. One side might spend \$250,000 while the other spends \$10,000. Obviously that is going to have an effect on the outcome. Initiative proponents are often challenging established interests that

can easily raise big money. Whether this is a just argument or not, the effect on the dialogue is similar to candidate elections. Limits will motivate the proponents and opponents to broaden their support base.

The Bottle Bill, or recycling initiative of 1980 is a good example of this. The opposition to the initiative had a lot of money and they spent it. But I think they prevailed because they enlisted the support of local people in all parts of the state. Mom and pop grocers strongly influenced the opinion of their customers and neighbors. Spending limits encourage bringing the dialogue back to the grass-roots and involving Montanans with each other in a discussion about what is best for all.

It could be argued that the \$100,000 figure is too low. The limit for the governors campaign is \$750,000, but the governor's campaign involves a great number of issues, while an initiative is limited to one. Overall, the initial limits should err on the low side instead of the high. Low limits will cause more discussion about what figure is best, and we can go from there.

Fundraising is an important and even fun part of political campaigns. But we have to draw the line when fundraising has become the end in itself instead of a means to the real end.

WITNESS STATEMENT

Name CAROLE MACKIN Committee On STATE ADMINISTRATION
Address Rt 2 Box 2184, WHITEHALL, MT. 59234 Date 1-24-85
Representing CITIZENS LEGISLATIVE COALITION Support _____
Bill No. HB 262 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *I APPEAR BEFORE THE COMMITTEE TO GIVE INFORMATION ON THE HISTORY OF THE PRIMARY ELECTIONS AND NOT AS A PROponent OR OPPONENT OF THIS BILL.*
2. *THE COMMITTEE WAS GIVEN COPIES OF A BRIEF HISTORY OF DIRECT LEGISLATION IN THE FORMATION AND ALTERATION OF THE*
3. *PRIMARY ELECTIONS BETWEEN 1912 AND 1954.*
- 4.

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

WITNESS STATEMENT

Name Laurie Ekanger Committee On State Admin
Address 165 Mitchell Date 1-24-85
Representing Dept of Admin Support ✓
Bill No. 216 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

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

COMMITTEE

BILL NO.

DATE _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEEBILL NO. AB 16

DATE _____

SPONSOR Jim Moore

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Laurie Ekanger	Dept of Admin Helena	✓	
Don BREIBY	Admin HELENA	✓	
George Allen	Mt. Retail Assn	✓	
Michelle Wing	Assoc. Students MSU, Bzn		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. H/B 217

DATE _____

SPONSOR J Moore

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO.

DATE _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

DEPARTMENT OF MILITARY AFFAIRS



TED SCHWINDEN, GOVERNOR

P.O. BOX 4789

STATE OF MONTANA

OFFICE OF THE ADJUTANT GENERAL
(406) 444-6910

HELENA, MONTANA 59604

January 24, 1984

Representative Walter Sales, Chairman
House Committee on State Administration
Capitol Station
Helena, MT 59620

RE: Department of Military Affairs Support of HB 146

Dear Representative Sales:

This letter is to inform you that the Department of Military Affairs would like to go on record as supporting HB 146 sponsored by Representative Earl Lory.

The Department of Military Affairs would benefit from HB 146 in that we have a number of small repair and maintenance, and minor construction projects that require the preparation of specifications, formal bidding, and supervision of the work being done by the contractor. At the present time we must compete with other agencies who have larger projects for the expertise of the Architecture and Engineering Division of the Department of Administration. The Department of Military Affairs is extremely fortunate in that we have an architect on our staff who is capable of preparing and supervising these small projects. We feel if HB 146 is made into law that our in-house personnel will be able to specify bid and supervise work on these projects in a shorter time frame than under the present law. This would be very beneficial to the Department of Military Affairs and at the same time alleviate some of the backlog of the A/E Division of the Department of Administration by taking some of these small projects off of their hands.

I apologize for not testifying before your committee on this bill when it came up for hearing, however, we felt that the Department of Administration personnel and Dr. Lory could do a outstanding job of presentation of the need for this legislation. We do believe it is important that you know that the Department of Military Affairs feels that not only would this agency, but the Department of Administration and the state of Montana overall benefit from this legislation.

Sincerely,

A handwritten signature in dark ink, appearing to read "K. E. Cottrill".

K. E. COTTRILL
MAJ, AG, MT ARNG
Adm. Centralized Services

c: Dr. Earl Lory
Barb Martin



January 24, 1985

TESTIMONY IN OPPOSITION TO HOUSE BILL 262 -- PRIMARY ELECTIONS

My name is Nancy Harte, representing the Montana Democratic Party. The Democratic Party opposes House Bill 262.

This bill contains some very disturbing elements, such as the proposal to move the primary now held in June to the second Monday in September. The goal of such a change may be to shorten the campaign season, which many people believe runs too long. In fact, a September primary probably will not cut down on the political advertisements, speeches and door-knocking that typify a campaign.

In Montana, candidates file for office in April and, unless there is a contested primary, only a low level of campaigning goes on until the June election. Most candidates then drastically cut back on campaign activity through the summer, and only gear up again after Labor Day. That leaves some 8 to 10 weeks when the level of campaigning gradually escalates until the November election.

A September primary would mean summer campaigns. While many voters typically take a break from work, candidates would be attempting to deliver their message to a missing electorate.

Montana Democratic Central Committee • Steamboat Block, Room 306 • P.O. Box 802 • Helena, MT 59624 • (406) 442-9520

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Sen. Chet Blaylock	Rep. Dan Kemmis	Jim Foley	Rep. John Vincent	Phillis Moore		

Traditionally Montana voters have looked on the summer as a time for a break from politics, and most candidates abide by that tradition and refrain from campaigning. As someone who's worked on campaigns, I can tell you from personal experience that it's very difficult to convince candidates to campaign during the summer months.

The short time between the primary and general election allowed by September primaries also is not adequate time for the public to be adequately informed about candidates and their issues. The electorate needs time to listen to the various candidates and decide who will best represent them.

There is another very important point that we are concerned about. As you consider this bill, realize that changing the date of the primary can have a serious impact on candidates from agricultural backgrounds.

A September primary would make it very difficult for people making their living in agriculture to run for office. Summer and fall are the busiest times for our farmers and ranchers, and most cannot take time off to campaign. As it is, many candidates who are farmers or ranchers found that they had little time to campaign even with a June primary.

Many of our legislative districts are in agricultural areas, and people in agriculture often run for those seats. In this session of the Legislature, for example, almost 1/3 of the House and Senate -- 49 legislators -- are either active or retired farmers or ranchers, or are in other agriculture-related businesses. A September primary could have serious implications for those candidates.

Because maximum participation is vital to our electoral process, we urge you to keep Montana's June primary intact and kill House Bill 262.

HISTORY OF THE PRIMARY ELECTION IN MONTANA*

- | | | |
|------|--|---|
| 1912 | <p>The first initiative placed on a Montana ballot established the Primary Nominating Election. The initiative set up an open primary. This allows the voter to choose a party in the privacy of the polling booth. This primary nominates candidates for the US Senate, state, and local offices on a date 70 days before the general election.</p> <p>On the same ballot, another initiative established the Presidential Preference Primary. The initiative set this election in April. This was also an open primary. Voters chose a party and selected the candidates, their elector to the electoral college, and their delegate to the nominating conventions.</p> | <p>Approved by 78.3% of the voters.</p> <p>Approved by 79.2% of the voters.</p> |
| 1919 | <p>In an emergency session of the legislature, called to deal with problems of the drought and depression, the Presidential Preference Primary initiative was repealed and a law was passed that would close the Primary Nominating Election to all but declared party members.</p> <p>Montanans quickly gathered the signatures necessary to place these laws on the next ballot as referenda. However, the Montana Constitution prohibited a referendum challenge of emergency legislation.</p> | <p>Over 27,900 signatures were gathered.</p> |
| 1920 | <p>The petitioners took their case to the Montana Supreme Court. The court ruled that the legislation altering the primaries was not emergency legislation and ordered the referenda onto the next general election ballot. They also determined that enough signatures had been gathered to suspend the laws.</p> <p>April 23, 1920, the Presidential Preference Primary was held even though repealed by the legislature.</p> <p>August 24, 1920, an open Primary Nominating Election was held even though the legislature had enacted a closed election.</p> <p>In the general election, the repeal of the Presidential Preference Primary was defeated.</p> <p>Also, the voters rejected the idea of a closed Primary Nominating Election.</p> | <p>Rejected by 56.8% of the voters.</p> <p>Rejected by 52.8% of the voters.</p> |
| 1923 | <p>The legislature again proposed a law repealing the Presidential Preference Primary. But this time, they made the bill a referendum to the voters for approval.</p> | |
| 1924 | <p>The referendum to repeal the Presidential Preference Primary was approved by the voters.</p> | <p>Approved by 57.5% of the voters.</p> |
| 1953 | <p>The legislature placed a referendum on the ballot to reestablish a Presidential Preference Primary that would coincide with the Primary Nominating Election.</p> | |
| 1954 | <p>The voters approved an open Presidential Preference Primary coinciding with the Primary Nominating Election.</p> | <p>Approved by 68.9% of the voters.</p> |

* From Atlas of Montana Elections, Ellis Waldron



The League of Women Voters of Montana
816 Flowerree
Helena, Montana 59601

24 January 85

HB 262 - Setting the primary election the first
Tuesday after the second Monday in September and
eliminating the presidential preference primary....

The League of Women Voters supports this bill.

Campaign spending has been one of the fastest growing industries in Montana. It is a growth industry in which very few Montana citizens take pride, however. In fact, many are appalled.

The length of time between the June primary and the November general elections is a contributing factor to the escalating cost of running for office. Because of the long summer recess, candidates feel obligated to "run anew" and reacquaint themselves with the voters. The public memory may be longer than they think, but the nature of modern advertising almost demands that office seekers compete in the electronic and print media.

These same modern methods of advertising also make it possible to shorten the period between the primary and general elections. The long hiatus over the summer was more appropriate in by-gone days when there were bigger differences between our urban and rural populations and communication was more difficult.

A shorter campaign season would be a benefit to citizens and candidates alike.

Non-binding elections ill-serve the interests of the people. Popularity contests can only confuse the real issues and divert voter interest from activities, such as caucuses, where their participation counts.

Margaret S. Davis
Margaret S. Davis

for Diane Young, president, LWVMT