

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

February 5, 1985

The meeting of the State Administration Committee was called to order by Chairman Sales at 9:00 a.m. in Room 317 on the above date.

ROLL CALL: All members present.

CONSIDERATION OF HOUSE BILL NO. 361: Rep. Lloyd McCormick, District #38, sponsor of the bill, said it only gives members of the PERS the authority to designate a beneficiary other than a living person such as a charitable organization.

PROPOSERS: Larry Natschein, Administrator of the Public Employees' Retirement System, said that this bill was introduced at the request of the Public Employees' Retirement Board as the result of a situation that occurred in the last year in Lewis and Clark County. This would be a lump sum payment with no monthly benefits. There would be no additional cost to the State. (See Exhibit #1 attached)

There were no further proposers.

OPPOSERS: There were no opposers.

DISCUSSION OF HOUSE BILL NO. 361: Rep. Jenkins asked if the lump sum would be the amount the deceased had paid into the system. Mr. Natschein explained the different benefit programs that are possible under PERS. An organization doesn't have a life expectancy so there would be just a lump sum. In the case of minor children it would depend on how old they are in relationship to the member. It would probably be reduced to somewhat less than one-half what the member would have received.

There were no further questions from the Committee.

Rep. McCormick closed on HB 361 without further comment.

CONSIDERATION OF HOUSE BILL NO. 351: Rep. James Schultz, District #30, sponsored the bill at the request of the Public Employees' Retirement Board. He told the Committee that since the bill is directed to the Public Employees' Retirement System an amendment should be adopted that would include Teachers' Retirement also. Actuaries are a very specialized field and there is only one qualified in the state of Montana. He said it is unreasonable to require the board to go through the high cost of bidding for this service.

PROPOSERS: Larry Natschein, Public Employees' Retirement System, read prepared testimony which is attached to the minutes as Exhibit #2.

Bob Johnson, Administrator of the Teachers' Retirement System, said that if the board feels comfortable with the services of the actuary and the price charged there is no reason to change. There is only one actuary qualified in the state of Montana and the out of state bidders were considerably higher. If there is no problem with the actuary that is being used there is no reason to change to another more expensive one. (See Exhibit #3)

There were no further proponents.

OPPONENTS: Ray Blehm, Montana State Firemen's Association said he was not really an opponent to the bill but felt there were some good reasons to raise questions. He said they used to handle their own system and a report would be given every two years. From the Association standpoint they would like to see someone else responsible for hiring the actuary besides the board. He urged the Committee to take a good look at some of these other things and ask some more questions. Maybe the actuaries should be under the control of a third party.

There were no further opponents.

DISCUSSION OF HOUSE BILL NO. 351: Rep. Harbin asked why there is such a small number of people bidding and why the wide disparity of prices. Mr. Natschein stated that there are only half a dozen firms in the country recognized in the field of retirement systems. An out-of-state firm would be charging for more experience, knowledge of trends in the country's economics, national legislation, etc. Alton Hendrickson in Helena is the only one qualified in the state.

Rep. O'Connell asked Mr. Natschein about Mr. Blehm's suggestion that perhaps the actuary should be controlled by a third party. Mr. Natschein said that they act independently. They do not dictate the assumptions to them. Mr. Blehm stated that he was unhappy with the changes in the assumptions but things do change. This was based on historical data and the economic status does change.

Rep. O'Connell asked Mr. Natschein why they want to extend the contract to 10 years if they put it out for bid every two years. Mr. Natschein said this would still allow the board to terminate the contract at any time but would allow for renewals up to 10 years.

There being no further questions from the Committee, Rep. Schultz closed saying that this would not usurp the powers of the Legislature. This would give the board the right of selection of the actuary, they would act very responsibly in the selection and they would not be bound by extraneous rules.

CONSIDERATION OF HOUSE BILL NO. 372: Rep. Ed Grady, District #47, said that the bill was introduced at the request of the election administrators. He said that Ray Beck would speak to the Committee and offer some amendments that have been requested by the election administrators.

PROPOSERS: Ray Beck, Administrator of the Conservation Districts Division of the Department of Natural Resources and Conservation passed out proposed amendments to HB 372, Exhibit #5 attached. He went on to explain the amendments which would include the teachers' retirement system also. He also handed out the Explanation of Legislative Changes, Exhibit #6, attached.

Dave Donaldson, Montana Conservation Districts, asked for the support of the Committee on this bill and stated that they had worked closely with the election administrators on this bill.

Sue Bartlett, Lewis and Clark County Clerk and Recorder, said she had discussed her concerns with the drafters of the bill. The clerks and recorders handle the elections and the cost is then billed back to the districts. She urged acceptance of the bill and the proposed amendments.

There were no further proposers.

OPPOSERS: There were no opposers.

DISCUSSION OF HOUSE BILL NO. 372: Rep. Cody asked who would pay the increase from \$4 to \$25 per day for expenses. Mr Beck said the districts would pay this from the 1.5 mills they receive on local property taxes.

Chairman Sales asked how many members are on the Board of Adjustments. Mr. Beck said he thought it was three members but they have never been in existence.

In closing Rep. Grady stated there were some problems with the election administrators but these have been cleared up and asked for the passage of this bill.

CONSIDERATION OF HOUSE BILL NO. 337: Rep. Joan Miles, District #45, said this legislation was introduced because of an incident that did arise in Lewis and Clark County that prompted the need for this as law. It simply states that if someone is convicted of intentionally killing a person that has money in PERS, that person, if named as the beneficiary, does not get the money. This would allow the State to reroute that money to the person next in line. The convicted person would be treated as if he had preceded the deceased.

PROPOSERS: Larry Natsheim, Administrator of the Public Employees' Retirement System, said that Rep. Miles had explained the situation where the board felt it was necessary to have this. With this bill the board could step around the convicted

person and give the money to perhaps minor children. Exhibit #7.

OPPONENTS: Ray Blehm, Montana State Firemen's Association, said he realized this does not affect the firemen and he was not really an opponent. He did, however, feel the word malicious should be included in the bill and stated several hypothetical situations where he felt the word malicious applied. He suggested that the term malicious or some such term should be a portion of this.

There were no further opponents.

DISCUSSION OF HOUSE BILL NO. 337: Rep. Phillips said the bill stated that the person would have to be convicted of a crime. Sometimes these drag on for years in the courts; where would those funds go - would they be tied up. Mr. Natschein said that in the case in point the board decided to refuse to make payments until after the trial. These funds were tied up about 18 months.

Lois Menzies, Staff Researcher, said that in Montana it has to be proven knowingly and purposely for conviction. In other states they use intentionally also. That is why those terms were used in the bill. She said that as far as malicious she didn't think under Montana law that term is used to determine the guilt of another person.

Rep. Jenkins asked about the case of a manslaughter charge in a car accident or in the case of a living will where life support systems are terminated would these people be prohibited from receiving the benefits. Mr. Natschein said these people would probably not be convicted of homicide.

There being no further questions, Rep. Miles closed on HB 337.

Rep. Harbin left "aye" votes on all but HB 327 as he had to leave for another meeting.

CONSIDERATION OF HOUSE BILL NO. 327: Rep. Tom Hannah, District #86, sponsor of the bill, said it was a simple bill but strikes fear in the hearts of some political people. He explained that the bill would simply require that the names on the ballots not be rotated but could be printed in some other order, perhaps in the order of filing, alphabetically, etc. Some people think that the first name on the ballot is usually the winner. This bill was requested by the election administrator in Billings. These ballots all have to be printed separately which is creating a tremendous cost to the counties and a tremendous amount of time to set it up. He said this would help the local governments costwise and didn't think it would hurt the candidates.

Rep. Hannah had a handout for the Committee from David Halland, Election Administrator of Yellowstone County, Exhibit #8.

PROPONENTS: Lorraine Molitor, Madison County Clerk & Recorder and Election Administrator, submitted written testimony which is attached as Exhibit #9.

Mike Stephens, Montana Association of Clerks and Recorders, said it would really have to be an ideal situation in order for every candidate to be rotated equally. No two elections are alike, all precincts are not alike and the number of candidates are not alike. The cost would be broken down to something that is more affordable.

There were no further proponents.

OPPONENTS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 327: Rep. Holliday asked why it could not be done alphabetically. Mr. Stephens said that the notion here was probably because the A's have always been at the front of the line and the Z's at the bottom. Some other type of listing could be worked out.

Rep. Cody asked if there was a law that states the paper ballot must be supplied if it is requested. Mrs. Molitor said the ballots have to be available in the precincts.

Rep. Hannah, in closing, stated that he would agree to another type of listing other than by filing just so long as we do away with rotation.

There being no further questions, the Committee then went into executive action.

DISPOSITION OF HOUSE BILL NO. 327: Rep. Fritz suggested sending this bill to the election subcommittee as he thought there must be valid historical reasons for rotating names. It was the consensus of the Committee that this bill need not be placed in the election subcommittee, therefore, Rep. Garcia moved to DELAY ACTION for a period of two days to give Rep. Fritz time to study the bill. Motion CARRIED with Chairman Sales voting "no".

DISPOSITION OF HOUSE BILL NO. 337: Rep. O'Connell moved that HB 337 DO PASS, seconded by Rep. Cody. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 351: Rep. Fritz moved ADOPTION OF THE AMENDMENTS, seconded by Rep. Peterson. Motion CARRIED UNANIMOUSLY. (See Committee Report).

Rep. Fritz then moved that HB 351 DO PASS AS AMENDED, seconded by Rep. Peterson. Motion CARRIED with Rep. O'Connell voting "no".

DISPOSITION OF HOUSE BILL NO. 361: Rep. Garcia moved that HB 361 DO NOT PASS. The motion DIED for lack of a second.

Rep. O'Connell moved that HB 361 DO PASS, seconded by Rep. Fritz. Rep. Garcia said that the money should remain in the system and be used for the benefit of other living persons. Rep. Smith said that the money belongs to the individual and they should be able to designate who is going to receive it be it a cat or dog or an organization. Motion CARRIED with Rep. Garcia voting "no".

DISPOSITION OF HOUSE BILL NO. 372: Rep. Smith moved ADOPTION OF THE AMENDMENTS, seconded by Rep. Fritz. Motion CARRIED. See Committee Report attached.

Rep. Smith then moved HB 372 DO PASS AS AMENDED, seconded by Rep. Hayne. Motion CARRIED UNANIMOUSLY.

There being no further business, the Committee adjourned at 10:42 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 2/5/85

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

Page 1 of 2

February 5

1935

19.....

SPEAKER

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

having had under consideration Bill No. **351**.....

First

White

reading copy (.....)
color

**EXEMPTING EMPLOYMENT OF PERS ACTUARY FROM STATE CONTRACTING
REQUIREMENTS**

HOUSE

Respectfully report as follows: That Bill No. **351**.....

BE AMENDED AS FOLLOWS:

1. Title, lines 8 and 9.

Strike: "PUBLIC" on line 8 through "BOARD" on line 9

Insert: "BOARDS"

2. Title, line 10.

Strike: "AND"

Insert: ", "

Following: "19-3-305,"

Insert: "AND 19-4-203,"

3. Page 2.

Following: line 21

Insert: "Section 3. Section 19-4-203, MCA, is amended to read:

"19-4-203. Officers and employees of retirement board. It is
the duty of the retirement board to:

DEPASSX

CONTINUED

February 5

1985

(1) elect a chairman from its membership;
(2) appoint a secretary who may be one of its members;
(3) employ technical or administrative employees who are necessary for the transaction of the business of the retirement system;

(4) when the retirement board considers it necessary, designate a medical board to be composed of three physicians who are not eligible to participate in the retirement system to investigate and report to the retirement board on all medical matters related to the administration of the retirement system;

(5) designate an actuary to assist the retirement board with the technical actuarial aspects of the operation of the retirement system, which includes establishing mortality and service tables and making an actuarial investigation at least once every 5 years into the mortality, service, and compensation experience of the members and beneficiaries of the retirement system. The retirement board may retain an actuary in a manner it considers to be in the best interests of the state and may contract for a period not to exceed 10 years. Payment and performance obligations for those bienniums following the biennium in which a contract is made are subject to the availability and appropriation of funds therefor.

Renumber: subsequent section

4. Page 2, line 23.

Following: "employees"

Insert: "and teachers"

Strike: "board"

Insert: "boards"

hb351.txt

cc2/kjp

AND AS AMENDED
DO PASS

STANDING COMMITTEE REPORT

February 9

1935

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 372

First reading copy (White color)

CONSERVATION DISTRICT LAW GENERAL REVISION

Respectfully report as follows: That HOUSE Bill No. 372

BE AMENDED AS FOLLOWS.

1. Page 2, line 21.

Following: " "

Insert: "A certified copy of the ordinance must be submitted to the election administrator in each affected county."

2. Page 3, line 12.

Strike: "or" through "thereof"

3. Page 3, line 16.

Following: "six"

Insert: "than twice the number of"

AND AS AMENDED

DO PASS

STANDING COMMITTEE REPORT

February 5

1905

19.....

SPEAKER

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

337

having had under consideration Bill No.

First

White

reading copy (.....)
color

PAYMENT OF BENEFITS UPON DEATH OF PERS MEMBER KILLED BY
HIS BENEFICIARY

HOUSE

337

Respectfully report as follows: That Bill No.

DO-PASS

STANDING COMMITTEE REPORT

February 5

19 05

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 361

First reading copy (White)
color

ALLOW PERS MEMBER TO NAME CHARITABLE ORGANIZATION OR TRUST
AS BENEFICIARY

Respectfully report as follows: That HOUSE Bill No. 361

DO PASS

2/5/85

HOUSE BILL NO. 361

AN ACT PROVIDING A MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO DESIGNATE AS A BENEFICIARY, A CHARITABLE ORGANIZATION OR A TRUST.

The purpose of this bill is to permit a PERS member to designate a beneficiary other than a living person. In addition to a living person, a member may designate a charitable organization or a trust for a natural living person.

The bill has no actual cost to the retirement system and the board asks your support for this bill.

Larry Mackintosh
2/5/85

HB-351
2/5/85

HOUSE BILL NO. 351

HIRING OF ACTUARIAL SERVICE

In a period of 40 years, the Public Employees' Retirement Board has hired four consulting actuaries.

To require the board to go through a bidding process for consulting services every two years simply to continue the contract of the actuary is a waste of approximately one man week and a cost of \$500 to \$1000.00. There is also a hidden cost in changing actuaries because of the large volume of records required in complying the actuarial valuations. The current actuary has in his computer files some 40,000 records for each of the last four bienniums.

In the past, the board has taken the cost of transferring or recreating the computer files in changing from one actuary to another when considering bids for actuarial services but the current bidding procedures do not reflect the hidden cost. Further, it takes about three to six months to bring a new actuary up to date on the statutes of the eight systems administered by the Public Employees' Retirement Division.

The Public Employees' Retirement Board currently employs the only actuary qualified under the statutes, offering consulting actuary services in the state of Montana. We are fortunate that he is located in the state of Montana as his proximity enhances his utilization by the board and retirement division. The actuarial reports of the consulting actuary have twice been reviewed by consulting actuaries to the legislative council and these reports have not been criticized in either audit report.

The board retains the right to terminate the actuarial services and in the past, has terminated the contract for services of two consulting actuaries primarily due to the increase in their cost. This bill limits any future contracts through the appropriation process in section 2(2).

The Public Employees' Retirement Board, requests your support of this bill in order that they may secure the actuarial services needed to carry out the administration of the retirement systems and the board will continue to provide the most cost efficient services to the members of the retirement system and the employing agencies.

Larry MacLachlan
2/5/85

Ex #3
HB-351
2/5/85

PROPOSED AMENDMENTS TO HB 351 (WHITE COPY):

1. Title, Lines 8 and 9.

Strike: "PUBLIC" on line 8 through "BOARD" on line 9

Insert: "BOARDS"

2. Title, Line 10.

Strike: "AND"

Insert: ", "

Following: "19-3-305,"

Insert: "AND 19-4-203,"

3. Page 2.

Following: line 21

Insert: "Section 3. Section 19-4-203, MCA, is amended to read:

"19-4-203. Officers and employees of retirement board. It is the duty of the retirement board to:

(1) elect a chairman from its membership;

(2) appoint a secretary who may be one of its members;

(3) employ technical or administrative employees who are necessary for the transaction of the business of the retirement system;

(4) when the retirement board considers it necessary, designate a medical board to be composed of three physicians who are not eligible to participate in the retirement system to investigate and report to the retirement board on all medical matters related to the administration of the retirement system;

(5) designate an actuary to assist the retirement board with the technical actuarial aspects of the operation of the retirement system, which includes establishing mortality and service tables and making an actuarial investigation at least once every 5 years into the mortality, service, and compensation experience of the members and beneficiaries of the retirement system. The retirement board may retain an actuary in a manner it considers to be in the best interests of the state and may contract for a period not to exceed 10 years. Payment and performance obligations for those bienniums following the biennium in which a contract is made are subject to the availability and appropriation of funds therefor."

Renumber: subsequent section

4. Page 2, line 23.

Following: "employees'"

Insert: "and teachers'"

Strike: "board"

Insert: "boards"

EX. #2
HB-372
2/5/85-

HB 372
AMENDMENTS

- 1) On page 2, line 21, after the word "represented", insert the sentence, A certified copy of the ordinance shall be submitted to the election administrator in each affected county.
- 2) On page 3, line 12, strike the words "or the supervisor areas area."
- 3) On page 3, line 16, after the word "more", insert than twice the number of.

76-15-504. Submission of budget to department of administration. (1) The department shall submit to the department of administration a request for an appropriation as provided in the budget act on or before August 1 of each year preceding a regular session of the legislature.

(2) The request for an appropriation shall state in addition to the requirements of the budget act the following:

(a) the number and acreages of districts in existence or in process of organization, together with an estimate of the number and probable acreages of the districts which may be organized during the ensuing biennial fiscal period;

(b) a statement of the balance of funds, if any, available to the department and to the districts; and

(c) the estimates of the department as to the sums needed for its administrative and other expenses and for allocation among the several districts during the ensuing biennial fiscal period.

History: En. Sec. 15, Ch. 72, L. 1939; amd. Sec. 12, Ch. 431, L. 1971; amd. Sec. 95, Ch. 253, L. 1974; R.C.M. 1947, 76-1153.

Ex. # 6
HB-372
2/5/85

HB372
Explanation of Legislative Changes

Page 1, Line 15

Presently 10 people, providing they are qualified electors, can sign a petition to add additional land to a conservation district. Once this request is filed with the Department, we are required to hold public and Board of Natural Resources and Conservation hearings and possibly a referendum. This process is very time consuming and in the majority of past cases, the people located within the area have been against becoming included into a district. The town of Whitehall is a recent example of where this has happened.

This change from 10 people to 10 percent would be more in accordance with percentage requirements for petitions and would include more individuals, which would result in greater public knowledge of the proposal.

Page 2, Line 19

By this change, if the district felt that supervisors should reside within the area they represent, they could propose an ordinance requiring area residency. An example of why this might be important to a district is Lower Musselshell Conservation district covers both Musselshell and Golden Valley Counties. The district cannot get a resident of Golden Valley County elected on the district board because of the voting base being the town of Roundup. The district feels that it is important to have a resident from Golden Valley on the board and this law change would allow this if an ordinance was passed.

The amendment following this change was asked for by the election administrators asking that a copy of the ordinance be sent to them. We have no problems with this.

Page 3, line 12

This change allows a petition to be signed by any qualified elector within the district boundary. It would avoid confusion of a person signing a petition that did not reside within the proper district area.

Page 3, line 16

Since supervisors are elected on a non-partison vote, it is required that if more than two people are running for one position, that a primary be held. Where there may be up to five positions being voted on, this would allow up to 10 names on the ballot without a primary being held.

Page 3, line 19

The number six does not comply with the other election changes.

Page 4, line 2

This change takes the number 3 out and changes the law so that it complies with the present election procedures.

Page 4, line 7

This change allows the law to comply with election procedures.

Page 4, line 21

This change allows the law to comply with election procedures.

Page 5, line 13

It was suggested by the legislative auditors that 76-15-504 be deleted from the conservation district law. The reason was that this information was either not required or required in different form or time period by the budget process.

Page 6, line 17; page 7, line 2

It was felt that 5 percent interest was too low and did not provide enough incentive to complete the work required by the court.

Page 8, line 6

It was felt that \$4 per day was not sufficient for the board of adjustments and that it should be raised to \$25 per day.

Ex. 17
HB-337
2/5/85

HOUSE BILL NO. 337

DEATH BENEFIT IN CASE OF A BENEFICIARY BEING CONVICTED OF CAUSING THE INTENTIONAL DEATH OF A MEMBER.

The purpose of this bill is outlined in the title and section 1. It would permit the Public Employees' Retirement Board to withhold benefits from a beneficiary convicted on intentionally causing a member's death.

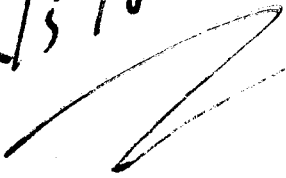
It would permit the board to grant a survivorship allowance to the next of kin in the following order (19-3-1302):

- (a) husband or wife
- (b) children
- (c) father or mother
- (d) grandchildren
- (e) brothers and sisters
- (f) nieces and nephews

Currently the board may only make a single lump sum payment to the individuals listed in this section. A survivorship allowance is normally a much better benefit.

Section 2 of the bill makes some technical changes that are required to carry out the intentions of section 1.

While the Public Employees' Retirement Board has requested this bill, it is their sincere hope that the provisions will never be needed. The bill has no fiscal impact upon the system.

Larry Nachtsheim
2/5/85


County of Yellowstone



DAVID L. HALLAND
Election Administrator

P.O. Box 35002
Billings, Montana 59107

January 28, 1985

Representative Tom Hannah
House of Representatives
State Capitol Building
Helena, MT 59620

Dear Tom:

RE: ROTATION OF NAMES ON BALLOTS LC #951

Enclosed you will find the canvass results from the 1984 General Election. I have included results for President and United States Senator from House Districts 83, 85, 86, 87 and 88, along with all legislative races from Yellowstone County.

You will notice that I have written the rotation position of each candidate in the upper left hand corner, designating in what position their name appeared on the ballot in each precinct. In the legislative lists, I have used a highlighter to indicate:

Blue	Most votes received-#1 position
Yellow	Most votes received-#2 position

In the Presidential and U.S. Senate races, I highlighted the person who received the most votes in each precinct in yellow.

After reviewing these papers; you will be able to see that the position of the name had no bearing on the outcome of the specific race. I am sure you will see this in any other election, should you take the time to go through others and compare in the way I have.

I am convinced that the voter knows who they want to vote for and will take the time to look for that candidate. It would be tragic if candidates won elections on the basis of where their name is positioned on the ballot.

I trust this will help you in your consideration of eliminating the requirement to rotate the candidate names on ballots.

Sincerely yours,

David L. Halland

DAVID L. HALLAND
Election Administrator

DLH/pjz

Circled Number is the position of Name on the Ballot.

Yellow indicates top vote getter

	TOTAL VOTES	PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES			UNITED STATES SENATOR			
		CAST	DEM.	LIB.	REP.	DEM.	LIB.	REP.
		Total Votes Cast By Precinct and House District	WALTER F. MONDALE GERALDINE A. FERRARO	DAVID BERGLAND JIM LEWIS	RONALD REAGAN GEORGE BUSH	MAX BAUCUS	NEIL HALPRIN	CHUCK COZZENS
YELLOWSTONE								
Precinct No. 11	239	73	2	163	122	10	98	
022	224	65	4	154	113	5	100	
076	690	141	5	540	253	23	389	
0100	51	18	0	32	30	0	20	
HD 83	Total	1204	297	11	889	518	38	607
Precinct No. 5	745	301	11	426	434	11	371	
7	680	356	7	307	417	19	211	
9	640	323	11	289	380	19	188	
020	385	174	9	197	235	7	129	
35	694	376	10	301	434	12	205	
036	547	203	3	333	297	5	222	
HD 85	Total	3691	1733	51	1853	2197	73	1326
Precinct No. 2	251	87	3	159	140	7	96	
04	905	300	14	611	484	29	393	
31	1096	306	11	769	493	27	524	
33	632	198	5	433	298	15	276	
65	671	246	4	415	377	15	250	
75	618	231	5	378	320	15	250	
81	497	167	3	318	262	11	196	
097	134	29	1	102	59	4	69	
HD 86	Total	4805	1564	46	3175	2433	123	2051
Precinct No. 47	755	235	4	509	371	12	337	
67	730	95	2	472	205	13	329	
70	772	165	6	595	282	17	433	
78	638	214	2	409	298	13	287	
83	452	126	4	319	206	7	218	
87	802	191	9	596	334	31	400	
088	745	142	4	592	264	19	444	
HD 87	Total	4874	1168	31	3492	1960	112	2438
Precinct No. 40	777	193	5	574	339	14	398	
46	360	109	8	241	164	13	171	
48	425	115	3	302	191	7	213	
49	684	222	14	440	302	21	331	
55	587	129	2	452	231	13	313	
60	387	79	3	302	148	9	216	
68	607	135	2	464	247	8	333	
	606	158	2	441	227	12	298	

Position #1 winner

Position #2 winner

HD 83

Precinct

ED 85

Precinct

HD 86

Position, #1

Position, #2

		SENATORIAL		REPRESENTATIVE		REPRESENTATIVE			
		DISTRICT NO. 44		DISTRICT NO. 87		DISTRICT NO. 88			
		Dem.	Rep.	Dem.	Rep.	Dem.	Rep.		
		BEVERLY BLADOW	THOMAS F. KEATING	JOHN S. YODER	JACK RAMIREZ	LARRY SCHULZ	DENNIS R. REHBERG		
YELLOWSTONE									
Precinct No. 47		#1306	#2396	#2158	#1332				
67		#1138	#2403	#261	#1307				
070		#2221	#1110	#1110	#2563				
78		#2346	#1174	#2396					
83		#1162	#2254	#2133	#1374				
87		#1273	#2462	#2185	#1361				
088		#1203	#2508	#2098	#1393				
HD 87	Total	1549	2852	949	3401				
Precinct No. 40		#1231	#2479			#2143	#1504		
46		#1117	#2219			#285	#1247		
48		#1141	#2255			#291	#1308		
49		#2064	#360			#1191	#2431		
55		#2181	#1367			#1103	#2417		
60		#292	#1274			#175	#2277		
68		#1190	#389			#297	#1402		
99		#1209	#2365			#224	#1432		
HD 88	Total	1425	2715			909	3138		
GRAND TOTAL		(2974)	(5517)						

Office of County Recorder

MADISON COUNTY, MONTANA

LORRAINE P. MOLITOR
County Recorder

Box 366
VIRGINIA CITY, MONTANA
59755

3-7-77

TO: THE COMMITTEE ON STATE ADMINISTRATION, THE HONORABLE WALT SALES
CHAIRMAN, AND MEMBERS OF THE 49TH. LEGISLATURE

FROM: Lorraine P. Molitor, Madison County Clerk and Recorder, Member Montana
Association of Clerk and Recorders.

RE: H.B. 327 - A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE ROTATION
OF CANDIDATES' NAMES ON A BALLOT PROVIDING FOR LISTING CANDIDATES' NAMES
IN ORDER OF FILING; AMENDING SECTIONS 13-12-205 AND 76-15-303, MCA."

I am requesting your support for H.B. 327 for the following reasons:

1. All election administrators as well as all printers who supply ballots for election administrators know that the most costly and time consuming stage of the election process is the rotating of names on the ballot. Also, almost all errors made by the election administrators or the printers can be traced to the intricate rotation system.
2. It is inconceivable, that with all the coverage devoted to candidates in the news media, on the radio and the television sets that voters can not make a conscious informed choice for their candidate. It is an insult to their intelligence to assume that they would vote for the top name on a list, rather than for a candidate of their choice.
3. Rotation of names is supposed to be fair in that each candidate's name should be placed at the top of the list an equal number of times or, at the top of the list before an equal number of voters. This is seldom possible due to the variation in the size of precincts and the number of precincts in relation to the number of candidates. If one has 7 precincts, the only way a candidate's name would appear at the top of the list the same number of times is if their happened to be 7 candidates. It is impossible with 9 precincts, unless one has 3 or 9 candidates. 3 or 4 candidates would fare no better if there were 10 precincts.
4. Absentee ballots could easily be delayed because of the extra time consumed in rotation and in correcting errors made by staff or printers.
5. Listing candidates names by order of filing would be fair to everyone and would encourage early filings, thus avoiding last minute rushes and problems.

In summation I can only reiterate what I have said before, elections are very costly, we need to trim costs wherever possible, preserving at the same time, the purity and sanctity of the election process. Thank you for your kind attention and consideration.

Lorraine P. Molitor
Lorraine P. Molitor, Madison County
Clerk & Recorder & Election Administrator

REASONING:

(1) All ballots cannot be "identical" since some are on computer cards and some are paper ballots.

(2) The high cost of printing paper ballots is mainly due to the fact that ballots must be rotated, and the cost is in the layout of the ballot and not in the number printed. Many precincts do not use even one paper ballot. In precincts where a few paper ballots are used no voter gets both a paper ballot and a ballot card, so he does not know if these ballots are rotated identically.

(a) In Gallatin County only 92 voters out of 22,000 asked for paper ballots. These cost the tax payers \$45.07 each.

(b) In Maddison county 16 voters requested paper ballots out of 2,159 voters. These ballots cost \$1,180.85 or \$73.80 each. Only one of these ballots was voted by an individual who felt that she could not use the punch card system, the others were requested by people who were merely resentful of the change.

(c) Any voter who needs assistance in voting either a paper ballot or a machine ballot can request such assistance under the provisions of 13-13-119

Hospitals Ask For Help

by Dick Pace

Representatives of the Sheridan and Ennis hospitals appeared at last week's Madison County Commission meeting with hats in hand asking for help for the ailing institutions. A decreasing patient load, increasing costs and steadily growing rules and regulations were forcing them to find new sources of revenue, they said.

Although sympathetic, commissioners said they were held to a maximum three mills for private hospitals

making it impossible to raise to the six mills asked by the representatives, without going for a vote by the public. The representatives said they were working on other means to raise necessary money but were rapidly becoming desperate for financing.

In Ennis, according to spokesman Marlyn Reinitz, the immediate need is for supporting the kitchen and laundry. He asked if it would be possible to combine these services with the nursing home, a suggestion accepted

by the commission. Following a month's study by the hospital board, such a move may be made, Reinitz said. He added the board had just spent some \$15,000 upgrading surgery but alterations now demanded for the laundry and kitchen would cost another \$28,000.

Walt Taborski and Norm Schulz represented the Sheridan hospital; Karen Rice, Leo Black, Jack Scully and Reinitz represented the Ennis hospital.

Readers Speak

Norris, MT
Nov. 9, 1984

Dear Editor,

Now that Constitutional Amendment No. 13 has been ratified by the voters of Montana, giving the Judicial Standards Commission the power to investigate alleged judicial misconduct of district court judges, I think a good place to begin would be right here in the 5th Judicial District, of which Madison County is a part.

Shortly after the first of the year 1984, some of the citizens of Madison County filed suit alleging the ordinance establishing the solid waste disposal program in the county was illegally passed and forced on the people against their will. On March 27, 1984 Judge Frank Davis heard our case. It seems the deck was stacked against us that day and has been ever since. The judge dug his feet until May 11, 1984 before ruling on his findings. Using some very lame excuses, finally he ruled against the people.

We, the garbage dispute people, decided to appeal the case to the Supreme Court, but

something about whose camp Judge Davis is in? Did our county officers have a fair knowledge of how the case would go? Is that the reason they went ahead with this solid waste program, even after the suit was filed? I wondered at the time why they did.

Is our judge holding this

Dear Editor,

I would like the people of Madison County to know that we again had 15 electors in Madison County that voted paper ballots. The printing costs for those ballots was \$730.00 or almost \$50.00 each. If we were to add the cost of our labor in rotating, counting, and abstracting those ballots, the figure would more than double.

Who are these people who vote paper ballots? We had about 20 patients in two nursing homes, all of them voted punchcard ballots that could be counted on our computer. Any person who suffers from blindness, arthri-

thing up so the solid waste program can go on without the people having anything more to say about it? I think it is time to question some of the ethics involved in this thing. Was this a cut and dried deal from the word go?

Sincerely, Earl C. Clopton

tis, palsy or any other malady may receive help from any friend, relative or election judge and devices can even be brought to cars or wheel chairs so that voters need not even leave their vehicles in order to vote.

I can see no reason for this expenditure for paper ballots, **THE VERY SAME PEOPLE WHO COMPLAIN ABOUT THE HIGH COST OF COUNTY GOVERNMENT ARE THE VERY SAME PEOPLE WHO INSIST ON VOTING PAPER BALLOTS.**

Lorraine P. Molitor,
Madison County Clerk and
Recorder and Election
Administrator.

VISITORS' REGISTER

SA

COMMITTEE

BILL NO. HB 372

DATE 2-5-85

SPONSOR GRACY

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

State Administration COMMITTEE

DATE 2-5-85

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

S. A.

BILL NO.

HB 331

DATE _____

2-5-85

SPONSOR

Schultz

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

CS-33

VISITORS' REGISTER

SA

COMMITTEE

BILL NO. HB 337

DATE 2/5/85

SPONSOR Mills

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. HB 327

DATE 2/5/85

SPONSOR _____

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.