

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 19, 1985

The thirtieth meeting of the State Administration Committee was called to order by its Chairman Les Hirsch, who was acting on Senator Jack Haffey's behalf, in Room 331, Capitol, at 10 a.m. on Tuesday, February 19, 1985.

ROLL CALL: All the members were present with the exception of Senator Haffey who was excused and Senator Tveit who arrived late.

CONSIDERATION OF SENATE BILL 384: Jim Shaw, District 12, is the sponsor of this bill entitled, "AN ACT PERMITTING A DISTRICT JUDGE OR SUPREME COURT JUSTICE WHO WAS A MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM BEFORE DECEMBER 31, 1984, TO REMAIN A MEMBER OF THAT RETIREMENT SYSTEM RATHER THAN JOIN THE JUDGES' RETIREMENT SYSTEM; AMENDING SECTION ..., MCA; AND PROVIDING AN EFFECTIVE DATE." Senator Shaw said that this changes Section 19-5-301, MCA. He said they are just amending that section to bring it up to October 1, 1985. He said the Committee probably knows who the bill is for. Senator Shaw said that he had gone on to the Supreme Court and this bill would allow him to retain his PERS if he so elects.

PROPONENTS: There were no other proponents.

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: Senator Mohar asked if on this bill he elects to remain with the PERS that means he would get both. Senator Shaw said no. He has to take one or the other. He will not be double-dipping if that's your question. Senator Harding said that she thinks this would be like the Sheriff's Retirement--one or the other. Senator Shaw said that is correct.

SENATE BILL 384 is closed.

EXECUTIVE ACTION ON SENATE BILL 384: Action on Senate Bill 384 will be deferred until Wednesday, February 20, 1985, so the Committee has time to think this over.

CONSIDERATION OF SENATE BILL 374: Senator Ethel Harding, Senate District 25, Polson, is the sponsor of this bill entitled, "AN ACT REMOVING FROM THE LAWS PERTAINING TO THE STATE BUILDING CODE THE PURPOSE PROVISION RELATING TO ELIMINATION OF RESTRICTIVE, OBSOLETE, CONFLICTING, AND UNNECESSARY BUILDING REGULATIONS AND REQUIREMENTS; AMENDING SECTION ..., MCA." Senator Harding told the Committee that this bill did not do what she had intended and she asked that this bill be tabled.

PROPOSERS: There were no proposers.

EXECUTIVE ACTION ON SENATE BILL 374: Senator Manning made a motion that SENATE BILL 374 be tabled. Question was called and the Committee voted unanimously that SENATE BILL 374 BE TABLED.

CONSIDERATION OF SENATE BILL 368: Senator John Mohar, Senate District 1, Lincoln County, is the sponsor of this bill entitled, "AN ACT PROVIDING A MEANS FOR AN INDIVIDUAL TO REGISTER AND VOTE ON ELECTION DAY; AMENDING SECTIONS ..., MCA." Senator Mohar said this bill provides for a poll booth on election day. He said the new sections of the bill were taken from Minnesota's law. Senator Mohar said the bill outlines responsibility of the person registering people on election day. He said the people registering must have a valid driver's license or some other form of valid identification in order to register at the polling place. Senator Mohar feels that many of the people through no fault of their own can't get their name on the registration list until the last minute and they should be allowed to register on voting day. Senator Mohar said this was introduced by Mont PIRG and they would expand more on the bill.

PROPOSERS: Teri England, MontPIRG, supports this bill. Ms. England gave some background on voter registration. She listed statistics showing that of the 5 states that have election day registration, there is no fraud, and they have close elections. She feels that it would be no problem to register people at the polls and would increase voter turnout. Ms. England believes that this is administratively workable. (See Exhibit #1.)

Don Judge, Montana State AFL-CIO, supports this bill. He thanked MontPIRG for all the work they had done on this bill and for answering all the questions that have come up in the past.

Mark Mackin, Citizens Legislative Coalition, supports this bill. He felt that an important part of this is the initiative process. He is in favor of anything that encourages voter turnout. However, he realizes that this will increase the amount of names that will have to be gathered in order to get an initiative on the ballot. He believes there is a little bit of pain with this bill but it is worth it.

JoAnne Pearson, Citizen, supports this bill.

OPPONENTS: Jean Johnson, Secretary of State's Office, opposes this bill. Ms. Johnson said that they understand that this bill is designed to increase participation in the electoral process, and we support that intent totally. However, we don't think

this bill would do that to the extent that it would be worth the trade-off--in terms of potential fraud, confusion at the polls, increased expenses to the counties and the potential inability to call a close race in a timely manner. She said that she had checked with the five states that have election day registration and some of them had actually decreased in participation. Ms. Johnson feels that it is not the problem with registering to vote that is a problem but the way we conduct our campaigns that turn people off. Election day registration isn't the answer to that problem. She told about the problems in Minnesota with election day registration. She asked the Committee to consider all the ramifications of this bill and give it a "do not pass" recommendation. (For more of Ms. Johnson's testimony see Exhibit "2" attached hereto and by this reference made a part hereof.)

Betty Lund, Election Administrator of Ravalli County, opposes this bill. She checked with the State of Wisconsin to see how their election day registration was working and she said that the people she checked with said it was rife with fraud and was a nightmare. She thought that was just a big city, so she checked with Greenfield, Wisconsin, which is a town that has about 18,000 voters which is pretty comparable with her county. The election administrator there told her that he registered 3,889 people on election day last year, and he shudders to think how many they will have to register this year. Ms. Lund said that election day registration slows down the process and would cost the counties a lot of money. She feels that in her county, she would have to hire at least one and probably two more judges. Ms. Lund feels that in her county she tries very hard to make sure that everyone gets registered, including staying open on Saturday and Sundays. (*See Exhibit "8"*)

Senator Ethel Harding opposes this bill. Senator Harding said that she was a Clerk and Recorder for many years. Senator Harding feels that every campaign there are lots of drives to register people to vote. Senator Harding said that in her county, she made it extremely easy for them to register and she did everything but sign their name for them. Senator Harding said that people have a tendency to put things off and if you give them this option, they will probably wait until election day rather than preregister. She felt that the 15% voter registration listed on the fiscal note was high.

COMMITTEE QUESTIONS: Senator Farrell asked if we were not leaving ourselves open to a problem like Antelope, Oregon had with an organization bringing in itinerants to register them to vote so they would outnumber the townspeople, and thereby gain control of the city. Senator Mohar answered that they could have moved there 30 days before legislation and registered to vote.

Senator Mohar closed by saying that he felt the charges of fraud were invalid. He felt the important thing was increasing voter participation. He thinks people should get excited about the voting process instead of being turned off by a few problems. SENATE BILL 368 is closed.

SENATE BILL 324: Dave Hunter gave the Committee a copy of a fiscal note on Senate Bill 324 for them to take under advisement. He said on page 5 there was a table out of State Legislature Magazine and that's what they used for their comparables. He said this should be likened to disposable income and that to predicted sales. They predicted \$16.00 per capita for Montana. He said this is what they think the fiscal impact will be and it coincides pretty close to what Senator Stimatz said in his testimony where he said it would gross \$4.7 million in '86. Senator Mohar said that an effort is being made to pull out slot machines from the bill, and he wondered how this would affect the fiscal note. Mr. Hunter said that it would not affect the fiscal note, because they did not figure anything but the lottery. Senator Mohar asked if they were assuming that about 20% would be for overhead, etc. Mr. Hunter said yes. Senator Mohar wanted to know how much was advertizing "hype." Mr. Hunter said those expenses were all rolled in together.

EXECUTIVE ACTION ON SENATE BILL 368: Executive action on Senate bill 368 will be deferred until tomorrow, February 20, 1985.

EXECUTIVE ACTION ON SENATE BILL 308: Valencia presented amendments to the Committee and told the Committee that the first five had been agreed on. Senator Hirsch made a motion that the first five amendments be adopted. Question was called and the Committee voted unanimously that the amendments 1 through 5 be adopted. Senator Lynch again raised the question about voting college students in the county they live in rather than the county where they attend school. Jean Johnson, Secretary of State's Office said that this was hard because she does not want the witness taken off the registration form. Senator Mohar moved that amendment 6 do not be adopted. Senator Mohar felt that this would give the students more flexibility for registering students. Senator Tveit said that it sounded like a notary public could register anyone. Ms. Johnson said yes and she referred the question to Larry Akey. Mr. Akey said that it was very simple to become a notary and it cost \$10.00 and you had to have a \$5.00 bond. Senator Lynch did not like that idea because you also had to put out the money for a stamp and he didn't feel college students could afford that. Jean Johnson said that they really do use the witnesses and especially if there is any question regarding the registration. Ms. Johnson felt that this was a narrow problem, but this bill is not the solution. There simply has to be another solution. Senator Tveit made a substitute motion that amendments 6 and 7 do pass.

Senator Hirsch called for a roll call vote, and the vote was 5-4 in favor of Senator Tveit's motion. (For roll call vote, see Exhibit "4" attached hereto and by this reference made a part hereof.) (For amendments see Exhibit "3" attached hereto and by this reference made a part hereof.) Senator Lynch said if they were going to be that close, he was not comfortable with them and he would like to wait until the Chairman returns. Senator Mohar said that he thought it was more restrictive than the other. Senator Hirsch said that this is the law today. By approving the last two amendments, the law simply remains the same.

Valencia Lane explained that amendments 8 and 9 would require the registrar to send postcards before they "purge" anyone. Senator Hirsch said that this leaves the law alone as far as the postcards are concerned. Senator Tveit moved that amendments 8 and 9 do pass and be adopted. Senator Harding said that she had talked to Teri England and that they were going to work with the Secretary of State's office in order to figure out a way to notify all the people still in the county. Jean Johnson said that there was a possibility that they could work with the post office and when someone filed a change of address, it would be sent to the Clerk and Recorder, or we could put a large ad in the paper and border it in black. Senator Lynch reminded the Committee that Sue Bartlett, Lewis and Clark County Clerk and Recorder, had testified that it would cost her upwards of \$800 just in her county. Senator Tveit told the Committee that he didn't see where there was a problem. He said that 92% of the people were registered to vote, and he felt that was a good sign that people remembered that they needed to register to vote. Question was called, and with Senator Mohar and Senator Manning voting no, amendments 8 and 9 do pass. With this final vote, the Committee passed all of the amendments 1 through 9.

EXECUTIVE ACTION ON SENATE BILL 324: Valencia Lane, staff Attorney, explained to the Committee that all of the amendments were in the gray bill, except 30 and 31. 31 was a new amendment and 30 had somehow gotten lost in the shuffle. She then went through the amendments with the Committee showing them what they did to the bill. There was much discussion about leaving the payoff at 45% because if you get into the area of 80% payoff, you are talking about slot machine payoffs. Senator Conover said this would eliminate slot machines from this bill. Senator Mohar said that no matter if it is 45% or 80% payoff, a slot machine is still a slot machine. Valencia Lane explained that amendment 31 was the most significant because it defined just exactly what a lottery is and prohibited slot machines, etc. She felt that this amendment made it clear. Senator Mohar

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wanted to know why they didn't just strike "instant winner games." Senator Farrell asked if this was the same definition that all other states have and Valencia replied that she thought it was. She said they looked at other state's laws. Senator Hirsch told the Committee that all the amendments were agreeable with the people that met on them, including Senator Stimatz, except Senator Eck's amendments regarding compulsive gamblers. Senator Conover opposed Senator Eck's amendments on the grounds that there are already treatment centers for this problem. Senator Tveit moved that Senator Eck's amendments, 17, 18 and 30 do not pass. Question was called, and with Senator Harding voting no and Senator Lynch and Senator Haffey no voting, the Committee voted that amendments 17, 18 and 30 do not pass.

Valencia Lane said that amendment 31 strengthens the definition of lottery and the others are housekeeping bills. She said Senator Stimatz wanted this to be strictly a lottery bill and didn't want any other kind of gambling attached. Senator Manning moved that the other amendments be adopted, with the exception of 17, 18 and 30. Question was called and the motion carried unanimously that all amendments do pass with the exception of 17, 18 and 30. (This means that amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 31 do pass.) (See Exhibit "6" for amendments attached hereto and by this reference made a part hereof.)

Senator Mohar made a motion that page 2, line 8 be amended to strike "instant winner games." Senator Tveit made a substitute motion that they defer acting on Senator Mohar's motion until they see what Senator Stimatz wants to do. Question was called and Senator Tveit's motion passed with Senator Mohar voting no. Valencia introduced a Statement of Intent for the Committee to read. The meeting was adjourned at 11:45 a.m.



SENATOR LES HIRSCH, CHAIRMAN

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date _____

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFFEY, Chairman			✓
SENATOR LES HIRSCH, Vice-Chairman	✓		
SENATOR JOHN ANDERSON	✓		
SENATOR MAX CONOVER	✓		
SENATOR WILLIAM FARRELL	✓		
SENATOR ETHEL HARDING	✓		
SENATOR J. D. LYNCH	✓		
SENATOR DICK MANNING	✓		
SENATOR JOHN MOHAR	✓		
SENATOR LARRY TVEIT	Late	✓	

DATE February 19, 1985

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
John Peterson	Montana State AFL-CIO	368	X	
BOB HUDAK	MACo	308 384		
HS Hanson	MTC	374		X
Mark Mackin	Citizen's League	368	X	
Don Judge	MT STATE AFL-CIO	368	X	
Julie Engel	MONTPIRG	368	X	
MARGARET SELLANS	LIW of MT	368		
Mike ALton	Sup. Court	384		
Julie Sabido	MONTPIRG	368	X	

(Please leave prepared statement with Secretary)



Exhibit "1"
SB-368
2-19-84

Montana Public Interest Research Group

729 Keith Avenue • Missoula, MT. 59801 • (406) 721-6040
532 N. Warren Helena, MT. 59601 (406)443-5155

TESTIMONY BEFORE THE
SENATE STATE ADMINISTRATION COMMITTEE
IN SUPPORT OF SB368

Mr. Chairman and members of the committee, my name is Teri England. I am speaking on behalf of the Montana Public Interest Research Group. MontPIRG is a student run and student funded non-profit, non-partisan research, education and advocacy organization. We speak today in favor of SB368.

A good share of MontPIRG's work involves education of citizens, so they may be more effective participants in the democratic process. After an extensive voter registration drive effort, MontPIRG conducted a random, statistical survey of University of Montana students. Our survey showed that 61 percent of students not registered to vote, believed that poll booth registration would make it easier for them to vote. It is our belief that each and every voter should be encouraged, not overlooked.

In 1874, before the institution of national voter registration laws, 82 percent of eligible voters cast ballots. In 1924, after all states had instituted registration laws, less than 50 percent of eligible voters voted. The United States is the only democratic nation that puts sole responsibility of registration on the voter. As a result of its' more lax approach, the United States ranks 23 out of 24 in voter participation among major democracies. According to 1982 figures, Montana ranks 11th in voter turnout compared to other states. Lack of voter participation in Montana supports the need for reform.

Accompanying efforts to implement election day registration, are major concerns regarding election fraud. Five states currently have election day registration. These states have

In closing, we note that the main benefit provided by poll booth registration is increased voter turnout. The five states with election day registration, consistently rank among the states with the highest voter turnout. Estimates on increased voter participation vary from 1-25 percent.

To state the obvious, voting is a right, not a privilege. If a person decides to exercise their right just prior to election day, registration procedures should not bar his/her participation. Most money spent in political campaigns on media coverage is concentrated in the last 30 days before an election--potential voters should be able to respond to that media coverage. It is our contention that it is a worse social wrong to prevent many eligible voters from participating in our democracy than it is to claim fraud by a few.

Election day registration:

- increases voter turnout.
- has shown no increase in fraud among other states with election day registration.
- with proper planning is administratively workable.

We urge your support of SB368.

VOTER REGISTRATION SURVEY

ARE YOU A STUDENT? Y 100% N

DO YOU KNOW HOW TO REGISTER TO VOTE IN MONTANA? Y 92% N 8%

ARE YOU REGISTERED TO VOTE IN MONTANA? Y 89% N 11%

IF YES: HOW DID YOU FILL OUT YOUR VOTER REGISTRATION CARD?
39% AT THE ELECTIONS OFFICE (COURTHOUSE)
1.5% WITH A POLITICAL PARTY
46% WITH ANOTHER ORGANIZATION 8% H.S.
 OTHER (PLEASE SPECIFY) .5% friend

IF NO: WHY DIDN'T YOU FILL OUT A VOTER REGISTRATION CARD?
11% INELIGIBLE
25% UNINTERESTED
25% LACK OF OPPORTUNITY TO DO SO 36% out of state
 OTHER (PLEASE SPECIFY) 3% too late

WHAT WOULD MAKE IT EASIER FOR YOU TO FILL OUT A
 VOTER REGISTRATION CARD?
0 IF REGISTRATION CARDS WERE ATTACHED TO ALL
 GOVERNMENT DOCUMENTS
22% IF THERE WAS ON REGISTRATION CARD FOR THE ENTIRE
 STATE
61% IF I COULD REGISTER AT THE POLLS ON ELECTION DAY
 OTHER (PLEASE SPECIFY) 17% none

IF A VOTER REGISTRATION CARD WAS FILLED OUT, WHAT DO YOU
 THINK WOULD CANCEL THE REGISTRATION?

11.5% NOTHING
16.5% NOT VOTING IN A GENERAL ELECTION
36% NOT VOTING IN A PRESIDENTIAL ELECTION
24% MOVING
9% NAME CHANGE
3% OTHER (PLEASE SPECIFY)

WOULD YOU FAVOR EFFORTS TO MAKE THE VOTER REGISTRATION PROCESS
 EASIER? Y 50% N 35% NO OPINION 7%

DO YOU THINK EFFORTS SHOULD BE MADE TO INCREASE THE NUMBER
 OF PEOPLE REGISTERED TO VOTE? Y 83% N 11% NO OPINION 6%

Exhibit 2
SB-368
2-19-85

Mr. Chairman and members of the committee, my name is Jean Johnson and I work for ^{T/C} Secretary of State's office. We're here to speak in opposition to SB 368.

As we understand it, this bill is designed to increase participation in the electoral process and we support that intent totally. However, we don't think this bill would do that to the extent that it would be worth the trade-off -- in terms of potential fraud, confusion at the polls, increased expense to the counties and the potential inability to call a close race in a timely manner -- and I'll come back to that later.

Right now, there are five states that have election day registration -- Wisconsin, Maine, North Dakota, Minnesota and Oregon. In the 1980 presidential election, only one state -- Maine -- experienced an increase in turnout. Two states -- Minnesota and North Dakota actually had a decrease in turnout and the other two states remained about the same.

Curtis Gans is the director of a bi-partisan, non-profit research group called the Committee for the Study of the American Electorate and is considered an authority in this field. I want to quote a statement Gans made: "The problem we are continuing to face is one of both the conduct and content of American politics. Until we conduct our politics in a way that seems to engage those who might wish to participate and until the content of our politics offers some realistic remedy for the perceived problems of our society, it seems likely that a greater and greater number of Americans will eschew the polls." end quote.

We submit that it's not the so-called "obstacles in the process" that prevent people from turning out, it's the way we conduct our campaigns that turn people off. Election day registration isn't the answer to that problem. Yes, we will no doubt see lots of "new" people voting but the same number of others will still stay at home.

Now let's talk about some of the impacts this legislation would have on the counties, the polling places and the candidates.

First the counties -- they would have to hire at least one additional election judge to handle election day registration for a cost of \$43,250 per election. This is a bottom line estimate because some of the larger precincts would have to hire more than one additional judge. An election official in Minnesota said that from 14 to 20% of the turnout in any given precinct registered at the polls.

State-wide, we're looking at a potential of _____ people requiring processing at the polling place. In Minneapolis alone, 36,000 people were registered at the polls last Nov. 6th.

Another additional cost is in the printing of ballots. Right now, county clerks know how many ballots they have to print -- under the new system, it'd be a gamble: print too many and it's a waste, don't print enough and you run the risk of disenfranchising some voters. Nobody wants that to happen.

Let's look at the polling places. Al Santo, the election official for the city of Minneapolis, told me election day registration causes a lot of confusion for election judges when they try to determine if the form of identification is correct and more often than not, it's a personal judgement call made on the spot. Even a registered elector vouching for someone gets confusing and suspect when that same person vouches for 200 new people -- as was the case in one precinct Mr. Santo told me about!

The whole thing creates an atmosphere of suspicion in the polling place and many candidates threaten to challenge the election...

Let me tell you how "creative" you can get with election-day registration....there was a legislative race in Minneapolis and one candidate was imaginative. She had "voucher" outside the door of every polling place in her district and teams of volunteers that went door-to-door, up and down the street hunting for unregistered potential voters. When one was found, they were given a card

recommending the candidate, told to go to the proper polling place and present the card to the "voucher" wearing the little green pin and that person would "vouch" for their residency. Naturally, that candidate won the election.

I'm wondering how many candidates in Montana would be willing to entrust their campaign to that kind of "last minute creativity." Maybe we should ask Bud Campbell or John Mercer or Rod Garcia.

In Minnisota, after election day, all those who registered at the polls are sent cards to the address they had given. When those cards come back as "undeliverable", an investigation is conducted. In the kinds of close races we often have here in Montana, that kind of situation could conceivably tie up the system for a prolonged period of time -- and you are all aware of the confusion that can create when the two political parties begin selecting their leadership right after the election.

Mr. Chairman and members of the committee, our office hopes that you'll consider very carefully all the ramifications of SB 368 and give it a "do not pass" recommendation.

Exhibit "3"
SB-308
2-19-85

Proposed amendments to SB 308, Introduced (white)
ALL AGREE

1. Page 1, line 19.

Following: "state"

Strike: the remainder of line 19 through "form," on line 21

Insert: "(3). A form prescribed by the secretary of state explaining voter registration qualifications, deadlines, and purge information shall be distributed with the mail registration form."

Renumber: subsequent subsections

2. Page 2, line 8.

Following: "15"

Strike: "30"

Insert: "15"

3. Page 2, lines 25 through line 1, page 3.

Following: "form" on line 25

Strike: the remainder of line 25 through "election" on line 1, page 3

Insert: "until 5 p.m. on the tenth day following the close of registration"

4. Page 4, line 7.

Following: "(4)"

Strike: remainder of line 7 through "section, a" on line 9

Insert: "A"

5. Page 4, line 12.

Following: "weeks"

Insert: "prior to the date of cancellation"

AMENDMENTS REQUESTED BY SECRETARY OF
STATE'S OFFICE

6. Page 2, line 3.

Following: "~~form~~" on line 3

Strike: remainder of line 3 through "administrator" on line 4

Insert: "either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on the registration form"

7. Page 2, line 9.

Following: "~~signed~~"

Insert: "by the witness or officer before whom signed"

8. Page 3, line 8.

Following: line 7

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

9. Page 3, line 16.

Following: "precinct"

Strike: the remainder of line 16 through "(1) (a)"
on line 19

Report "4"
SB-308
2-19-85

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date 2-19-85 Bill No. S 308 Time 11:09

NAME	YES	NO
SENATOR ANDERSON	✓	
SENATOR CONOVER		✓
SENATOR FARRELL	✓	
SENATOR HARDING	✓	
SENATOR LYNCH		✓
SENATOR MANNING		✓
SENATOR MOHAR		✓
SENATOR TVEIT	✓	
SENATOR HIRSCH, Vice-Chairman	✓	
SENATOR HAFFEY, Chairman		
	5	4

Glenda Pennington
Secretary, Glenda Pennington

s/ Les Hirsch
Chairman, Senator ~~Jack Haffey~~
Les Hirsch

Motion: Amendments 6 and 7 do pass

exhibit '5'
SB-308
2-13-85

Proposed amendments to SB 308, Introduced (white)
ALL AGREE

1. Page 1, line 19.

Following: "state"

Strike: the remainder of line 19 through "form" on line 21

Insert: "(3). A form prescribed by the secretary of state explaining voter registration qualifications, deadlines, and purge information shall be distributed with the mail registration form."

Renumber: subsequent subsections

2. Page 2, line 8.

Following: "15"

Strike: "30"

Insert: "15"

3. Page 2, lines 25 through line 1, page 3.

Following: "form" on line 25

Strike: the remainder of line 25 through "election" on line 1, page 3

Insert: "until 5 p.m. on the tenth day following the close of registration"

4. Page 4, line 7.

Following: "(4)"

Strike: remainder of line 7 through "section, a" on line 9

Insert: "A"

5. Page 4, line 12.

Following: "weeks"

Insert: "prior to the date of cancellation"

AMENDMENTS REQUESTED BY SECRETARY OF
STATE'S OFFICE

6. Page 2, line 3.

Following: "~~form~~" on line 3

Strike: remainder of line 3 through "administrator" on line 4

Insert: "either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on the registration form"

7. Page 2, line 9.

Following: "signed"

Insert: "by the witness or officer before whom signed"

8. Page 3, line 8.

Following: line 7

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

9. Page 3, line 16.

Following: "precinct"

Strike: the remainder of line 16 through "(1) (a)"
on line 19

Proposed amendment to SB 324, Introduced, (white)

31. Page 2, line 10.

Following: "except"

Insert: "games prohibited by Title 23, chapter 5, part 1;
lotteries prohibited by Title 23, chapter 5, part 2; card
games regulated by Title 23, chapter 5, part 3; raffles and
bingo games governed by Title 23, chapter 5, part 4; and

1. Page 1, line 23.
Strike: "commission"
Insert: "governor"
Strike: "4"
Insert: "5"

2. Page 3, line 17.
Following: "only" (D. of Comm.)
Strike: the remainder of line 17 through "commission" on line 19.
Insert: "as prescribed in 2-15-121"

3. Page 3, lines 24 and 25.
Following: line 23
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

4. Page 5, line 7.
Following: "director"
Strike: "is"
Insert: "must be"

5. Page 5, line 8.
Following: "the"
Strike: "commission, which"
Insert: "governor, who"

6. Page 6, line 5
Following: "commission" (D. of Comm.)
Strike: "direction or"

7. Page 6, line 6.
Following: "contracts" (D. of Comm.)
Strike: "of no longer than 6 months"

8. Page 6, line 9. (D. of Comm.)
Following: "lottery."
Insert: "All contracts must be made in accordance with state law."

9. Page 7, line 6. (Justice Dept.)
Following: "contractors"
Strike: ";"
Insert: ". The security division is hereby designated a law enforcement agency for the purpose of administering [sections 1 through 20]."

10. Page 7, line 12. (Leg. Auditor)
Following: "attorney general"
Insert: ", the legislative auditor,"

11. Page 9, line 3. (Leg. Auditor)
Strike: "may"
Insert: "shall"

12. Page 9, line 7. (Leg. Auditor)
Strike: "administration,"
Insert: "commerce, the office of the legislative auditor,"
13. Page 10, line 4. (Leg. Auditor)
Following: "and employees,"
Strike: "any person"
Insert: "employees of any firm or governmental agency"
14. Page 11, line 1. (D. of Comm.)
Strike: "Forty-five percent"
Insert: "at least 45%"
15. Page 11, line 7. (D. of Comm.)
Following: "are"
Insert: "not"
16. Page 11, line 10. (D. of Comm.)
Following: "prizes"
Insert: ", sales commissions,"
17. Page 11, line 13. (Eck)
Strike: "50%"
Insert: "49%"
18. Page 11, line 14. (Eck)
Following: line 13
Insert: "(b) 1% into the state treasury. The money in this account is allocated to the department of institutions to be used for programs providing for the treatment of compulsive gamblers, public awareness programs, and the education and continuing education of counselors aiding and treating compulsive gamblers."
Renumber: subsequent subsection
19. Page 12, line 6. (Justice Dpt.)
Following: "agent."
Insert: "Prior to appointment to any of the above positions, a person shall submit to the commission a full set of fingerprints made at a law enforcement agency by an agent or officer of such agency on forms supplied by the agency."
20. Page 13, line 7. (D. of Comm.)
Strike: "director"
Insert: "commission"
21. Page 15, line 9. (Justice D.)
Following: "year"
Insert: "and shall submit to the commission a full set of fingerprints of such person made at a law enforcement agency by an agent or officer of such agency on forms supplied by the agency"

Proposed amendment to SB 324, introduced copy.

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4. Page 10, line 8.

Following: "chance."

Insert: "Each ticket, chance, and machine or electronic device upon which a lottery game is played must have upon it a statement that if the player knows anyone who the player believes may have a gambling problem the player should encourage that person to contact the nearest chapter of gamblers anonymous."

PROPOSED
BY
SEN. ECK

NOT
ON
GRAY
bill

Exhibit "7"
SB-324
2-19-85

49th Legislature

LC 110

STATEMENT OF INTENT

Senate BILL NO. 324

A statement of intent is required for this act because under the provisions of the act the state lottery commission must establish and operate a state lottery and adopt policies and rules regarding but not limited to:

- (1) the operations of the lottery director and his staff;
- (2) the price, number, and size of tickets or chances;
- (3) the drawing of lottery winners;
- (4) lottery tickets or chance sales and ticket or chance sales agents;
- (5) the immediate payment of small prizes;
- (6) lottery security;
- (7) purchase or rental of gaming equipment and supplies;

and

(8) other matters relating to the successful operation of the lottery.

A state lottery is primarily a business operation and has as a purpose the earning of net revenue. The successful operation of a state lottery, as shown by the experience of other state

lotteries, depends to a large degree upon the flexibility to operate the lottery as a business enterprise. The success of a lottery also depends upon the operation of the lottery within a statutory framework ensuring the integrity of the staff and all phases of the operation of the lottery and the avoidance of even the appearance of any illegalities or conflicts of interest.

To these ends, it is contemplated that the state lottery commission will be composed of persons conversant with the types of administrative rules necessary to the successful operation of the lottery and will adopt rules ensuring the integrity and success of the lottery.

In accord with the theory that a lottery is primarily a business, it is contemplated that the rules will change or allow changes in the operation of the lottery consistent with statutes as new business techniques and ideas, new games and prizes, better outlets for ticket sales, and better management techniques are discovered.

Any definitions contained in this act pertain only to the state lottery. It is the intent of the legislature that the state lottery commission operate a state lottery only, and it is not intended that the commission shall be involved in any way in other forms of gambling.

COUNTY OF RAVALLI



STATE
OF
MONTANA



The Bitterroot Valley

HAMILTON, MONTANA 59840

February 20, 1985

Dear Senator Haffey,

Attached please find a copy of my testimony that I gave yesterday in the hearing for SB 368. I neglected to have it typed for the minutes.

Thank you again for the opportunity to testify.

Sincerely,

Betty T. Lund

Betty T. Lund
Election Administrator
Ravalli County
Courthouse, Box 5002
Hamilton, MT. 59840

Phone 363-6345

The Honorable Jack Haffey, Chairman
Senate State Administration
State of Montana
Capitol Post Office

RE: SB 368

Mr. Chairman and Members of the Committee:

For the record, my name is Betty T. Lund, Election Administrator for Ravalli County and a member of the legislative committee of the Montana Clerks and Recorders Association.

The President of our association, Joanne Peres called me Friday afternoon and asked if I would come to Helena today to testify on SB 368.

Having worked with elections for 13 years in the Clerk and Recorder's office in Ravalli County, I feel I have some expertise to draw upon. The concept of poll booth registration is not a new one, however, only 2 states, Wisconsin and Minnesota, have registration on election day as it is stated in this bill. Knowing the quality of the members of this committee, I knew I could not just come to you and say, "Please vote against this bill" without some statistics to tell you why the Clerks and Recorders Association do not want this bill.

My first telephone call was to the Federal Election Commission in Washington, D.C. to find out how many states had poll booth registration. The Federal Election Commission recommended that I check with either Wisconsin or Minnesota to find out how the states like poll booth registration. After talking to the Secretary of State's office in Wisconsin, I learned that very few clerks liked the law.

My second phone call was to the Clerk of the City of Milwaukee, Mr. Ted Stiwicki. He again reiterated that no one was really happy with the law. His number one reason was all the problems that it caused at the polling places--mass confusion. In all precincts there was one line where the voter registered and one line for voting. It was a major project just to vote. The law as implemented in July 1976. In 1976 60,000 persons registered to voted on election day, in 1980 65,000 persons registered and in 1984 76,800 registered. Mr. Stiwicki is afraid that in 1988 his staff will not be able to physically handle the masses of persons that delayed registering until election day.

After election day, Mr. Stiwicki had to send verification cards to all that had registered on election day. It was months before they knew how many fraudulent cards they had.

Those that were fraudulent were sent to the District Attorney's office. No action was taken against these voters because that office did not have the time and man hours that were necessary to prosecute.

My last call was to a Mr. Henry Rachel, clerk of the city of Greenfield for 25 years. He has a population of 32,800 and a registered voter total of 18,000. Very similiar to Ravalli County.

His main reason for not liking poll booth registration was that it leaves the door wide open for corruption. On election day 1984, his people registered 3,889 (more that the population of the city of Hamilton, MT.) Two months after the election he was still checking out the registration cards even though every one elected had taken office. He felt one of the reason the law was working in Wisconsin was that they have what they call an open government. Also they do not have patronage of any kind.

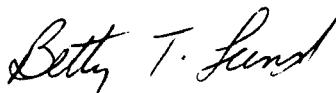
His parting advice to me was to keep what we have!!

In the State of Montana we have plenty of oportunites to register. One can registered by a mail registration card, through a registrar appointed by the political parties, and at one of the many registration drives conducted through out the state by political parties and the League of Women Voters. One can also register in the Clerk and Recorder's office!

Please allow the voter to maintain some responsibility and allow him to show respect for his country by registering to vote as we do today NOT under the pressue of election day excitement.

I would like to ask for your vote for a do not pass for SB 368. It opens the door of temptation for corruption. 10 fraudlant votes in each of my 32 precinct would be 320, enough to change many elections in Ravalli County. It will also create much confusion at the polling place thereby perhaps discouraging voter turnout. It will also undermine the integrity of elections. No one would be confident of the vote tallies.

THANK YOU FOR THIS OPPORTUNITY TO TESTIFY.



Betty T. Lund
Election Admininstrator
Ravalli County
Courthouse, Box 5002
Hamilton, Mt. 59840