

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION  
COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman William E. Farrell, on January 12, 1989, at 10:00 a.m.

ROLL CALL

Members Present: Chairman William E. Farrell  
Senator Hubert Abrams  
Senator John Anderson, Jr.  
Senator Esther Bengtson  
Senator Ethel Harding  
Senator Sam Hofman  
Senator Paul Rapp-Svrcek  
Senator Tom Rasmussen  
Senator Eleanor Vaughn

Members Excused: None

Members Absent: None

Staff Present: Eddy McClure

HEARING ON SB 82

Presentation and Opening Statement by Sponsor:

Senator Dennis Nathe indicated that SB82 is requesting that the Wheat and Barley Committee bureau chief position be exempted from the State Pay Plan. Senator Nathe indicated that, in surrounding states, the lowest paid person in a similar position receives \$11,000 higher than this position. Senator Nathe indicated the Committee is asking for this authority so that if, in the future, the need arises to hire someone new for that position, they have the flexibility to go out in the marketplace and hire competent, qualified people. He stated being locked into the State Pay Plan at the bureau chief level is a problem. Senator Nathe noted that this position may be referred to as the Executive Vice President. He explained there are 2 titles because trade delegations from the Orient do not like to deal with bureau chiefs. It is a matter of how they perceive who their delegations are dealing with, and the title that this position carries within the organization is Executive Vice President. The pay, however, is set at the bureau chief level. The Committee would like to see this position exempted from the State Pay Plan to give the board the power to set that salary accordingly. Senator Nathe reported that this would not

involve any state general funds, as it is entirely funded from the tax on wheat and barley. Senator Nathe then indicated there were other proponents of SB82 that he would like to speak at this time.

List of Testifying Proponents and What Group they Represent:

Larry Barber, Chairman, Board of Directors, Montana Wheat and Barley Committee  
Bob Stephens, Montana Grain Growers Association

Testimony:

Mr. Barber's testimony is attached as Exhibits 1 and 2.

Mr. Stephens reported that the Montana Grain Growers Association supports SB82.

List of Testifying Opponents and What Group They Represent:

Laurie Ekanger, Administrator, State Personnel Division

Testimony:

Ms. Ekanger reported that one of the jobs of the State Personnel Division is to defend the State Classification Pay Plan, and it continues to be the Administration's position to try and restrict the list of exceptions to the plan such as that proposed in SB82. She reported that the State Classification and Pay Plan was set up in 1973 to correct what was an inequitable situation at the time. At that time, pay was set by every board, commission and agency in state government. People doing exactly the same job in one division or agency were being paid dramatically differently than in other agencies. Those agencies that had money paid more than the ones that did not, the same salary was not being paid for equal work, and the state was being subjected to liability. Ms. Ekanger further stated that, during every session, there are bills that attempt to exempt certain positions from the plan and each of those bills will be opposed by the State Personnel Division. She cited three reasons: First, every exemption is one step backward toward the pre-1973 situation of diverse pay across state government. The second reason is that each new exception encourages more to come forward asking for the same consideration. Finally, what this says to the rest of state government is that some positions are more important than others, and the 10,500 employees who are not excepted are told, through adding exceptions, that their work is not as important as others in the eyes of the state. For these reasons, Ms. Ekanger urged that SB82 do not pass.

Questions From Committee Members:

- Q. Senator Rapp-Svrcek asked Mr. Barber, when they come to the point where they will have to replace the bureau chief, will raising the salary for this position raise the rate for wheat and barley producers. If so, by how much.
- A. Mr. Barber responded this would have no effect on the rate to producers as it will come out of the current budget. If the salary were raised, the budget would increase accordingly, and something else would decrease.
- Q. Senator Rapp-Svrcek further asked if any thought has been given to the salary level that they would offer if they had to replace the bureau chief.
- A. Mr. Barber responded that, under the current guidelines, the starting salary would be \$27,500. This figure is quite a bit lower than the lowest starting salary in other states, which is \$42,000. He reported that the Committee tried to hire their Information Officer at approximately \$20,000, and did not get any qualified candidates. They are afraid they would not get any qualified bureau chief applicants at a starting salary of \$27,500, and would like to hire someone at \$32,000, which is the salary of their current administrator. Mr. Barber indicated the problem is that, under the current guidelines, they are not allowed to hire someone at the same salary as the previous administrator. They have to start lower but, if they start lower, they would not be in the job market because a lot of the number 2 and number 3 positions in surrounding states are in the \$30,000 range.
- Q. To Ms. Ekanger, Senator Anderson indicated that he can understand the State Pay Plan has to maintain continuity and equality but indicated that, in view of the fact that no general fund money is involved, it would seem there would be a different approach.
- A. Ms. Ekanger responded that the State Personnel Division does not consider the funding source when evaluating what is equitable pay in trying to make sure that people are paid the same for the same level of work. What the department looks at, when setting pay, is the complexity of the duties, and the knowledge and skills of the duties. She stated this is exactly what happened before the pay plan was established. The federally funded agencies, the ear-marked revenue agencies, were able to pay a lot more than the general fund agencies. They were able to steal staff from the general fund agencies, which was crippling to the general fund agencies. She added

that, for recruitment, they do have the authority to grant pay exceptions when there are no qualified applicants. Exceptions can be granted up to the full 13 steps, if that is what is needed to attract qualified applicants, by applying to the State Personnel Division and indicating a recruitment problem.

- Q. Senator Rasmussen asked what that salary figure would be.
- A. Ms. Ekanger indicated she would have to look at the code book, but there is approximately a 28% spread between step 1 and step 13. At Senator Rasmussen's request that she give a rough figure, Ms. Ekanger responded that, if the position is a grade 17, the starting salary is \$26,900 and ranges up to \$36,000.
- Q. Senator Rasmussen asked if it would then be possible, under existing law, to hire someone at the higher salary.
- A. Ms. Ekanger responded that, if there is that kind of a recruitment problem, they could apply in advance and be given the authority to advertise for the full range of the salary to attract qualified applicants. This is provided for under the current law.

Closing by Sponsor:

Senator Nathe pointed out that they are asking for flexibility. He asked that the committee keep in mind that the range is to a maximum of \$36,000 for a bureau chief. One of the neighboring states that recently filled the same position filled it at \$42,000, which is the closest to their salary, but is still \$6,000 lower. Senator Nathe indicated he felt this was a very legitimate request in asking to be exempted from the state pay plan.

Chairman Farrell announced the hearing on SB 82 as closed.

HEARING ON SB 86

Presentation and Opening Statement by Sponsor:

Senator Eleanor Vaughn explained that SB86 is an act requiring an election administrator, after each general election held in an even-numbered year, to cancel the registration of electors who did not vote in that election; and amending Section 13-2-401, MCA. Senator Vaughn reported that, currently, registration lists are only purged after a presidential election, every four years. After a general election, when there is not a presidential election, anyone not voting was carried on the registration list until the next presidential

election, unless someone requested cancellation or transfer of registration by written notice to the election administrator, or if the election administrator had proof that a person is deceased, they must remove those names from the registration list. Senator Vaughn indicated carrying names on the list, of people who don't vote, creates a problem for school districts, special districts, counties, cities and towns that need to conduct a bond election. In order to validate a bond election, a certain percentage of the eligible registered voters must vote. She cited a school election in Libby recently, which was defeated the first time it was placed before the people. It did not fail because the majority voting did not vote in favor of the bond issue, but because the percentage of voter turnout to validate the election was inadequate. After a review of the names on the list, it was shown that, if the list had been purged after the general election, the bond election would have been valid. Having to conduct another election is an expensive procedure, and time consuming. The percentage required to validate an election is figured from the list of registered electors furnished by the election administrator for the district involved. If this list contains a lot of names of people no longer residents of the district, it gives a false percentage requirement. It also creates a false number shown by the state of the people actually eligible to vote on state-wide and national issues. It would be much more accurate if the list were purged after each general election. The percentage necessary to validate a school election is prescribed in Section 20-9-428, Senator Vaughn continued, indicating this inaccurate figure often disenfranchises an election. The only other option would be to change the percentage requirement necessary to validate an election. That also runs into problems, and people object to that. There is a process where registered electors can be challenged and removed from the rolls, but this must be done within a certain time frame prior to an election, and is a cumbersome and time-consuming process. Senator Vaughn indicated she realizes there is a real concerted effort to get people registered and out to vote in a presidential election. She asked why, then, should it not be their responsibility to vote in every election. The general election, which is held in the years that are not presidential, are just as important, as most of the local county officers, one half of the Senate members, and all of the House members are up for election. Senator Vaughn noted this is really the grass-roots government election. She further indicated she can understand the concerns about people being purged after each general election, and thereby disenfranchised from future elections unless they re-register. Senator Vaughn suggested perhaps it would make people more aware of their responsibility to vote in all elections. Now that most election information is contained on computers, it is much easier to purge the list after each general election,

thereby keeping them up to date. Registration has also been made easier for people with mail-in registration cards. If it becomes necessary to mail things out to all registered electors, carrying those extra names on the list can make this a more expensive procedure. Senator Vaughn noted that not all Clerk and Recorders she has talked to agree with purging every 2 years, but others seem to feel it could be handled without too much problem. In addition, Senator Vaughn indicated school administrators in other districts are concerned about this. Being an ex-Clerk and Recorder, Senator Vaughn reported she worked with elections handling the purging both ways, and she can understand some of the concerns. She also indicated she knows what it does to lists to carry these people for 4 years.

List of Testifying Proponents and What Group they Represent:

Representative Wilbur Spring  
Bruce W. Moerer, Montana School Boards Association  
Lloyd N. Mandeville, Citizens Task Force To Pass The Bozeman  
School Bond  
Toni Niklas, Montana Education Association

Testimony:

Representative Spring reported he spent several years on the Belgrade School Board, and what Senator Vaughn said is accurate. Representative Spring also indicated he represents the area of Gallatin County west of Bozeman and around Belgrade, which is growing fast, and they have a highly mobile society. Prior to the new constitution, the records were purged every 2 years. Representative Spring indicated he supports this bill.

Mr. Bruce Moerer indicated the Montana School Boards Association asked Senator Vaughn to introduce this bill for them. He reported that Section 20-9-428, the section on school bond elections, states that if a turn-out on a bond election is 30% or less, it is an invalid election. If the turn-out is between 30% and 40%, a 60% super majority is needed to pass the bond issue. If there is a 40% or greater turn-out, all that is needed is a simple majority to pass a bond issue. Mr. Moerer gave an example. If a district has 1,000 registered voters on their list, 300 people show up and vote on the bond issue, and all 300 vote in favor of it, the election fails. If 301 people show up, and only 181 vote in favor of it, the issue passes. That is a 60% turn-out. If 399 people show up, and 239 vote for it, that is less than 60% and it fails. If one more person shows up, 400 people, and only 200 vote in favor of it, it passes. That is the problem they have run into with these artificial majorities when a 30% turn-out is required. Mr. Moerer cited the issue in Libby, when the vote

was on May 12, 1987, 2 1/2 years after the 1984 presidential election. They had almost 5,500 registered voters on their list. 1,048 voted for it, 578 voted against it. That was a 29.6% turn-out, but they had almost a 70% pass rate. There were almost 300 people on the voter registration list that were no longer valid electors. If those 300 names could have been taken off the list, they would have had a 31.3% turn-out, and had a valid election. If they had 300 more people show up and vote no, they would have had a valid election, and it would have passed. Mr. Moerer indicated there is another method to purge the voter registration lists which requires a detailed mailing campaign, and an analysis of phone books to see if people are still around. If this is done prior to an election, the County Clerk will strike those invalid names from the registration list. He reported that, when Bozeman ran a bond issue election, they were aware, as was every other school district, of the problem experienced in Libby. Mr. Moerer indicated Mr. Lloyd Mandeville, a parent and volunteer on the Bozeman bond issue campaign, was asked to come here and explain some of the problems in following this other procedure.

Mr. Moerer indicated they understand the problems with voter re-registration, and the problems clerks would have with the extra work involved in purging every other year instead of every 4 years. He indicated that this may not involve near the work as an election-by-election purge. He noted there is also a real problem with schools, and the turn-out requirements with names on the lists that are not qualified electors.

Mr. Moerer urged the committee to vote in favor of, and recommend do pass on SB86, and then introduced Mr. Mandeville.

Mr. Mandeville indicated he and his wife attended today because they are interested. They reside in Bozeman, where they own a real estate office, and have no connection with the school. Mr. Mandeville stated that his business is very dependent on his relationship with people, and getting involved in things like taking people off the voting registration is very hard on business, if it is not done properly. He then indicated that he was elected Chairman of the Citizens Task Force that was charged with the responsibility of educating the public in attempting to get the bond issue passed in November, 1987. They broke into subcommittees, and one of the committees was charged with looking at the voter registration. Bozeman is a university town and, in looking through the voter registration they discovered that, in 1984 the presidential election was of major importance to many people and there was a major push at the university to get students registered to vote. There were a lot of students on the rolls who registered in 1984, and were obviously no longer there. They looked at the history in Bozeman and, in the past

20 years, there had never been a 30% voter turn-out for a school election. It has been 35 years since a bond issue has run in Bozeman and, since that time, there never has been a 30% turn-out. In addition, they estimated they had roughly 6,000 people, on a 18,000 voter registration list, that were gone. In order to have a 30% turn-out on a school election, they estimated they needed to create a 60% real turn-out in order to have a valid election. They felt they could run an election, not attempt to purge the voter registration and, if it failed, re-run it. But the cost of running an election to the school district was around \$5,000. The cost of purging the voter rolls was also significant, because every one of the letters that are sent out have to be sent certified mail, return receipt requested. They made the choice that they had to go through the process and, because it had never been done before that they were aware of, they went to the County Attorney for an opinion. The County Attorney responded, after research, that he could not find anything in the statutes that said it applied to a school election, and his opinion was that it could not be done. It was already July, and they had to attempt to get an opinion whether they could do it. The school district hired an attorney, did research, met with the County Attorney and finally, on August 4th, the County Attorney reversed his opinion, and indicated it could be done. The election laws also say all of the voters must be challenged 20 days prior to the election. Their due date was August 20th, which gave them 16 days to go through 18,000 names to purge the voter roll. They pulled people out of work, had people donate their time, and they estimated they had well over 1,000 man hours. They researched the records 3 or 4 ways and, when they were in doubt, and if they had time, they went out and physically checked addresses. The problem was, there were 6,000 names they felt should be challenged, and they could not get around to check all those addresses. Out of the 6,000 names, they were able to challenge only 2,800. Out of that 2,800, there were nearly 100 people who came back and indicated they had changed their name, got married, or had moved away but were back. There was less than a 5% error, even though they were under a time pressure. This purging of the rolls caused a major public awareness, and an uproar. They were, however, successful in exceeding the 30% voter turn-out requirement. Had they not purged the voter registration, they would not have made the 30%, and would not have had a valid election. Mr. Mandeville indicated it is unfortunate that, under the current law, a school district or community has to go through this kind of system, unless they are holding an election right after a presidential election. Any later than that, there is a lot of dead weight on those roles that makes the percentages not work.



Mr. Mandeville encouraged the committee to look seriously at this bill. He passed out a copy of a letter he wrote to the editor, and the people of Bozeman, which is attached as Exhibit 8.

Ms. Toni Niklas indicated the Montana Education Association supports SB86, and recommends SB86 do pass.

List of Testifying Opponents and What Group They Represent:

Margaret S. Davis, Volunteer Lobbyist, League of Women Voters of Montana

C. B. Pearson, Executive Director, Common Cause

Kathy Bramer Ames, Project Director, Montana Voter Participation Project

Don Judge, Montana State AFL-CIO

Virginia Jellison, Montana Low Income Coalition

Testimony:

Ms. Margaret Davis' testimony is attached as Exhibit 9. Ms. Davis added that it is interesting, in going back to the history of the reorganization of the election laws, that the school officials were very anxious that their elections not be covered under the general election laws, but that they be part of the code in Chapter 20. As a result, there remain some areas of difficulty that have continued over the years, and it is interesting that the real problem seems to be the percentage of participation, and the percentage of plurality that one needs for a successful, valid bond election. She further reported that the representative from the school board association said that the list in Libby contained unqualified electors. Those electors may very well have been qualified, but just did not happen to vote in the last general election, which was a non-presidential year. The problems in university towns are significant, but perhaps one needs to go back and look at the percentage requirement in specific sections of the school law regarding bond elections. That would be more appropriate to change rather than wiping people off the registered voter list.

Mr. C. B. Pearson's testimony is attached as Exhibit 10.

Ms. Kathy Bramer Ames' testimony is attached as Exhibit 11.

Mr. Don Judge stated that he is sympathetic to the problems outlined by Senator Vaughn and those presented by the proponents of this legislation. He reported the AFL-CIO is working with the School Board Association and other groups to have legislation drafted which would again attempt to remove the limitations that are needed in order for a bond election to be valid. They will hopefully be bringing that bill back

to this committee, and have already talked to Senator Vaughn about this. Mr. Judge also agreed with Senator Vaughn's opinion that it is the responsibility of every American, and every Montanan, to get out and vote. Unfortunately that is simply not the case. In the United States, only 52.7% of the electorate voted in the last presidential election, and the margin of victory for the successful candidate was less than 3%. The issue is one of what is the potential for the people being disenfranchised. Mr. Judge indicated that his figures were a little different from Mr. Pearson's but, in 1984, 395,000 voters out of over 526,841 that registered. The purge that year was 131,835; slightly smaller than what Mr. Pearson's figures show. In November of 1986, 935,000 people were registered; 326,438 voted. 48,929 people registered between those 2 years. The potential purge in 1986 would have been 117,000 voters. With every purge comes the responsibility of the Clerk and Recorder's office to notify people that they are going to be purged. In 1988, 378,981 people participated in the election. That was 52,000 people more than participated in the off election year. 52,000 people with the potential for being disenfranchised because they did not vote in 1986. Mr. Judge indicated they do understand there is a significant problem that occurs in university towns where there is a normal turn-over of individuals, but they feel this legislation is the wrong way to address that problem. The right way to address it would be to eliminate the provisions of the 30% requirement for turn-outs in bond elections and the percentage needed in order to have an effective bond election. Mr. Judge indicated it was his understanding those restrictions were put in there because landowners felt that only a landowner should vote in a bond election, and it was an artificial barrier to try to keep other people from raising taxes to landowners. Whether you are a landowner or not, you have a right to vote. Removing those artificial barriers would encourage people to participate in the process. Mr. Judge stated they would encourage the committee to give SB86 a do not pass recommendation.

Ms. Virginia Jellison reported the Montana Low Income Coalition is particularly concerned about involving their constituency in the democratic process. Ms. Jellison indicated she worked with a group in Butte this fall, prior to the election, that was involved in the Montana Voter Participation Project, and she is very familiar with the problems involving the constituency that other people have addressed. She noted it is extremely difficult to inform people of issues, and she is sympathetic to the people who are here to talk about the problems they had with school bond issues passing on a percentage basis. However, they feel purging the voter registration lists every 2 years will discourage the involvement of the people they represent. It is very hard to get them involved, and the coalition is very concerned about that.

When they work with voter registration, they found that people could not recall if they had voted in a general election, and would ask if they were currently registered. Ms. Jellison indicated she felt, if the lists are purged on a 2-year basis, it would be difficult to get low income and minority people involved, and the Coalition would concur with any other solution to this problem, such as doing away with the percentage requirement on school bond elections, rather than purging every 2 years.

Questions From Committee Members:

- Q. Senator Rapp-Svrcek asked Mr. Pearson if he is aware of any studies that have been done documenting the number of people that regularly vote in presidential years, but skip the off years.
- A. Mr. Pearson responded that he knows there is information on that, but it is not accessible to him. He further stated that is the trend nationally, and he knows there is that trend in Montana.

A comment was made that the American Voters Institute would have this information.

Closing by Sponsor:

Senator Vaughn stressed that is easier for people to register to vote. There is the mail-in registration; they simply need to call and request a card, fill out and sign the card, have it acknowledged by another voter in their precinct, and get the card back into the election administrator. She indicated she felt it might increase Montana's enviable high rate of vote if people were encouraged to vote in every election, rather than just in the presidential elections. If there was only a 52.7% vote in the presidential election, that shows a pretty low interest, even in a presidential election, and after the presidential election, there were many people who were purged. If they were encouraged to vote in every election, they would become more aware of what is happening, and would be more willing to go to these elections. Senator Vaughn asked Bruce Moerer if the school administrations have ever tried to change the percentage before.

Mr. Moerer indicated they have tried to change the minimum turn-out requirements in the past, but have received no reception whatsoever to lowering the 30% turn-out requirement. They see no other alternative to this bill, because they see more opposition with the other way of doing it than they have with this. They would appreciate the support they may get in a fall-back position to change those from the AFL-CIO and those groups, but Mr. Moerer stated he looks for less success

that way than he does this way. If the committee is inclined to vote do not pass, he would hope it could be interpreted as a vote of do pass another bill to lower the 30% requirement.

Senator Vaughn strongly urged the committee to consider a do pass on SB86.

Chairman Farrell announced the hearing on SB86 as closed.

#### HEARING ON SB 88

##### Presentation and Opening Statement by Sponsor:

Senator Tom Rasmussen indicated that SB88 is simply to repeal, in total, legislation which was passed in the last session. This legislation became known as the Sunrise Bill of last session. It related to a problem with a proliferation of boards being created in the health care professions. This bill was an attempt to slow down the creation of new boards. The intent of the legislation was to establish criterion procedures to improve the Legislature's ability to evaluate the need for new licensing boards. And, also, to allow for the smallest number of licensing boards consistent with adequate regulation of professions. As originally drafted, this bill did establish the criterion procedures for review, but it did not contain any monetary figures, and it related to the Legislative Audit Committee performing this particular procedure, reviewing any applications that came in. It became apparent that this was going require money, time and staff on the part of the Legislative Audit Committee. In the Senate Public Health Committee, it was determined that it would cost about \$6,500 to go through a review of an application to license a new profession. This amendment was tacked on for the Legislative Audit Committee to establish a fee not to exceed \$6,500 to pay for the cost of the review. Unfortunately, this bill did pass in the last session, and is law. What has been created is a situation where certain people who want to introduce legislation must pay to introduce a bill. Most citizens wishing to introduce legislation just introduce legislation, if they can find a legislator. Now there is a situation where, if you feel you have a profession that is worthy of being licensed, suddenly you have to pay \$6,500 for the privilege of introducing the legislation. That has begun to affect groups in the last 2 years, and Senator Rasmussen indicated he thinks this is unconstitutional, although it has not been tested yet. Whether it is or not, it seems blatantly unfair that we have, in effect, a double standard created. 90% of the legislation introduced can just be introduced, but this narrow bit of legislation related to licensing of health care professions, they have to come up with this money.

List of Testifying Proponents and What Group they Represent:

Steve Waldron, Montana Council of Mental Health Centers.

Testimony:

Mr. Steve Waldron indicated the Montana Council of Mental Health Centers became aware of this law only recently. He indicated there is currently a Board of Psychologists who license Ph.D. psychologists. They passed a rule a short time ago that only those people with Ph.D.s in psychology could call themselves psychologists. The Mental Health Centers, for years, have had masters level psychologists with a degree in psychology calling themselves psychologists. These people have been ordered by the Board to no longer call themselves psychologists. There is an exemption in the law for charitable organizations and, apparently, the Board does not think that the 501 (C) 3 mental health centers are charitable. Mr. Waldron indicated the approach that they felt would make some sense and is logical was to have a professional board oversee the practice of these masters level psychologists who are trained to do therapy, as they are practicing intensive therapy, mental therapy, and often times dealing with suicidal people. He noted they are not asking for an additional board, and they understand the problem with the so-called proliferation of boards. What they are asking is to require that the Board of Psychology also license M.A. psychologists so that M.A. psychologists can be called psychologists. Mr. Waldron indicated the \$6,500 is a significant barrier. They probably will have 15-20 masters level psychologists who would be licensed and, to come up with that fee in a short amount of time, would make it very difficult to get the job done by this legislative session. If this bill is not repealed, they will have to spend the next 2 years fighting over whether or not M.A. psychologists can call themselves psychologists. Mr. Waldron indicated there may be some other approaches, and perhaps members of the committee could advise him of any other possible approaches. Mr. Waldron stated, when you have people who are trained, clinically, and allowed to practice without any sort of professional oversight, he is a bit concerned. He is less concerned about that in the mental health centers, because they do have some standards through the Department of Institutions, review by the Board of Visitors, plus they establish their own standards for therapists. Mr. Waldron asked for the committee's assistance in repealing this law so that their masters level psychologists could call themselves psychologists.

List of Testifying Opponents and What Group They Represent:

Senator Tom Hager  
Roger Tippy, Montana Dental Association

Testimony:

Senator Hager indicated that, as chief sponsor of the Senate bill that established this procedure 2 years ago, he felt he should respond to this bill. He stated this was a bill that he felt privileged to carry, and it was a well-written bill that went into detail to handle a problem that the legislature has had over many years. That problem is how do you tell if a professional or group of practitioners should be licensed. Senator Hager further indicated the reason he was happy to handle this bill was that he saw the detail that went into this bill to set up a procedure so the Legislature would have a method to measure these questions and get answers to them. With regard to the \$6,500, Senator Hager indicated it was added as an amendment to the bill, and the reason it was added, and the reason it was \$6,500, is because they went through a sunset procedure on many boards in 1979 and 1981. The boards had to come back and prove it was necessary to license them to protect the public and the practitioners. The audits were done by the Legislative Audit Committee, and they had to work hard. Senator Hager indicated it was felt that they were the best equipped people to do this review and to come up with the answers that are in this bill. The \$6,500 was the amount they felt it would cost, on average, to review the 15 or 20 health care boards they had to review in 1981. There is a provision in the law that the \$6,500 is to be used only to do the required work in this bill. If it doesn't take \$6,500, the remainder is to be refunded to the people that made the application.

Senator Hager responded to a question brought up by Mr. Waldron regarding the psychologists problem. He indicated this problem is handled by the law, as it reads now. Under 28-203, the committee shall review and assess the merits of any proposal to, sub (c) add to the duties of an existing licensing board responsibility for licensing in other occupation or profession. Senator Hager indicated the question should be brought to the board rather than throw out the law, and he thinks this is a good law which has not had a chance to be tested.

Mr. Roger Tippy reported that the Montana Dental Association supported Senator Hager's bill 2 years ago due to experiences growing out of a matter with denturists. Mr. Tippy asked the committee members if they would think it proper to pass out a bill for a new licensing board if there were only 10 people in the state that would be required to get a license, and 3 or 4 of them would have to be on the board. It would be an expense to the Commerce Department, and would end up costing each of those people maybe \$1,000 per year for the privilege of being licensed. Mr. Tippy referred to a bill he drew up

several years ago, when he was a bill drafter, and there were 10 people in that particular profession in the whole state. 5 of them worked for the agriculture department of the federal government. Of the remaining 5, 3 of them had to be on the board. Mr. Tippy reported that dentists knew, when the denturist idea was proposed, that Montana's population would not support more than 11, 12 or 13 denturists. Yet the fiscal note was put to the people on the premise that there would be 30 denturists and that an independent board was warranted. They protested, but 53% to 47% voted for that initiative. Only 13 denturists came forward to be licensed. Last session, they voted to pass a bill to merge the denturists board back in to dentistry. The findings that need to be made to justify a new board should be on every Senators desk before the vote to create a new board. There are many groups, who are small in number, that would like to have their own board for various reasons. It would make more sense to work something out with an existing board. Mr. Tippy indicated there may be constitutional problems with a \$6,500 fee being charged up front before someone can petition the Legislature to introduce a measure. Mr. Tippy indicated he has discussed that with Mr. Northy, the Legislative Auditor's staff attorney, and there are probably some questions Ms. McClure could be asked to look in to in that regard. Mr. Tippy asked the committee to not throw out the whole law because there may be problems with the fee. The standards and criteria are very good.

#### Questions From Committee Members:

Chairman Farrell announced that Mr. Jim Pellegrini and Mr. Scott Seacat from the Auditor's office are in attendance and could answer technical questions, if the committee has any. Chairman Farrell indicated they are not here as proponents or opponents, but simply to answer any questions.

- Q. Senator Hofman asked if the \$6,500 fee applies only to boards in the medical field, or to every kind of a board.
- A. Senator Rasmussen responded that, although he stated the health care field, he misspoke. That is the only group that has surfaced, so far. He indicated it applies to any new licensing board.
- Q. Senator Bengtson asked if the \$6,500 has been charged to any new applicants.
- A. Mr. Waldron responded that, since the sunrise law was passed, there has been only one application. There have been 14 different groups ask about sunrise, but no one has ever submitted a complete application.

- Q. Senator Bengtson further asked if the fee was a deterrent to potential applicants.
- A. Mr. Waldron indicated it is. He further indicated that a lot of the discussion they have had with those boards was regarding whether it was necessary.

Mr. Seacat pointed out that the fee issue came up when a group of physicians came to the Audit Committee and asked for a waiver of the fee. The Audit Committee believes that the fee is a deterrent, and understands the problem with the fee. He indicated he asked the Attorney General for an opinion as to whether or not the Audit Committee could waive the fee, and the Attorney General responded they could not. Mr. Seacat indicated there have been 14 inquiries about the sunrise audit process. Had there not been a fee, their office would have been required to do 14 new audits. He further indicated there is a lot of audit work mandated by law, and there was no way to get the job done other than have some sort of fee, and that is why the fee came into existence.

- Q. Senator Rapp-Svrcek asked Mr. Seacat, if they agree the fee is a deterrent, does he have any suggestions as to how to strike a balance. The criteria is important, and perhaps should remain in place.
- A. Mr. Seacat responded that the only alternative he could see, given the mandated audit work they have to do, would be to put general fund money in their budget. Mr. Seacat indicated they are not asking to do that, but that is the only alternative that he knows of.
- Q. Senator Vaughn asked, if it seemed so important at the time for these boards to become licensed, is it astronomical.
- A. Senator Hager responded that, if they get 2 or 3 requests for new boards which regulate these different occupations, 4 or 5 more want to be licensed. It has been a difficult procedure to get through the review, and it is very necessary for any profession. Senator Hager pointed to the fact that there were 14 new inquiries, and the fees are necessary to recover the costs of the review.
- Q. Senator Bengtson asked if this would streamline the regulatory and licensing process, or if it is creating a lot of road blocks.
- A. Senator Hager responded that this law is more of a directional measure and that, by setting up this procedure, they have provided guidelines for deciding whether or not a profession should be licensed and regulated. He



further stated he does not think it is a deterrent. Most of these people are already practicing in Montana, but feel they need the protection of the licensure procedure.

- Q. Senator Hofman asked if the auditors were so busy there was no way they could do these reviews without hiring new people.
- A. Mr. Seacat responded that is correct and the type of work that is envisioned requires a substantial amount of work by their office. It could be done on a first-come-first-served basis, but there is no way they could do 14 at this time, as they do not have the people.
- Q. Chairman Farrell referred to the question of a possible constitutional problem with the fee, and asked Ms. McClure to respond.
- A. Ms. McClure indicated she has done some research with a consultant in Illinois and Michigan who has done a study. She indicated licensing has always been a prerogative of the state, as long as the fee is rational and tied to something. She noted that, regarding this bill, there is a fiscal note from the auditor's office attached.
- Q. Chairman Farrell asked Senator Rasmussen if the date included in the bill was correct.
- A. Senator Rasmussen responded it is.

Closing by Sponsor:

Senator Rasmussen indicated he appreciates the intentions of the sponsors of this bill and, at the time, it seemed like a logical thing to do. He further indicated that he now sees it as a subversion of the legislative process in that we have segregated out one of the legislative processes. He asked, if we do that with the licensing boards, why not others. Senator Rasmussen suggested this is the wrong solution to the problem, and we need to work around that. The old system is the system we need to be under. The Legislature needs to decide.

OTHER BUSINESS

Chairman Farrell asked the committee to take executive action on SB49 and SB75.

Senator Rasmussen moved that SB49 do pass. Senator Bengtson raised the question that SB49 deals with a fear of the unknown. Senator Rasmussen responded that this bill is a

result of the pay freeze and possible loop holes. He indicated he thinks it is prudent to clear up the loop holes.

Recommendation and Vote:

Motion passed that SB49 do pass.

Senator Bengtson moved that SB 75 do pass.

Recommendation and Vote:

Motion passed that SB75 do pass.

ADJOURNMENT

Adjournment At: 11:35 a.m.

  
WILLIAM E. FARRELL, Chairman

WEF/mhu  
SB82.112

ROLL CALL

STATE ADMINISTRATION COMMITTEE

51ST LEGISLATIVE SESSION

DATE: January 12, 1989

NAME	PRESENT	ABSENT	EXCUSED
HUBERT ABRAMS	✓		
JOHN ANDERSON, JR.	✓		
ESTHER BENGTON	✓		
WILLIAM E. FARRELL	✓		
ETHEL HARDING	✓		
SAM HOFMAN	✓		
PAUL RAPP-SVRCEK	✓		
TOM RASMUSSEN	✓		
ELEANOR VAUGHN	✓		

STANDING COMMITTEE REPORT

January 12, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration SB 49 (first reading copy -- white), respectfully report that SB 49 do pass.

DO PASS

Signed: *William E. Farrell*  
William E. Farrell, Chairman

scrsh49.112

H. C. 19  
11/31/89  
713


STANDING COMMITTEE REPORT

January 12, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration SB 75 (first reading copy -- white), respectfully report that SB 75 do pass.

DO PASS

Signed: 

William E. Farrell, Chairman

scrsb75.112

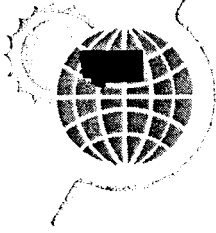
J.E. 1/13/89

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 1/12/89

BILL NO. SB 82 pg 1



**MONTANA WHEAT AND BARLEY COMMITTEE**

**Research and Marketing**

750 Sixth Street S.W. • P.O. Box 3024, Great Falls, Montana 59403-3024  
Telephone (406) 761-7732

**JIM CHRISTIANSON**  
Executive Vice President

**TESTIMONY OF THE  
MONTANA WHEAT AND BARLEY COMMITTEE**

Great Falls, Montana

**PRESENTED BY**

**LARRY BARBER, CHAIRMAN**

For the record of

the

State Administration Committee

on

Senate Bill #82  
(Exemption of the bureau chief of Montana  
Wheat and Barley Committee from the state  
pay plan and from compensation increase limitations)

Helena, Montana

January 12, 1989

EXHIBIT NO. 1DATE 1/12/89BILL NO. SB82 pg 2

Chairman Farrell, Committee members, guests, ---- my name is Larry Barber and I am chairman of the board of directors of the Montana Wheat and Barley Committee.

On behalf of the Montana Wheat and Barley Committee, I would like to ask for an exemption from the state pay scale for the administrator of this Committee.

Over the past ten years, the duties and responsibilities of this position have grown to encompass a much broader area than we ever imagined. The administrator is now required to have a working knowledge of almost every phase of the wheat and barley industry. No longer he is expected to be able to handle information concerning just local issues. The demands of the job are now such that he must communicate and work with everyone -- from foreign investors interested in coming into the state to purchase grain or set up businesses,-- to those on the domestic front who are developing and marketing new varieties of grains.

Our administrator must be able to travel the speaking circuit and address diverse groups on almost any topic relative to the grain industry.

Currently, this position in Montana is funded the lowest in the nation. Of the fifteen states with wheat or barley check-offs, Montana is not only funded the lowest, but, if we were to increase the level of pay by 30 percent, it would still be the lowest.

It is not the intention of the Committee to request a large salary increase for our administrator. Our problem deals with the future.

Last summer, we replaced the Information Officer position. Out of the fourteen applicants, there were only three that could be considered as legitimate candidates. This brought us to the awareness of the problems we would encounter if we tried to replace the administrator under the current salary guidelines.

The average national salary for this position is \$50,130. We realize that it is not necessary to be at that level here in Montana, but, if we must try to fill this position at \$27,500, it may well be impossible to get any qualified applicants.

The Committee believes that the grain farmers of Montana, who finance the work of the Montana Wheat and Barley Committee, deserve to have a qualified and capable administrator.

Thank you.

EXHIBIT NO. 2

DATE 1/12/89

BILL NO. SB82

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Larry Barber DATE: 1/12/89

Address: Coffee Creek, Mt 59424

Phone: 567-2389

Representing whom? Mount. Wheat & Barley Comm.

Appearing on which proposal? BILL # 82

Do you: SUPPORT? X AMEND?     OPPOSE?    

Comments: See exhibit #1



EXHIBIT NO. 3

WITNESS STATEMENT

DATE 1/12/89

BILL NO. SB82

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

Bob Stephens 1-12-89

Address:

Dutton, Tex

Phone:

463-2433

Representing whom?

Montana Grain Growers Assoc

Appearing on which proposal?

S.B. 82

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE STATE ADMIN.

EXHIBIT NO. 4

STATE ADMINISTRATION COMMITTEE

DATE 1/12/89

BILL NO. SB82

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Laurie Ekanger

DATE: 1-12-89

Address: Rm 136 Mitchell Bldg  
State Prisoner's Div.

Phone: 444-2871

Representing whom?  
State Dept. of Admin.

Appearing on which proposal?  
SB82

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

## Department of Administration

## TESTIMONY OPPOSING SB 82

## I. Statewide Classification and Pay Act

We are not testifying against the Wheat and Barley Committee but for this Act. Passed in 1973, this Act brought order to the chaos of state pay practices. The Act sought for the State, as an employer, to establish fair, consistent rationale in setting pay for all state employees. It put an end to rich agencies, boards and commissions paying a lot and poor agencies unable to compete.

## II. Problems with the Act

The Act is frustrating for managers because they can't pay for performance, rewarding outstanding workers.

State salaries are below the market compared to surrounding states by about 17% on average.

Turnover rates are high in many high skill occupations because of above and limited advancement or earning potential.

These are not problems unique for the Wheat and Barley Committee.

## III. Problems with Exemptions to the Act

Each new exemption encourages other agencies to seek exemptions (we have heard of others with such plans). This trend will send us back to pre-1973 pay practices.

Exemptions are not fair to other managers who do not have resources or authority to seek exemptions and now can't compete.

It is demoralizing to workforce to see some occupations exempt and others not. Exemptions make everyone question the fairness of classified salaries.

For more information call Laurie Ekanger, State Personnel Division, 444-3871.

SENATE STATE ADMIN.

EXHIBIT NO. 6

DATE 1/12/89

STATE ADMINISTRATION COMMITTEE

BILL NO. SB86

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

Bruce W. Moever

DATE:

1-12-89

Address:

One South Montana Ave  
Helena

Phone:

442-2180

Representing whom?

MSBA

Appearing on which proposal?

SB 86

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:

§ 20-9-428<sup>1/2</sup> requires over 30% voter turnout to  
have a valid school bond election, and also  
requires a supermajority of 60% approval if  
the turnout is between 30% and 40%, which  
lost an election on May 12, 1987 because  
about 300 non-qualified electors remained on  
the registration list. Boyer was then  
much time and expense to purge this list,  
and were successful in passing their bond issue.  
The lists need to be purged every 2 years instead of every  
four years to allow a fair vote at school bond elections.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE STATE ADMIN.

EXHIBIT NO. 7

STATE ADMINISTRATION COMMITTEE

DATE 1/12/89

BILL NO. 5886 WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

Wayne M. Mendonça January 12, 1989

Address:

411 W. Arnold  
Bozeman, Mt. 59715

Phone:

587-7833

Representing whom?

Citizens task force to pass the Bozeman school Bond

Appearing on which proposal?

Senate Bill 86

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:

I was chairman of the citizens task force. One of our awesome responsibilities was to purge the voter rolls. The attached letter is a letter published by the Bozeman Chronicle in response to the uproar caused by our having to purge the voter rolls.

The reason we purged the rolls is because we felt that approximately 1/3 of the voters registered was long-term residents of Gallatin County.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE STATE ADMIN.

EXHIBIT NO. 8

DATE 1/12/89

BILL NO. SB86

September 17, 1987

Several months ago a group of citizens banded together for the purpose of informing the public of the need for a new school and to do what the committee could to get the bond issue passed. The group formed into several sub-committees--one of which was the voter analysis committee. The purpose of this committee was to research the voter rolls and see if sufficient registered voters had left the area so as to endanger the voter--for in a school bond election at least 30% of the registered voters must vote in order to have a valid election. After researching the rolls, the committee discovered that there were enough people who had left the area so as to put the election in jeopardy.

The first step was to contact the County Attorney as to the procedure of undertaking such a task. Unfortunately we had not counted on the depth of the research that the County Attorney would have to do. Thus it was not until a little over two weeks before the task had to be completed that the procedure was handed down.

The question was what to do. With such a short time left we no longer had the time to visit every address in question. Yet if we did nothing and the election was ruled invalid because it fell short of the required 30% registered voter turnout, the election was in vain. We knew that then a second election would have to run at a \$5000.00 cost to the taxpayers, and we didn't want to see that happen. There was no choice but to remove those who had left the area from the rolls.

The task was enormous and the time was short. With over 18,000 registered voters on the rolls there was no choice but to call in help. And the volunteers responded. People came from everywhere --some taking time off work to help. Total volunteer time spent in that two week period was nearly 1,000.00 hours. Sources used to determine if people were still in the area were the 1987 phone book, the city directory, the MSU directory, some phone calls, word of mouth and checking to see if the voters still in question had voted in the last school election. If there was any doubt based on the information we had, we tried not to question the person's residence. Unfortunately there were mistakes made--85 at last count. Although some of these

are women showing different last names in the phone book and city directory than on the voter rolls, we are sorry that we had made these mistakes. To these people we offer our sincere apologies. Please understand that you were not singled out nor was your right to vote ever taken away. You had until a certain date to assure that your name remains on the printed voter rolls but you have up to the closing of the polls on November 3rd to show up and vote. If your name was on the original voter rolls, it will be returned to the rolls when you arrive to vote and you will be given a ballot. To those people who have not registered to vote, please do so immediately. You have until October 4, to register or, unlike the persons and were registered and removed from the rolls, you will not be able to vote on election day. The issue facing us is very important and will help determine our future so your voice must be heard.

For those of you who do not yet understand the need for new schools or the benefits of centralizing services, please call on us. Part of our purpose is to inform you of the need for these things and to show you the part excellent schools will have in attracting companies such as US WEST. We want to share with you why the US WEST Executives spent such a large percentage of their time with our school administrators and the concerns they shared with our current overcrowding. But rather than just talking to us one on one why don't you have us come and speak to your group. That way we can use your time and ours most effectively. In addition the Board of Trustees will be having public informational forums. Please watch for them and participate.

Lloyd Mandeville, Chairman  
Informational Task Force

SENATE STATE ADMIN.

EXHIBIT NO. 9

DATE 1/12/89

BILL NO. SB86

**League of Women Voters of Montana**

12 Jan 89

SB 86 - Cancellation of electors who did not vote in an even numbered year general election.

The League of Women Voters of Montana opposes SB 86.

The cancellation of registered electors every two years would serve to discourage the participation of citizens in the election process. It is a political fact of life that presidential elections attract far more interest in voting than non-presidential general elections. Purging after every even-numbered year general election would wipe from the rolls people who may consistently vote every four years.

With increasing computerization, it is possible for election administrators to purge registered electors in an electronic twinkling of the eye. I only wish it were equally as simple to register voters in the first place. Until that is possible, the League believes this bill would serve to disenfranchise citizens in Montana.

Margaret S. Davis  
816 Flowerree  
Helena, Montana 59601

443-3487





# COMMON CAUSE/MONTANA

P.O. Box 623  
Helena, Montana 59624

SENATE STATE ADMIN.

EXHIBIT NO. 10

DATE 1/12/89

(406) 442-9251 BILL NO. SB 86 pg 1

## TESTIMONY OF COMMON CAUSE IN OPPOSITION TO SB 86

THURSDAY JANUARY 12, 1989

Mr. Chairman and members of the Senate State Administration committee, for the record, I am C.B. Pearson, executive director of Common Cause in Montana.

On behalf of Common Cause's members, I would like to go on the record in opposition to Senate Bill 86.

If passed, SB 86 will cause a drop in voter participation.

In a recent report issued by the National Association of Secretaries of State entitled "Barriers to Voting" the association reviewed the problem of voter participation. The report states, "The depressed level of voter turnout in the United States is directly attributable to the haphazard systems of requirements for citizens to register to vote in the 50 states."

The report outlines a 25 point platform for increasing voter turn out. I have enclosed several parts of this report for your reference.

The issue of purging voters is part of the platform. Please notice point 24 - Limit purges to change of address or death, and never just before election.

On the following page you will find a detailed explanation of the National Association of Secretary of States position on purging. I would like to highlight the third paragraph following the bold type.

"In many states, however, the purge has evolved into a method of removing names from the registration lists instead of keeping the lists up to date. The model system would not purge for nonvoting, as there should be no

penalty for people who are registered but who choose not to vote. Barring the ability to enact the ideal provision, no voter should be purged for nonvoting before at least four calendar years have elapsed (to accommodate "presidential voters"), and any purge should be preceded by sending the registrant a notification with a prepaid return card that can be signed and returned to maintain an active registration."

In a practical sense this bill would remove significant number of people from the roles. According to Election Data Services, the 1984 voting age population in Montana was 591,000 of which 526,841 were registered to vote. Only 384,377 registered voters actually voted for a turnout of 65% of the voting age population. In theory, following the 1984 election, 142,464 voters were purged according to Montana law.

According to Election Data Services, the voting age population in 1986 was 595,000 with 443,935 citizens registered to vote. Only 326,436 registered voters actually voted for a turnout of 55% of the voting age population.

If SB 86 would have been in effect, an additional purge of 117,499 voters would have occurred. At this point a gross total of 259,963 voters would have been purged. Some of these would have been voters who had registered previously to both elections but decided, for what ever reason, not to vote.

Since the 1984 election with a high of 526,841 registered voters to the low turn out of 326,436 voters in 1986, 200,405 voters would have been removed from the voting lists.

Moving to a purge system on a two year basis will certainly increase the number of people who will need to be registered to vote. As such some voters will not register and therefore not be eligible to vote.

SENATE STATE ADMIN.

EXHIBIT NO. 10

DATE 1/12/89

BILL NO. SB 86 p 3

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In addition moving to a two year purge system whereby the laws become more restrictive will cause confusion among voters resulting in some citizens being denied the right to vote.

It is Common Cause's position that instead of restricting voter participation, such as SB 86 does, this committee should adopt the model position on purging as adopted by the National Association of Secretaries of State. Voter names should be purged only for change of address or death and never for not voting.

Thank you Mr. Chairman and members of the committee.

# Report of the Task Force on

SENATE STATE ADMIN.

EXHIBIT NO. 10

DATE 1/12/89

BILL NO. SB 86 pg 4



# BARRIERS TO VOTING

of the National Association of Secretaries of State

The Honorable Sherrod Brown, Ohio, Chairman

The Honorable Elaine Baxter, Iowa

The Honorable Allen J. Beermann, Nebraska

The Honorable Natalie Meyer, Colorado

The Honorable Dick Molpus, Mississippi

## SUMMARY

"The depressed level of voter turnout in the United States is directly attributable to the haphazard systems of requirements for citizens to register to vote in the 50 states." Both the Harvard-ABC Symposium in 1983 and the Commission on National Elections in 1986 (both bi-partisan groups) reached this same compelling conclusion.

Barriers to voter registration and burdensome administrative procedures in the various states are still major contributors to America's low voting turnout. The most common barriers to voter registration are identified and discussed as:

- knowing the law;
- moving;
- requiring registration at a central office;
- special difficulties for members of the armed forces, out-of-towners, students, persons with language problems, disabled persons;
- linkage to jury duty;
- election officials who are not helpful.

All of the witnesses, election officers and registration organizers alike, at a national hearing on barriers to registration agreed that government has some responsibility to make voter registration accessible.

This report presents a model system for accessible voter registration. The model contains 25 specific recommendations, which are divided into

- general provisions that should be in all registration codes;
- provisions for mail-in registrations;
- registration provided through public agencies;
- using branch offices and volunteer registrars;
- reduced deadlines and day-of-election registration;
- purging registration lists;
- a central voter registry.

The recommendations are severable for individual enactment and implementation, but the model system as a whole is needed to provide a comprehensive, uniformly accessible voter registration program for the nation. A list of states that allow each of the registration systems discussed is provided.

The recommendations are:

1. Verification of all voter registrations.
2. No declaration of political affiliation with registration.
3. Unrestricted distribution and return of registration forms.
4. No witness requirement for registration.
5. Centralized state responsibility to supervise elections and registration.
6. Adequate funding for registration services.
7. Elimination of all dual registration.
8. Unrestricted distribution of mail-in forms.
9. Uniform mail-in registration form.

iv BARRIERS TO VOTING

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10. Statewide reciprocity of registration among local registration officials.
11. Forwarding of registrations to appropriate office.
12. Unrestricted reproduction of registration forms.
13. Postpaid return of registrations.
14. Register voters at public agencies.
15. Public agencies and election officials cooperate on registration.
16. Provide registration through driver licensing agencies.
17. Combine voter registration with other government forms.
18. No restrictions on who can register voters.
19. Provide forms to volunteer registrars.
20. Technical errors do not invalidate registration.
21. No restrictions on where registration may occur.
22. Train volunteer registrars.
23. Day-of-election or very late registration deadline.
24. Limit purges to change of address or death, and never just before elections.
25. Central state registry of voters.

The barriers to voting must come down. Universal registration must be the rule. Accessible voter registration and increased voter turnout will require efforts by all levels of government to remove the barriers that still exist. Only full electoral participation will provide true representative government.

EXHIBIT NO. 10DATE 1/12/89BILL NO. 5686 pg 7

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**BARRIERS TO VOTING 15**

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**23. Close deadline. The deadline for registration should be as close to the election as possible.**

The three states that currently allow for election-day registration require substantial proof of identity from each new registrant; legislative proposals currently under consideration for election-day registration also include substantial protections against fraud. These protections include identification requirements and special paper ballots, to be counted only after address verification is conducted by the election authorities (the same address verification procedure that is used for pre-election registrants).

**PURGING VOTER REGISTRATION LISTS**

The purpose of the purge is to keep the voter registration lists current and accurate. Voter registration lists should have current addresses, so change of address notices must be designed to add the correct address and remove the incorrect address. Many states mail nonforwardable materials to each voter; when these materials cannot be delivered, and so are returned to the election office, this should trigger a further investigation on the part of the election authority. If the person's registration cannot be verified as correct, it should be kept in a separate file for challenge on election day.

**24. Limited purges. Names should be purged only for change of address or death. Nonvoting should not be cause for purging without notification.**

All purging should be done as soon as practicable after November general elections, so registrants will have time to return reply cards to maintain registration for the next election cycle. Purges should never be conducted immediately before an election.

The names of people who have died need to be stricken from the lists; where coronors or other officials maintain lists of who has died in the county, these lists should be automatically forwarded to the proper election offices.

In many states, however, the purge has evolved into a method of removing names from the registration lists instead of keeping the lists up to date. The model system would not purge for nonvoting, as there should be no penalty for people who are registered but who choose not to vote. Barring the ability to enact the ideal provision, no voter should be purged for nonvoting before at least four calendar years have elapsed (to accommodate "presidential voters"), and any purge should be preceded by sending the registrant a notification with a prepaid return card that can be signed and returned to maintain an active registration.

SENATE STATE ADMIN.

EXHIBIT NO. 10

DATE 1/12/89

BILL NO. 5686 p. 8

# If everyone had voted — Bush would've won

By The New York Times

What if they gave an election and everybody came? If all the people who didn't vote in 1988 had done so, according to the latest New York Times-CBS News Poll, the victor would have been — George Herbert Walker Bush.

The main difference: in an election with a turnout of 100 percent, Bush's margin would have been greater than it was in the actual contest, in which only half the eligible voters went to the polls.

On Nov. 8, Bush defeated Gov. Mike Dukakis of Massachusetts by about 8 percentage points, or 54

percent to 46 percent of the major party vote. The poll estimated that if everyone had voted, Bush would have won by about 11 points.

The survey found that Bush would have been helped by a bigger turnout since the vast majority of non-voters were young.

Three-quarters of the non-voters were under the age of 45 and two-fifths were under 30. These young non-voters would have chosen Bush by a much bigger margin than the rest of the country, and were more pro-Bush than the young people who actually voted.

Why didn't the non-voters vote?

Thirteen percent of them said they were too busy, 9 percent said they disliked the candidates, 4 percent said their votes would just have canceled out their spouses' votes and 4 percent said they didn't care.

But by far the most important reason, given by 37 percent, was that they could not vote because they were not registered.

By a 3-to-1 margin, those who are unregistered think the election laws should be changed to make it easier for people to vote. Changing the registration laws could make a real difference in turnout, the survey suggested.



Testimony - SB86

Mister Chairman, members of the Committee. My name is Kathy Bramer Ames. I am the Project Director for the Montana Voter Participation Project, an effort to increase voter participation among Montanans who have historically low levels of involvement in the political process. In 1988, the project helped to register nearly 8,000 new voters across Montana. The project is sponsored by the MT Alliance for Progressive Policy, a statewide coalition of progressive interest groups representing labor, education, conservation, women, seniors, and low-income people.

I oppose Senate Bill 86 because I believe it creates a barrier to effective voter participation. Studies have shown that requiring voters to register previous to election days lowers your voter turnout. And requiring Montana voters to register even more frequently than they do already, potentially every two years instead of every four, will erode Montana's enviable high voter participation rate.

This bill, if enacted, would require all Montanans who choose to vote only in presidential elections to re-register for each and every election. It would also require re-registration by anyone who missed one election between presidential elections.

Montana has very high registration and voter turnout rates compared to most other states. It's estimated by the Secretary of State's office that 86% of Montana's eligible voters were registered in 1988 and that 75% of those voters actually voted in the general election. But those numbers apply to the state as a whole. There are still areas of Montana, most notably Indian Reservations and low-income urban areas where as many as 50% of those eligible to vote are not registered. And voter turnout among these registered voters is often closer to 50% or 60% instead of the statewide 75% average.

In 1988, a lot of volunteers worked through local projects to begin improving the registration and voter participation of people in these communities. It's hard work knocking on doors and persuading people to become active in a system that has seemed to only create mistrust, suspicion, and powerlessness for them. And the first step, completing the voter registration card, can be both the most important and the most difficult step in the process. This bill changes the voting rules, will cause confusion among voters, and will only make an already foreign system more inaccessible for people new to the whole process of voting.

Testimony on SB86  
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Instead of making the voter registration barrier any harder to overcome we should be thinking of ways to make it simpler for Montanans to exercise their right to vote. For instance, why should the registration of any voter ever be cancelled for not voting? Why penalize citizens because they didn't vote in the proper number or order of elections? Voter registration lists could be kept based on simply on whether that eligible, registered voter was residing in the voting jurisdiction. And for those local elections which require a minimum voter turnout we could consider eliminating the minimum requirement. After all we don't even require a minimum voter turnout to elect a president, why should we require a 40% turnout to pass a school bond issue.

By examining the barriers to greater voter participation and creating ways to overcome them, we can have the highest voter turnout in the country. In the United States we are faced with a downward trend in voter interest and participation. Laws such as would result from Senate Bill 86 will only make it more difficult to accomplish the goal I believe we all share - to have every eligible Montanan participating fully in the democratic process. I urge you to vote against Senate Bill 86. Thank you.

EXHIBIT NO. 12

DATE 1/12/89

BILL NO. SB 86

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

Kathy Bramer Ames

1/12/89

Address:

P.O. Box 961

Helena 59624

Phone:

443-7283

Representing whom?

MAPP

Appearing on which proposal?

SB 86

Do you:

SUPPORT?

AMEND?

OPPOSE?

Comments:

see Exhibit # 11

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VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

DATE: January 12, 1989

NAME	REPRESENTING	BILL #	Support	Oppose
Toni Webb	NEA	SB 86	✓	
Bruce W. Moore	MSBA	SB 86	✓	
C.B. PEARSON	Common Cause	SB 86		✓
Bob Stephens	mt. Justice Assoc	SB 82	✓	
Carl Harrington	Clerk and Records	SB 86	✓	
Jerry Paulus	Mont. Wht. & Bly Com	SB 82	✓	
Laurie Ekanger	Dept. of Admin	SB 82		✓
Katy Bremer Ames	MAPP	SB 86		✓
WILLIAM S. DAVIS	LIVVMT	SB 86		✓
Don Judas	MT STATE AFL-CIO	SB 86		✓
Hillier Storing	Rep # 77	SB 86	✓	
Garth Jacobson	Sec of State	SB 86		
Devin Kent	Sen			
Steve Walker	mt. Incl Mental Health Ctrs	SB 88	✓	
Tom Han	Sen Dist 44	SB 88		✓
Marjorie M. M... ..	Bozeman	SB 86	✓	
Roger Timm	mt Dental Ass	SB 88		✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY