

**MINUTES**

**MONTANA SENATE  
52nd LEGISLATURE - REGULAR SESSION  
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By Chairperson Eleanor Vaughn, on February 18, 1991, at 10 A.M. in room 331.

**ROLL CALL**

**Members Present:**

Eleanor Vaughn, Chairman (D)  
Bob Pipinich, Vice Chairman (D)  
John Jr. Anderson (R)  
Chet Blaylock (D)  
James Burnett (R)  
Bill Farrell (R)  
Harry Fritz (D)  
Bob Hockett (D)  
Jack Rea (D)

**Members Excused:** Senator Bernie Swift

**Staff Present:** David Niss (Legislative Council).

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Announcements/Discussion:** None

**HEARING ON SENATE BILL 183**

**Presentation and Opening Statement by Sponsor:**

Senator Mignon Waterman, Senate District 22, Helena, said Senate Bill 183 will allow state employees to appeal the grade assignment of their job classification. This bill is a 1 word change, but it's a significant word. This addresses the inequity in pay and the serious problems we have in the state salary system. We've made decisions on the bottom line of budget costs. The system is seriously flawed and needs scrutiny.

**Proponents' Testimony:**

Keith Colbo, representing a group of Highway Engineers, said this bill restores a right to state employees to appeal their grade level. A good personnel system is highly necessary. There is personnel turn over and dissatisfaction. This is an arbitrary decision. Please approve Senate Bill 183.

Tom Schneider, Executive Director of the Montana Public Employees

System, explained that employees can appeal classification. They do not have the right to appeal grade level, which is where they appear on a pay matrix. He explained that employees, such as secretaries, who have several classifications, have an advantage, because they can appeal that. If you have only 1 level and are at the top grade you sit there with no advancement in pay. Highway Patrol officers in 1981 appealed to be a grade 14. That appeal was upheld and they were granted a grade 14 by the Board of Personnel Appeals. Highway Patrol Sergeants are a grade 14 and they appealed, because the state refused to raise the rest of them up 1 level. This frustrates all the employees. Single level types of employment have the problem that there is no where to advance on the pay system. Please pass Senate Bill 183.

Terry Minow, Montana Federation of State Employees, supports Senate Bill 183. This is a significant improvement to the pay matrix for state employees. Please support Senate Bill 183.

#### Opponents' Testimony:

Laurie Ekanger, Administrator of the State Personnel Division, explained what the grade assignment and classification is as highlighted on Exhibits 1 and 3. She read her testimony into the record. (Exhibit 2) She urged the committee to do not pass this bill.

Leroy Schramm, Chief Legal Counsel at Montana University System, opposes Senate Bill 183. They have 2 thousand employees in the classification system and the classification drift. He urges the committee to oppose this bill.

#### Questions From Committee Members:

Senator Blaylock asked Tom Schneider if he wanted to destroy the pay system? Tom Schneider responded this did not destroy the system before 1981. As a member of the pay committee I know there are things we can do to improve this situation. The Department of Administration does not include any improvements for state employees.

Senator Blaylock asked about the pay system compression that is happening now. The pressure on the Board of Appeals will be enormous. Tom Schneider said we should look at other solutions. Even with enough money we need to do something with the classification system. We have to be able to address the abnormalities, the civil engineer that we can't hire, the contracting out of work and paying more money for that. The other situation is the fact that we have a pay plan that is a static 8% between grades.

Senator Blaylock asked Keith Colbo if he was still an administrative assistant to the Governor of the State of Montana, would this be your position today?

Keith Colbo answered that this personnel system has to be revamped.

Senator Vaughn asked what about a fiscal note? Keith Colbo said if there is a correct grade assignment, there wouldn't be any fiscal impact. Obviously there are errors within the system and that should be corrected.

Senator Blaylock asked if this were to pass, how many appeals would go and how many would pass? Tom Schneider said there will be many appeals. The appeals will depend finally on what we do with pay in this legislative session. If there is some degree on pay in general, there will be fewer appeals.

Closing by Sponsor:

Senator Waterman said the debate has focused this issue well. If departments are lowering their standards to hire people then that should be put in the plan. Errors occur and both sides should have the opportunity to appeal. Please pass this bill.

HEARING ON HOUSE BILL 326

Presentation and Opening Statement by Sponsor:

Representative Fred Thomas, House Bill 326, said House Bill 326 is revising and clarifying the duties of the Veterans' Burial Supervisor. All the veterans' organizations agree with this rule. It includes Coast Guard Members as veterans. The second thing the bill does, is it urges the burial supervisor to work with the family to provide what they would like.

Proponents' Testimony:

None

Opponents' Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor:

Representative Thomas closed the hearing. He said Senator Nathe will carry House Bill 326.

HEARING ON SENATE BILL 325

Presentation and Opening Statement by Sponsor:

Senator Fritz, Senate District 28, Missoula, said Senate Bill 325 provides for election day voter registration; provides a procedure to allow a designated person at a state agency to be appointed a deputy registrar to provide voter registration services; provides for uniform forms for voter registration by mail.

#### Proponents' Testimony:

Tootie Welker, Montana Alliance for Progressive Policy supports Senate Bill 325 and read her testimony into the record. (Exhibit 4)

Brad Martin, Executive Director of Montana Public Interest Group, said a number of students and citizens are committed to good government and environmental interests. We support this bill.

C. B. Pearson, Executive Director of Common Cause/Montana, supports Senate Bill 325 and read his testimony into the record. (Exhibit 5)

#### Opponents' Testimony:

Betty Lund, Ravalli County Clerk and Recorder, objects to the words on page 1, line 15 where it says that the registrar will register persons to vote on election day. The Montana Codes define a registrar meaning the county election administrator or any regularly appointed deputy or assistant election administrator. In her county that would be 85 to 90 persons who could register people on election day. (Her testimony is in Exhibit 6)

Joe Tropilo, Clerk and Recorder of Cascade County, election administrator, member of the legislative Committee for the Montana Association of Clerks and Recorders, agrees with Betty Lund. We need to get the young people to vote, we have to educate them to the responsibility of registering in time. Same day voter registration could lead to fraud. Do not pass Senate bill 325.

#### Questions From Committee Members:

Senator Hockett asked Betty Lund is the problem of voting numerous time? He suggested dipping your finger in dye when you vote and make people proud that they voted. Betty Lund is worrying about the cost of this legislation.

Joe Tropilo said that wouldn't work for absentee voting.

Senator Vaughn said she had a letter from Missoula County where they suggested registering at the Clerk and Recorder's office and getting a certificate to take to the poll with them.

Senator Farrell asked what he meant about a community based

public agency? C. B. Pearson responded it could be the welfare office, the sheriff, the library. It can be either active or passive, depending on what you set up.

Senator Blaylock asked Tootie Welker about fraud in other states. She responded that has not been a problem. States have investigated cases and none have gone to court. Voter fraud is happening now and it probably wouldn't be increased. She talked of a state wide voter registration with the Secretary of State's office.

Senator Farrell asked of all the states that have tried this are there any that have population areas like ours? Tootie Welker said they have it in Maine, Minnesota, Wisconsin and Iowa.

Senator Hockett asked if North Dakota has this? Tootie Welker said they have no voter registration at all. The purpose of the bill is to allow everyone who wants to, to vote.

Senator Vaughn asked if there would be a trend for people to not bother to register if this were enacted? Joe Tropoli said people tend to go to the deadline, whatever it is.

#### Closing by Sponsor:

Senator Fritz says we must remove burden and barriers to the right to vote. The clerks should be promoting the legislation to tear down the archaic registration requirements that are in place. There are many ways to eliminate fraud. Don't allow voters with same day registration to vote everywhere. Ask them to go to the courthouse with identification and vote. These are ways of expanding the vote. 100 years ago, voter turnout topped 90% regularly in both presidential and off year elections. At the turn of the century registration requirements were instituted in nearly every state and with the express purpose of limiting the vote. Now we have between 27% and 50% turnout. Two investigators, Francis Piven and Richard Clouard in an important book called "Why Americans Don't Vote" claim that voter registration requirements are one major barrier in the American political universe which prevent people from voting. They make a strong case. Montana has one of the more liberal and lenient voter registration laws in the country. This bill will expand voter registration in Montana and we ought to pass it.

#### EXECUTIVE ACTION ON SENATE BILL 175

#### Motion:

Senator Pipinich moved to bring SENATE BILL 175 OFF THE TABLE.

Discussion:

Senator Pipinich said that the Highway Department can erase the fiscal impact from the bill by using fund earmarked for consultants to hire civil engineers at a better salary. He asked John Rothwell, Director of Highways to testify on this matter. It takes a simple majority vote to take it from the table.

Amendments, Discussion, and Votes:

Senator Blaylock said this fiscal note was signed by Senator Tom Beck. Senator Pipinich did more checking into this fiscal note and the Highway financing and that's how they can help the lack of engineers.

Senator Vaughn asked what the budget director thinks about this problem? Senator Pipinich said there will be no additional cost to the state. Senator Blaylock said this fiscal note came from the Governor's office and they are all on the same side.

Senator Hockett asked that the budget office be represented when the fiscal note is being discussed. They're here.

The VOTE to bring SENATE BILL 175 OFF THE TABLE WAS UNANIMOUS.

John Rothwell, Director of the Highway Department, said the fiscal note is correct. We don't need any additional funding because we could hire less consultants and use vacancy savings to pay these additional salaries to engineers.

Mr. Salisbury said the fiscal note is correct, with the provisos that we do experience the vacancy savings. There is another House bill that would complement this to be able to move operating expenses to personnel services to cover those costs. He said the Department used to budget \$2 million per year for consultants. Now they budget \$8 million to provide for those consultants services because we can't do them in house.

Budget Director Rod Sundsted said Senate Bill 175 will cost money as stated in the fiscal note. They may be able to absorb the cost in their existing budget, but it does have a cost connected with it.

Senator Pipinich asked what they would do with this bill? Rod Sundsted said he didn't hear anyone claim that all of it would come from consultant fees.

Senator Pipinich asked John Rothwell if we pulled the engineers out of the classification and pay plan, could we give them a raise with the budget amounts for consultant fees? John Rothwell said there could be some major savings in the consultant budget. What condition is the road department in? John Rothwell said if we don't get some major pay increases in the engineering and professional services, it won't matter, we won't be able to do

the work in house because we won't have the people. 25% to 35% of the engineering staff is eligible to retire within the next few years. We'll lose expertise, and we'll pay them for working for a consultant. Internal competence is a major problem.

Senator Rea asked about maintenance engineers and professional management positions? John Rothwell said this bill was initiated through the engineering staff, not by the Highway Department, and it does cover others. What about setting the precedent for exempting certain individuals? John Rothwell said this is a major problem area, but there are others and it will be a morale problem for the Department. He has put in a payroll exception for 186 positions. This particular bill will go a long way to correct inequities, even though there will still be some.

Senator Blaylock asked John Rothwell about raising taxes for the university, the state pay plan, SRS, etc. Are you prepared to go to the Governor and ask for a tax increase? John Rothwell said we don't need more taxes to fund this increase, management will work within our budget. John Rothwell will not ask for a tax increase. Ron Sundsted answered no he is not and he won't support this bill.

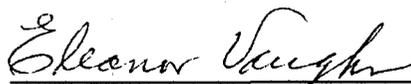
Senator Hockett asked if the consultant budget would cover the cost of this bill? John Rothwell said they could fund the major portion of the cost of this bill from consultant fees. Senator Hockett asked what about employees not covered under this bill? J. Rothwell said they will be unhappy. But they are all unhappy right now. How many are affected by this? About 180 employees. In the long range planning for highways, in fiscal 1995 it showed a negative balance. Will this cause that deficit to increase? No, probably not, because that balance is projected at today's expenditures.

Recommendation and Vote:

None

ADJOURNMENT

Adjournment At: 12:15



ELEANOR VAUGHN, Chairman



DOLORES HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 2-18-91

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK	X		
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL	X		
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT			<i>Excuse</i>

Each day attach to minutes.



EXHIBIT NO. 1DATE 2-18-91BILL NO. S.B. 183STATE OF MONTANA  
DEPARTMENT OF ADMINISTRATION  
STATE PERSONNEL DIVISIONCLASSIFICATION INVENTORY  
ALPHABETIC LISTING  
JULY 1990STATEWIDE CLASSIFICATION PLAN

TITLE	CLASS CODE	DATE	<i>skill level</i>	EEO CAT
			GRADE	
A/V EQUIP REPAIR SPEC	729003	3/75	12	C
ABANDONED MINE SPEC	040058	5/86	14	B
ACCOUNTANT I	160016	10/82	14	B
ACCOUNTANT II	160017	10/82	15	B
ACCOUNTANT III	160018	10/82	16	B
ACCOUNTANT, SYSTEMS I	160089	3/75	12	B
ACCOUNTANT, SYSTEMS II	160090	3/75	14	B
ACCOUNTANT, SYSTEMS III	160091	3/75	15	B
ACCOUNTANT, SYSTEMS SUPV	160092	3/75	16	B
ACCOUNTING CLERK I	219001	10/82	6	F
ACCOUNTING CLERK II	219002	10/82	7	F
ACCOUNTING CLERK III	219003	10/82	8	F
ACCOUNTING SPEC I	160013	10/82	11	B
ACCOUNTING SPEC II	160014	10/82	12	B
ACCOUNTING SPEC III	160015	10/82	13	B
ACCOUNTING TECH I	160003	10/82	9	C
ACCOUNTING TECH II	160004	10/82	10	C
ACCOUNTING/FS MGR I	160106	2/79	15	B
ACCOUNTING/FS MGR II	160107	2/79	16	A
ACCOUNTING/FS MGR III	160108	2/79	17	A
ACTIVITIES AIDE	355035	7/89	6	E
ADMIN AIDE I	209006	3/75	7	F
ADMIN AIDE II	209007	3/75	8	F
ADMIN ASSISTANT I	169007	6/87	9	C
ADMIN ASSISTANT II	169008	6/87	10	C
ADMIN ASSISTANT III	169009	6/87	11	C
ADMIN ASSISTANT IV	169010	6/87	12	C
ADMIN CLERK I	219006	5/83	6	F
ADMIN CLERK II	219007	4/83	7	F
ADMIN CLERK III	219008	4/83	8	F
ADMIN OFFICER I	169011	12/83	13	B
ADMIN OFFICER II	169012	12/83	14	B
ADMIN OFFICER III	169013	12/83	15	B
ADMIN OFFICER IV	169164	12/83	16	A
ADMIN OFFICER V	169014	12/83	17	A
ADMISSIONS ASST DIR	090002	7/74	13	B
ADMISSIONS EVALUATOR I	243001	1/80	8	C
ADMISSIONS EVALUATOR II	243002	1/80	9	C
ADMISSIONS REP I	243003	4/82	10	B
ADMISSIONS REP II	243004	4/82	11	B
AERONATICS DIV ADM	188022	7/74	17	A
AFTERCARE SPEC	195030	1/89	13	B
AGCY LEGAL SRVCS INVESTIGATOR	168155	8/87	14	B
AGENCY COUNSEL I	110021	5/90	15	B
AGENCY COUNSEL II	110022	5/90	17	B

**TESTIMONY OPPOSING SB183**  
**DEPARTMENT OF ADMINISTRATION**

**WHY OPPOSE THIS BILL?**

- **Cost.** Passing this bill will result in unplanned increased payroll costs beyond the control of the employer. This was the reason the law was changed to its current form. (NOTE: A bill is currently before the legislature to revise the composition of Board of Personnel Appeals. HB356 requires that 2 of the 5 members of the Board of Personnel Appeals be union staff or officers. This bill has already passed the House.)
- **Consistency.** Setting an employer's salary schedule cannot be reasonably done by two independent entities. Job classification requires trained staff. It is not an exact science but it is a studied discipline with protocols and generally accepted procedures that can and have been audited by outside professionals. Salary ranges for the grades are already a mandatory subject of collective bargaining, although they are ultimately set by the legislature. To our knowledge, no other employer abdicates its authority to establish its salary schedules.
- **Budgeting.** The legislature sets budgets based on the number of positions at different grade levels in the salary schedule. In the interim, the department is governed by 2-18-302, M.C.A. which states that ". . . no changes in personnel or salary status may be authorized that will cause an agency to exceed its appropriation or that will result in a deficiency or supplemental appropriation request to the legislature." No such language governs the Board of Personnel Appeals.

**FOR THESE MANY REASONS, THE DEPARTMENT OF ADMINISTRATION URGES DO NOT PASS SB183.**

For more information call Laurie Ekanger or John McEwen, State Personnel Division, Room 130 Mitchell Building, Helena, phone 444-3817.

## **WHAT IS THE GRADE ASSIGNED TO CLASS?**

- This is the employers salary schedule. The class is the occupation title and the grade is the skill or difficulty level assigned to the occupation or class. Montana state government has 1300 classes and 25 grades. Each job class is assigned to a Grade 1 through 25, just as federal government jobs are assigned to a General Schedule level (GS-3, GS-6, GS-10, etc.).
- The state's salary schedule is updated and published each year. The grade level is posted on every state job vacancy announcement.

## **HOW IS THE GRADE ASSIGNED NOW?**

- Assigning a grade level to a job class is a fundamental step in any personnel system. The job is analyzed and measured against standard criteria by people who have been trained in the discipline of job analysis. This is how we insure that we are providing equal pay for equal work (per federal law) and also equal pay for comparable worth (per state law).
- The law requires in 2-18-202, M.C.A. that:
  - "(1) In providing for the classification plan, the department shall group all positions in the state service into defined classes based on similarity of duties performed, responsibilities assumed, and complexity of work so that:
    - (a) similar qualifications of education, experience, knowledge, skill, and ability can be required of applicants for each position in the class;
    - (b) the same title can be used to identify each position in the class;
    - (c) similar pay may be provided under the same conditions with equity to each position within the class.
  - (2) A class may consist of only one position."

## **THIS BILL ALLOWS SOMEONE ELSE TO SET THE EMPLOYER'S SALARY SCHEDULE.**

- We know of no other states or employers who allow this. The federal government doesn't allow this.
- The Board of Personnel Appeals staff and members are not required to be trained in job analysis.
- Montana state government currently has very generous employee rights: the right to organize, to strike, to just cause for disciplinary actions, to due process, to appeal to have their job assigned to a different job class.

STATE OF MONTANA  
DEPARTMENT OF ADMINISTRATION  
STATE PERSONNEL DIVISION

CLASSIFICATION INVENTORY  
ALPHABETIC LISTING  
JULY 1990

STATEWIDE CLASSIFICATION PLAN

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AGENCY COUNSEL II	110022	5/90	17	B

# The Montana Alliance for Progressive Policy

P.O. Box 961 Helena, MT 59624 (406) 443-7283



February 18, 1991

Madame Chair

Members of the Senate State Administration Committee

SENATE STATE ADMIN.

EXHIBIT NO. 4

DATE 2-18-91

BILL NO. SB 325

For the record, my name is Tootie Welker. I'm here today representing Montana Alliance for Progressive Policy. MAPP is a coalition comprised of women, education, senior, low-income, Native American, labor and conservation groups. We represent over 60,000 Montana households.

MAPP has been involved in non-partisan voter participation projects since 1982. We have funded and implemented projects on all seven reservations and in most urban areas. MAPP staff helped set up these voter participation projects by forming local steering committees, procuring funds, and assisting where necessary. These projects have two goals: to register new voters and to get all voters to the polls on election day. This is why MAPP supports SB 325. We believe that this bill, which includes same day voter registration, public agency based voter registration, and a centralized voter registration card, will increase the number of Montanan's participating in the electoral process. The public agency based voter registration will enhance year round registration, thereby allowing our current voter projects to spend more time getting people to the polls to vote. Having same-day registration will increase the number of eligible voters registering. According to a report from the National Association of Secretaries of State's Task Force on Barriers to Voting, "The cut-off date or deadline for registering to vote in an election has been shown to have a direct bearing on registration rates of the eligible electorate and therefore a direct bearing on the percentage of those participating from the eligible electorate. Generally, the closer the registration deadline is to election day, the higher the voter turnout." MAPP recognizes that these bills will create more work for the clerks and recorders who currently work under limited budgets and Montana's clerks and recorders do an excellent job despite their limited budgets. However, if the goal of Montana is to enfranchise as many voters as possible then MAPP believes this bill will help to realize that goal. We hope this committee will give this bill a "do pass" recommendation. Thank you.



# Fort Belknap College

(406) 353-2205 or (406) 353-2803  
P.O. Box 159  
Harlem, Montana 59526



February 15, 1991

Jan Brown, Chairperson  
House State Administration Committee  
Box 961  
Helena, MT 59601

Dear Committee Members:

I am writing for the purpose of voicing my support for the MOTOR VOTER bill which is being sponsored by Angela Russell. This particular bill would be an excellent solution to assist Montanans with voter registration. In our rural areas, many of our state residents live as far as 100 miles from our County Court Houses. All people must get their motor vehicles registered so this would make the entire process easier on the many rural residents of Montana.

The other bill that I am in full support of is the omnibus bill which is being introduced by Senator Harry Fritz and will include same day registration and agency based voter registration. This bill would make it as simple as possible for people to become registered voters. I understand that in the States where this is practiced, the voter turnout has increased as much as 20%.

I firmly believe that the voter apathy in the State of Montana can be alleviated by these two important bills.

Sincerely,

Margarett C. Perez  
President/ Director of Fort Belknap Voter Registration Project



WILLIAM DIAMOND  
SECRETARY OF STATE

State of Maine  
Office of  
Secretary of State

AUGUSTA, MAINE 04333

February 6, 1991

Mr. Shawn Gun Shows  
Montana Alliance for Progressive Policies  
P.O. Box 961  
Helena, Montana 59601

Dear Mr. Gun Shows,

I am writing to express my enthusiastic support for the establishment of election day registration in Montana. This type of voter registration reform is undoubtedly one of the most effective in enhancing citizen participation in the electoral process.

Maine's experience with so-called "same-day" registration has been very positive. Since enacting election day registration in 1973, Maine has consistently ranked among the top eight states in voter turnout. Last fall, in fact, Maine led the nation in turnout.

Contrary to the claims of many of its critics, same-day registration does not pose a threat to the integrity of our electoral process. Voter fraud and related problems have simply not been realized in Maine. Reducing barriers to registration and voting does not necessarily invite abuse; it does, however, encourage participation in civic life.

Election day registration is likely the most significant measure which can be implemented in order to address declining rates of citizen participation in elections. Studies indicate that it can boost turnout by 5 to 10 percent.

Undoubtedly, election officials will face an increased work load on election day as people take advantage of same-day registration. In our state, voter registrars plan for the extra work and are able to handle the task quite effectively. I am confident that Montana's elections officials will likewise be able to accommodate the additional registrations.

I would strongly encourage the Montana State Legislature to enact legislation authorizing election day registration as part of a comprehensive effort to enhance civic interest and voter participation. Please let me know if I can provide further information.

Sincerely,

Bill Diamond  
Secretary of State

MAINE

# Our voter registration program works well

- 'Motor-voter' gathers new voters and does it cheaply.

**T**here are an estimated 8,000 more registered voters in Maine today than was the case last April, thanks to a so-called "motor-voter" program that allows qualified citizens to register to vote when they get their driver's licenses or register their cars.

As one of only nine states with a "motor-voter" program, Maine continues to lead in knocking down unnecessary obstacles standing between the citizen and the ballot box.

Because our laws make it easy to register to vote, even as late as Election Day itself, Maine consistently ranks among the national leaders in terms of the percentage of the voting-age population that actually casts ballots.

"Motor-voter" programs help enlist prospective voters because most of us find ourselves in a motor vehicle registry office at one time or other. In Maine, the goal is to sign up the more than 200,000 eligible persons who are not now registered to vote.

But compared to Maine, many states have complex registration laws which needlessly frustrate prospective voters. That fact has led to an effort in Congress to require a national "motor-voter" program in every state. Opposition comes from those who claim it would be costly and result in voter fraud.

Maine's experience belies those fears: voter fraud is virtually non-existent and, as for the expense, the annual cost of the program is about \$1,500.

In short, "motor-voter" is an inexpensive, effective way to encourage citizens to vote. Surely that's a goal worth pursuing in any democracy.

## VOIING

# Let's keep registration as simple as possible

- Election laws should make it easy for people to vote.

**M**aine, which has long had a reputation for high voter turnout in general elections, ranked No. 1 among all the states last year. There's good reason for that: The state goes out of its way to make voting easy.

That's why the Legislature should promptly give the heave-ho to a bill that would place new restrictions on voter registration. The proposal would do away with the system that allows new voters to sign up right to the last minute, including on Election Day.

But that is one of the laws which has been successful in encouraging heavy voter participation in Maine elections. Others include registration by mail,

mobile registration booths and a new system which allows citizens to register at the same time they apply for drivers' licenses at motor vehicle offices.

Sen. Linda Curtis Brawn, R-Camden, sponsor of the bill to end registrations on Election Day, says the point of the proposal is "to alleviate the hardship caused by same-day registration."

But any "hardship" that may be involved is largely bureaucratic. Election laws ought to be written primarily for the benefit of voters, not the convenience of election officials. True, it is important not to place an unreasonable burden on clerks, but the current system hardly does that. It has worked well.

Our policy of encouraging the highest possible voter participation by making the process of registration as easy as possible clearly supports democracy.

This is no time to start backing off from that enlightened policy.



State of Minnesota  
OFFICE OF THE SECRETARY OF STATE  
Saint Paul 55155

180 STATE OFFICE BUILDING  
Corporation Division: 612/296-2803  
UCC Division: 612/296-2434  
Election Division: 612/296-2808  
Office of the Secretary: 612/296-3268  
Office of Deputy Secy: 612/296-2309

JOAN ANDERSON GROWE  
Secretary of State  
ELAINE VOSS  
Deputy Secretary of State

February 12, 1991

Tootie Welker  
Montana Alliance for Progressive Policy  
P.O. Box 961  
Helena, MT 59624

Dear Ms. Welker,

Minnesota adopted election day registration in 1973. Since then, many voters have taken the opportunity to register at their polling place on election day. I have enclosed a separate sheet illustrating some statistics on voter turnout and election day registration. Since the adoption of election day registration, Minnesota has led the nation in voter turnout in each presidential election. We have no evidence to suggest that any concerted effort to violate the voter registration laws has taken place since the implementation of election day registration.

Agency-based registration has been in use since 1987. Compared to the number of voter registration cards returned by voters from the driver's license applications and the state income tax booklets, the number of cards submitted to state and county agencies is relatively small.

If you need any additional information on voter registration in Minnesota, please let me know.

Sincerely,

Joseph Mansky  
Director, Election Division

enc.  
02910133

MINNESOTA ELECTION STATISTICS 1950 - 1990 (GENERAL)

YEAR	# ELIGIBLE VOTERS	# WHO VOTED	% OF QUALIFIED WHO VOTED	# OF ELECTION DAY REGISTRATION	% OF ELECTION DAY REGISTRATION
1950	1,776,770	1,067,967	60.14%		
1952	1,828,164	1,466,326	80.20%		
1954	1,875,510	1,168,101	62.28%		
1956	1,922,855	1,613,138	83.89%		
1958	1,977,740	1,178,173	59.57%		
1960	2,032,624	1,577,509	77.60%		
1962	2,081,220	1,267,502	60.90%		
1964	2,219,815	1,586,173	74.47%		
1966	2,177,448	1,312,288	60.26%		
1968	2,225,080	1,606,307	72.19%		
1970	2,272,712	1,388,525	61.09%		
1972	2,545,344*	1,773,838	69.68%		
1974	2,600,000	1,296,209	49.85%	260,812	20.12%
1976	2,623,000**	1,978,590	75.43%	454,147	22.95%
1978	2,765,000**	1,624,911	58.77%	208,985	12.86%
1980	2,892,000**	2,079,411	71.90%	433,567	20.85%
1982	2,988,000**	1,834,737	61.40%	238,979	13.00%
1984	3,044,000**	2,115,317	69.49%	344,157	16.30%
1986	3,098,000**	1,456,579	47.02%	137,864	9.46%
1988	3,161,000**	2,125,119	67.23%	364,625	17.16%
1990	3,224,000**	1,843,104	57.17%	208,625	11.32%

\* Includes 215,000 voters enfranchised in 1972 because of a reduction of the voting age. The number of qualified voters is based on a natural increase of 40,000 persons a year multiplied by .5954% from 1950 to 1970 and .6832% for 1972 and 1974.

\*\* Supplied by the Federal Election Commission

elerstat

MINNESOTA ELECTION STATISTICS 1950 - 1990 (PRIMARY)

YEAR	# ELIGIBLE VOTERS	# WHO VOTED	% OF QUALIFIED WHO VOTED	# OF ELECTION DAY REGISTRATION	% OF ELECTION DAY REGISTRATION
1950	1,775,770	583,617	32.86%		
1952	1,828,164	652,825	35.70%		
1954	1,875,510	641,906	34.22%		
1956	1,922,855	611,197	31.78%		
1958	1,977,740	632,240	31.96%		
1960	2,032,624	596,272	29.33%		
1962	2,081,220	592,719	28.47%		
1964	2,219,815	442,642	20.78%		
1966	2,177,448	833,530	38.28%		
1968	2,225,080	408,541	18.36%		
1970	2,272,712	718,079	31.59%		
1972	2,545,344*	489,298	19.22%		
1974	2,600,000	537,284	20.66%	131,724	24.52%
1976	2,623,000**	538,382	20.52%	66,557	12.36%
1978	2,765,000**	811,581	29.35%	90,219	11.12%
1980	2,892,000**	397,145	13.73%	34,215	8.62%
1982	2,988,000**	915,180	30.63%	90,048	9.84%
1984	3,044,000**	537,342	17.65%	47,218	8.79%
1986	3,098,000**	786,230	25.37%	76,531	9.73%
1988	3,161,000**	311,145	9.84%	21,470	6.90%
1990	3,224,000**	771,850	23.94%	53,462	6.93%

\* Includes 215,000 voters enfranchised in 1972 because of a reduction of the voting age. The number of qualified voters is based on a natural increase of 40,000 persons a year multiplied by .5954% from 1950 to 1970 and .6832% from 1972 and 1974.

\*\* Supplied by the Federal Election Commission.



State of Wisconsin \ ELECTIONS BOARD

132 EAST WILSON STREET  
THIRD FLOOR  
MADISON, WISCONSIN 53702  
(608) 266-8005

MEMORANDUM

To: Persons Interested in Election Day Voter Registration

From: Kevin J. Kennedy, Executive Director *KJ*  
Wisconsin State Elections Board

Date: June 20, 1989

Subject: Election Day Voter Registration and Mail Registration  
Provisions in Wisconsin Law

Wisconsin provides several opportunities to facilitate voter registration. A copy of Wisconsin's registration statutes, ss.6.26, et.seq., is attached for your information and reference. Please note that in Wisconsin voter registration is only required in municipalities with a population of more than 5,000. s.6.27, Stats.

Any qualified elector may register in person by signing an original registration form providing information relating to name, residence location, citizenship, age, whether the applicant has resided in the ward for at least 10 days, whether the applicant has lost his or her right to vote, whether the applicant is currently registered to vote at any other location, a signature and date. The registration form is in the form of an affidavit. s.6.33, Stats.

Wisconsin permits qualified electors to complete a registration form at home when confined or disabled, or by mail when absent and more than 50 miles from their legal voting residence. s.6.30(2), (3), Stats.

Wisconsin also permits an eligible elector to register by mail on a form which is prepostpaid for return when mailed at any point within the United States. The information on the registration form must be substantiated by two other electors residing in the same municipality in which the elector resides corroborating all material statements contained in the form. The registration form is available from the municipal clerk and is mailed to any elector upon written or oral request. s.6.30(4), Stats.

The municipal clerk is required to examine the registration form for sufficiency when it is received. If the registration form received by mail is insufficient to accomplish registration, or the clerk knows or has reliable information the elector is not qualified, the clerk is required to notify the proposed elector within 5 days and request that the elector appear at the clerk's office or other registration center to complete a proper registration or substantiate the information pre-

a Democratic controlled legislature since approximately 1970. The current governor is Republican. In all presidential elections since 1952, except 1964, 1976 and 1988 the state has voted Republican. Wisconsin does not register voters by political party, but operates under an open primary system. There is no public record of a voter's political party preference. In Wisconsin there does not appear to be any advantage to a particular party as a result of Wisconsin's voter registration procedures.

With respect to concerns about fraudulent voter registration, there does not appear to be a significant problem in Wisconsin. Wisconsin makes it a felony punishable by penalty of a \$10,000 fine or three years in prison, or both, for a person who intentionally falsely procures registration or makes false statements to the municipal clerk or any other election official whether or not under oath. ss.12.13(1)(b), 12.60(1)(a), Stats. Similarly, a person who registers as an elector in more than one place for the same election or a person who impersonates a registered elector or poses as another for the purpose of voting at an election, faces the same penalty. ss.12.13(1)(c), (d), 12.60(1)(a), Stats. Any person who falsifies an affidavit or other statement relating to voter registration faces a penalty of six months imprisonment or a \$1,000 fine, or both, under the provisions of ss.12.13(3)(g), 12.60(1)(b), Stats.

There have been no prosecutions of which I am personally aware under these provisions. There have been only a small number, 3 or 4, anecdotal references, which I have picked up from local election officials relating to violations or prosecutions, all of which involved election day registration. None of these involved mail or postcard voter registration provisions.

Normally, when there is a pattern of abuse there is some evidence in support of the abuse. There is no evidence suggesting abuse of the system in Wisconsin with respect to its voter registration procedures, either for election day registration or for postcard mail registration.

As the chief election official of the state of Wisconsin, I believe we need to reduce barriers to voter participation in order to facilitate voter turnout. A larger voter participation strengthens the legitimacy of our elected representative government. Postcard mail registration is a positive step that will facilitate voter participation, maintain the integrity of voter lists and foster the legitimacy of the election process. Election day registration facilitates voter participation by making the voting process more accessible to persons when it counts the most, on election day.

If I can provide further information, please contact me.

KJK/lad

under ss. 5.60 (8) and 5.64 (3) may also be used. The ballot shall be designed to comply with the requirements of ss. 5.60 (8), 5.62 and 5.64 insofar as applicable. All ballots shall be limited to national offices only.

(6) **INSTRUCTIONS AND HANDLING.** The municipal clerk shall mail a ballot, as soon as available, to each overseas elector by whom a request has been made. The board shall prescribe the instructions for marking or punching and returning ballots and the municipal clerk shall enclose such instructions with each ballot. The envelope, return envelope and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. The municipal clerk shall mail the material postage prepaid to any place in the world. The overseas elector shall provide return postage.

(7) **VOTING PROCEDURE.** Except as authorized under s. 6.25, the ballot shall be marked or punched and returned, deposited and recorded in the same manner as other absentee ballots. In addition, the certificate-affidavit shall have a statement of the elector's birth date. Failure to return the unused ballots in a primary election does not invalidate the ballot on which the elector casts his or her votes.

(8) **OVERSEAS ELECTOR LIST.** Each municipal clerk where registration is not required shall keep an up-to-date list of all eligible local overseas electors; city clerks shall keep the lists by wards. The list shall contain the name, latest-known residence and mailing address of each overseas elector. The list shall be kept current through all possible means. Each clerk shall exercise reasonable care to avoid duplication of names or listing anyone who is not eligible to vote. Each clerk shall distribute 2 copies of the list to the appropriate polling places in the municipality for use on election day.

History: 1977 c. 394; 1979 c. 260, 311; 1985 a. 304; 1987 a. 391.

**6.25 Federal write-in absentee ballot.** (1) Any individual who qualifies as a military elector under s. 6.22 (1) (b) or an overseas elector under s. 6.24 (1) and who transmits an application for an official absentee ballot for a general election no later than 30 days before election day may, in lieu of the official ballot, cast a federal write-in absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all of the candidates of any recognized political party for national office listed on the official ballot at the general election if the federal write-in absentee ballot is received by the appropriate municipal clerk no later than the time prescribed in s. 6.87 (6).

(2) A federal write-in absentee ballot is valid only if all of the following apply:

(a) The ballot is submitted from a location outside the United States.

(b) The elector submitting the ballot does not submit an official ballot within the time prescribed in s. 6.87 (6).

History: 1987 a. 391.

## REGISTRATION

**6.26 Registrars.** (1) Where registration is applicable under s. 6.27, the municipal clerk or the board of election commissioners of each municipality shall administer elector registration within the municipality in accordance with the procedures prescribed under sub. (3). The clerk or board of election commissioners shall prepare and maintain the registration list under this chapter.

(2) A qualified elector of the state may apply to any municipal clerk or board of election commissioners to be appointed as a special registration deputy for the purpose of registering electors prior to the close of registration. An

applicant may be appointed to serve more than one municipality. The municipal clerk or board of election commissioners may appoint an applicant who qualifies under this subsection, unless the applicant's appointment has been revoked by a municipality for cause. A municipal clerk or board of election commissioners may revoke an appointment for cause at any time. No individual may serve as a special registration deputy in a municipality unless the individual is appointed by the municipal clerk or board of election commissioners of the municipality. This subsection does not apply to deputies appointed under s. 6.55 (6).

(3) The board shall, by rule, prescribe procedures for appointment of special registration deputies, for revocation of appointments of special registration deputies, and for training of special registration deputies by municipal clerks and boards of election commissioners. The procedures shall be formulated to promote increased registration of electors consistent with the needs of municipal clerks and boards of election commissioners to efficiently administer the registration process.

History: 1985 a. 304 ss. 50, 52g; 1987 a. 391.

**6.27 Where elector registration required.** (1) Every municipality over 5,000 population shall keep a registration list consisting of all currently registered electors. Where used, registration applies to all elections.

(2) By ordinance, the governing body in municipalities with less than 5,000 population may require registration.

(3) Any municipality with less than 5,000 population and any municipality where a federal census has not yet determined the population may have registration by a referendum vote. The vote may be taken at the spring or general election whenever, at least 60 days before the election, the electors file with the municipal clerk a petition requesting a referendum asking whether registration shall be required. The petition shall be signed by electors equal to 15% of the votes cast for governor in the municipality in the last general election.

(4) (a) When registration is ordered or directed under sub. (2) or (3), it may be abolished by a referendum vote. The vote may be taken at the spring or general election whenever, at least 60 days before the election, the electors file a petition with the clerk requesting a referendum, signed by electors equal to 15% of the votes cast for governor in the municipality in the last general election.

(b) Notice shall be given as for municipal elections.

(5) Whenever registration is established or abolished, under sub. (2), (3) or (4), the municipal clerk shall immediately certify the action to the county clerk and the board.

History: 1973 c. 334 s. 57; 1977 c. 394; 1979 c. 260, 355; 1983 a. 484; 1985 a. 304.

**6.275 Registration and voting statistics.** (1) Within 30 days after each primary and election at which a state or national office is filled or a statewide referendum is held, including any special election, the municipal clerk or board of election commissioners shall make a written statement in duplicate to the county clerk or board of election commissioners of each county in which the municipality is located specifying:

(a) The total number of electors residing in that county who voted in the municipality in that primary or election.

(b) Where registration applies, the total number of electors of the municipality residing in that county who were preregistered on the deadline specified in s. 6.28 (1), including valid mail registrations which are postmarked by that day.

(c) Where registration applies, the total number of electors of the municipality residing in that county who registered after the close of registration and prior to the day of the primary or election under s. 6.29.

(2) **WHEN CONFINED OR DISABLED.** Registration forms for qualified electors may be completed at the home or institution where an elector is confined because of physical illness or infirmity or where a disabled elector resides if such person finds it difficult, due to such disability, to register in another manner. A registration affidavit for such electors may be made in the presence of any person authorized to register electors, or a form may be certified by the elector and witnessed by 2 other electors in the municipality and then mailed or delivered to the municipal clerk. The form shall contain a statement that the elector is confined because of physical illness or infirmity or is disabled and finds it difficult, due to such disability, to register in another manner.

(3) **WHEN ABSENT.** Any elector more than 50 miles from his legal voting residence may register before the close of registration for any election as follows:

(a) The elector shall secure the necessary blank registration forms and instructions for their completion from the municipal clerk.

(b) The elector shall appear before any person authorized to administer oaths with the completed and signed registration form and shall swear to the truth of its contents. The person administering the oath shall sign his or her name on the line for the signature of the registration official.

(c) The elector shall return the original form and one duplicate to the clerk of the municipality where the elector resides, except in any municipality which employs data processing for keeping of voting registration records only the original form need be returned. The form shall be prepostpaid for return when mailed at any point within the United States. To be eligible to vote in an election the form shall be received by the clerk prior to the close of the clerk's office on the registration deadline date for that election.

(4) **BY MAIL.** Any eligible elector may register by mail upon a form prescribed by the board and provided by each municipality. The form shall be designed to obtain the information required in ss. 6.33 (1) and 6.40 (1) (a) and (b). The form shall be prepostpaid for return when mailed at any point within the United States, and shall be substantiated by 2 other electors residing in the same municipality in which the elector resides, corroborating all material statements therein. Such forms shall be available in the municipal clerk's office and may be distributed by any elector of the municipality. The clerk shall mail a registration form to any elector upon written or oral request.

History: 1971 c. 249; 1975 c. 85 ss. 12, 65; 1975 c. 199, 200, 275, 422; 1977 c. 283, 394; 1983 a. 484.

**6.32 Verification of mail registrations.** (1) Upon receipt of a registration form which is submitted by mail under s. 6.30 (4), the municipal clerk shall examine the form for sufficiency.

(2) If the form is insufficient to accomplish registration or the clerk knows or has reliable information that the proposed elector is not-qualified, the clerk shall notify the proposed elector within 5 days, if possible, and request that the elector appear at the clerk's office or other registration center to complete a proper registration or substantiate the information presented.

(3) If the form is submitted later than the close of registration, the clerk shall make a good faith effort to notify the elector that he or she may register at the clerk's office under s. 6.29 or at the proper polling place or other location designated under s. 6.55 (2).

(4) If the form is sufficient to accomplish registration and the clerk has no reliable information to indicate that the proposed elector is not qualified, the clerk shall enter the elector's name on the registration list and transmit a 1st class letter or postcard to the registrant, specifying the elector's

ward or aldermanic district, and polling place. If such letter or postcard is returned, or if the clerk is informed of a different address than the one specified by the elector, the clerk shall strike the name of the elector from the list. The letter or postcard shall specify "ADDRESS CORRECTION REQUESTED" or "DO NOT FORWARD—", and if a postcard, "RETURN POSTAGE GUARANTEED".

History: 1975 c. 85, 199; 1977 c. 394; 1979 c. 260; 1983 a. 484.

**6.325 Disqualification of electors.** No person may be disqualified as an elector unless the municipal clerk, board of election commissioners or a challenging elector under s. 6.48 demonstrates beyond a reasonable doubt that the person does not qualify as an elector or is not properly registered. If it appears that the elector or proposed elector is registered in another location, the municipal clerk or board of election commissioners may require the challenged elector to sign an authorization to cancel registration under s. 6.40 (1) (b) and shall notify the proper official at that location. The municipal clerk or board of election commissioners may require naturalized applicants to show their naturalization certificates.

History: 1983 a. 484 s. 37; 1985 a. 304.

**6.33 Registration forms.** (1) The municipal clerk shall supply sufficient registration forms as prescribed by the board printed on loose-leaf sheets or cards to obtain from each applicant information as to name, date, residence location, citizenship, age, whether the applicant has resided within the ward for at least 10 days, whether the applicant has lost his or her right to vote, and whether the applicant is currently registered to vote at any other location, and shall provide a space for the applicant's signature. Each issuing officer under s. 125.08 (2) (e) shall obtain sufficient registration affidavit forms at the expense of the unit of government by which he or she is employed for completion by any elector who desires to register to vote at the same time that he or she makes application for an identification card under s. 125.08.

(2) (a) The information may be recorded by any person, but the applicant shall sign his or her own name unless the applicant is unable to sign his or her name due to physical disability. In such case, the applicant may authorize another elector to sign the form on his or her behalf. If the applicant so authorizes, the elector signing the form shall attest to a statement that the application is made upon request and by authorization of a named elector who is unable to sign the form due to physical disability. Ward and aldermanic district information shall be filled in by the clerk.

(b) The registration form shall be in the form of an affidavit and shall be sworn before the clerk, issuing officer or registration deputy, or before any other officer authorized to administer oaths, except that registrations which are authorized to be corroborated under s. 6.29 (2) (a), 6.30 (4) or 6.55 (2) shall be certified by the applicant but need not be separately verified.

(3) The registration form shall provide a space for a voting record to be filled in by the municipal clerk. In municipalities employing data processing, voting record information may be deleted from the form and maintained separately by the municipal clerk in such form that it may be retrieved by computer.

(4) When an individual's registration is canceled, the municipal clerk or board of election commissioners shall enter the date and reason for cancellation on the individual's registration form.

History: 1971 c. 304 s. 29 (1), (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 15, 16, 17, 66 (3); 1975 c. 94 s. 91; 1977 c. 378, 394, 447; 1979 c. 32; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1985 a. 304; 1987 a. 391.

(b) The challenged and challenging electors shall appear before the municipal clerk within one week of notification or arrange under sub. (2) to appear before the board of election commissioners. The challenging elector shall make an affidavit answering any questions necessary to determine the challenged elector's qualifications. Judgment rests with the municipal clerk and decisions shall be rendered as soon as heard. If the clerk cannot resolve the issue or has reservations as to the answers, the clerk may require the challenging elector to take the oath under s. 6.925. If the challenged elector appears and contests any answer of the challenging elector, the clerk may require the challenged elector to take the oath under s. 6.94 and to answer any question necessary to determine the challenged elector's qualifications. If the challenging elector appears before the municipal clerk or board of election commissioners but the challenged elector fails to appear, such clerk or board may make the decision without consulting the challenged elector. If the municipal clerk or board of election commissioners does not sustain the challenge, the challenged elector's registration remains valid.

(c) If the challenging elector fails to appear before the municipal clerk within one week or in cities of more than 500,000 population fails to appear before the board of election commissioners under sub. (2) to answer questions and take the oath under s. 6.925, such clerk or board shall cancel the challenge.

(d) If the clerk determines that the challenged elector is not qualified, the clerk shall cancel the challenged elector's registration, make the necessary change in the registration list and notify the inspectors for the ward or election district where the elector was registered.

(2) SPECIAL PROCEDURE IN POPULOUS CITIES. (a) In cities of more than 500,000 population, objections may be made before the board of election commissioners which shall sit on the last Wednesday before each election from 9 a.m. to 12 a.m. and from 2 p.m. to 5 p.m. to hear objections then made or deferred under sub. (1). If all the objections cannot then be determined, the commissioners shall sit during the same hours the next day.

(b) Upon appearing in person, objectors shall be examined, under oath, by the commissioners and testimony taken. Judgment rests with the board of election commissioners and decisions shall be rendered as soon as heard. All cases are heard and decided summarily. The commissioners shall determine whether the person objected to is qualified. If they determine that a person is not qualified, the name shall be stricken from the registration list and the proper ward officials notified of the change immediately.

(3) CHALLENGE BASED ON INCOMPETENCY. Section 6.03 (3) applies to any challenge which is made to registration based on an allegation that an elector is incapable of understanding the objective of the elective process and thereby ineligible for registration.

(4) DISQUALIFICATION. The municipal clerk or board of election commissioners may not disqualify an elector under this section except upon the grounds and in accordance with the procedure specified in s. 6.325.

History: 1971 c. 304 s. 29 (2); 1973 c. 314; 1975 c. 85, 199; 1977 c. 394; 1979 c. 110; 1983 a. 484; 1983 a. 304; 1987 a. 391.

**6.50 Revision of registration list.** (1) Within 90 days following each general election, the municipal clerk or board of election commissioners of each municipality in which registration is required shall examine the registration records and identify each elector who has not voted within the previous 4 years if qualified to do so during that entire period and shall mail a notice to the elector in substantially the following form:

#### "NOTICE OF SUSPENSION OF REGISTRATION

You are hereby notified that your voter registration will be canceled, according to state law, for failure to vote within the previous 4-year period, unless you apply for continuation of your registration within 30 days. You may continue your registration by signing the statement below and returning it to this office by mail or in person.

#### APPLICATION FOR CONTINUATION OF REGISTRATION

I hereby certify that I still reside at the address at which I am registered and apply for continuation of registration.

Signed .... Present Address ....

If you have moved within this municipality or changed your name, please contact this office to complete a change of name or address form.

{Office of clerk or board of election commissioners  
Address  
Telephone}

(2) The municipal clerk or board of election commissioners shall cancel the registration of all notified electors under sub. (1) who have not applied for continuation of registration within 30 days of the date of mailing of the notice of suspension.

(2m) (a) As an alternative to the procedure prescribed in subs. (1) and (2), the governing body of a municipality where registration is required may provide for revision of registration lists under this subsection.

(b) Following each general election, the municipal clerk of the municipality shall revise and correct the registration list by reviewing the registration of any elector who failed to vote within the past 4 years if qualified to do so during that entire period. Each such elector shall be mailed an address verification card under par. (c). If an address verification card is returned by the postal service to the clerk, the registration of such elector shall be canceled. Otherwise, the registration shall be retained notwithstanding failure of the elector to vote at any election, except as provided in subs. (4) to (7).

(c) Upon a 1st class postcard bearing the mailing legend, "DO NOT FORWARD — RETURN POSTAGE GUARANTEED", the voter address verification shall read substantially as follows:

#### "OFFICIAL VOTER ADDRESS VERIFICATION

The official voter registration list shows that you are registered to vote by the name and address appearing on the front of this card. If either the name or address appearing on the front of this card is incorrect, please contact this office in person or by mail. Improper registration may result in your being denied the right to vote.

{Office of clerk Clerk's address Telephone}

(3) Upon receipt of reliable information that a registered elector has changed his or her residence to a location outside of the municipality, the municipal clerk or board of election commissioners shall notify the elector by mailing a notice by 1st class mail to the elector's registration address stating the source of the information. All municipal departments and agencies receiving information that a registered elector has changed his or her residence shall notify the clerk or board of election commissioners. If the elector no longer resides in the municipality or fails to apply for continuation of registration within 30 days of the date the notice is mailed, the clerk or board of election commissioners shall cancel the elector's registration. Upon receipt of reliable information that a registered elector has changed his or her residence within the municipality, the municipal clerk or board of election commissioners shall transfer the elector's registration and mail the elector a notice of the transfer under s. 6.40 (2). This

under s. 6.56 (1). If an elector changes both a name and address, the elector shall complete a registration form at the polling place or other registration location under pars. (a) and (b).

(3) Any qualified elector in the ward or election district where the elector desires to vote whose name does not appear on the registration list where registration is required but who claims to be registered to vote in the election may request permission to vote at the polling place for that ward or election district. When the request is made, the inspector shall require the person to give his or her name and address. If the elector is not at the polling place which serves the ward or election district where the elector resides, the inspector shall provide the elector with directions to the correct polling place. If the elector is at the correct polling place, the elector shall then execute the following written oath or affirmation: "I, ....., do solemnly swear (or affirm) that to the best of my knowledge, I am a qualified elector, having resided at .... for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted at this election and am properly registered to vote in this election." The person shall be required to provide acceptable proof of residence as provided under sub. (7) and shall then be given the right to vote. If acceptable proof is presented, the inspector shall administer the oath and the elector need not have the affidavit corroborated by any other elector. If acceptable proof is not presented, the statement shall be certified by the elector and shall be corroborated by another elector who resides in the municipality. The corroborator shall then provide acceptable proof of residence as provided in sub. (7). Whenever the question cannot be satisfactorily resolved and the elector permitted to vote, an election official shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

(4) The inspector shall upon request administer oaths to any person making an affidavit under this section. No compensation may be paid or received for taking or certifying any such affidavit.

(5) Any person who violates this section may be punished as provided in ss. 12.13 (3) (g) and 12.60 (1) (b).

(6) The governing body or board of election commissioners of any municipality may provide by resolution that any of the registration duties of inspectors under sub. (2) shall be carried out in the municipality by special registration deputies appointed by the municipal clerk or board of election commissioners at any polling place or other registration location whenever the clerk or board of election commissioners determines that the registration process provided for in that subsection will be facilitated thereby. Such deputies may administer the oath required for registration. The deputies shall be specially appointed by the clerk or board of election commissioners for one election only to conduct elector registration only.

(7) (a) For purposes of this section, a form of identification constitutes acceptable proof of residence if it includes:

1. A current and complete name, including both the given and family name; and
2. A current and complete residential address, including a numbered street address, if any, and the name of a municipality.

(b) If an elector's address has changed since a piece of identification was issued, the new information may be typed or printed on the identification by hand, in ink.

(c) Forms of identification which constitute acceptable proof of residence under this section, when they contain the information specified in par. (a), include the following:

1. A Wisconsin motor vehicle operator's license.
2. A Wisconsin identification card issued under s. 125.08.
3. Any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business, but not including a business card.
4. A credit card or plate.
5. A library card.
6. A check-cashing or courtesy card issued by a merchant in the normal course of business.
7. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
8. A residential lease which is effective for a period that includes election day.
9. A university, college or technical institute fee card.
10. A university, college or technical institute identification card.
11. An airplane pilot's license.
12. A gas, electric or telephone service statement for the period commencing not earlier than 90 days before election day.

(d) Forms of identification specified in par. (c) which are valid for use during a specified period shall be valid on the day of an election in order to constitute acceptable proof of residence at that election.

History: 1971 c. 304 s. 29 (2); 1973 c. 222; 1975 c. 85, 93, 199, 200; 1977 c. 394, 427; 1979 c. 311; 1981 c. 44 s. 3; 1981 c. 202 a. 23; 1983 a. 484; 1985 a. 304; 1987 a. 391.

**6.58 Verification of voters not appearing on list.** (1) The list containing the names of persons voting under ss. 6.29 and 6.55 (2) and (3) shall be returned together with all forms, affidavits and certificates to the municipal clerk.

(2) Upon receipt of the list, the municipal clerk shall make a check to determine whether each person who has been allowed to vote under s. 6.55 (3) is properly registered. If so, the clerk shall correct the registration list. If the address on the registration list is not correct, the clerk shall correct the address. The clerk shall then notify the elector by postcard when he or she is properly registered. If such person is found not to be properly registered, the clerk shall send the person a 1st class letter with that information, containing a mail registration form under s. 6.30 (4). The letter shall be marked "ADDRESS CORRECTION REQUESTED". If such letter is returned undelivered, or if the U.S. postal service notifies the clerk of an improper address which was apparently improper on the day of the election, the clerk shall notify the district attorney.

(3) The municipal clerk or board of election commissioners shall make an audit of all electors registering to vote at the polling place or other registration location under s. 6.55 (2) upon receipt of the list under sub. (1). The audit shall be made by 1st class postcard. The postcard shall be labeled "ADDRESS CORRECTION REQUESTED" or "DO NOT FORWARD—RETURN POSTAGE GUARANTEED". If any postcard is returned undelivered, or if the clerk or board of election commissioners is informed of a different address than the one specified by the elector which was apparently improper on the day of the election, the clerk or board shall remove the elector's name from the registration list, mail the elector a notice of the removal and provide the name to the district attorney for the county where the polling place is located.

(4) After each election, the municipal clerk shall carefully check to assure that no person has been allowed to vote more than once. Whenever the municipal clerk has good reason to believe that a person has voted more than once in an election, the clerk shall send the person a 1st class letter with return receipt and address correction requested, informing him or her that all registrations relating to that person may be



SENATE STATE ADMIN.  
EXHIBIT NO. 5  
DATE 2-18-91  
BILL NO. SB 325

COMMON CAUSE TESTIMONY IN SUPPORT OF  
SENATE BILL 325  
18 FEBRUARY 1991

P.O. Box 623  
Helena, MT  
59624  
406/442-9251

Madame Chairwoman and members of the Senate State Administration Committee, for the record my name is C. B. Pearson, Executive Director of Common Cause Montana.

On behalf of the members of our organization I would like to speak in support of Senate Bill 325.

This bill is good government policy, working to remedy one of the largest problems disenfranchising voters in Montana today, registration procedures. Many people here today have shown the factual rationality which supports this bill. I would like to express a philosophical view.

A study entitled Report of the Task Force on Barriers To Voting, by the National Association of Secretaries of State in June 1987, had this to say about our registration and voting practices today:

Election officials are responsible for the most basic right in a democracy--the right to vote--if we do not do all we can to make that right available to all our citizens, who will do it for us and when will it be done? State and local election officials must use the full extent of their powers to aggressively extend the right to vote to every eligible citizen.

We believe SB 325 is the type of legislation the authors had in mind when writing their report.

Truly democratic government is participated in by all the members in its society. Senate Bill 325 creates easier access and more opportunity for the citizens of Montana to take advantage of their right to vote. Americans have, over the last several years, been accused of becoming apathetic towards their government. This argument is based on the continually falling percentage of voting age population showing up at the polls on election days. We believe that Americans have not become apathetic, rather barriers in the registration system have been keeping potential voters away. We also recognize the need for campaign finance reform and other reforms to keep the system in the hands of people not special interests. We are working on that area of reforms as well. However, this bill remedies some of the difficulties Montanan's are currently trying to hurdle in the two part registration and voting system.

A need for these reforms in registration procedure is overly recognizable. A do pass from this committee will show leadership for Montana. This leadership means taking all means possible, and cost effective, to enfranchise voters. This leadership also means not being satisfied with high voter registration compared to other states but being satisfied when there is 100% voter registration and participation.

# COUNTY OF RAVALLI

STATE  
OF  
MONTANA

The Bitterroot Valley

HAMILTON, MONTANA 59840

February 18, 1991

Senate State Administration  
State Capitol  
Helena, MT

SENATE STATE ADMIN.

EXHIBIT NO. 6

DATE 2-18-91

BILL NO. SB 325

RE: SB 325 "An act providing for election day voter registration, et seq"

Madam Chairman and Members of the Committee:

For the record, my name is Betty T. Lund, Ravalli County Clerk and Recorder/Election Administrator.

I rise in opposition to SB 325. On page 1 line 15 the bill states that the registrar shall register persons to vote on election day. Sec 13-1-101 MCA defines "registrar" meaning the county election administrator and any regularly appointed deputy or assistant election administrator. In Ravalli County I have in excess of 85 registrars and 5 personnel who are assistant election administrators. Election day registration could run rampant. You could register to vote at each one of my 32 precincts as I have a registrar there to assist with address changes and lost voters.

Page 4 line 21 refers to a standard mail registration form to be used by all deputy registrars and election administrators. The mail registration card was designed to be used by those who could not get to a registrar. The card has to be signed by a notary or another elector of the county. The registration card used by the deputy registrars and the election administrator in Ravalli County makes a wallet card which is handed to the new elector upon registration. A mail registration card requires that we send a wallet card to the elector. Added expense to the counties.

There are 50 states in these United States and only 3 states allow election day registration, Wisconsin and Maine and Minnesota. Two states, Washington and Illinois have had it but the people, through initiative, have voted it out. These states realized that the purity of their elections was in jeopardy.

I visited with Fern Keely, the election official in Ellsworth, Maine, a small community of 6000 people. She impatically said "NO, she did not like election day registration. It is a real mess". My second contact was to the state of Minnesota. I talked with Pat Harold of Washington County, which has a population of 130,000 people. She also reported that she had nothing but problems with election day registration. She firmly believed that there were people voting in her county that perhaps shouldn't have. She called the whole process "a pain in the neck" causing many unsolvable problems and extra expense. She reported that voter turnout is falling with every election.

My last phone call was to the state of Wisconsin, visiting with a clerk in Madison, which is a college town. Her main concern was the mass of students that registered on election day not knowing or able to check to see if they had already received absentee ballots from their towns of resident. She reported that they would run out of ballots and copy them on copy machines. What a lovely way to stuff the ballot box?!

Election day emotions run very high and I can see elections won by who can get the most people to the polls to register and vote.

Please consider carefully SB 325 and cast a DO NOT PASS to preserve the sanctity and integrity of our elections here in Montana. Thank you for your attention.

Sincerely,

Betty T. Lund  
Ravalli County Clerk & Recorder/Election Administrator

SENATE STATE ADMIN.

EXHIBIT NO. 67

DATE 2-18-91

BILL NO. S 3175

February 18, 1991

Senator Eleanor Vaughn, Chair  
State Administration Committee  
State Capitol  
Helena, MT 59620

I am providing you the information you requested concerning available funds in the Department of Highways to pay costs associated with SB-175. The fiscal impact was estimated as \$693,705 in FY92 and \$1,456,777 in FY93.

We have testified in budget hearings, and the department has the necessary authority, that we would transfer budget authority for contracted consultant design services to personal services to either add FTE or increase salaries to hire in-house personnel since contracted services are significantly higher. The department has experienced significant unexpended personal services costs in the past three fiscal years as shown below. These savings occurred in the construction and preconstruction programs to a large extent because we were unable to fill positions when necessary.

Also, please note that the FY88 and FY89 budgeted amounts included a 4% vacancy savings of approximately \$2.3 million per year. You must add this amount to the unexpended balance for those years to get a comparison to FY90.

Senator Eleanor Vaughn  
Page 2  
February 18, 1991

The Construction and Preconstruction Programs are combined in the FY92-93 biennium making it easier to use available personal services budget authority for these costs. However, we would require additional language authority to transfer budget authority from other programs to pay these costs.

	<u>FY88</u>	<u>FY89</u>	<u>FY90</u>
<u>Budgeted Personal Services</u>			
Construction Program	16,712,914	16,955,797	18,340,775
Preconstruction Program	<u>6,786,303</u>	<u>6,733,429</u>	<u>7,061,899</u>
Total	23,499,217	23,689,226	25,402,674
Maintenance Program	18,960,823	19,030,425	20,154,642
Other Programs	<u>11,672,612</u>	<u>11,818,117</u>	<u>11,452,893</u>
Total Agency	54,132,652	54,537,768	57,010,209
 <u>Expended</u>			
Construction	15,710,603	16,090,138	17,332,355
Preconstruction	<u>6,491,912</u>	<u>6,732,888</u>	<u>6,608,289</u>
Total	22,202,515	22,823,026	23,940,644
Maintenance	18,519,384	19,143,038	19,968,560
Other Programs	<u>11,385,354</u>	<u>11,626,957</u>	<u>10,835,923</u>
Total Agency	52,107,253	53,593,021	54,745,127
 <u>Balance</u>			
Construction	1,002,311	865,659	1,008,420
Preconstruction	<u>294,391</u>	<u>541</u>	<u>453,610</u>
Total	1,296,702	866,200	1,462,030
Maintenance	441,439	(112,613)	186,082
Other Programs	<u>235,225</u>	<u>191,160</u>	<u>616,970</u>
Total Agency	1,973,366	944,747	2,265,082

Senator Eleanor Vaughn  
Page 3  
February 18, 1991

Budgeted Vacancy

Savings	<u>2,255,527</u>	<u>2,272,407</u>
	4,228,893	3,217,154

FY92

FY93

Contracted Consultant

Design	7,874,698	7,889,398
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If you have questions, call me at 444-6201.

John Rothwell  
Director of Highways

JR:WGS:D:AC:11.cy

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 22, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 448 (first reading copy -- white), respectfully report that Senate Bill No. 448 be amended and as so amended do pass:

1. Page 2, line 25.

Following: "museum."

Insert: "Any agreement must ensure the preservation of adequate space for the law enforcement museum."

Signed: \_\_\_\_\_  
Eleanor Vaughn, Chairman

\_\_\_\_\_  
Amd. Coord.

\_\_\_\_\_  
Sec. of Senate