

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By DICK SIMPKINS, CHAIRMAN, on January 7, 1993,
at 8:03 a.m.

ROLL CALL

Members Present:

Rep. Dick Simpkins, Chairman (R)
Rep. Wilbur Spring, Vice Chairman (R)
Rep. Ervin Davis, Vice Chairman (D)
Rep. Beverly Barnhart (D)
Rep. Pat Galvin (D)
Rep. Bob Gervais (D)
Rep. Harriet Hayne (R)
Rep. Gary Mason (R)
Rep. Brad Molnar (R)
Rep. Bill Rehbein (R)
Rep. Sheila Rice (D)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Dorothy Poulsen, Committee Secretary

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

Committee Business Summary:

Hearing: HB 71, HB 79, HB 86
Executive Action: HB 20, HB 65

HEARING ON HB 86

Opening Statement by Sponsor:

REP. MARIAN HANSON, House District 100, Ashland, introduced HB 86
in order to clarify the residency of legislative candidates by
requiring candidates to file a residential address with the
Secretary of State and to notify the Secretary of State of any

changes in their residence. REP. HANSON stated that the bill will do the following: (1) require that a candidate file a street address, a road address, or a legal description of their residence; (2) require the Secretary of State to determine the eligibility of candidates so far as residency qualifications and decertify candidates who are no longer qualified by residency; and, (3) provide for the withdrawal of candidates until certification of the ballot.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. MOLNAR asked REP. HANSON what circumstances had precipitated HB 86. REP. HANSON responded that when she was running for office she could not acquire her opponent's residential address from the Secretary of State.

REP. MOLNAR asked REP. HANSON about the reaction of the Secretary of State to her request for her opponent's address. REP. HANSON deferred her answer to her closing statement.

REP. STOVALL asked REP. HANSON how the bill would affect reapportionment. REP. HANSON responded that it had no affect.

REP. SIMPKINS stated that the Montana Constitution requires candidates to live in the county of their district, if the district lies solely in the county. For districts which lie in several counties, the candidate must live in the district.

REP. RICE asked REP. HANSON what affect the bill would have on candidates who changed their residence after ballot certification. REP. HANSON conceded that the bill does not address that situation.

REP. GALVIN asked REP. HANSON if HB 86 affected voter registration. She responded that it did not.

REP. SQUIRES referred to lines 12-13, p. 6 of HB 86 and stated that under this bill a legislative candidate could withdraw up to the date of the election. REP. HANSON was not sure since she had understood that a candidate could not withdraw after five days after the primary. She asked that this point be clarified.

REP. MOLNAR stated that in the last election a Billings candidate did not publish her residential address because of the volatility of the race. He asked whether candidates would be able to keep their residential addresses from being published if they were on file with the Secretary of State. REP. HANSON responded she did not know.

REP. SQUIRES asked REP. HANSON why HB 86 required candidates to file their address with the Secretary of State rather than the Commissioner of Political Practices. REP. HANSON responded that the Secretary of State was the chief election official. REP. SIMPKINS added that currently there is no requirement that candidates notify the Secretary of State of changes in residence after filing for office.

Sheri Heffelfinger, Legislative Council Staff, responding to the committee's discussion of when a candidate could withdraw, asked REP. HANSON what she wanted to accomplish with Section 4 (withdrawal from nomination) of HB 86. REP. HANSON responded that she wanted legislative candidates to be able to withdraw until 85 days prior to the election. She had understood that candidates could not withdraw after five days after the primary. She suggested that perhaps the changes were not necessary. Ms. Heffelfinger responded that Section 3, lines 24-25, referring to the decertification of the candidate by the Secretary of State would also need to be changed because it allows a candidate to withdraw up to the day of the election.

REP. SQUIRES asked about the differences in the roles of the Secretary of State and the Commissioner of Political Practices. Ms. Heffelfinger responded that the Commissioner of Political Practices is responsible for the candidate's financial records; the Secretary of State's responsibilities include candidate filing and certification, the ballot process, and voter registration.

REP. SIMPKINS suggested that REP. HANSON meet with Ms. Heffelfinger and confirm that the intent of HB 86 is consistent with its content.

REP. SIMPKINS and Ms. Heffelfinger asked Joe Kerwin, Elections Bureau Chief, Secretary of State's Office, whether HB 86 would accomplish REP. HANSON'S intent of allowing a legislative candidate to withdraw up to 85 days prior to an election. Mr. Kerwin responded that a candidate can currently withdraw up to 85 days before a general election. The only way for a candidate to be removed from the ballot within the 85-day period is by order of the Commissioner of Political Practices for failure to comply with campaign finance laws. Ms. Heffelfinger stated that in order to accomplish REP. HANSON'S intent, Section 4 of HB 86 must be amended out, and Sections 3 and 5 must be reworded.

REP. SIMPKINS asked Mr. Kerwin whether the affect of HB 86 was now clear in that it makes the Secretary of State's office responsible for notifying candidates if they no longer meet the constitutional requirements for holding office. Mr. Kerwin agreed.

REP. GALVIN asked whether the changes would delete the filing fees paid by the candidate. REP. SIMPKINS responded that the

changes to be made are to delete the amendments to Section 4 and leave the law as it is currently.

Closing by Sponsor:

REP. HANSON stated in closing that last summer a candidate in her district filed legally for the primary election. On July 1 this same candidate's home was sold and he moved out of the district. The candidate told REP. HANSON that he had called the Secretary of State's office and been told that he could no longer withdraw his name from the ballot. She sponsored HB 86 in order that the Secretary of State would have the residential address of candidates and receive notice of changes of address. After notification, the Secretary of State, as chief election officer, would determine whether or not the individual was still a qualified candidate. REP. HANSON urged passage of HB 86 after changes discussed earlier were made.

EXECUTIVE ACTION ON HB 20

Ms. Heffelfinger described the amendments to HB 20 requested by the Department of Administration to provide that the Montana Historical Society protect and preserve the permanent art work in the Capitol building and requiring the Legislative Council to consult with the Historical Society on the placement of art work in the Capitol building. EXHIBIT 1

Motion: REP. SPRING MOVED HB 20 DO PASS.

Discussion: None.

Motion/Vote: REP. HAYNE moved to amend HB 20 as proposed by the Department of Administration. EXHIBIT 1 Motion carried unanimously.

Motion/Vote: REP. SPRING MOVED HB 20 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 65

Motion: REP. SQUIRES MOVED HB 65 DO PASS.

Motion: REP. WALLIN moved to amend HB 65 to limit the number of public employees on the proposed permanent retirement committee to no more than four members. EXHIBIT 2

Discussion:

REP. WALLIN stated that the reason for the amendment is that public employees would have more than passing interest in the benefits from the committee's actions.

REP. RICE asked whether limiting who served on the committee involved a constitutional question.

Ms. Heffelfinger stated that the legislature already describes the composition of committees, for example, by political party, gender, or committee membership. This amendment adds one more requirement.

Vote: Motion on the amendment passed unanimously.

(Further executive action was postponed until later in the meeting.)

HEARING ON HB 71

Opening Statement by Sponsor:

REP. ANGELA RUSSELL, House District 99, Lodge Grass, introduced HB 71 to require gender balance and racial parity among election judges. She stated that in her district the population of some precincts was 95% Native Americans; however, the election judges in those precincts did not reflect the population. She stated that currently the political parties nominate election judges and the county commissioners choose them. REP. RUSSELL stated that she had asked the Bighorn County Clerk and Recorder about HB 71 and the County Clerk had responded that she thought the bill would be beneficial to all parties. REP. RUSSELL stated that her concern was that all people be included in all phases of the electoral process, including serving as election judges.

Proponents' Testimony:

Tootie Welker, Montana Alliance for Progressive Policy, stated that her organization supports HB 71 and strongly recommends its passage.

Amy Kelly, Executive Director of Montana Common Cause, stated that her testimony was to support both HB 71 and HB 79.

REP. SIMPKINS interrupted the proceedings to inquire whether most of the audience were present to testify for both HB 71 and HB 79. He observed that the two bills were related and asked the sponsor whether she was willing to have both bills heard together. REP. RUSSELL agreed and REP. SIMPKINS opened the hearing on HB 79.

HEARING ON HB 79

Opening Statement by Sponsor:

REP. ANGELA RUSSELL, House District 99, Lodge Grass, stated HB 79 is similar to the bill she carried in the last session and changes the closure date for voter registration from 30 days to 20 days prior to the election. She stated that the goal of the

bill is to involve more citizens in the electoral process. In the 1991 session, **REP. RUSSELL** sponsored the motor-voter bill which has resulted in the registration of 22,000 new voters. She stated that changing the registration closure date would also result in an increase in the number of voters registered. She stated that she was disturbed that the major opponents last session to the motor-voter bill were the county clerks and recorders. She stated that in her opinion they should be the sponsors of the bill, encouraging people to vote. She also referred to the possibility of a vote on a sales tax issue in the near future and stated that the more time available to register voters, the fairer the election.

Proponents' Testimony:

Tootie Welker, Montana Alliance for Progressive Policy, presented written testimony and stated that the goal of her organization was to achieve 100% registration in order to increase the percentage of voters and they support HB 79. **EXHIBIT 3**

REP. VIVIAN BROOKE, House District 56, Missoula, spoke as a proponent of HB 71 to broaden the pool of people for election judges. She is introducing a bill to make the selection of election judges similar to the selection of individuals for jury duty. Her bill would be complementary to HB 71.

Amy Kelley, Executive Director, Montana Common Cause, offered written testimony for both HB 71 and HB 79 urging passage of the bills in order to restore public confidence to the electoral process and increase the number of voters. **EXHIBIT 4**

Christine Mangiantini, League of Women Voters, stated that her organization favored passage of both HB 71 and HB 79. The League encourages all actions which encourage the active participation of voters in the electoral process.

Darrell Holzer, Montana State AFL-CIO, provided written testimony in support of HB 79. He stated that 30 days prior to the election is a critical time when individuals become interested in the process. These people then feel disenfranchised when they discover they cannot register to vote. **EXHIBIT 5**

Pam Egan, Executive Director, Montana Family Union, provided written testimony in support of HB 79. She reiterated the testimony of **Mr. Holzer** that the increased public attention close to the time of the election would likely increase interest in potential new voters. **EXHIBIT 6**

Opponents' Testimony:

Kim Harris, Lewis and Clark County Clerk and Recorder, opposed both HB 71 and HB 79. Her objections to HB 71 included increasing the number of election judges from 3 to 4 (Section 1). She stated that the fourth judge would have no purpose for small

elections but would increase the cost of elections for counties. She also objected to Section 4 which addresses gender balance of election judges. She stated that the county has great difficulty in finding election judges regardless of gender.

Ms. Harris' objection to HB 79 was based on practical application of the bill. She stated that she would have great difficulty in completing the voter lists, correcting errors, etc. prior to the election with 10 fewer days available for the work. She stated that voter fraud may increase because of the difficulty in checking on the accuracy of the voter registration information, e.g., checking addresses. She also pointed out that voters can register within 30 days of the election; they simply cannot vote in an election if they have not registered 30 days or more prior to the election.

Joe Tropila, Cascade County Clerk and Recorder and Montana Association of Clerks and Recorders, offered written testimony in opposition to both HB 71 and HB 79. EXHIBITS 7, 8

REP. WALLIN opposed both HB 71 and HB 79.

REP. MASON representing **Betty Lund, Ravalli County Clerk and Recorder,** stated that she opposed HB 79 and the gender-balance portion of HB 71.

Wendy Cromwell, Missoula County Clerk and Recorder/Treasurer, submitted written testimony opposing HB 71 and HB 79. EXHIBITS 9, 10

Milt Hovland, Sheridan County Clerk & Recorder, submitted written testimony opposing HB 71. EXHIBIT 11

Coral M. Cummings, Election Administrator, Lincoln County, submitted written testimony opposing HB 71. EXHIBIT 12

Bob Van Gieson, election judge from Missoula, telephoned the committee to register his opposition to HB 71.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. BARNHART asked **Mr. Tropila** whether election judges were required by statute to stay for the whole day. **Mr. Tropila** responded no, but that parttime judges were very difficult to find. **Ms. Harris** stated that statute prohibited hiring of parttime election judges for security reasons.

REP. GERVAIS asked **Mr. Tropila** why there would be difficulty in implementing the shorter registration time (HB 79) with computerization. **Mr. Tropila** responded that there were money limitations on counties for hiring more personnel or paying overtime.

REP. GERVAIS asked Mr. Tropila why no one from the reservations were election judges. Mr. Tropila responded that no one applies to be election judges because the work is short term (one day) and only pays minimum wage.

REP. GALVIN asked Mr. Tropila whether motor-voter registration was successful. Mr. Tropila responded yes.

REP. MOLNAR asked Mr. Tropila whether the registration process could be computerized. Mr. Tropila responded that currently all registrations are entered manually because counties do not have the money to computerize the process.

REP. SQUIRES asked Mr. Kerwin whether motor-voter registration was successful and to explain how it worked. Mr. Kerwin said it was successful. Under motor-voter registration, when individuals obtain or renew their driver's license, they can be registered or their registration can be updated with current addresses, etc.

REP. SQUIRES stated that she felt that the success of motor-voter registration countered the testimony from the county clerks and recorders as to their inability to register voters within the shorter time frame.

REP. GERVAIS asked REP. RUSSELL whether she was aware of election judges who were rejected because of race or gender. REP. RUSSELL stated that the current election judges tend to come from a small group of insiders and that it was difficult for new people to apply.

REP. MOLNAR asked REP. RUSSELL whether she knew of any elections where the outcome was affected by the lack of gender balance or racial parity. REP. RUSSELL responded that she could not verify any affected outcome but that she would like to see more diversity in the election judges, whether through HB 79 or through a resolution urging gender and racial diversity.

REP. WALLIN asked REP. RUSSELL if she would like more men on the election boards to which she responded yes.

REP. SQUIRES asked Mr. Tropila on the role of the political parties in selecting election judges. Mr. Tropila responded that the deputy registrars also selected judges. Mr. Kerwin clarified that election judges did not need to belong to political parties, but that the political parties provided lists nominating the election judges.

Ms. Heffelfinger clarified the issue of the length of time the election judges were to work: The judges must stay for the hours they are assigned to work; they may be given permission to leave for home emergencies or illness by the precinct's chief election judge.

Closing by Sponsor:

REP. RUSSELL stated that her major goals in sponsoring HB 71 and 79 were to increase the number of voters and to make the electoral process more inclusive. She suggested that greater diversity in the pool of election judges would help more people feel comfortable in participating in the electoral process. She stated that on the Fort Peck reservation an increase in the number of voters was observed when the election judges changed from all white to Native American. She stated that we currently have a system in which the same people are always chosen to be election judges and that perhaps the first priority is to change that system. She recognized that there may be differences in counties across the state, and that in Cascade County, in particular, it may be very difficult to find people to be election judges. In Bighorn County, however, unemployment is high and many people would be available to be judges. REP. RUSSELL closed emphasizing her goals; she asked for favorable consideration of both HB 71 and HB 79.

EXECUTIVE ACTION ON HB 65

Motion: REP. BARNHART moved to amend HB 65 to have the proposed permanent retirement committee gender-balanced to the greatest extent possible. EXHIBIT 13

Discussion:

REP. WALLIN asked REP. BARNHART whether the State Administration committee was gender-balanced to which she responded no. He asked her whether there was gender balance in the candidates running for office. She replied that not currently, but hopefully, some day soon there would be gender balance.

REP. DAVIS asked REP. BARNHART if she had checked with the leadership to find out why the (interim) committee had not been gender-balanced to the greatest extent possible. She replied that she had not checked. REP. DAVIS asked REP. BARNHART whether she thought that REP. MERCER and REP. SCHYE had made the greatest effort possible in having gender balance on the State Administration committee. REP. BARNHART replied that she did not think so.

REP. SQUIRES addressed REP. DAVIS and differentiated between the standing committees and the interim committees in the degree to which they can be gender-balanced. She stated that because the interim committees require a much smaller number of members than standing committees, the interim committees can be gender-balanced.

REP. MOLNAR asked REP. BARNHART whether gender balance referred to the composition of the committee or referred to representing the constituencies addressed by the committee. REP. BARNHART

responded that the amendment states that the committee should be gender-balanced as near as possible.

REP. RICE stated that she was in favor of the amendment. She stated that gender balance must be sought out as an important goal for the legislature, the State of Montana, and the United States.

REP. SPRING stated that the legislature is striving for gender-balance and that the amendment is unnecessary.

REP. GERVAIS stated his support for the amendment.

Vote: Motion failed 8 to 8 on a roll call vote with Reps. Simpkins, Spring, Hayne, Mason, Rehbein, Rose, Stovall, and Wallin voting no. EXHIBIT 14

Motion: REP. WALLIN MOVED HB 65 DO PASS AS AMENDED.

Discussion:

REP. MOLNAR stated that he opposed HB 65 because it created another statutory committee with additional spending. He considered that the function could be handled by the department.

REP. RICE stated that she considered HB 65 a valid bill because the state has so many retirement systems and that the many bills brought to the state administration committee have merit. She stated that the legislature needs one group with the clear responsibility for retirement programs who can develop a bigger picture for these programs.

REP. BARNHART reported that REP. ROYAL JOHNSON has pointed out that the value of the statutory interim committee is the high level of advice available to the committee for the small expenditure of funds.

REP. ROSE stated that he favored HB 65 because when the legislature meets only every two years, legislators have a hard time keeping track of the retirement systems.

REP. SIMPKINS pointed out that a volunteer committee had studied the issues and recommended a statutory committee. He stated that the problem is that a great number of bills are generated each session on retirement systems and the effect is that the various retirement systems become pitted against one another. As a result, the state has increased cost because when one system receives a benefit, other systems request the same benefit. Retirement systems are long-range and require long-term planning.

Vote: HB 65 DO PASS AS AMENDED. Motion carried 15 to 1 with Rep. Molnar voting no.

HOUSE STATE ADMINISTRATION COMMITTEE

January 7, 1993

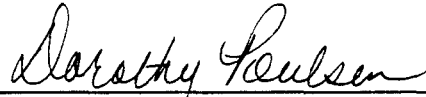
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ADJOURNMENT

Adjournment: 10:45 a.m.



DICK SIMPKINS, Chair



DOROTHY POULSEN, Secretary

DS/DP

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION

COMMITTEE

ROLL CALL

DATE

1/7/93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK SIMPKINS, CHAIR	✓		
REP. WILBUR SPRING, VICE CHAIR	✓		
REP. ERVIN DAVIS, VICE CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. PAT GALVIN	✓		
REP. BOB GERVAIS	✓		
REP. HARRIET HAYNE	✓		
REP. GARY MASON	✓		
REP. BRAD MOLNAR	✓		
REP. BILL REHBEIN	✓		
REP. SHEILA RICE	✓		
REP. SAM ROSE	✓		
REP. DORE SCHWINDEN	✓		
REP. CAROLYN SQUIRES	✓		
REP. JAY STOVALL	✓		
REP. NORM WALLIN	✓		

HOUSE STANDING COMMITTEE REPORT

January 7, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 20 (first reading copy -- white) do pass as amended .

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

1. Title, line 7.

Following: "FUNCTIONS;"

Insert: "PROVIDING THAT THE MONTANA HISTORICAL SOCIETY SHALL PROTECT AND PRESERVE PERMANENT ARTWORK IN THE CAPITOL BUILDING; REQUIRING THE LEGISLATIVE COUNCIL TO CONSULT WITH THE HISTORICAL SOCIETY ON THE PLACEMENT OF ARTWORK IN THE CAPITOL BUILDING;"

2. Page 5, lines 7 through 11.

Following: "~~complex~~" on line 7

Strike: "and" on line 7 through "legislature" on line 11

3. Page 5, line 12. *324 to*

Following: "~~line 11~~" *324*

Insert: "(3) The legislative council shall consult with and advise the Montana historical society on the placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the capitol building. An item may not be permanently displayed unless approved by the legislature.

(4) The Montana historical society shall protect and preserve the permanent artwork in the capitol building and request funding for periodic inspection, maintenance, and repair of the artwork from the trust fund established in 15-35-108 for protection of works of art in the state capitol and other cultural and aesthetic projects."

Renumber: subsequent subsections *324*

HOUSE STANDING COMMITTEE REPORT

January 7, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 65 (first reading copy -- white) do pass as amended .

Signed: 
Dick Simpkins, Chair

And, that such amendments read:

1. Page 2, line 14.

Following: line 13

Insert: "(c) No more than two members appointed from each house may be public employees aside from their legislative service."

Amendments to House Bill No. 20
First Reading Copy

Requested by Department of Administration
For the House Committee on State Administration

Prepared by Sheri S. Heffelfinger
January 6, 1993

1. Title, line 7.

Following: "FUNCTIONS;"

Insert: "PROVIDING THAT THE MONTANA HISTORICAL SOCIETY SHALL
PROTECT AND PRESERVE PERMANENT ARTWORK IN THE CAPITOL
BUILDING; REQUIRING THE LEGISLATIVE COUNCIL TO CONSULT WITH
THE HISTORICAL SOCIETY ON THE PLACEMENT OF ARTWORK IN THE
CAPITOL BUILDING;"

2. Page 5, lines 7 through 11.

Following: "~~complex~~" on line 7

Strike: "and" on line 7 through "legislature" on line 11

3. Page 5, line 12.

Following: "line 11"

Insert: "(3) The legislative council shall consult with and
advise the Montana historical society on the placement of
busts, statues, memorials, or art displays of a permanent
nature within public areas of the capitol building. An item
may not be permanently displayed unless approved by the
legislature.

(4) The Montana historical society shall protect and
preserve the permanent artwork in the capitol building and
request funding for periodic inspection, maintenance, and
repair of the artwork from the trust fund established in 15-
35-108 for protection of works of art in the state capitol
and other cultural and aesthetic projects."

Renumber: subsequent subsections

EXHIBIT 1
DATE 1/7/93
HB 20

Amendments to House Bill No. 65
First Reading Copy

Requested by Rep. Wallin
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
January 6, 1993

1. Page 2, line 14.

Following: line 13

Insert: "(c) No more than two members appointed from each house
may be public employees aside from their legislative
service."

EXHIBIT 2
DATE 1/7/93
HB 25

House Bill 79 Fact Sheet

20 DAY OUT VOTER REGISTRATION CUTOFF

Sponsor: Representative Angela Russell

Goal: To increase the days which voting age population members have in order to become eligible to vote in Montana elections. Changing the closing date prior to an election to register from 30 days to 20.

Facts:

- States with a registration deadline that is the same day, or within a few days of the election have substantially higher voter turnout than do those states with registration deadlines well in advance of the election. The two states with the highest voter turnout (Maine and Minnesota) have same-day voter registration.
- Studies have consistently shown that the closing date of voter registration is the most important influence on electoral turnout. (Task Force on Barriers to Voting, Nat. Association of Secretaries of State)
- There is a decrease in voter turnout of almost .3 percentage points each day the registration deadline precedes the election. (GAO)
- There are approximately 46,157 eligible Montanans who are not registered; enough voters to have changed the outcome in every statewide and local race.
- When the campaigns are in their highest gear and interest has reached a peak, people can no longer register to vote; this leads to frustration with the system and disenfranchisement.

Truly democratic government involves all of its citizens. This legislation makes it easier for the citizens of Montana to take advantage of their right to vote by making a longer period for voter registration. Changing the system to benefit the persons it is supposed to serve is good policy formation and excellent government. This bill sends the right message to Montanans; that you want them involved in the process.

EXHIBIT 3
DATE 1/7/93
HB 79

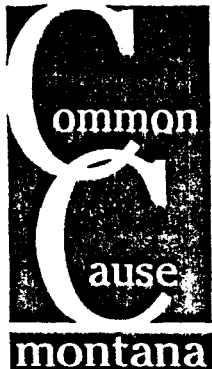


EXHIBIT 4
DATE 1/7/93
HB 71 + 79

COMMON CAUSE TESTIMONY IN SUPPORT OF

HB 79 AND HB 71

JANUARY 7, 1992

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

Mr. Chairman and members of the House State Administration Committee, for the record my name is Amy Kelley, Executive Director for Common Cause/Montana.

On behalf of the more than 800 citizen members of Common Cause/Montana, I would like to register our support for HB 79 and HB 71. We feel that each of these bills, while addressing quite different issues, will do a great deal to encourage more Montanans to register and to vote.

Common Cause was founded on the simple yet fundamental principle that our government must be open and accessible to every citizen in order to be effective. The most basic measure of that effectiveness is the willingness of citizens to participate through voting.

In 1992 we witnessed one of the highest voter turnouts in Montana history. Thus, the popular claim of recent years that voters today are apathetic is difficult to justify. However, we feel it would be a very dangerous mistake to assume that our democratic system is without need of assistance.

In a recent national study based on interviews by the Kettering Foundation, entitled Citizens and Politics: A View from Main Street America, concluded that:

"Today Americans are not apathetic -- but they do feel impotent when it comes to politics."

While it may not be the single solution to restoring public faith in our political system, we must make every effort to break down any barriers to voting, whether actual or perceived.

Studies have consistently shown that one of the biggest barriers to voting is voter registration deadlines. Campaigns are typically more intensely directed at the public 30 days prior to the election. Thus, at a time when many eligible Montanans are most likely to consider registering to vote, they can no longer do so -- the deadline has passed. That is a major barrier to voting.

Another barrier may be faced by the voter who feels that the election officials do not racially represent the community to which s/he belongs. Voting should be a community activity as well as an individual right and responsibility. If the voting place does not feel like the voter's community, s/he may be intimidated from participating. That is a barrier to voting.

Public confidence in our government process is based on meaningful citizen participation. For that reason, voting must be as easy as possible. People must feel at home in their participation to feel at home in their government.

We wholeheartedly encourage this committee and the Montana Legislature to support any effort to encourage citizen participation. This is an opportunity for you to send the right message, that you applaud voters for turning out this election, and that you will do everything you can to encourage that participation in the future. We urge a "do pass" on HB 79 and HB 71.



Montana State AFL-CIO

Donald R. Judge
Executive Secretary

110 West 13th Street, P.O. Box 1176, Helena, Montana 59624

406-442-1708

TESTIMONY OF DARRELL HOLZER ON HOUSE BILL 79 BEFORE THE HOUSE STATE ADMINISTRATION COMMITTEE ON JANUARY 7, 1993

Mr. Chairman, members of the committee, for the record my name is Darrell Holzer and I'm appearing here in behalf of the Montana State AFL-CIO in support of House Bill 79.

While some may view House Bill 79 as merely a case of a week or two, we view it quite differently. Numerous reports have indicated that on the national level, only about 30% of the eligible electorate actually participate in the Democratic process.

It is our contention that if democracy, as we know it, is to continue efficiently, we must make every effort to allow more individuals to become involved in the election process. Increasing the period of time for individuals to become registered to vote, will accomplish just that. This proposed legislation would amend current law by reducing the close of registration prior to an election, from 30 days to 20 days.

Currently, there are 25 states who's close of registration is less than 30 days prior to an election. Some states even permit same day registration. As those of us who follow the election process closely know, many potential voters who have become disenfranchised with the system suddenly decide to vote within 30 days or less prior to an election, only to find out, that it's too late.

House Bill 79 will also ensure that the public is duly informed by the Secretary of State as to exactly what the voter registration requirements are. This will obviously clear up confusion regarding the purging of electors and exactly how one becomes registered to vote.

House Bill 79 seeks but to get more of our citizens involved in the democratic process by making the system more accessible and for that reason, we respectfully request that you give favorable consideration to House Bill 79.

Thank you.

EXHIBIT 5
DATE 1/7/93
HB 79

TESTIMONY OF PAM EGAN ON HOUSE BILL 79 BEFORE THE HOUSE COMMITTEE
ON STATE ADMINISTRATION, JANUARY 7, 1993

Mr. Chairman, members of the Committee, for the record, my name is Pam Egan. I am the Executive Director of the Montana Family Union. On behalf of our membership, I am here today in support of House Bill 79.

The Montana Family Union is the associate membership program of the Montana State AFL-CIO. We represent lawyers, farmers, students, retirees, homemakers, small-business owners, unemployed and under-employed workers, health care providers, disabled workers -- Montanans who believe that working families have a vital role to play in determining public policy.

We believe that if working families are to have an effective voice in the public policy debate, if we are to have a say in the decisions that affect our lives, we must have access to the public arena.

The days just before an election bring great public attention to the important issues to be decided in that arena.

Just before an election we read about those issues in our newspapers, talk about them at our dinner tables, debate them at our work places, and hear about them on our televisions. This is the most likely time for potential new voters to become interested in having their say in the political process.

Because House Bill 79 would increase access to voter registration during the critical period just before an election, we believe it is a vital first step in opening the door to political action for all Montanans.

The Montana Family Union urges your strong support for House Bill 79.

Thank You.

EXHIBIT 6
DATE 1/7/93
HB 79

CASCADE COUNTY ELECTION DEPT.
PO BOX 2305
GREAT FALLS, MT 59403

STATE ADMINISTRATION COMMITTEE
STATE CAPITOL
HELENA, MT

DEAR MEMBERS:

PLEASE CONSIDER THE FOLLOWING AND VOTE "NO" TO HOUSE BILL NO. 71

1. MOST ELECTION JUDGES ARE RETIRED VOTERS BETWEEN THE AGE OF 65 & 80.
 - A. A MAJORITY OF THESE ARE WOMEN WHO RECEIVE A MUCH SMALLER RETIREMENT PENSION THAN A MAN WOULD RECEIVE. MANY OF THESE ALSO WORK FOR THE PRESTIGE IT GIVES THEM AS WELL AS A CHANCE TO SEE THEIR NEIGHBORS. WOULD WE WANT TO TAKE THIS AWAY FROM THEM OR ASK THEM TO GIVE UP THEIR JOB TO A MAN WHO HAS A GOOD PENSION BUT JUST WANTS TO WORK?
 - B. THE LAW REQUIRES THAT THE JUDGES BE PAID MINIMUM WAGE. MANY JUDGES RELY ON THIS LITTLE PAYCHECK TO PERHAPS PAY A BILL OR TWO OR BUY CHRISTMAS PRESENTS. HOWEVER, MANY MEN WILL NOT WORK FOR MINIMUM WAGE, MAKING IT DIFFICULT AT TIMES TO FIND WORKERS. MANY GALS WORK JUST FOR THE FEW EXTRA DOLLARS.
 - C. IT COULD BE VERY DIFFICULT TO FIND MEN TO WORK AT THIS JOB BECAUSE OF THE LONG HOURS, AND MANY WOULDN'T WANT THE HASSLE THE JOB BRINGS.
2. WE CANNOT ASK AGE OR NATIONALITY WHEN WE RECEIVE AN EMPLOYMENT APPLICATION. HOW COULD RACE BE DETERMINED?
3. IN MANY COUNTIES, THE PARTIES DO NOT SUBMIT COMPLETE LISTS OF PERSONS WHO ARE TO BE APPOINTED AS JUDGES. THE ELECTION ADMINISTRATOR MUST FILL THE VACANCIES.
4. IT IS DIFFICULT ENOUGH TO FIND PEOPLE TO WORK AS ELECTION JUDGES BECAUSE OF THE LONG HOURS AND LOW PAY. CREATING FURTHER RESTRICTIONS IS GOING TO CAUSE MANY PROBLEMS.

Annie M. Short

ANNIE M. SHORT
CASCADE COUNTY
ELECTION DEPT. SUPERVISOR

EXHIBIT 7
DATE 1/7/93
HB 71

Cascade County Election Department
PO Box 2305
Great Falls, Mt. 59403

EXHIBIT 8
DATE 1/7/93
HB 79

Members of State Administration Committee
State Capitol
Helena, Mt. 59620

Dear Members:

Please consider the following and vote against House Bill 79 as it has been introduced.

1. Voter registration now closes 30 days before an election.
 - a. The 30th day falls on a Sunday which is a holiday. We must close on the following Monday which gives us 29 days to process the forms.
 - b. We must allow 3 days for the registration forms that are mailed. This gives us 26 days to process the forms.
 - c. We must allow 10 days for a voter to correct information on their registration form. This gives us 16 days to get the registration forms processed, the Precinct Registers printed, the elector list printed and the other supplies needed for the election.
 - d. After the Precinct Registers are printed they must be marked to indicate which voters voted by absentee method.
2. With the 30 day close of registration it is already very hard to get the voter forms processed before an election.
 - a. Most counties have many political subdivisions that hold elections. Each voter must be assigned to the correct precinct and special districts they qualify to vote in when their registration form is processed.
 - b. Precinct boundaries and political subdivision boundaries do not follow the same lines.
 - c. It requires many hours and many different maps to be sure the voter is assigned to the correct voting precinct and other district elections.
3. People by nature put everything off till the last minute, so instead of registering on the 30th day before an election they will register on the 20th day if it is changed. This will add to the problems that already exists.
4. Absentee ballots must be available 45 days before an even year election.
 - a. Absentee voting is extremely heavy at this time and we are also dealing with the last minute registration rush.
 - b. Many voters register and vote absentee at the same time.
 - c. It is very hard to insure that a voter registering and voting at the same time is assigned to the correct precinct and districts when it is done in a hurry.
 - d. With registration closing 20 days before an election this will create more problems.
5. If a person wants to vote they will make sure they get registered before the deadline. The ones that wait till the last minute often do not vote.
6. Candidates and political parties wait till as close to the election as they can before registering voters. This makes each election department have to process several thousand cards the week before the close of registration.
 - a. It will be very hard to get the registration forms process and the precinct registers printed by election day if the close is changed to 20 days.
 - b. Candidates need lists of registered voters before the election

7. Candidates need lists of registered voters before the election. It will be impossible to get these lists with the 20 day close.
8. With the 30 day close of registration it is impossible to get the registration forms processed without working many hours overtime now. With a 20 day close it might not be possible to get done at all.
9. There is a lack of funds to pay for extra help and overtime now. What will the 20 day close cause?
10. If anything it would make more sense to to change the close of registration to 45 days before the election. That way absentee voting and registering voters would not overlap.

Annie M. Short

Annie M. Short
Cascade County
Election Department Supervisor



312-3A
Sen. D. Iowson

January 5, 1993

Dick Simkins, Chairman
State Administration Committee
House of Representatives
State Capitol
Helena, MT 59620

EXHIBIT 9
DATE 1/7/93
HB 71

Re: HB 71

Dear Chairman Simkins:

I provide the following information on HB 71's effects on county election offices:

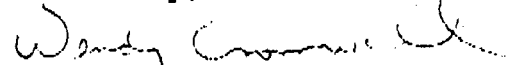
In many counties, the pool of available election judges has been shrinking over the years. It is very difficult to find persons who are willing to work a 16-to-17-hour day at minimum wage. Frequently, the persons who are appointed to serve are women who are retired, or who do not work outside the home and have no children at home for whom day care must be provided. We have attempted to recruit men, with little success.

HB 71 also increases the number of election judges to be appointed for each precinct from three to four. Many county election administrators have difficulty finding only three judges per precinct. A requirement to appoint four would be an additional hardship.

Increasing the total number of election judges serving at each election also increases election costs for local governments, at a time when local government revenue is still static, while demands for services increase. For Missoula County, the cost of a county-wide election would increase by approximately \$5,500 to cover the cost of the additional election judges. There would be an additional cost involved in determining the correct racial make-up of each precinct's election judge board.

While I can sympathize with Rep. Russell's desire to ensure equitable racial and gender participation in the election process, I believe that compliance with HB 71 would be impossible. Thank you for your attention to my comments.

Sincerely,


Wendy Crpmwell
Clerk & Recorder/Treasurer

WRC

cc: MACR Legislative Committee
Missoula Board of County Commissioners



January 5, 1993

Dick Simkins, Chairman
State Administration Committee
House of Representatives
State Capitol
Helena, MT 59620

Re: HB 79

EXHIBIT 10
DATE 1/7/93
HB 79

Dear Chairman Simkins:

I provide the following information on HB 79's effects on county election offices:

The existing 30-day close of registration period was selected as a compromise to meet two needs. The Supreme Court of the United States found that excessively long registration period closures were used by some states to prevent "newcomers" from voting. States which have set registration closure dates do so to allow local officials time to complete the registration lists in time to send them to the polling places by election day. A thirty-day closure seems to satisfy both of those needs.

In large counties, the number of new registration cards and change of name/address cards turned in to the election office on the day registration closes is frequently astonishing. For instance, in Missoula County, the elections office staff processed over 8,000 new and change cards after the close of registration. These were all turned in within the last two weeks before the close of registration. More than three weeks of overtime days was necessary for completing the processing.

Registration cards must be sorted; checked against the existing list of voters for duplication of names; checked for completeness, including a registered witness; assigned registration numbers; addresses checked for assignment of correct precinct and special districts; and finally, entered on the computer system. With the volume to be processed, even the 30-day close of registration is a squeeze.

The present close of voter registration date is well-advertised, and reasonable. A ten-day extension of the deadline would not significantly increase the numbers of persons who ultimately register for a particular election. Thank you for your attention to my comments.

Sincerely,

Wendy Cromwell
Clerk & Recorder/Treasurer

WRC
cc: MACR Legislative Committee
Missoula Board of County Commissioners

Fax Transmittal Form

Sheridan County Clerk & Recorder
100 W. Laurel Ave.
Plentywood, MT 59254

Deliver to: State Administration Committee

Fax Number: 1-444-4105

Transmitted on January 7, 1993

Message from: Milt Hovland *mh*

Comments: As election administrator I would like to express my
opposition to HB 71. The task of finding sufficient
election judges is difficult enough without having to meet
the requirements of this bill.

EXHIBIT 11
DATE 1/7/93
HB 71

OFFICE OF
CLERK AND RECORDER*Coral M. Cummings*

512 California Avenue

COUNTY OF LINCOLN

(406) 293-7781

Libby, Montana 59923

January 6, 1992

Administration Committee
House of Representatives

Re: HB 71

Dear Committee Members:

We strongly urge you to vote against HB 71, an act requiring gender balance and racial parity among election judges.

This bill would enact goals that would be totally impossible to meet. We have tried in past elections to get men to become involved in the election process, but to no avail. Currently we have about 150 election judges. Approximately 5 of these are men. We can see no way to meet the "idealistic" standards set in this bill.

Again, we strongly urge you to kill HB 71 in Committee.

Sincerely,

A handwritten signature in cursive script, appearing to read "Coral M. Cummings".

Coral M. Cummings
Election Administrator
Lincoln County, MontanaEXHIBIT 12
DATE 1/7/93
HB 71

Amendments to House Bill No. 65
First Reading Copy

Requested by Rep. Barnhart (No. 2)
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
January 6, 1993

1. Page 2, line 14.

Following: line 13

Insert: "(c) The committee must be gender-balanced to the
greatest extent possible."

EXHIBIT 13
DATE 1/7/93
HB 65

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION

COMMITTEE

ROLL CALL VOTE

DATE 1/7/93 BILL NO. HB 65- Amend NUMBER

MOTION: Rep. Barnhart moved to amend HB 65.

NAME	AYE	NO
REP. DICK SIMPKINS, CHAIR		✓
REP. WILBUR SPRING, VICE CHAIR		✓
REP. ERVIN DAVIS, VICE CHAIR	✓	
REP. BEVERLY BARNHART	✓	
REP. PAT GALVIN	✓	
REP. BOB GERVAIS	✓	
REP. HARRIET HAYNE		✓
REP. GARY MASON		✓
REP. BRAD MOLNAR	✓	
REP. BILL REHBEIN		✓
REP. SHEILA RICE	✓	
REP. SAM ROSE		✓
REP. DORE SCHWINDEN	✓	
REP. CAROLYN SQUIRES	✓	
REP. JAY STOVALL		✓
REP. NORM WALLIN		✓
TOTAL	8	8

EXHIBIT 14

DATE 1/7/93

HB 65

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

STATE ADMIN COMMITTEE BILL NO. HB 71
DATE 1/7/93 SPONSOR(S) A. Russell

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Tootie Welker Bx 961 Helena	MAPP	✓	
AMY KELBY	COMMON CAUSE	✓	
REP. RAVALLI CLERK & RECORDER			✓
Jill Skabronski	S.O.S.		
Jim Harris	Levors: Clark Co Rec		✓
Christine Mangione	League of Women Voters		
JOE TROPILS	MT. ASSOC CARS & REC		✓
Vivian Drake	HD#56	✓	

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

STATE ADMIN

COMMITTEE

BILL NO.

HB 79

DATE

1/7/93

SPONSOR(S)

Mr. Hansen

A. Russell

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Barrell Holzer	MT. ST. AFL-CIO	X	
Pam Egan	Mt. Family Union	X	
Tookie Welker	MT. Alliance for Progressive Polity	X	
REP.	PARALLEL CLERK & RECORDS		✓
Jill Skabronski	S.O.C.		
Kim Harris	h. C. Co Research		✓
Christine Mangiantini	League of Women Voters	X	
Don Waldman	MREA	✓	
Joe Tropius	MT. Assoc Cks & Rec		✓

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

STATE Admin COMMITTEE BILL NO. HB 86
DATE 1/7/93 SPONSOR(S) M. Hanson

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jill Skabronski	S.O.S. ^{state}		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.