

**MINUTES**

**MONTANA SENATE  
53rd LEGISLATURE - REGULAR SESSION  
COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By Senator Eleanor Vaughn, on January 14, 1993,  
at 11:00 a.m.

**ROLL CALL**

**Members Present:**

Sen. Eleanor Vaughn, Chair (D)  
Sen. Jeff Weldon, Vice Chair (D)  
Sen. Jim Burnett (R)  
Sen. John Hertel (R)  
Sen. Bob Hockett (D)  
Sen. Bob Pipinich (D)  
Sen. Bernie Swift (R)  
Sen. Henry McClernan (D)

**Members Excused:** Sen. Harry Fritz  
Sen. Larry Tveit

**Members Absent:** None.

**Staff Present:** David Niss, Legislative Council  
Deborah Stanton, Committee Secretary

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

**Committee Business Summary:**

Hearing: SB 113  
Executive Action: None.

**HEARING ON SB 113**

**Opening Statement by Sponsor:**

Sen. Ethel Harding, Senate District 25, presented SB 113, on behalf of the Post Office. SB 113 is a bill which would provide for purging of an election every general election in an even numbered year. Presently, cancellation of voter registration is by the Presidential general election. The Post Office was handling mail that they would rather not handle especially at election time with all the other handouts being mailed. The Post Office presented it to her based on the amount of money which would be saved. The election administrator said it was very simple, with the computer they have, to do the cancellations.

The election administrator also said there was a lot of paper involved in carrying the extra names on the books. This bill is not intended to discourage voting but to eliminate names on the registration lists who no longer live in the area.

**Proponents' Testimony:**

Kim Harris, Lewis and Clark County Clerk and Recorder, spoke in favor of SB 113. Currently, as of the last general election, her office purged 7,000 voters based on the fact that they did not vote. Four years earlier 6,435 voters were purged from the files. There is a tremendous cost in postage and in time involved with carrying these names on the lists. Another reason the Clerk and Recorder's Office is in favor of this bill, is because the list of registered voters is the list the courts use for jurists. The courts pull from lists that are not current and it affects the court system.

Don Byrd, Montana Association of Clerks and Records, testified in favor of SB 113. The Association feels the amount of time it takes to purge every two years instead of every four years is not that costly. The present system is archaic and extremely expensive to the taxpayers. Candidates use voter lists to mail campaign literature and local offices use that voting lists to mail campaign literature and, as Sen. Harding mentioned, our society is characterized by the fact that we are highly mobile. The only reason anyone might stand in opposition to this bill is because it might effect voter turnout. Mr. Byrd suggested simplification of voter registration.

**Opponents' Testimony:**

Joe Kerwin, Elections Bureau Chief, Secretary of State's Office, gave written testimony (EXHIBIT #1).

Tootie Welker, Montana Alliance for Progressive Policy, spoke in opposition to SB 113. MAPP has been very involved in voter registration over the years of getting people to participate. MAPP feels SB 113 sends a poor message to the people of Montana, that their involvement is not important. MAPP feels the Clerk and Records office continuously opposes anything that would remove restrictions and supports everything that imposes restrictions. To purge every two years would be very restrictive.

Amy Kelley, Executive Director of Common Cause/Montana, gave written testimony (EXHIBIT #2).

**Questions From Committee Members and Responses:**

Sen. Weldon asked Sen. Harding if there was some mechanism to notify voters when they are being purged. Sen. Harding said they are not notified now. The notice is in the newspaper. Kim Harris said the notice is required by state law to be put in the newspaper.

Sen. Weldon asked Mr. Kerwin if there was federal legislation concerning voter registration that would be affected by this. Mr. Kerwin said HR 2 is a voting bill considered last year that would have a purge provision in the statute if it was passed as it stands now. The Federal Elections Commission has predicted it will be signed into law in March and at the federal level, who can say. It would have a purge provision in the bill that a person would have to be notified by mail if they are being cancelled.

Sen. Weldon asked what Mr. Kerwin's observation is about the number of people who vote in a presidential year election. Mr. Kerwin said there was an increase of 90,912 in the 1992 election over the 1990 election. There is traditionally a much higher turnout for a presidential election.

Sen. McClernan asked Mr. Kerwin about motor voter and if that process would solve the address change problem. Mr. Kerwin said when you go into to renew your driver's license there is a form to register to vote that is available for those who would like the opportunity. So once every four years every Montanan has the opportunity to register to vote. Also, when someone votes they have to verify that they still live at the address listed or complete a change of address form.

Sen. McClernan said, in theory, every year 25% of the people in Montana who have driver's license have that option and, in theory, they will have the chance to update their address. Mr. Kerwin confirmed this and said they would only have to fill out a change of address form instead of a whole registration card.

**Closing by Sponsor:**

Sen. Harding said that when you have 10% of the population moving those names should be eliminated from the books. She said to keep from having voter apathy there is a need to get people involved. All SB 113 does is remove from the books people who have moved. This bill was brought to Sen. Harding's attention by the Post Office because of all the dead letters it has to handle. It seems prudent for everyone who is mailing because it is expensive for the person doing the mailing, the county, and the state. Emphasis should be put on making people interested in the election process and voting. She emphasized the voters' names should only be removed after not voting in a presidential general election.

Additional Discussion

Sen. Vaughn said the legal staff would look at preparing an amendment to SB 113.

There was additional discussion on SB 100. Mr. Jerome Anderson, for the Tobacco Institute, reappeared to say the present statute provides that there shall be designated smoking areas provided for each building except in those buildings in subsection 1 (hospitals, auditoriums, and those kinds of buildings). Smoking areas are to be provided in areas suited by architectural design and functional purpose to be used as a smoking area. They do not have to provide a smoking area in rooms that are not suited by architectural design and function. The present statute works fine. Sen. Weldon said there must be something in the present statute not working for Ms. Fulton to come forward to have it changed.

ADJOURNMENT

Adjournment: 12:00

  
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SENATOR ELEANOR VAUGHN, Chair

  
\_\_\_\_\_  
DEBORAH STANTON, Secretary

EV/ds

# ROLL CALL

SENATE COMMITTEE STATE ADMINISTRATION DATE 1-14-93

| NAME                 | PRESENT | ABSENT | EXCUSED |
|----------------------|---------|--------|---------|
| Sen. Eleanor Vaughn  | ✓       |        |         |
| Sen. Jeff Weldon     | ✓       |        |         |
| Sen. Jim Burnett     | ✓       |        |         |
| Sen. Harry Fritz     |         |        | ✓       |
| Sen. John Hertel     | ✓       |        |         |
| Sen. Bob Hockett     | ✓       |        |         |
| Sen. Henry McClernan | ✓       |        |         |
| Sen. Bob Pipinich    | ✓       |        |         |
| Sen. Bernie Swift    | ✓       |        |         |
| Sen. Larry Tveit     |         |        | ✓       |
| David Niss           | ✓       |        |         |
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MADAM CHAIR AND COMMITTEE MEMBERS, FOR THE RECORD MY NAME IS JOE KERWIN, ELECTIONS BUREAU CHIEF FOR THE SECRETARY OF STATE.

WHILE THE SECRETARY OF STATE IS AWARE OF THE IMPORTANCE OF MAINTAINING AN ACCURATE VOTER REGISTRATION LIST, WE BELIEVE THAT A PURGE DONE EVERY TWO YEARS IS TOO RESTRICTIVE AND THEREFORE OPPOSE THIS BILL. CURRENTLY, COUNTY ELECTION ADMINISTRATORS PURGE AFTER THE PRESIDENTIAL ELECTION, SO THAT ANY VOTER WHO DOES NOT VOTE IN THE PRESIDENTIAL ELECTION IS TAKEN OFF THE ROLLS AND MUST RE-REGISTER BEFORE THEY CAN VOTE AGAIN.

FOR INSTANCE, ANY MONTANAN WHO REGISTERS TODAY WOULD BE ELIGIBLE TO VOTE IN ANY OF THE UPCOMING ELECTIONS, WHETHER SCHEDULED OR SPECIAL, LOCAL OR STATEWIDE, UNTIL THE NEXT PURGE AFTER THE 1996 GENERAL ELECTION. UNDER THIS BILL, IF A VOTER MISSED ONE GENERAL ELECTION, THEY WOULD HAVE TO RE-REGISTER. WE CAN UNDERSTAND THE NEED TO KEEP A CLEAN VOTER FILE, BUT IT IS UNFAIR TO PENALIZE THE VOTER WHO MIGHT, FOR WHATEVER REASON, MISS AN ELECTION SIMPLY BECAUSE LEAVING THEM ON THE LIST CAUSES SOME INCONVENIENCE TO GOVERNMENT.

THIS YEAR, OVER 112,000 MONTANANS WILL BE TAKEN OFF THE ROLLS UNDER THE CURRENT PURGE SYSTEM. THAT IS ALMOST TWENTY PERCENT OF THE ENTIRE VOTING AGE POPULATION OF

MONTANA. TO CONDUCT A PURGE AGAIN IN ONLY TWO YEARS, IN AN OFF-YEAR ELECTION WHEN VOTER TURNOUT TRADITIONALLY DROPS OFF, WOULD MOST LIKELY MEAN TAKING ANOTHER 100,000 MONTANANS OFF THE ROLLS. AT A TIME WHEN WE ARE TRYING TO ENCOURAGE CITIZEN PARTICIPATION IN GOVERNMENT, THIS WOULD SEND THE WRONG MESSAGE. MONTANANS, CONSTANTLY FACED WITH BEING PURGED FROM THE REGISTRATION LISTS, MIGHT POTENTIALLY GIVE UP ON THE SYSTEM RATHER THAN RE-REGISTERING.

THE FACT THAT OVER 112,000 MONTANANS WILL BE TAKEN OFF THE REGISTRATION ROLLS IS PROOF THAT THE SYSTEM WORKS THE WAY IT IS CURRENTLY SET UP. IT ALSO RAISES THE IMPORTANT QUESTION, "WHAT WILL BE GAINED BY MAKING VOTER REGISTRATION MORE RESTRICTIVE?"

JUST BECAUSE A VOTER MIGHT NOT PARTICIPATE IN ONE GENERAL ELECTION DOES NOT MEAN THAT PERSON HAS NO INTEREST IN POLITICS AND DOES NOT DESERVE TO BE ON THE REGISTRATION ROLLS.

LOOKED AT A DIFFERENT WAY, THE LAST PRESIDENTIAL ELECTIONS SHOWED US THAT 417,564 MONTANANS WENT TO THE POLLS AND CAST A BALLOT. OF THIS NUMBER, 90,912 ARE NEW VOTERS WHO DID NOT PARTICIPATE IN THE 1990 GENERAL ELECTION. THESE ARE PEOPLE WHO WANT TO PLAY A ROLE IN GOVERNMENT, WHO WANT TO HAVE A SAY ON THE IMPORTANT

ISSUES FACING MONTANA, AND WHO WANT TO CHOOSE THE PEOPLE WHO WILL REPRESENT THIS STATE BOTH HERE IN HELENA AS WELL AS IN WASHINGTON. BUT IT IS PRECISELY THESE PEOPLE WHO WILL BE PUNISHED, BY THIS BILL, IF THEY HAPPEN TO MISS THE NEXT GENERAL ELECTION.

WE IN MONTANA CAN BE PROUD THAT IN THE LAST TWENTY YEARS THIS STATE HAS ALWAYS RANKED IN THE TOP TEN NATIONALLY IN TERMS OF VOTER TURNOUT. HOWEVER, IF WE BEGIN TO CONSTRUCT ADMINISTRATIVE BARRIERS AND OBSTACLES TO VOTING, I'M AFRAID THAT WE CAN EXPECT THIS STREAK TO END SOON.

PASSAGE OF THIS BILL WOULD BE SENDING THE WRONG MESSAGE AT A TIME WHEN WE ARE TRYING TO MAKE PEOPLE FEEL MORE INVOLVED AND VESTED IN GOVERNMENT. IN ESSENCE, WE WOULD BE TELLING MONTANANS THAT THE VOTER LIST IS MORE IMPORTANT THAN THE VOTER.



COMMON CAUSE TESTIMONY  
IN OPPOSITION TO SB 113  
January 14, 1993

Madame Chair, members of the Committee, for the record my name is Amy Kelley, Executive Director of Common Cause/Montana.

As part of our overall goal of promoting more open and accessible democratic government, Common Cause supports any effort to encourage citizens to participate on our government process.

With all due respect to the concerns expressed by Senator Harding regarding costs to candidates mailing to voters who have moved, we strongly feel that SB 113, by purging the voter lists every two years, would outright prohibit many unknowing citizens from participating in the process through voting.

Although those of us involved in the political process many not like it, many people seem to feel that voting in the Presidential election alone is their way of participating. Those people should not be punished.

If enacted, this bill would make Montana the most restrictive state in the nation regarding voter registration. Even the four other states that purge voter lists every two years -- Arizona, Colorado, Nevada and Wyoming -- give voters the opportunity not to be purged by sending a notification card which the voter only need sign and return in order to remain on the voter list.

We encourage a "do not pass" on SB 113.

DATE 1-14-93

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: SB 113 ~~SB 113~~

| Name         | Representing                      | Bill No. | Check One                           |                                     |
|--------------|-----------------------------------|----------|-------------------------------------|-------------------------------------|
|              |                                   |          | Support                             | Oppose                              |
| Don Byrd     | MONTANA ASSOC. CLERKS & RECORDERS | S.B. 113 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Joe Kerwin   | Sec. of State                     |          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Kim Harris   | Levitt Clark Co                   |          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Tooth Welker | MAPP                              |          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Amy Kelley   | Common Cause                      |          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
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VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY