

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By DICK SIMPKINS, CHAIRMAN, on March 16, 1993, at 8:40 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: SB 176; SB 276; SB 318
Executive Action: SB 100; SB 213

EXECUTIVE ACTION ON SB 100 and SB 213

Discussion:

REP. SIMPKINS reported efforts to find a compromise on the two smoking bills, SB 100 and SB 213. He declared the main issue was whether or not buildings constructed or maintained by tobacco tax

revenue should be required to have a smoking area. He stated a second problem was to define "smoke-free building." He said the final consideration was changing the negative air pressure requirement to a requirement that the circulation of smoke throughout a building be controlled.

REP. GALVIN reported a morning news report which announced that no smoking would be allowed in any federal building.

REP. SPRING expressed concern about the expense involved in requiring Montana State University to comply with SB 213. REP. RICE responded that SB 213 exempts public schools and community colleges; she reported she had an amendment to extend the exemption to buildings in the Montana university system and the vocational-technical centers.

Sheri Heffelfinger described amendments to SB 100 which would replace "negative pressure" with "adequate ventilation to minimize the circulation of smoke to surrounding areas"; defines "smoke-free building" as a building with a designated smoking area; requires agency heads to establish designated smoking areas; clarifies that smoking area requirements apply only to buildings that are both state-owned and state-occupied and are suited by architectural design and functional purpose; requires the legislature to establish designated smoking areas in the Capitol; and removes the smoke-free sign requirement. EXHIBIT 1

REP. WALLIN asked whether the requirements applied to future construction or included remodeling of buildings. REP. SIMPKINS replied the intent was to exclude buildings which are not suited by architectural design to readily include a smoking area. He said he was not sure whether the bill applied to future construction; he suggested any building constructed or maintained with tobacco tax revenue would be required to have a smoking area. Ms. Heffelfinger clarified the amendments would apply to both current and future buildings. REP. WALLIN asked whether the requirement would apply to state-leased buildings. REP. SIMPKINS responded the requirements would apply only to state-owned and state-occupied buildings.

REP. SIMPKINS suggested a gray bill with all the amendments should be drafted. REP. RICE asked that the amendment exempting the Montana university system be added to the gray bill. REP. SIMPKINS agreed. REP. RICE stated she supported the amendments described by Ms. Heffelfinger, but objected to the second set of amendments to SB 100 distributed by REP. SIMPKINS which require a smoking area whenever tobacco taxes were used. She asked whether the gray bill would include both sets of amendments. EXHIBIT 2

REP. SIMPKINS suggested the committee needed to discuss whether both sets of amendments should be incorporated in the bill.

REP. STOVALL asked whether the amendments would require agency heads to provide smoking areas. REP. SIMPKINS responded they would in state-owned and occupied buildings.

REP. SPRING said he did not see the need for SB 100 if SB 213 were amended. REP. SIMPKINS explained the second set of amendments combined SB 213 and SB 100.

Ms. Heffelfinger described amendments to SB 100 which restrict the use of tobacco tax revenues to buildings with a designated smoking area.

REP. RICE asked Ms. Heffelfinger whether the amendments would require a new building, such as a field house, which was built with tobacco tax money to have a designated smoking area. Ms. Heffelfinger responded that with the current language pertaining to architectural design and functional purpose, the answer would be dependent upon the department enforcing the statute. REP. RICE declared her greatest concern with restrictions on the use of tobacco tax revenue was that one could argue existing buildings were not suited by design or purpose, but any new building could be made to accommodate smoking if enough money were spent. REP. SIMPKINS responded that the university system would not construct buildings with tobacco tax revenues. REP. RICE explained she had used the field house as an example; she contended the provision related to architectural design and functional purpose was moot because any building could be designed with a designated smoking area. She asserted it would be extremely difficult to build with tobacco tax money unless a designated smoking area were included.

REP. ROSE stated some buildings, such as museums and libraries, should not have smoking because of the need to protect rare artifacts, even if they were built with tobacco tax revenue.

REP. BARNHART asked whether a building which had roof repairs paid by tobacco tax revenues would be required to have a designated smoking area. REP. SIMPKINS responded yes. REP. BARNHART asked why use of tobacco tax revenue obligated the state to make provisions for smokers. REP. RICE responded SB 213.

REP. SIMPKINS suggested there was not enough tobacco tax revenue to repair all the buildings; thus, a building without a smoking area could use non-tobacco tax revenue. REP. RICE suggested that committee members differed on whether using tobacco tax revenue should mandate a designated smoking area. She agreed there was not sufficient tobacco tax revenue to meet needs, much less requiring the creation of smoking areas. She suggested obviously ridiculous comparisons such as requiring a beer room if beer taxes are used or requiring a gambling concession in schools because lottery ticket sales fund schools demonstrated the fallacious argument with tobacco taxes and smoking areas.

REP. BARNHART stated she did not find REP. RICE'S comparisons so ridiculous and asked why smoking areas were tied to tobacco taxes. REP. SIMPKINS agreed tobacco taxes should be put into the general fund and not tied to the long-range building program. He explained the current effort was to appease both factions.

REP. STOVALL suggested the amendments to SB 100 would require a designated smoking area, which was also the intent of SB 213; therefore, there was no reason to discuss the use of tobacco taxes. Ms. Heffelfinger responded current statutes required designated smoking areas. She said the intent of SB 213, as conveyed by SEN. PIPINICH, was to enforce the requirement by connecting smoking areas to the use of tobacco taxes.

REP. RICE suggested a committee vote on the concept of connecting the use of tobacco taxes to a requirement for designated smoking areas.

REP. DAVIS asked Ms. Heffelfinger to explain current statutes on the use of tobacco taxes. Ms. Heffelfinger stated current law allocates tobacco taxes to the long-range building program, the debt-service account, and to the veterans' home. She explained the long-range building program and debt-service account are used for construction and maintenance projects.

Motion/Vote: REP. SIMPKINS asked the committee to vote on whether to draft amendments to SB 100 which would require a designated smoking area if tobacco tax revenue is used to construct or maintain a building. The committee voted 14 to 2 to draft amendments with REPS. RICE and BARNHART voting no.

REP. SIMPKINS directed Ms. Heffelfinger to draft the amendments.

HEARING ON SB 276

Opening Statement by Sponsor:

SEN. FRED VAN VALKENBURG, Senate District 30, Missoula, introduced SB 276 which increases the penalty for an employer who attaches political information to paychecks from the current \$1,000 fine to a maximum \$50,000 fine and a jail sentence, if appropriate. He reported the prohibition on attaching political information to pay checks has existed since the early 1900's. He declared there should be no connection between political beliefs and employees' pay. He said the nation has had a long history of respecting political differences between employees and employers, and the bill would preserve that respect. He contended employers have many avenues for expressing their political positions, but attaching political information to pay checks sent a chilling message to employees. He reported that last year Plum Creek Lumber Company had attached inflammatory information to pay checks in an effort to defeat U.S. Representative Pat Williams. He said Plum Creek admitted violating the law and forfeited a

\$1,000 bond posted in the case. SEN. VAN VALKENBURG suggested \$1,000 was inconsequential to a corporation such as Plum Creek, and therefore the bill proposed increasing the fine to \$50,000.

Proponents' Testimony:

Don Judge, Montana AFL-CIO, claimed the bill would prevent the reoccurrence of an increasing trend of using corporate money to influence public elections. He reviewed the events of the Plum Creek Lumber Company's violation. He suggested the \$1,000 fine was nothing more than a campaign contribution by Plum Creek. He emphasized that threats of job loss would negatively affect employees. He stated the increased fine would act as a deterrent and required no additional recordkeeping or reporting requirements by anyone. He urged the committee to concur in SB 276.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. SIMPKINS asked SEN. VAN VALKENBURG who would have been sent to jail in the Plum Creek case. SEN. VAN VALKENBURG replied if criminal intent on the part of corporate officers could be established, then they could receive a jail penalty. He said the board of directors could be jailed if they knew and approved the action.

REP. REHBEIN asked SEN. VAN VALKENBURG whether the incident with Plum Creek was the only instance. SEN. VALKENBURG said he did not think so and deferred the question to Mr. Judge. Mr. Judge reported a construction company in north-central Montana had essentially admitted similar actions in the last campaign although no charges were filed.

REP. ROSE asked Mr. Judge whether the bill would apply to union representatives handing out information to employees on the job. Mr. Judge responded the bill applied only to attaching information to pay checks and no other activities.

REP. MOLNAR asked SEN. VAN VALKENBURG whether the bill applied to attaching voter registration information to unemployment checks. SEN. VAN VALKENBURG said he did not think the law would apply because there was no employer involvement. He suggested, however, that to the extent the information had any political message beyond registering to vote, the practice would be questionable.

REP. SIMPKINS asked SEN. VAN VALKENBURG whether the jail sentence added anything to the penalty. SEN. VAN VALKENBURG explained the jail sentence was already in statute. He suggested some people would need the threat of a jail sentence to discourage them.

REP. REHBEIN asked SEN. VAN VALKENBURG whether the jail sentence should be increased in the same proportion as the fine is increased. SEN. VAN VALKENBURG responded the state was already short of prison space; he said the intent was not to be punitive but to create an effective deterrent.

Closing by Sponsor:

SEN. VAN VALKENBURG stated SB 276 was not a partisan bill. He contended everyone should be concerned about the intimidation caused by employers attempting to influence employees by attaching political information to pay checks. He asked support for the bill in order to preserve the separation between the political process and employment.

HEARING ON SB 176

Opening Statement by Sponsor:

SEN. DON BIANCHI, Senate District 39, Belgrade, introduced SB 176 which revises the laws relating to ballot issue campaigns, provides for officers of political committees to subscribe to the Code of Fair Campaign Practices, and limits out-of-state contributions to ballot issue campaigns. He stated the bill limited out-of-state contributions for initiative issues to 49 percent of total contributions within a particular reporting period. SEN. BIANCHI reported that initiatives which have been placed on the ballot through petition drives by Montana citizens are frequently defeated by out-of-state interests with large financial resources. He gave several examples including the bottle bill, increasing tobacco taxes, term limitations, and even a Missoula County insecticide ordinance. He alluded to possible questions about the constitutionality of the bill and whether it limited the freedom of speech. He reported the U.S. Supreme Court had declared similar legislation constitutional. He noted laws limit the amount of tax money candidates can use and pointed out the bill does not limit the amount of money which can be spent.

Proponents' Testimony:

Amy Kelley, Executive Director, Common Cause/Montana, presented written testimony in support of SB 176 in which she asserted the large amounts of money provided by out-of-state interests resulted in an unbalanced presentation of information to Montana voters. She stated the bill would help ensure balance and honesty in Montana's initiative process. EXHIBIT 3

Russell Hill, Montana Trial Lawyers' Association, stated the bill is consistent with fundamental concepts of the nation including free speech and free enterprise. He said the bill imposes modest limits on out-of-state financing and recognizes that Montanans have a legitimate interest in maintaining their independence.

Don Judge, Montana AFL-CIO, suggested the most devastating example of out-of-state money influencing a Montana election was the passage of term limits on legislators. He lamented the loss of institutional knowledge provided by experienced legislators and asserted inexperienced legislators would become solely reliant on lobbyists and state employees for information for policy decisions. He contended the initiative would be difficult to reverse because any effort would still need to combat the influence of out-of-state money. He stated he expected out-of-state money would be used to influence the decision on the sales tax issue because the greatest beneficiaries of the sales tax would be out-of-state corporations. **Mr. Judge** recommended passage of the bill.

Tootie Welker, Montana Alliance for Progressive Policy, supported SB 176 to ensure that ballot issues represent Montana ideas and are not subjected to the unfair influence of out-of-state interests.

Paulette Kohman, Executive Director, Montana Council for Maternal and Child Health, presented written testimony in which she reported the influence of tobacco industry money on the initiative to raise the cigarette tax. **EXHIBIT 4**

Earl Thomas, American Lung Association of Montana, provided written testimony in which he protested the influence of the tobacco influence on the cigarette tax initiative and urged passage of SB 176. **EXHIBIT 5**

Opponents' Testimony:

Jerome Anderson, Tobacco Institute, presented written testimony in which he opposed the limitation on out-of-state contributions to ballot issue campaigns and contended the bill violated the First Amendment. He asked the bill be amended to remove the limitations on contributions. **EXHIBIT 6**

Chuck Walk, Executive Director, Montana Newspaper Association, opposed SB 176 because he contended the bill curtailed openness in Montana's ballot process. He said the association opposes any laws which limit or hinder the dissemination or access to information. He maintained Montanans were not the only people to have good ideas or solutions. He challenged proponents' conclusion that the bill did not limit expression. He claimed SB 176 promoted information isolationism as surely as closing the borders to trucks carrying books and newspapers and sealing the airwaves. He expressed his confidence in the intelligence and integrity of Montanans and asked the committee to not pass the bill.

Jim Tutweiler, Montana Chamber of Commerce, objected to the contribution limitation on ballot issues for three reasons. First, he stated many businesses in Montana were regional, national, or international and therefore could not be classified

as out-of-state interests. He contended the bill would limit the ability of businesses to express opinions on matters pertaining to business. Secondly, he protested testimony and language in the bill which casts the assumption that businesses are a sinister force from which Montanans need to be sheltered. Finally, he suggested ballot issues were very complicated, and voters needed a great deal of information. He submitted Montanans were discerning and capable of judging the impact of initiatives. He asked the committee to only pass an amended version of SB 176 in which the ballot issue contribution limitation is eliminated.

Roger Tippy, Montana Beer and Wine Wholesalers Association, stated he did not concede that the bill was constitutional. He contended the disparity in campaign contributions did not guarantee the passage or failure of initiatives and gave several examples in which initiatives passed despite limited funds including the nuclear waste disposal ban, gambling initiative, and CI-27. He maintained the bill was unworkable because the 49 percent limitation applied to each reporting period. He pointed out some reporting periods were very short which would make it difficult to keep a balance between local and out-of-state contributions. He reported out-of-state money frequently was contributed up front and in-state money was contributed later. He agreed with other opponents that the section should be eliminated.

Riley Johnson, Montana Broadcasters' Association, stated free media coverage was often provided in fairness as a match to paid coverage. He asserted the legislation was not workable or fair. He referred to the term limits initiative and reported money was contributed to the initiative campaign by national organizations with Montana members. He asked why that money would not be considered to be contributions from Montanans. He asked for the section to be struck.

Steve Browning, Anheuser Busch, presented three points in opposition to the bill. First, he said campaigns can educate voters, and he suggested the bill would limit the education which could be provided. He said initiatives with the best chance of passing were those for which there was an intuitive feeling that they were a good idea. He said defeating an intuitive feeling required a great deal of education which cost a great deal of money. He suggested the bottle bill had intuitive appeal but was impractical and therefore did not pass once voters understood the impact. He suggested the term limits initiative had very strong voter appeal and would have required a great deal of information on the practical impact. Secondly, he said Section 3 of SB 176 would be expensive to administer and very confusing because of the difficulty in determining whether contributions were from in-state or out-of-state interests. Finally, he maintained out-of-state entities were not always bad. He pointed out Anheuser Busch, an out-of-state corporation, assisted with the Centennial cattle drive as well as helping the Rocky Mountain Elk Foundation

acquire land for the Rock Creek Wildlife Refuge. He urged the bill be amended.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. SPRING noted several opponents had requested that Section 3 be deleted and asked SEN. BIANCHI what value the bill would have without the section. SEN. BIANCHI responded the bill would not have much value without the section; he explained the other sections of the bill give political action committees the option of signing the Code of Fair Campaign Practices.

REP. WALLIN asked SEN. BIANCHI how the public would know whether a campaign was observing the 49 percent limitation. SEN. BIANCHI suggested the same procedures used by political campaigns in monitoring political action committee money could be applied to monitoring out-of-state contributions. REP. WALLIN asked SEN. BIANCHI to comment on the fairness of the bill. SEN. BIANCHI said the point was that the campaign could not spend more than 49 percent, even if more money was available.

REP. SIMPKINS referred to line 14, page 9, and stated the bill specifically mentioned contributions, not expenditures. SEN. BIANCHI agreed there might be some conflict between spending and contributions.

REP. ROSE asked SEN. BIANCHI how out-of-state money-laundering agencies would be controlled. SEN. BIANCHI said he did not know of any way of controlling money-laundering and conceded the bill did not address the issue.

REP. MOLNAR asked Ms. Kohman to explain the Fairness Doctrine. Ms. Kohman explained the Fairness Doctrine was a Federal Communications Commission doctrine which requires equal access to television and other regulated communication industries. She said equal time did not mean a one-to-one match, and recalled in the cigarette tax initiative equal time was defined as one-to-five. Thus, for every five advertisements run by opponents, advertisements for supporters were run once. REP. MOLNAR suggested the doctrine attempts to level the playing field. Ms. Kohman agreed although she reported television stations were reluctant to comply.

REP. REHBEIN asked SEN. BIANCHI why he had chosen a limitation of 49 percent. SEN. BIANCHI replied the limitation was chosen to give Montanans slightly more influence over out-of-state interests.

REP. SPRING asked Mr. Judge whether the AFL-CIO's opposition to the sales tax would come from out-of-state or in-state contributions. Mr. Judge reported the AFL-CIO would solicit out-

of-state contributions just like other corporations. He pointed out the contribution limitation would also apply to the AFL-CIO.

REP. SCHWINDEN asked SEN. BIANCHI whether the commissioner of political practices supported the bill. SEN. BIANCHI said he had not contacted the commissioner personally. He said the fiscal note, which assumed no fiscal impact, had been presented to them; and he assumed the commissioner had no objection.

REP. SCHWINDEN asked Ed Argenbright, Commissioner of Political Practices, whether he supported the bill. Mr. Argenbright said he currently had no position on the bill. He said he had seen the initial fiscal note but had not been contacted by anyone. He expressed his concern about the impact of the bill on his small agency. REP. SCHWINDEN said he was concerned about the reporting requirements of the bill and asked Mr. Argenbright to comment. Mr. Argenbright replied audits would be required after-the-fact.

REP. SQUIRES asked Mr. Argenbright whether initiative political committees file financial reports like other political candidates and whether the reports were audited. Mr. Argenbright agreed the reports were probably filed and audited, but explained he was new in the commissioner's position and was unsure of the process for initiative campaigns. REP. SQUIRES suggested the reports could be monitored on a periodic basis without significantly increasing the workload of the office.

REP. SIMPKINS referred to line 19, page 9, and asked Mr. Argenbright whether he would interpret "in any reporting period" as referring to periods within the duration of the campaign. Mr. Argenbright agreed the requirement would apply to reporting periods and stated some flexibility would be necessary.

REP. SIMPKINS asked SEN. BIANCHI whether contributions from national organizations, such as the NRA, to which Montana citizens have donated, would be considered in-state or out-of-state money. SEN. BIANCHI said he assumed it would be considered out-of-state money. REP. SIMPKINS asked SEN. BIANCHI whether the contribution limit would apply to each reporting period rather than the entire duration of the campaign. SEN. BIANCHI said he would interpret the bill to apply to each reporting period.

REP. WALLIN asked SEN. BIANCHI whether the bill would apply to contributions from national organizations which support pro-life or pro-choice views. SEN. BIANCHI agreed the bill would apply to contributions from any source outside Montana and would require campaigns to limit contributions from national organizations.

Closing by Sponsor:

SEN. BIANCHI stated the issue was to examine the initiative process. He pointed out initiatives were the result of citizen action. He said citizens wanted to be able to control their own destiny based on their decisions and did not want influence from

outside corporations. He suggested opponents have presented smoke and mirrors in arguing the bill would create a complex and difficult system. He contended Montana citizens were capable of judging what was best for them, and suggested the outside influence from complicated corporations was unjustified and unfair. He encouraged support for the bill.

HEARING ON SB 318

Opening Statement by Sponsor:

SEN. JEFF WELDON, Senate District 27, Arlee, introduced SB 318, by request of the Secretary of State, which generally revises the laws relating to elections. He said SB 318 was essentially a housekeeping bill which had no fiscal impact on the state or local governments. He said the bill could actually save money for counties, addressed the need of some counties for additional election judges, and made voter registration more accessible.

SEN. WELDON distributed a section analysis of the bill which covered nine main points: (1) defining "regular" election as "general" election; (2) removing witness requirements on voter registration cards; (3) allowing the secretary of state to adopt rules specifying the qualifications for election judges with the intent of allowing youth election judges; (4) requiring an affidavit for circulators of a presidential preference primary petitions; (5) changing deadlines for primary petitions; (6) removing the requirement for the date on ballot stamps; (7) prescribing a form for presidential electors; (8) prescribing rules for voter information pamphlets; and (9) eliminating the provision for deputy registrars. EXHIBIT 7

SEN. WELDON also distributed a packet of letters from several secretaries of state which testified that eliminating the witness requirement had not resulted in voter fraud. EXHIBIT 8

Informational Testimony:

Joe Kerwin, Election Bureau Chief, Secretary of State, reviewed the provisions of the bill.

Proponents' Testimony:

Tootie Welker, Montana Alliance for Progressive Policy (MAPP), stated SB 318 was clean-up legislation. She said MAPP was involved in several voter registration projects around the state and supported deputy registration provisions and involving youth as election judges.

Julie Weddle, Assistant to the Director, Common Cause/Montana, provided written testimony in which she noted provisions of the bill which would encourage greater voter participation in Montana. She encouraged the committee to pass the legislation. EXHIBIT 9

Opponents' Testimony:

Don Byrd, Montana Association of County Clerks and Recorders, proposed an amendment to the bill to reinstate the witness requirements for voter registration cards. He said the association considers the witness to be the only prevention against voter fraud. He questioned the need for the bill. He said proponents argued the bill would encourage voter participation and yet offered no evidence that increased voter registration led to greater voter turnout. He contended voter participation was related to candidates and issues, and suggested groups should organize campaigns to educate the electorate and interest them in the electoral process. He reported voter registration was easy in Montana and concluded if the system was not broken, why try to fix it.

Questions From Committee Members and Responses:

REP. SQUIRES reported she had participated in voter registration drives and signed registration forms as a witness and yet had no way of actually certifying signatures. She asked Mr. Byrd how he justified the witness requirement. Mr. Byrd responded he thought a person was less likely to lie with a witness present.

REP. SIMPKINS asked Mr. Kerwin to explain what information the witness was affirming. Mr. Kerwin said the witness affirmed that the registrant had sworn that the information given was correct.

REP. SIMPKINS asked Mr. Kerwin whether a 16-year-old youth could acquire a driver's license without a parent's signature. Mr. Kerwin replied he did not think so. REP. SIMPKINS explained his concern was that youths under 18 years had no legal standing; and thus, their signatures would have no validity. Mr. Kerwin said they would be supervised by at least two adults.

Closing by Sponsor:

SEN. WELDON addressed two points from testimony and questions from the committee. First, he said youth election judges were entirely permissible at the local level. He maintained the chief election judge would be supervising them and signing documents. Secondly, he said he appreciated the concern of the clerks and recorders about the witness requirement. He suggested that if Congress proceeds with the national motor-voter bill, then the witness requirement would be prohibited. He also argued that voter fraud was not a serious problem now and would not increase with the elimination of the witness signature because the same penalties would continue to exist for voter fraud. He reported witnesses were very restricted in the information they could request from the registrant; they can ask whether the registrant meets legal requirements but cannot ask for proof. He maintained the most important part of the registration was the signature of the registrant swearing true information had been provided. He reminded the committee twelve other states had eliminated the

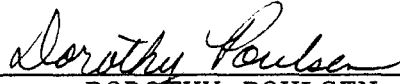
witness provision and reported having no problems with voter fraud. SEN. WELDON resisted the amendment requested by the clerks and recorders.

ADJOURNMENT

Adjournment: 11:35 a.m.



DICK SIMPKINS, Chairman



DOROTHY POULSEN, Secretary

DS/DP

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION

COMMITTEE

ROLL CALL

DATE 3/16/93

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	✓		

Amendments to Senate Bill No. 100
Third Reading Copy

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

Prepared by Sheri S. Heffelfinger
March 12, 1993

1. Title, line 5.

Strike: "TERM"

Insert: "TERMS"

2. Title, line 6.

Following: ""SMOKING AREA""

Insert: "AND "SMOKE-FREE BUILDING""

3. Title, lines 7 and 8.

Strike: "CHANGING" on line 7 through "OF" on line 8

Insert: "CLARIFYING WHICH BUILDINGS MUST HAVE"

4. Page 2, lines 1 through 3.

Strike: "negative" on line 1 through "relation" on line 2

Insert: "adequate ventilation to minimize the circulation of
smoke"

Strike: "1" on line 2 through "building," on line 3

5. Page 2.

Following: line 4

Insert: "(4) "Smoke-free building" means a building that has a
designated smoking area as defined in this section."

6. Page 2, line 7.

Strike: "maintained or"

Insert: "both owned and"

7. Page 2, line 12.

Following: "stairways"

Strike: ", "

8. Page 2, line 13.

Strike: "except" through "(4)"

9. Page 2, lines 17 and 18.

Strike: "An" on line 17 through "EMPLOYEES," on line 18

Insert: "Subject to subsection (1), in state-owned buildings, an
agency head shall"

10. Page 2, lines 19 and 20.

Strike: "each" on line 19

Insert: "the"

Following: "building" on line 19

EXHIBIT 1
DATE 3/16/93
HB SB100

Amendments to Senate Bill No. 100
Third Reading Copy

Requested by Rep. Dick Simpkins
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
March 15, 1993

1. Page 1, line 3.

Strike: "BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION"

2. Title, line 5.

Following: "ACT"

Insert: "PROVIDING THAT REVENUE FROM TAXES ON CIGARETTES AND
OTHER TOBACCO PRODUCTS MAY NOT BE USED TO CONSTRUCT OR
MAINTAIN STATE BUILDINGS UNLESS A DESIGNATED SMOKING AREA IS
PROVIDED;"

3. Title, line 10.

Strike: "AND"

Following: "SECTIONS"

Insert: "17-7-202, 50-40-107,"

4. Title, line 11.

Following: "MCA"

Insert: "AND PROVIDING AN APPLICABILITY DATE"

5. Page 1.

Following: line 13

Insert:

"NEW SECTION. Section 1. Restricted use of tax revenue collected on cigarettes and other tobacco products. Cigarette tax revenue allocated to the capital projects and debt service fund types in the long-range building program under 16-11-119 and 17-5-408 and tobacco tax revenue allocated to the debt service account under 17-5-408 may not be used to pay for the costs of constructing or maintaining a building unless a designated smoking area is provided pursuant to 50-40-204.

Section 2. Section 17-7-202, MCA, is amended to read:

"17-7-202. Preparation of building programs and submission to department of administration. (1) Before July 1 of each even-numbered year, each state agency and institution shall submit to the department of administration, on forms furnished by the department, a proposed long-range building program, if any, for the agency or institution. Each agency and institution shall furnish any additional information requested by the department relating to the utilization of or need for buildings.

(2) The department shall examine the information furnished by each agency and institution and shall gather whatever additional information is necessary and conduct whatever surveys

are necessary in order to provide a factual basis for determining the need for and the feasibility of the construction of buildings. The information compiled by the department shall be submitted to the governor before December 1 of each even-numbered year.

(3) An agency requesting money for the maintenance or construction of a building shall prove to the department that the building has or will have a designated smoking area pursuant to 50-40-204."

Section 3. Section 50-40-107, MCA, is amended to read:

"50-40-107. Exemptions. The following shall be exempt from this part:

- (1) restrooms;
- (2) taverns or bars where meals are not served;
- (3) vehicles or rooms seating six or fewer members of the public;
- (4) school district buildings and facilities designated as tobacco-free by the board of trustees of the school district;
- (5) community college buildings or facilities designated as tobacco-free by the board of trustees of the community college district;
- ~~(6) state government buildings declared smoke-free."~~

Renumber: subsequent sections

6. Page 4.

Following: line 6

Insert:

"NEW SECTION. Section 7. {standard} Codification instruction. [Section 1] is intended to be codified as an integral part of Title 16, and the provisions of Title 16 apply to [section 1].

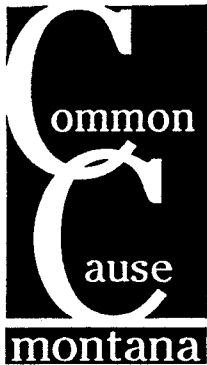
NEW SECTION. Section 8. {Standard} Applicability. [Section 1] applies to tax revenue dedicated after [the effective date of this act]."

Explanation of amendments

Amends the provisions of SB 213 into the bill:

1. Cigarette and tobacco tax revenues may not be used to construct or maintain state buildings unless the building has (or will have) a designated smoking area as defined in the bill.
2. Provides that when an agency requests money for a building, they must also show that the building meets the criteria for a designated smoking area as set forth in 50-40-204.
3. Strikes an exemption for smoke-free state government buildings regarding requirements for designating smoking areas.
4. Provides an applicability date so that already committed cigarette and tobacco tax revenues will not be affected.

EXHIBIT 2
DATE 3/16/93
B SB 100



COMMON CAUSE TESTIMONY
IN SUPPORT OF SB 176
MARCH 16, 1993

EXHIBIT 3
DATE 3/16/93
HB SB 176

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

Mister Chairman, members of the House State Administration Committee, for the record my name is Amy Kelley, Executive Director of Common Cause/Montana. On behalf of more than 800 Montanans working to promote more open and accessible government in Montana, I register our support for SB 176, preserving fairness in the citizen initiative process.

As you know, the initiative process is the way in which Montanans can enact laws when the Legislature does not or cannot. It is a fundamental piece of our democratic lawmaking process.

In recent years, however, the ability of citizens to enact legislation through the ballot has been severely hampered by out-of-state interests providing large amounts of money to support or oppose ballot issues. That money buys television, radio and newspaper ads, sophisticated polls, and carefully targeted direct mail campaigns that can reach every voter in Montana.

The result has been an unbalanced presentation of information to Montana voters. This is especially damaging in a ballot issue campaign, as studies have shown that a voter who is at all doubtful or confused tends to vote "no" on a ballot question.

This bill would help ensure balance and honesty in Montana's initiative process by placing a limit on a ballot committee's acceptance of out-of-state contributions to 49% of the total contributions received by that committee.

The charts attached to my written statements are testimony to the ability of out-of-state money to unduly influence Montana ballot initiatives.

* In 1980, 79% of the money opposing the Beverage Container Deposit Law came from out of state. The citizen initiative lost.

* In 1988, 69% of the money opposing the same issue came from out of state. The initiative lost again.

* In the 1990 Tobacco Tax ballot campaign, 99% of the opposition funds came from out-of-state interests. That citizen initiative also lost.

**MONTANA BALLOT ISSUES
AND CONTRIBUTIONS RECEIVED**

BALLOT ISSUE	DATE	TOTAL CONTRIBS. RECEIVED	TOTAL OUT- OF-STATE CONTRIBS.	% FROM OUT-OF- STATE
C-64 Term Limits (support)	1992	\$44,155	\$32,500*	73%
I-115 Tobacco Tax (opposed)	1990	\$1,530,056	\$1,519,084	99%
I-113 Bottle Deposit Law (opposed)	1988	\$493,340	\$337,855	69%
I-110 Seat Belt Repeal (opposed)	1988	\$221,579	\$219,145	99%
I-95 Bottle Deposit Law (opposed)	1980	\$575,794	\$455,736	79%

* From the Helena Independent Record, 10/31/92. An additional \$15,000 was contributed from out-of-state to pay American Petition Consultants for signature-gathering work in Montana.

EXHIBIT 3
DATE 3/16/93
B SB 176

Montana Council for Maternal and Child Health

54 N. Last Chance Gulch • Helena, MT 59601 • 443-1674

Testimony before the House State Administration Committee

March 16, 1993

Re: SB 176

The Montana Council for Maternal and Child Health supports SB 176. The Council ~~was~~ donated staff and volunteer time to the proponents of I-115 in 1990, to raise the tax on cigarettes by \$.25 per pack. Unfortunately, our volunteer and in-kind support, and donations from citizen groups and non-profits both within and outside of Montana, was no match for the huge war chest of the tobacco industry. Other witnesses this morning can describe the extent of the disparity. I can only report how this huge disparity in resources, used in an overwhelming professional media campaign, changed public opinion during the several months of the Tobacco Industry campaign from solid support to defeat at the polls.

Several organizations polled the Montana electorate early in the I-115 process. In July of 1990, the Eastern Montana College Poll on a number of political issues reported that 61.2% of respondents supported an increase in tobacco tax, with a greater majority of "likely voters" supporting the tax increase. By August 1990, the proponents poll indicated support for the Initiative by 50% to 45%. In September, 1990, an independent statewide poll sponsored by a group of Montana newspapers, indicated a "solid majority" responded positively to I-115. But by Election Day, the only poll that counts, that support had dwindled to 41% of actual voters, while 59% opposed the Initiative on the ballot.

Now, intelligent people differ in their opinions on the cigarette tax. You may have a chance to exercise your own wisdom on SB 305, which is currently before the Senate. This bill increases the tax on cigarettes by \$.18, reducing tobacco consumption and its resultant health care costs to the state by approximately 3.5%. The revenue will fund a variety of health care and prevention programs, using the legislative decision-making process to allocate the funds. You will be lobbied, by both sides I am sure, but you will have access to information from both sides, and the ability to question both sides to judge the accuracy of the information. During a statewide Initiative campaign, the voter cannot do this. The information flow of advertisements and direct-mail is one-way. Due to its expense, the campaign with better funding has a disproportionate ability to influence voters.

The I-115 campaign indicates that there is a direct relationship between the funds available for advertising and the direction of public opinion. We urge your support of SB 176 to equalize that availability. Montanans did not support the anti-I-115 campaign until \$1.47 million, or as one report has estimated, \$35.00 per changed voter opinion, was paid by out-of-state interests.

Paulette Kohman
Paulette Kohman, Executive Director

EXHIBIT 4
DATE 3/16/93
HB SB 176

Mt. Chapter, American Academy of Pediatrics • Mt. Section, American College of Ob/Gyn • Healthy Mothers, Healthy Babies, Mt. Coalition • March of Dimes, Big Sky Chapter • Shodair Children's Hospital • Community Medical Center, MCH Services • Montana Deaconess Medical Center, MCH Services • St. Vincent Hospital and Health Center, Women's Health Services



AMERICAN LUNG ASSOCIATION of Montana

March 16, 1993

State Administration Committee

Room 312-3

Chairman and Members of the Committee:

For the record I am Earl Thomas representing the American Lung Association of Montana.

I am sure it comes as no surprise that we urge you to support Senate Bill 176. The American Lung Association of Montana along with many other agencies and individuals, worked long and hard to pass Initiative 115, which would have raised cigarette taxes by 25 cents.

The initiative process was decided upon because we have not had good success in getting anti-tobacco legislation passed due to the tobacco lobbyist.

Initiative 115 was rejected by a vote of 59% to 41%. Do you really believe that the people of Montana have spoken, or was it the power of advertising paid for by \$1.5 million dollars, 99.8% of which was from out of state.

We all want freedom of speech. But we also want an even playing field where it isn't big bucks versus public service spots.

Lets keep Montana's government by the people of Montana and for the people of Montana by passing Senate Bill 176.

EXHIBIT 5
DATE 3/16/93
HB SB 176

"When You Can't Breathe... Nothing Else Matters"

COMMENTS IN OPPOSITION TO SENATE BILL 176

SB 176, as amended, seeks to accomplish two purposes, they are:

- (1) To make provision for officers of political committees to have the opportunity to subscribe to a code of campaign fairness; and
- (2) To limit contributions from outside Montana to campaigns to support or defeat ballot issues in Montana to an amount that may not exceed 49% of the total contributions to a political committee in Montana.

We have no opposition to the first part of the bill that has to do with the code of unfair campaign practices.

We do object to that portion of Senate Bill 176 that would limit out-of-state contributions to 49% of the amount raised in-state in connection with ballot issue campaigns. Such limitation is clearly anti-business -- it is discriminatory -- it violates First Amendment rights to freedom of association and expression.

SB 176 does nothing to enhance disclosure of campaign finances. It does, however, place burdens on contributions and expenditures for ballot issues. By establishing these burdens, Senate Bill 176 violates past U.S. Supreme Court precedent. For instance, in Citizens Against Rent Control/Coalition for Fair Housing vs. Berkeley, 454 U.S. 290 (1981), the court struck down an ordinance placing a dollar limit on contributions to ballot committees (while allowing unlimited independent expenditures) stating that such a limit violated First Amendment rights to freedom of association and expression. Stressing the protections given to spending on ballot issues, the court noted that prior case law " * * does not support limitations on contributions to committees for them to favor or oppose ballot measures." Id. at 297 (emphasis added).

The provision would restrict the freedom of expression and association of persons from out of Montana while giving those inside Montana a definite relative advantage. While such a scheme may seem attractive at first examination, once one has thought it through, it loses its glamour. The U.S. Supreme Court has stated " * * * the concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment". Buckley vs. Valeo, 424 U.S. 1, 48-49 (1976). There is good reason for such pronouncement.

EXHIBIT 6
DATE 3/16/93
HB SB 176

Certainly out-of-state business entities will be discouraged from doing business in Montana by a limitation that restricts the capability of the business to protect itself if it becomes attacked through the use of the initiative or referendum process. Such limitation could lead to incongruous results.

For instance, if an anti-automobile ballot issue were developed and placed on the ballot and General Motors thereafter contributed up to the 49% limit, Ford Motor Company, Chrysler Corporation, and other automobile companies would be foreclosed from financial participation in the initiative or referendum campaign. This would clearly be an unconstitutional restriction on those companies' First Amendment rights.

This is only one example of the strange results that would develop if Senate Bill 176 becomes law.

Clearly, if the concept advanced by this proposed campaign finance limitation is valid for ballot issue campaigns, it should also be valid for and should be applied to campaigns for political office. If outside money is reprehensible for ballot issues, it is also reprehensible for campaigns for the United States Senate, for Governor, for any state, county, or city officer and for legislative positions.

The last campaign for the United States Senate saw contributions of record amounts to candidates from out-of-state. Think what the limitation proposed in SB 176 would have done to the campaign finance efforts of the Baucus and Kolstad campaign committees.

The only effective way of communicating with the electorate in Montana (a state which is the third largest in geographical area in the continental United States and where the population is so widely scattered), is through the media -- newspapers, radio, and television.

That means of communication costs money -- lots of it.

Money for campaigns comes from many differing sources depending on the nature of the campaign.

In some campaigns regarding ballot issues, substantial sums of money were contributed from out-of-state. In others, that has not been the case.

**Opposition to Senate Bill 176
Page Three**

Any ballot issue of substantial consequence will require the expenditure of substantial sums of money for campaign purposes. This is particularly true in circumstances where one side on an issue receives substantial quantities of free time on radio and television in the way of public interest programming and public interest advertising.

We respectfully submit that a limitation such as that which is proposed in Senate Bill 176 is undemocratic.

We urge your opposition to that portion of the bill and ask that the bill be amended by striking therefrom lines 14 through 19 on page 9 of the bill and all language on lines 12 and 13 of the title of the bill on page 1 thereof commencing with the semicolon after the word "committees" on line 12.

If the bill is not amended as we suggest, we then urge you to vote against the bill.

Respectfully submitted,

**Jerome Anderson
Representing The Tobacco Institute**

Section Analysis of Senate Bill 318

An act generally revising the laws relating to elections.

Current Law
MCA Section Citation
Paragraph Title

Proposed Law
Action Location Comments

Chapter 1, General Provisions Part 1, General Provisions

13-1-101	Definitions	Amended	Sec. 1	Gives "regular" election the same definition as "general" election and specifies that any constitutional initiative required by Art. XIV, section 9, of the Montana Constitution is submitted at the "regular" election in the even-numbered year.
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Chapter 2, Registration of Electors Part 2, Registration Procedures

13-2-202	Registration by personal appearance	Amended	Sec. 2	Takes out the requirement for a witness's signature when appearing before the county election administrator and the requirements that a person answer any questions of the witness.
13-2-203	Registration by mail	Amended	Sec. 3	Removes the witness requirement and keeps the requirement that cards be returned to the election administrator within fifteen days of being signed, but allows cards signed before the close of registration to be accepted for the three days after close, as they would be if witnessed by a deputy registrar.

Chapter 4, Election Judges Part 1, Appointment

13-4-107	Qualifications of election judges	Amended	Sec. 4	Takes out requirement that election judge be a registered voter and gives the secretary of state authority to adopt rules specifying the qualifications for election judges. The bill's statement of intent states that the secretary of state will adopt rules generally following current law, but allowing mature persons under 18 to serve as election judges, but not as chief election judge.
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Chapter 10, Primary Elections and Nominations Part 4, Presidential Preference Primary

13-10-106	Submission and verification of petition	Amended	Sec. 5	Requires an affidavit for a circulator of a presidential preference primary petition and that, at least one week in advance of the filing deadline, the petition must be submitted to the election administrator for signature verification.
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13-4-107 EXHIBIT 7
DATE 3/16/93
HB SB 318

<u>Current Law</u> <u>MCA Section</u> <u>Paragraph</u>	<u>Citation</u> <u>Title</u>	<u>Proposed Law</u> <u>Action</u>	<u>Location</u> <u>Comments</u>
Part 5, Methods of Nomination Other Than By Primary Election			
13-10-503	Filing deadlines	Amended	Sec. 6 Requires affidavit of circulation.
13-10-504	Independent or minor party candidates for president or vice president	Amended	Sec. 7 Requires affidavit of circulation and providing amendment of petition.
Part 6, Nominations by Political Parties			
13-10-601	Parties eligible for primary election - petitions by minor parties	Amended	Sec. 8 Requires affidavit of circulation.
Chapter 13, Election Procedure			
Part 1, Procedure at Polling Place			
13-13-116	Ballots to be stamped - one ballot to elector	Amended	Sec. 9 Removes requirement that ballot stamp must have the date of the election on it.
Chapter 25, Elections for Federal Office			
Part 1, Presidential Elections			
13-25-101	Nomination of electors - ballot	Amended	Sec. 10 Allows the secretary of state to prescribe a form for nomination of presidential electors.
Chapter 27, Ballot Issues			
Part 4, Voter Information Pamphlets			
13-27-401	Voter information pamphlet	Amended	Sec. 11 Allows the secretary of state to prescribe rules for the submission of arguments for the pamphlet. The statement of intent specifies that these rules permit the "orderly, efficient presentation of the arguments."
13-27-410	Printing and distribution of voter information pamphlet	Amended	Sec. 12 Changes requirement of counties for mailing out pamphlets from within two weeks of receipt from the printer to no later than two weeks before the election.
New Section			
13-2-102	Repealer	Deletion	Sec. 13 Repeals 13-2-102. Eliminates deputy registrars provision.
New Section			
New Section	Effective date	New	Sec. 14 Act effective July 1, 1993.



SECRETARY OF STATE

John Hannah, Jr.

January 22, 1993

The Honorable Mike Cooney
Secretary of State
State of Montana
Montana State Capitol
Helena, Montana 59620

Dear Secretary Cooney:

In response to your inquiry concerning the requirement for a witness to the signature of an applicant on a voter registration application, you are correct in that Texas does not have such a requirement. We do allow an agent to sign on behalf of an applicant under certain circumstances and also provide for signing by a witness if the applicant is unable to sign his or her name. For the six years that I have now been with the Elections Division, I am unaware of any major allegations of fraud in the application process. It is a Class B misdemeanor under Texas law to make a false statement on the application with conviction punishable by a fine not to exceed \$1,500 and/or confinement in jail for a term not to exceed 180 days. As I mentioned to Joe Kerwin in our telephone conversation, we have had successful prosecutions under this section in some counties and we try to see that reports of these convictions are widespread.

I have attached a copy of our application. You will note that it has to be printed in both English and Spanish as Texas is covered by the Federal Voting Rights Act. I have also attached copies of the pertinent sections of the Texas Election Code. Please do not hesitate to contact me if you have any other questions on this or any other matter.

Respectfully,

A handwritten signature in black ink that reads "Tom H." followed by a stylized flourish.

Tom Harrison
Deputy Assistant Secretary of State

TH:ket

Attachments

ELECTIONS DIVISION

Post Office Box 12060, Austin, Texas 78711-2060

(512) 463-5650 FAX (512) 475-2811 TDD (800) 735-2989

(800) 252-VOTE (8683)

EXHIBIT 8
DATE 3/16/93
HB SB 318



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

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

January 13, 1993

180 STATE OFFICE BUILDING
Corporation Division: 612/296-2803
JAN 14 UCC Division: 612/296-2434
Election Division: 612/296-2805
Office of the Secretary: 612/296-3266
Office of Deputy Secretary: 612/296-2309
JAN 14 1993
SECRETARY OF STATE

Joe Kerwin
Elections Bureau
Office of the Secretary of State
State Capitol
Helena, MT 59620

EXHIBIT 8
DATE 3/16/93
B SB 318

Dear Mr. Kerwin,

As you noted in your recent letter, Minnesota does not require a witness for voter registration purposes. As an alternative, the residency of each new registrant is verified by mailing the registrant a nonforwardable notice. If this notice is returned to the county auditor as undeliverable, the auditor attempts to determine the registrant's residence. If this attempt is unsuccessful, the county auditor makes a report to the county attorney, who conducts an investigation and, if needed, begins prosecution of the registrant.

Each person who registers to vote in Minnesota signs an oath stating that they meet all the legal requirements to vote. Violation of this oath is a felony punishable by a \$10,000 fine or up to five years imprisonment, or both.

This process has been used in Minnesota since mail registration was adopted by the legislature in 1973. Our experience with this process has been very positive. We have no indication that any concerted attempt has ever been made to violate our voter registration laws. To my knowledge, fewer than ten persons have been charged with voter registration violations in the past ten years. During this period, I estimate that over 3,500,000 voter registration cards have been submitted and processed statewide.

We also find the postal verification process useful since it offers us the opportunity to let the voters know the location of their polling place and the election districts (congressional, legislative, county commissioner, school) in which they reside.

Based on our track record, I have no doubt that the mail verification process does work. I suspect that such a process could be implemented successfully in Montana as well.

"AN EQUAL OPPORTUNITY EMPLOYER"

If you have any additional questions concerning this matter,
please let me know.

Sincerely,

Joan A. Grove
Joan Anderson Grove
Secretary of State

01930056



COMMONWEALTH OF KENTUCKY

STATE BOARD OF ELECTIONS

RECEIVED
JAN 26 9 18 AM '93
M. J. JONES
SECRETARY OF STATE

Bob Babbage
Chairman

George Russell
Executive Director

ROOM 71 STATE CAPITOL
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601-3493
(502) 564-7100
FAX: (502) 564-4369

January 20, 1993

EXHIBIT 8
DATE 3/16/93
B SP 318

Mr. Joe Kerwin
Elections and Legislative Bureau Chief
Montana State Capitol
Room 225
Helena, MT 59620

RE: Witness Requirement on
Voter Registration Card

Dear Mr. Kerwin:

In response to your letter of January 7, Kentucky does not require a witness to a signature on a voter registration card, except in cases where the applicant must sign by "his or her mark". In those cases, there must be 2 witnesses signatures.

I am not aware of any Kentucky cases involving fraud due to not having a witness to a signature on a voter registration card. When a voter go to the polls to vote, precinct workers are to check their identification (social number, personal acquaintance, credit card, drivers license, etc.) with the name listed on the precinct roster.

Please don't hesitate to contact me if I may be of further assistance to you.

Sincerely,

George Russell

GR/jt

Encl.

cc





SECRETARY OF STATE
STATEHOUSE
STATE OF IOWA
DES MOINES 50319

RECEIVED
HELENA, MONTANA

JAN 28 11 22 AM '93
MIAE SCONE
SECRETARY OF STATE

ELAINE BAXTER
SECRETARY OF STATE

515-281-8993
FAX: 515-242-5952

Joe Kerwin
Elections and Legislative Bureau Chief
Office of the Secretary of State
State Of Montana
State Capitol
Helena, MT 59620

Dear Mr. Kerwin:

Thank you for your recent letter concerning pending legislation which would remove the witness requirement for Montana's voter registration cards.

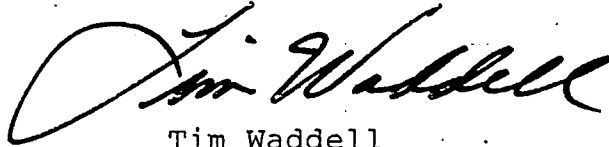
Iowa's voter registration cards and postcards have been evolving since their inception in 1974. The postcards and regular voter registration cards both required two signatures until 1986 when the requirement was removed. The issue was noncontroversial in the Iowa Legislature, so there was little or no discussion of the issue at the time. The abolition of the requirement was supported by the Iowa Association of County Auditors who felt that it was difficult to administer since many postcards were coming into the courthouses with only one signature and would have to be returned to the voter for a second signature. Since the Secretary of State and the county auditor's both supported the change, the legislature did not feel this was terribly controversial.

Iowa voter registration postcards are now available in all government offices, drivers license forms, Iowa tax booklets and all telephone directories in the state. This wide dispersion of voter registration forms is only possible because of the changes in voter registration procedures, including deleting the second signature.

We are pleased to note, that although we are occasionally faced with the cry of fraud in the Iowa legislature over changes in voter registration procedures, we have only had one instance of voter fraud in the history of elections in Iowa. Please assure your legislative members, that voter fraud will not occur simply because a second signature is removed from voter registration postcards.

I hope this information is helpful to you. If I can be of any further service to you, please do not hesitate to let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Waddell". The signature is fluid and cursive, with a large initial "T" and a stylized "W".

Tim Waddell
Deputy Secretary of State

EXHIBIT 8
DATE 3/16/93
SO 318



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

ELECTIONS DIVISION
(916) 445-0820

For Hearing and Speech Impaired
Only:
(800) 833-8683

January 28, 1993

Joe Kerwin
Elections and Legislative Bureau Chief
Office of the Secretary of State
Montana State Capitol
Helena, Montana 59620

Dear Mr. Kerwin:

We have received your letter requesting information on our experience with mail registration in California.

You are correct that no "witness" is required to verify information on another person's affidavit of registration in this state. However, each voter must attest, under penalty of perjury, that he or she is eligible to register and vote.

Most of the allegations of voter registration fraud in California typically involve the use of "bounty hunters" --- persons paid, either by a candidate or a political party, to register voters. These persons are usually paid on a "per affidavit" basis, and thereby have an incentive to turn in as many affidavits as possible, even if they have to create fictitious persons or copy names out of a phone book in order to do so.

We are unaware of any substantial incident in which these attempts at fraudulent registration have resulted in any actual voting fraud. The fraudulent affidavits are more of a pain in the neck for elections officials than an actual threat to the integrity of the process.

The disadvantages of the mail registration system are, however, more than outweighed by the advantages in terms of providing a simple and convenient opportunity to register to vote.

I hope this information is of use to you. If you need further information, please call me directly at 916/445-0859.

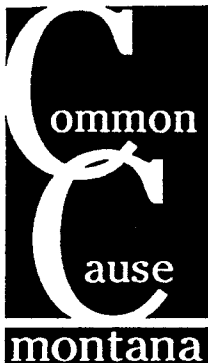
Sincerely,

CAREN DANIELS-MEADE
Chief, Elections Division

A handwritten signature in dark ink, appearing to read "John Mott-Smith".

JOHN MOTT-SMITH
Elections Specialist

A:\kerwin



COMMON CAUSE TESTIMONY
IN SUPPORT OF SB 318
MARCH 16, 1993

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

Mister Chairman, members of the House State Administration Committee, for the record my name is Julie Weddle, Assistant to the Director of Common Cause/Montana. On behalf of more than 800 Montanans who are members of Common Cause to help promote more open and accessible government in Montana, I register our support for SB 318.

This Committee has heard much testimony regarding so called "housekeeping" bills. We feel that several measures in this bill are more than "dust under the rug." This bill deals with the important issues of voter education, registration and participation. It has a potential for increasing the public confidence in the electoral system.

We feel that certain provisions in this bill will break down barriers to voting and encourage greater voter participation in Montana.

1. MOST IMPORTANT: Removal of the witness provision in voter registration.

Eliminating the witness requirement will make voter registration easier for everyone. For rural people, it may make registration possible in ways not possible before. The instructions that would be added to the actual registration card make the card self-explanatory and anticipate questions that the person registering may have. Numbering the questions would direct the citizen step-by-step through the registration process.

The current witness requirement serves no legal purpose because a witness has no authority to verify voter information. This provision simply creates barriers to voter registration by complicating both the legislation of new voter registration programs, and the actual process of registering to vote in Montana.

Eliminating the requirement of a (witness) middleman frees up the registration process and makes it more flexible to new and creative methods of voter registration, such as SB 268 allowing registration when obtaining a hunting or fishing license.

EXHIBIT 9
DATE 3/16/93
HB SB 318

2. Allowing for youth election judges.

By including youth in the election procedures we would not only lessen the burden on counties to recruit election judges, we would be opening the doors of the election process to interested and valuable future voters. In return, the youth will benefit the electoral system in two important ways.

First, as they become involved and acclimated to the election process they will most likely encourage their peers to become involved and to value the right to vote. Second, the presence of young faces in the election judge lineup will create a more hospitable voting environment for younger voters. They will feel invited into the process not alienated by it, which should encourage participation.

3. Secretary of State to prescribe the rules for the format of the Voter Information Pamphlet.

The VIP must be a source of easily accessible information about ballot initiatives. The Secretary of State must prescribe a standard format which presents arguments in a form that creates an accurate, easy to read comparison. Allowing the manipulation of this format either by moving columns around or adding graphs and charts could cause unnecessary confusion of the voters. This guarantees that the VIP would always serve its purpose of being a useful tool to the voter.

4. A Constitutional Initiative can only be placed on a "regular" or general election ballot.

General elections have the largest voter turnout. When present on a general election ballot, an initiative for constitutional change will be deliberated by the largest possible voter population. Thus, a vote for or against the initiative will truly represent the popular opinion.

To include constitutional initiatives on primary ballots would put an important decision in the hands of a much smaller percentage of Montanans. Generally, only those voters belonging to either the Democratic or Republican party voice their opinion in the primary election. Constitutional initiatives are issues concerning all Montanans, not just active party members.

* * *

In closing, Common Cause believes that to have meaningful citizen participation in government we must make every effort to break down any obstacles to voting, whether actual or perceived. Because public confidence in our government is based on meaningful citizen participation, voting must be as easy as possible.

For these reasons we wholeheartedly encourage this committee and the legislature to pass SB 318.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

State Administration COMMITTEE BILL NO. SB 176
DATE 3/16/93 SPONSOR(S) BIANCHI

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
AMY KELLEY	COMMON CAUSE	✓	
EARL THOMAS	AMER LUNG ASSN	✓	
Steve Browning	Anheuser Busch		✓
Chuck Clark	MT Newspaper Assn		✓
Riley Johnson	MT BROADCASTERS ASSN		✓
Roger Turpin	mt Beer & Wine Wholesalers		✓
Don Judge	MT STATE AFL-CIO	✓	
Tootie Welker	MAPD	✓	
Jim Tutwiler	MT Chamber		✓

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

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

State Administration COMMITTEE BILL NO. SB 318
DATE 3/16/93 SPONSOR(S) Welden

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Tootie Weller	MAPP	✓	
Julie Weddle	Common Cause	✓	
Joe Kervin	SOS	✓	
Lon And	MT ASSOC. OF COUNTY CLERKS & REC		✓

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

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

PLEASE PRINT

[illegible]

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