

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN RICHARD SIMPKINS**, on February 7, 1995, at 9:00 A.M.

#### **ROLL CALL**

##### **Members Present:**

Rep. Richard D. Simpkins, Chairman (R)  
Rep. Matt Denny, Vice Chairman (Majority) (R)  
Rep. Dore Schwinden, Vice Chairman (Minority) (D)  
Rep. Matt Brainard (R)  
Rep. Patrick G. Galvin (D)  
Rep. Dick Green (R)  
Rep. Antoinette R. Hagener (D)  
Rep. Harriet Hayne (R)  
Rep. Sam Kitzenberg (R)  
Rep. Bonnie Martinez (R)  
Rep. Gay Ann Masolo (R)  
Rep. William Rehbein, Jr. (R)  
Rep. George Heavy Runner (D)  
Rep. Susan L. Smith (R)  
Rep. Carolyn M. Squires (D)  
Rep. Jay Stovall (R)  
Rep. Lila V. Taylor (R)  
Rep. Joe Tropila (D)

**Members Excused:** NONE

**Members Absent:** NONE

**Staff Present:** Sheri Heffelfinger, Legislative Council  
Christen Vincent, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: HB 327, HB 370, HB 404, HB 399  
Executive Action: HB 370 TABLED

{Tape: 1; Side: A.}

HEARING ON HB 399Opening Statement by Sponsor:

REP. JOAN HURDLE stated the citizens aren't asking for this to be reformed, but to be declared unconstitutional. They claim the 17th amendment is washed away with. Wealth is primary and dollars are the key to victory. The rich and the poor are separate in their powers. They are only equal in theory. There needs to be more done and more money coming through. The amount of money spent in the governor's campaign has skyrocketed. It has increased contributions four times. There are very few exceptions where the winner isn't the one with the most money. She stated this is wrong and they want to cap the spending in these campaigns. She would be open to amendments from the committee. She was disgusted with money becoming the prominent factor in these races. With more money there is less door-to-door campaigning. She asked the committee to give the bill a do pass recommendation.

Proponents' Testimony:

Jonathan Motl stated the Supreme Court made a decision on how campaign money should be dealt with. The decision was Buckley vs. Valeo. This is a different approach. They want to make the expenditure more fair. The reason why they don't already have limits is because of this court decision. He asked if this does reduce the quality. He believed this would add to the dishonesty. If this bill were to be passed it would be challenged. He stated now is the time to bring this issue back to the courts.

Brad Martin, Montana Democratic Party, stated this was the best approach in doing this. It would level the playing field. He hoped the vote would be bipartisan from the committee. They need to concentrate more on the better person and not the money involved.

C. B. Pearson, League of Women Voters of Montana, submitted written testimony. EXHIBIT 1

Opponents' Testimony:

Charles Walk, Executive Director, Montana Newspaper Association, stated this bill is seriously flawed and they need to take a serious look at what is involved. He believed the election process works and what they were talking about is the assimilation of information. There is a major amount of money spent trying to get information to the public. They already see the candidates enough. If they were to do this they would be decreasing the flow of information to the public. Anything done to reduce this information cannot be good. The candidates have a message to get out to the voters and this is a good way of doing that.

Informational Testimony:

Beth Baker, Department of Justice, stated this proposal is unconstitutional and if they were taking the issue to the Supreme Court, it would be different.

Questions From Committee Members and Responses:

REP. SAM KITZENBERG asked what it cost for the court case.

Ms. Baker stated it was about \$12,000, not including the attorney fees.

REP. BILL REHBEIN asked how long this took.

Ms. Baker stated it took about one and a half years. With a case similar to this a person could expect for it to last a couple of years.

REP. MATT DENNY stated he didn't see a limit on other third party spending. He asked the sponsor to respond to that.

REP. HURDLE stated there were some loopholes that were closed when I-118 passed. She stated this is a step they have to take.

REP. MATT BRAINARD said the state representatives were limited to \$3,000. He asked if there is something designed to have the candidate more personal. He stated they think they have to make money. He asked if this wouldn't be expended on.

REP. HURDLE stated this is already the case.

REP. BRAINARD stated the candidates raise funds via air. Some times they don't have time to go door-to-door. He asked if this was a counter balance.

REP. HURDLE stated no, there wasn't.

CHAIRMAN SIMPKINS asked if there are any fiscal statistics.

REP. HURDLE stated there was a report prepared by MontPIRG.  
EXHIBIT 2

CHAIRMAN SIMPKINS replied to the statement made that money makes the winner. He stated he had run against a candidate with more money and he had won.

REP. HURDLE stated she wasn't saying that money made the winner in all of the cases.

CHAIRMAN SIMPKINS asked how many times the attorney general can determine if something is unconstitutional.

**Ms. Baker** stated that was a judgment for the commissioner to make and not the attorney general.

**CHAIRMAN SIMPKINS** asked if there were examples of corruption that were a concern to the League of Women Voters. He asked for a response to his statement.

**Mr. Pearson** stated they hadn't had time to research this. The premise of money into an election comes from a small group of people. The feeling of voters is that if a candidate has a lot of money, they are more apt to become corrupt. There are concerns about the state complying with the federal campaign laws driven by the issues. He stated there has been an increase in money and spending. This is a tremendous sum of money.

**REP. BRAINARD** asked in the sense of campaign contributions and money spent, what their view was in the part of contribution.

**Mr. Pearson** stated they would be ruling under the Commissioner of Political Practices Act. If they are talking about individual commissioners they need to address that differently in order to support the candidate.

**REP. REHBEIN** asked what races have been problems and what names there have been.

**Mr. Pearson** stated he was unable to recall that information. He stated this is a trend and there has been a dramatic increase in raising money.

**REP. CAROLYN SQUIRES** asked when they brought up the last signs of increase and where they were cutting slack for inflation.

**REP. HURDLE** stated it is a clause that addressed the increase for inflation. The limit they are proposing is law but it is a good idea to put a cap on the campaign spending. She said she would support an amendment.

**REP. REHBEIN** stated in his situation they would have to run in districts they live in. He asked how they could do that where there is a reapportionment increase.

**REP. HURDLE** stated the cost of campaigns is increasing because of other factors as well.

**REP. GAY ANN MASOLO** stated there needs to be money at times to counteract the press.

**REP. HURDLE** stated she was unsure of where that would be coming from. She was not belittling the quality of the legislature with the quantity of money. She stated money is not a true gauge.

REP. MASOLO stated there is a concern with the press and the way they persuade the public. She stated they need to make sure that the candidate has the money to counteract things in the press.

REP. HURDLE stated that is not a true gauge of what happens.

REP. LILA TAYLOR asked if they would be forcing special interest campaigns for the candidates because of the cap.

REP. HURDLE stated she didn't agree with that. I-118 closed the loop holes to spend the money for the candidate. There is a problem with public perception.

REP. PAT GALVIN asked if the law now says that there should be a certain amount of money for a campaign. He asked if there was anywhere in the bill that would alleviate that.

REP. HURDLE stated she believed that would be up to the candidate.

REP. KITZENBERG asked where they came up with the totals. This is politically naive. He asked if the figures were realistic and what would happen if the candidate was attacked. He stated this is not politically realistic.

REP. HURDLE agreed that the figures were low. They were based on the exact average of the 1992 campaigns. She stated she had no problem with an increase in the numbers by a percentage.

CHAIRMAN SIMPKINS asked if I-118 had limited the amount of numbers they could accept.

REP. HURDLE stated there is a change period in the price of politics. She thought this was fair and accessible. Spending limits complement each other and there should be pride in accessibility.

CHAIRMAN SIMPKINS stated they were getting mixed messages.

REP. HURDLE stated in campaign finance reform they were looking to improve the current system.

Closing by Sponsor:

REP. HURDLE stated Americans are becoming desensitized to the issues. With ethics there is a problem of perception. No one spends money without cost. They need to look at this issue again in a bipartisan manner. She stated they need to be determined and strong and not afraid to govern.

HEARING ON HB 404Opening Statement by Sponsor:

REP. LINDA MCCULLOCH stated this corrects the inconsistency now in the state law. This would be effective the first election after the redistricting. They are using old and confusing ways and this would make the administration easier. This would be no more difficult to do than the current system. She hoped the committee would give the bill a do pass recommendation.

Proponents' Testimony:

Joe Kerwin, Election Bureau Chief, Secretary of State's Office, stated there is an inconsistency in the state law. To qualify there needs to be the signatures and they need to show district support. He submitted EXHIBIT 3. He stated this is based on the total votes. They need to know how to assign the numbers. He referred to 404 line 24. He stated when this happens they use the old house districts. This is going into the second election.

Robert Throssell, Association of Clerks and Recorders, stated with the verification of signatures this would make the process easier.

Opponents' Testimony:

none

Informational Testimony:

none

Questions From Committee Members and Responses:

CHAIRMAN SIMPKINS asked if 204 was in every district.

Mr. Kerwin stated it is based on the total votes and divided by the district and multiplied by a percentage.

CHAIRMAN SIMPKINS asked if it would be more difficult to qualify.

Mr. Kerwin stated it would be about average. It would not be the same numbers for the house district, but the proportionment would be the same.

REP. DENNY asked if in general it was true that this would decrease the numbers in rural areas.

Mr. Kerwin stated that was true.

REP. DENNY asked if this would make it easier for those people in urban areas and harder for those in rural areas.

Mr. Kerwin stated the expansion would equal the district.

REP. REHBEIN asked if this trend was declining in Eastern Montana.

Mr. Kerwin stated that was correct and this would take effect one or two elections immediately following the reapportionment.

Closing by Sponsor:

REP. MCCULLOCH stated there are three important things this bill does. It does away with bureaucracies, it helps to streamline government and it protects integrity.

HEARING ON HB 370

Opening Statement by Sponsor:

REP. JOE TROPILA, HD 47, stated this bill tries to eliminate an election and save money in the process and increase voter turnout at the same time. All legislation has its drawbacks. He stated these wouldn't necessarily coincide and there would be a dual ballot. There would be different rules and regulations. This all needs to be addressed and overcome, but they can't do it in this one piece of legislation. He suggested that the bill be tabled and other bills be looked at.

Proponents' Testimony: none

Opponents' Testimony:

Robert Throssell, Association of Clerks and Recorders, read written testimony from Betty T. Lund, Ravalli County Clerk and Recorder/Election Administrator. EXHIBIT 4

Informational Testimony: none

Questions From Committee Members and Responses: none

Closing by Sponsor:

REP. TROPILA stated all bills have a purpose and parts of this bill were workable, but not all of them.

EXECUTIVE ACTION ON HB 370

Motion/Vote: REP. TROPILA MOVED TO TABLE HB 370. Motion carried unanimously.

HEARING ON HB 327Opening Statement by Sponsor:

REP. GEORGE HEAVY RUNNER, HD 85, stated he brought this bill to the attention of the legislature on behalf of the Secretary of State's Office. He submitted EXHIBIT 5 and gave a brief synopsis of the exhibit.

Proponents' Testimony:

Angela Fultz, Deputy Director, Secretary of State's Office, walked the committee through exhibit 5 and the bill. She encouraged the committee to give the bill a do pass recommendation.

Joe Bishop, League of Women Voters of Montana, submitted written testimony. EXHIBIT 6

Darrell Holzer, AFL-CIO, stated there would be some federal funding with this bill. This needs to be changed and this would prohibit the removal of names unless by their request. This would be reconsidered after two years. There would also be funding for states.

Brad Martin, Montana Democratic Party, stated this should be a bipartisan issue and it would turn the tide on bureaucratic arguments. He stated this was a no brainer bill. He thought it was a good bill and urged to committee to pass the bill.

J. V. Bennett, MontPIRG, submitted written testimony. EXHIBIT 7

Opponents' Testimony:

Gordon Morris, Director of Montana Association of Counties, stated Montana counties looked hard at the issue. People need to take pride in Montana and move it into the forefront. He encouraged the committee not to pass this bill.

Robert Throssell, Association of Clerks and Recorders, submitted written testimony and estimated costs for NVRA for counties in Montana. EXHIBIT 8

Betty Lund, Ravalli County Clerk and Recorder, submitted written testimony. EXHIBITS 9, 10 and 11

Sue Haversfield submitted written testimony. EXHIBIT 11

Annette Cade, Montana City School, stated there were many concerns, one of which was that they would never get the bond election passed. There would be signature problems. She stated she supported the voter's registration but they needed to take into consideration the repercussions of this bill.



**Shelly Cheney, Gallatin County**, stated to register by mail is a large job. This is a mobile society and the turnover rate is high. She was proud of the procedure already in process. She couldn't understand why they would want government to spend money to execute people's rights.

**Michael Keedy, MSBA**, stated they were opposed to the bill.

**Vickie Zerei, MACR, Missoula**, stated this would end up being a federal mandate. In Missoula County there were 14,000 turned over. The election costs were \$72,000. There was a 60% turnout rate and 40% of the money was gone. The Motor Voter Act is working and does create work.

**Duane Winslow, Yellowstone County Clerks and Recorders**, stated this is not a situation where they can go broke. Candidates, teachers, and the like register to vote. The clerk and recorders are dedicated to registering voters. With this proposal the costs outweigh the benefits.

**REP. MATT BRAINARD** stated state elections have to be regulated; this would end up being an unfunded mandate. He hoped the committee would vote against the bill.

**Informational Testimony:**

none

**Questions From Committee Members and Responses:**

**REP. SCHWINDEN** asked if the numbers given in reference to the number of new voters were speculative.

**Ms. Fultz** referred to Exhibit 11 and stated the numbers are purged. She said it is expensive to mail each and this would give options to the Clerk and Recorders. The Secretary of State's Office did not agree that those are costs.

**REP. SCHWINDEN** asked if the reason for this was to give regulatory rules flexibility.

**Ms. Fultz** stated that was correct.

**REP. GALVIN** asked why the people weren't brought together on this.

**Ms. Fultz** stated **Ms. Lund** had given information on what they had gone through to simplify this. This would be a part of training.

**REP. DENNY** asked if **Ms. Lund** would like to respond.

**Ms. Lund** stated when they worked with the advisory committee on this, they had spent two days trying to make it work. HB 327 is not what the committee had worked out. She was surprised at the

way this had come about. She stated they needed to look at this some more and with it in this form there would be an unfunded mandate.

REP. TROPILA asked if he was correct in thinking that eight years was the purge of registration.

Ms. Fultz stated it was four years, not eight.

REP. TROPILA asked if they send this mailing and they don't return it, are these people off the list.

Ms. Fultz stated they would be sent a pre-paid postcard that they would have to return. If they don't vote in the next two years they would then be taken off the list.

REP. TROPILA asked if they could see voter fraud as a result of doing this.

Mr. Winslow stated the increase of our lists are an opening to fraud.

Ms. Fultz stated in the entire time Mike Cooney had been in office there hasn't been one case of fraud.

REP. TAYLOR asked if they didn't realize when the witness was taken off the voter's registration they got rid of their system for checking.

Ms. Fultz stated they wanted to start up a central file for these voters. It would be a question left up to the counties.

REP. TAYLOR asked who would foot the bill for this.

Ms. Fultz stated it would be the state's expense.

REP. TAYLOR asked what the cost would be for doing this.

Ms. Fultz said she wasn't sure.

REP. TAYLOR asked if this is left up to the county, how would they keep track.

Ms. Fultz stated they would make maintenance files.

REP. TAYLOR asked when these people register to vote and there is no witness, how would they keep track.

Ms. Fultz stated if they only had a post office box, they would also have to give their physical residence.

REP. REHBEIN asked if there was anything to make them comply with the federal law.

**Ms. Fultz** stated there is the National Voter's Registration Act.

**REP. REHBEIN** stated section 2 talks about implementations. It doesn't say they have to comply.

**Ms. Fultz** stated something needs to be addressed to the legal counsel at the Department of Justice.

**CHAIRMAN SIMPKINS** asked if there was a system for them to check out mail voter fraud.

**Ms. Fultz** stated there is, and someone signing in could say something and have it looked into.

**CHAIRMAN SIMPKINS** asked if they could register in different counties under a different name.

**Ms. Fultz** stated they could. If the individuals are being fraudulent they will find a way to catch them.

**REP. SMITH** asked if the clerks and recorders wanted the rule making.

**Ms. Haversfield** stated they had met with the Secretary of State's personnel and discussed this. She stated to give the Secretary of State authority over everything was not the intent.


**Closing by Sponsor:**

**REP. HEAVY RUNNER** submitted **EXHIBIT 12** and stated this was to try and increase the voter's access to the polls.

ADJOURNMENT

Adjournment: 12:00 p.m.

  
RICHARD SIMPKINS, Chairman

  
CHRISTEN VINCENT, Secretary

RS/cdv

# HOUSE OF REPRESENTATIVES

## State Administration

ROLL CALL

DATE 2-7-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman	✓		
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard	✓		
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masolo	✓		
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 2-7-95 BILL NO. #B NUMBER 370

MOTION: Rep. BeTropila made the motion to table the bill.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard		

COMMITTEE FILE COPY

### TABLED BILL

The HOUSE STATE ADMINISTRATION COMMITTEE TABLED HB 370, by motion, on  
TUESDAY, February 7, 1995.

Christen Vincent  
(For the Committee)

M. Novak  
(For the Chief Clerk)

1:15  
(Time)

2-7  
(Date)

February 7, 1995 -- 12:59pm

Christen Vincent, Secretary

Phone: 4879

# League of Women Voters of Montana



EXHIBIT 1  
DATE 2/7/95  
HB 399

## WRITTEN TESTIMONY SUBMITTED BY THE LEAGUE OF WOMEN VOTERS OF MONTANA

House State Administration Committee  
9:00 a.m., Tuesday, February 7, 1995  
House Bill 399 by Hurdle

The League of Women Voters of Montana wishes to go on record as supporting House Bill 399. It is the position of the League that the methods of financing political campaigns should ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office, and allow maximum citizen participation in the political process. It is with this view that the Montana League and the National League have worked hard over the years for campaign finance reform. It is why we are here today in support of this legislation.

Most Montanans believe there is just too much money in politics; that money from special interest groups and the wealthy are drowning out the voice of ordinary citizens in our government. Reports on campaign contributions support that belief. According to news reports, money raised by candidates running for the Legislature in the most recent election, surpassed any previous election cycle. The same is true for the 1992 governor's race, where again all previous fundraising records were broken.

The League is constantly striving for ways to increase voter participation and confidence in the political process. We believe one way to increase voter confidence in the political system is to place strict and enforceable limits on the amount of money spent in running for political office. Such limits will prevent "fundraising wars" where candidates must spend a large part of their time pursuing campaign contributions, rather than talking with voters. The continued escalation of campaign contributions and spending, will only act to further alienate voters from our democratic system of governance.

Montanans have successfully acted to limit the size and the type of campaign contributions from all sources, as a means of combating undue influence in the elections process. Montanans pride themselves on their leadership in this area. Montanans also pride themselves in having a very open and accessible government. The past leadership in the area of campaign finance reform has contributed to this type of government. But, that accessibility is up for challenge unless we continue to take actions to safeguard accessibility. Fundraising issues should not supersede voter contact in the election process and beyond. It is time for Montana to show new leadership in the area of campaign finance reform by placing absolute spending limits on our political campaigns.

The League of Women Voters of Montana endorses House Bill 399 and urges a do pass recommendation by the committee. Thankyou.

C.B. Pearson  
Legislative Corps, LWVMT

2-2-95

Chairman Simpkins -

Attached is the study I referred to. I would appreciate its eventual return.

Regarding the limits specified, on page 3 lines 20-25, I shouldn't have said that they should be raised "across the board," because that makes some too high.

Instead I advocate simply adding \$1,000 to the state house race and \$2,000 to the state senate race, with no other changes.

Thank you for a good hearing.

Sincerely,

Joe Hurdle



**MontPIRF**

*The Montana Public Interest  
Research Foundation*

P.O. Box 8435  
Missoula, MT 59807

*Joan Hendle*

*FYI. This*

*has a Summary of  
past Expenditures in  
campaigns*

*Jim Motl*

## "IF MONEY COULD TALK..."

### **An analysis of contributions to Montana political races**

by Amy Kelley  
on behalf of the Montana  
Public Interest Research Foundation

*info. provided  
in book 1.17  
in*

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APRIL 1994

About the Author: Amy Kelley is a free-lance writer living in Helena, Montana. Before moving to Montana in 1989, she worked as a staff writer for the Fund for Public Interest Research, the technical assistance organization of state PIRGs. Today she is also the Director of Montana Common Cause.

Special Thanks go to: Angela Fultz for many, many hours of data entry in creating the database for this report, Brad Smith of "ComputerSmith" in Helena for technical and moral assistance in creating the database, Bonnie Lambert of Q Communications for the charts, and to Jonathan Motl, C.B. Pearson, Linda Lee and Jim Parker for editing assistance.

MontPIRF is the educational arm of the Montana Public Interest Research Group, a research and advocacy organization working on good government, consumer, and environmental issues in Montana.

## INTRODUCTION

One of the fundamental principals of democracy is the concept of "one person/one vote." In theory, the process of electing our governmental representatives gives no one individual -- regardless of wealth or status -- more power than another. In our free market economy, however, money is the absolute ruling force. In that world, the distribution of power is necessarily unequal.

The average citizen suffers when these two "twin pillars of our society," a democratic government and a free-market economy, do not stand strong yet separate. The roof they support begins to crack when corporations or individuals with special economic interests use money to gain political access and influence in order to further their economic agenda.

Each year in Montana we witness larger and larger amounts of money coming into our democratic decision-making processes through candidate campaigns, hired lobbyists, and contributions to initiative campaigns. While Montana has several progressive laws on the books that help limit the undue influence of money in state politics, much more can and should be done.

This report looks at the financing of campaigns in Montana, and makes several recommendations on how the role of big money in the system can be controlled to further protect the public interest. Its findings are based on a review of the campaign contribution reports filed with the Montana Commissioner of Political Practices, as well as an analysis of recent trends in campaign finance reform.

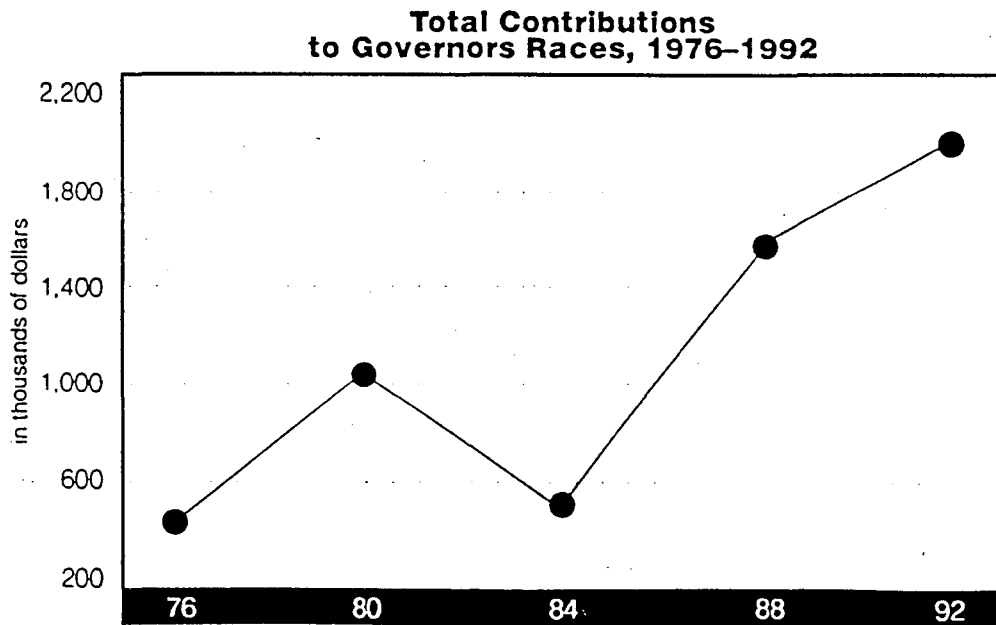
III) Loopholes in the current law that render less effective  
current laws intended to curtail undue monied influence.

Each area is discussed separately below.

**PROBLEM AREA I:**  
**MONEY COMING INTO MONTANA**  
**POLITICAL CAMPAIGNS HAS SKYROCKETED**

***Contributions to Montana's 1992  
Governor's Race Exceed \$2 Million***

The amount of money contributed to gubernatorial campaigns in Montana has increased dramatically in recent years. In 1992, the two general election candidates, Marc Racicot and Dorothy Bradley, raised a record total in contributions to wage their campaigns -- \$2.16 million, or over \$5.00 per voter.



(dollars not adjusted for inflation)

In 1992, candidates for the Montana State Senate received a total of \$331,486 in contributions<sup>2</sup>. With 54 candidates running for 26 Senate seats<sup>3</sup>, the average amount raised per candidate was \$6,139. For House candidates, the total raised was \$784,182. With 206 candidates running for 100 seats<sup>4</sup>, the average amount raised per candidate was \$3,807.

*(NOTE: Because in Montana these averages include candidates running unopposed, it is actually more informative to look at legislative candidates who ran in highly contested races.)*

The tables on the following pages show the top ten contribution recipients for Senate and House races in 1992.

**1992 SENATE CANDIDATES  
TOP TEN OVERALL CONTRIBUTION RECIPIENTS**  
*(Cash and In-Kind Combined)*

DIST.	CANDIDATE	TOTAL CONTRIBS. (opponent total)	CASH CONTRIBS. (opponent total)		
SD 44	KATHARIN KELKER (D)	22,486 (19,659)	12,862 (15,767)	C	lose
SD 44	THOMAS KEATING (R)	19,659 (22,486)	15,767 (12,862)	I	win
SD 23	SUE BARTLETT (D)	19,634 (16,416)	18,915 (15,791)	O	win
SD 27	JEFFREY WELDON (D)	17,161 (4,940)	15,639 (4,814)	C	win
SD 23	MARILYN MILLER (R)	16,416 (19,634)	15,791 (18,915)	O	lose

<sup>2</sup> Contribution totals throughout report include both monetary and in-kind contributions, unless otherwise indicated.

<sup>3</sup> Not all candidates were nominated for the general election.

<sup>4</sup> Ibid.

HD 91	ARLENE BECKER (D)	10,461 (10,179)	9,354 (9,125)	I	lose
HD 91	BRUCE SIMON (R)	10,179 (10,461)	9,125 (9,354)	C	win

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O = Open Seat, C = Challenger, I = Incumbent

*The ultimate danger in this escalating campaign spending trend is that a potential candidate -- for any district or statewide office in Montana -- has to be capable of raising an ever-increasing sum of money before even considering a run for office.*

***Montana's 1992 Congressional Campaign Is One of the Nation's Most Expensive***

The average American is aware of -- and fairly shocked by -- the enormous amount of money poured into Congressional campaigns. In 1992, the average amount of money raised by a general election candidate for the U.S. Senate was \$3,080,845; the average U.S. House of Representatives candidate raised \$379,507.

While Montana is one of the least-populated states in the nation (529,822 citizens registered for the 1992 general election and 417,564 actually voted), our Congressional delegates (Pat Williams and Ron Marlenee) spent a combined total of \$2,629,256 in 1992. That ranked Montana the sixth most expensive Congressional race in the nation in 1992<sup>5</sup>. The 1994 race for U.S. Senator promises to be even more "spendy," with Senator Burns' campaign war chest already exceeding \$1 million.

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<sup>5</sup> The most expensive U.S. House of Representatives race was California District #22, followed by Missouri District #3, Michigan District #8, California District #36, and California District #3.

**TOTAL CONTRIBUTIONS TO  
MONTANA LEGISLATIVE RACES: 1976-1992**

	<u>TOTAL CONTRIBS.</u>	<u>TOTAL PAC \$</u>	<u>PAC IN-KIND CONTRIBS</u>	<u>PAC % OF TOTAL</u>	<u>IN-KIND % OF PAC TTL</u>
1976:	278,609	22,648	0	8.1	0
1978:	382,140	48,777	0	12.8	0
1980:	582,708	111,330	0	19.1	0
1982:	635,596	122,767	0	19.3	0
1984:*	792,729	135,848	26,214	17.1	19.1
1986:	820,623	129,041	16,426	15.7	12.7
1988:	934,201	134,758	23,917	14.4	17.7
1990:	1,195,493	209,277	52,794	17.5	25.2
1992:	1,115,668	193,113	58,847	17.3	30.5

\* first year PAC limits in effect

(dollars not adjusted for inflation)

Montana's Aggregate PAC Limit Law puts a ceiling on the overall amount a legislative candidate may accept from all PACs combined.<sup>8</sup> Because of that law, which first took effect in 1984, PAC contributions as a percentage of total contributions received has remained fairly steady, at just under 18%.

This percentage stands out in sharp contrast, however, to states without such PAC contribution limits, and is a testament to the effectiveness of the law (even despite a large loophole, described under PROBLEM AREA III). In those states, and at the national level where there are no equivalent limits, it has been clearly demonstrated that PAC money, as a percentage of total contributions received, will continue to increase.

<sup>8</sup> The aggregate PAC contribution limit is different for House and Senate races, and is indexed for inflation by statute. For 1992, the aggregate PAC total a House candidate could receive was \$1000; for a Senate candidate it was \$1650.

an average of \$666 per candidate<sup>11</sup>. The following tables show the top ten recipients of PAC contributions for Senate and House races in 1992.

**1992 SENATE CANDIDATES  
TOP TEN PAC RECIPIENTS**  
(Combined cash and in-kind contributions)

DIST.	CANDIDATE	PAC CONTRIB. RECVD. (opponent total)	TOTAL \$ RECVD. (oppon. total)	PAC CONTRIB. AS % OF TOTAL		
19	GENE THAYER (R)	4,158 (1,200)	15,247 (9,031)	27.2% (13.3)	I	lose
44	THOMAS KEATING (R)	3,533 (0)	19,659 (22,486)	18.0% (0)	I	win
45	BRUCE CRIPPEN (R)	3,029 (500)	10,229 (1,482)	29.6% (33.7)	I	win
49	GARY FORRESTER (D)	2,925 (1,050)	11,652 (8,421)	25.1% (12.5)	C	win
4	JOHN HARP (R)	2,825 (400)	12,225 (5,405)	23.1% (7.4)	I	win
48	THOMAS HAGAR (R)	2,675 (150)	6,015 (725)	44.5% (20.7)	I	win
27	JEFFREY WELDON (D)	2,350 (1,325)	17,161 (4,940)	13.7% (26.8)	C	win
35	J.D. LYNCH (D)	2,198 (0)	7,263 (2,823)	30.3% (0)	I	win
21	KENNETH MESAROS (R)	2,000 (1,650)	8,565 (2,181)	23.4% (75.6)	O	win
33	BOB PIPINICH (D)	1,900 (300)	5,538 (2,855)	34.3% (10.5)	I	win

---

O = Open Seat, C = Challenger, I = Incumbent

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<sup>11</sup> Ibid.

contribution and PAC contribution receipts, although Republicans received a larger percentage of PAC in-kind contributions (58.4%).

**DISTRIBUTION OF CONTRIBUTIONS  
TO 1992 CANDIDATES TO THE LEGISLATURE**  
*(Democrats vs Republicans, Challengers vs Incumbants, and Winners vs Losers)*

	<u>INCUMB.</u>	<u>CHALL.</u>	<u>WIN</u>	<u>LOSE</u>	<u>REPUB.</u>	<u>DEM.</u>
<b>TOTAL CONTRIBS. RECEIVED</b>	421,286 (41.8%)	586,112 (58.2%)	594,542 (59.0%)	412,857 (41.0)	525,460 (52.2%)	481,939 (47.8%)
<b>TOTAL PAC \$ RECEIVED</b>	118,921 (62.3%)	71,963 (37.7%)	129,410 (67.8%)	61,474 (32.2%)	98,650 (51.7%)	92,234 (48.3%)
<b>TTL PAC IN-KIND \$ RECEIVED</b>	43,256 (75.9%)	13,712 (24.1%)	39,530 (69.4%)	17,438 (30.6%)	33,270 (58.4%)	23,698 (41.6%)

**PROBLEM AREA II:**  
**LARGE CONTRIBUTIONS COMPRISE  
A SIGNIFICANT PORTION OF CAMPAIGN RECEIPTS**

In the 1992 Montana Governor's race, more than half the money contributed to both the Racicot and Bradley campaigns came from contributions<sup>12</sup> that were larger than \$400. Racicot received \$600,292 in such contributions, or 57.0% of the total contributions raised. Bradley received \$505,869 in large contributions, or 50.7% of the total money she received (see chart page 25).

In Montana's House and Senate races in 1992, a smaller, yet not insignificant, proportion of money came from larger contributors. Assuming a contribution larger than \$100 to be a "large contribution" for these races, 24.6% and 29.5% of the total money

<sup>12</sup> "Contributions" in this section refers to individual and PAC contributions only.



We do not have similar data for previous years and thus cannot compare whether large contributions play a larger role today than they did 10 or 20 years ago. However, *the fact that large contributions make up 25-50% of the total money raised in various Montana races merits consideration of their potential impact.*

A clear danger has already been demonstrated at the federal level and in states without contribution limits: left unchecked, big money will occupy a larger and larger portion of campaign contributions. In Montana, the warning signs are already beginning to show in the Governor's race, where more than half the money received by general election candidates is coming from large contributors.

Montana needs to act now if we want to maintain some semblance of "equal access" to candidates and to campaigns. If state campaigns are to remain as "democratized" as possible, then those contributors with large amounts of money must have no more power or impact on the outcome of a campaign than those with limited resources. As a potential additional benefit, contribution limits may encourage candidates to reach out to a larger number of small contributors, thus potentially increasing his or her one-on-one contact with constituents.

### **PROBLEM AREA III:** **LOOPHOLES IN CURRENT LAW RENDER** **RESTRICTIONS LESS MEANINGFUL**

Montana is fortunate to have had forward-looking individuals who worked hard to initiate and win the several campaign finance reform laws on the books today.

One of these reform measures is the Aggregate PAC Contribution Limit Law. This statute places a ceiling on what a candidate for the state Senate and House may receive from all PACs contributing to his or her campaign. The statute sets the limits at \$1,000 and \$600 respectively, which must be multiplied by the inflation factor to

Since the PAC limit law took effect in 1984, many PACs began using the "in-kind loophole" to make cash-like contributions, such as postage stamps or payment of debts, to candidates who'd already reached their aggregate PAC contribution limit.

The table on page 9 shows how this loophole -- and its effect on overall PAC contributions -- has grown wider with each election cycle. In 1986, in-kind contributions constituted 12.7% of total PAC contributions received; in 1992, that percentage more than doubled, to 30.5%.

In Montana in 1992, candidates for the state Senate received a total of \$15,545 in PAC in-kind contributions, or 28.1% of the total PAC contributions received. For House candidates, the total received in PAC in-kind contributions was \$43,002 -- 31.3% of the combined PAC contribution total. The following tables show the top ten recipients of PAC in-kind contributions for Senate and House races in 1992.

**1992 SENATE CANDIDATES:  
TOP TEN PAC IN-KIND RECIPIENTS**

<u>DIST.</u>	<u>CANDIDATE</u>	<u>PAC IN-KIND CONTRIB. RECEIVED</u>	<u>IN-KIND AS % OF PAC TOTAL</u>		
SD 19	GENE THAYER (R)	2,533	60.9%	I	lose
SD 44	THOMAS KEATING (R)	2,233	63.2%	I	win
SD 45	BRUCE CRIPPEN (R)	1,379	45.5%	I	win
SD 4	JOHN HARP (R)	1,175	41.6%	I	win
SD 48	THOMAS HAGAR (R)	1,075	40.2%	I	win
SD 35	J.D. LYNCH (D)	848	38.6%	I	win
SD 49	GARY FORRESTER (D)	800	27.4%	C	win
SD 25	ETHEL HARDING (R)	750	63.8%	I	win
SD 27	JEFFREY WELDON (D)	700	29.8%	C	win

campaign funds. A candidate may retain the money for personal use, contribute it to another candidate, spend it on constituent services once in office, or save the money as a "war chest" for a future campaign.

Carryover funds, by definition, benefit incumbents only. Further, they provide the incumbent a loophole in the contribution limits laws. A PAC or individual, wishing to assist in a candidate's future campaign plans, may contribute in the final days of a campaign, knowing the contribution will not be used. The candidate can carry over the funds to the next election cycle, when the PAC or individual has the opportunity to give again -- thus essentially doubling his/her/their contribution limit.

In Montana in 1992, 37 House candidates went into the campaign cycle with carryover funds. These ranged from a low of \$4.91 to a high of \$2,781. The top five holders of "balance from previous campaign" funds were:

1. Bill Strizich (D), HD 41	\$ 2,781.65	won
2. Bruce Simon (R), HD 91	\$ 2,686.31 <sup>13</sup>	won
3. Royal Johnson (R), HD 88	\$ 2,301.68	won
4. Ray Peck (D), HD 15	\$ 2,277.01	won
5. Sonny Hanson (R), HD 87	\$ 1,746.98	won

On average, the House candidates who used carryover funds in their 1992 campaign had a head-start of \$575.72 which amounted to 16.7% of the average money raised in a 1992 House campaign. Of these 37 candidates, only 8 lost their races.

In the Senate, 9 candidates used carryover funds as 1992 contributions.

They ranged from \$4.09 to \$2,255. The top five holders of such funds were:

---

<sup>13</sup> Simon was the challenger in this race, not the incumbent.

1. Sue Bartlett (D), SD 23	\$4,145.59
2. J.D. Lynch (D), SD 35	\$3,207.22
3. Bill Yellowtail (D), SD 50	\$1,833.31
4. Michael Devlin (R), SD 13	\$1,192.56
5. Gary Forrester (D), SD 49	\$1,024.36

Seven additional winners of Senate seats reported holding no surplus campaign funds.

### **THE SOLUTIONS:** **CLOSE THE LOOPHOLES AND RESTRICT THE MONEY FLOW**

If we in Montana take seriously the campaign reform laws already on the books, then we must close the obvious loopholes that render those laws less than totally effective.

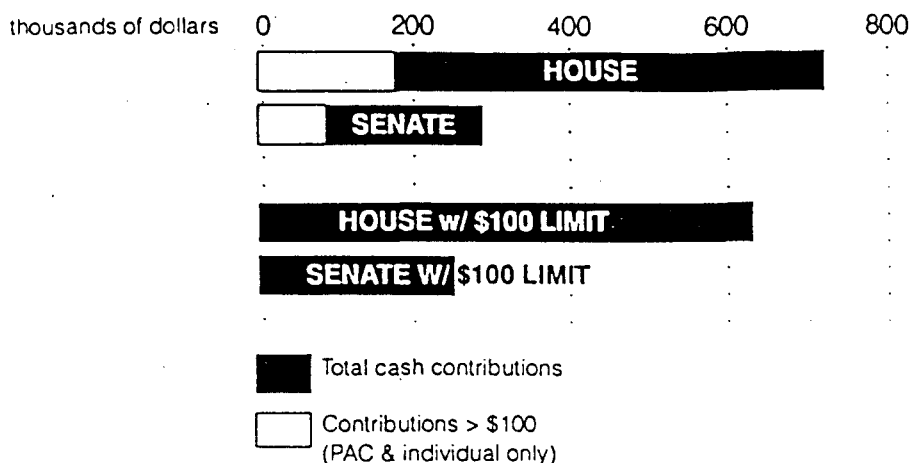
#### **1.     *Close the PAC In-Kind Loophole***

PACs must not be allowed to use the "in-kind" exemption in the Aggregate PAC Limit Law to pay a candidate's outstanding bills or to contribute cash-like items like postage stamps. We can close this loophole by requiring candidates to include in-kind contributions when tallying their PAC aggregate contribution totals.

#### **2     *Close the Carryover Campaign Funds Loophole***

If all candidates are to be on equal footing at the start of a race, and if contribution limits are to be meaningful, then we must prohibit candidates from warchest-building by banning the carryover of surplus campaign funds.

## Effect of Contribution Limit on 1992 Montana Legislative Races



Had such a limit been in place for District Court Judge races in 1992<sup>17</sup>, large contributions as a percentage of total money received would have been reduced from 23% to 0%, yet overall contributions received would have been reduced by only 12.3%

### EFFECT OF LARGE CONTRIBUTOR LIMIT ON 1992 DISTRICT COURT JUDGE RACES

TOTAL CASH CONTRIB.	TOTAL LARGE CONTRIB. (>\$100)	LARGE CONTR. AS % OF TTL.	AMOUNT REDUCED W/ \$100 LIMIT*	% RED. WITH \$100 LIMIT*
109,411	25,105	22.9%	13,505	12.3%

\* Limits on Individual contributors only  
(there were no PAC contributions to any District Court Judge races)

For statewide races, the cost of running a campaign is significantly larger. Therefore, a larger contribution limit would be justified. Had there been a \$200 limit on contributions by individuals and PACs to all statewide races (excluding Governor), the result would have been the reductions shown in the chart on the following page.

<sup>17</sup> Again, limiting contributions from PACs and from individuals to \$100.

EFFECT OF LARGE CONTRIBUTOR LIMITS ON  
1992 MONTANA GOVERNOR'S RACE  
(Racicot and Bradley only)

CANDIDATE	TOTAL CONTRIB.	TOTAL LARGE CONTRIB. (>\$400)	% OF TOTAL	REDUCTION W/ \$400 CONTRIB. LIMIT	OVERALL % REDUCTION
RACICOT	1,053,801	600,292	57.0%	327,092	31.0%
BRADLEY	998,283	505,869	50.7%	312,669	31.3%

*\* Limitations on individual and PAC contributions only*

There are other potential benefits to across-the-board campaign contribution limits. First, candidates would be forced to do less big-fundraising and more "door-knocking" thus bringing candidates closer to the people. Second, campaign spending would undoubtedly be reduced, encouraging candidates to use means other than expensive advertizing to "get out their message." This would, no doubt, be well-received by voters, who often do not gain anything but frustration from the "arms race" that has developed in campaign spending over the years.

### CONCLUSION

The fundamental democratic principal of "one person/one vote" is dangerously undermined when big money plays a role in determining who gets elected to public office and what decisions are made in the government arena.

It has been clearly demonstrated, in federal elections and in states where there are no limits to campaign contributions, that big money will occupy a larger and larger portion of campaign contributions if left unchecked. Even in Montana, more than 50% of the money received by general election candidates in the 1992 Governor's race came from large contributors.

While Montana has several forward-looking laws on the books limiting campaign contributions, the state is by no means insulated from the influence that big

# Number of Signatures Needed For Petitions

2

The number of signatures required on ballot issue petitions is based on a percentage of the total number of votes cast for governor in the last general election (1992).

To qualify an initiative or referendum, at least 5% of the votes cast for governor, including 5% in each of at least 34 legislative house districts, is needed. For a referendum, if at least 15% of the votes cast for governor is gathered in each of at least 51 house districts, the enacted statute is suspended pending the outcome of the vote. (Art. III, Sec. 4 & Sec. 5, Montana Constitution)

To qualify a constitutional initiative or to call a constitutional convention, at least 10% of the votes cast for governor is needed, including at least 10% of the votes cast for governor in each of at least 40 legislative house districts. (Art. XIV, Sec. 2 & Sec. 9, Montana Constitution)

EXHIBIT 3  
DATE 2/7/95  
HB 404

House District	# votes cast for Governor	# votes needed for ...		
		5%	10%	15%
1	4,016	201	402	603
2	3,542	178	355	532
3	4,622	232	463	694
4	5,280	264	528	792
5	3,970	199	397	596
6	6,212	311	622	932
7	4,123	207	413	619
8	3,729	187	373	560
9	3,112	156	312	467
10	3,830	192	383	575
11	3,935	197	394	591
12	3,854	193	386	579
13	4,283	215	429	643
14	3,820	191	382	573
15	2,928	147	293	440
16	3,250	163	325	488
17	3,510	176	351	527
18	3,429	172	343	515
19	3,974	199	398	597
20	2,952	148	296	443
21	2,893	145	290	434
22	3,041	153	305	457
23	3,242	163	325	487
24	3,326	167	333	499
25	3,372	169	338	506
26	3,066	154	307	460
27	3,702	186	371	556
28	3,756	188	376	564
29	4,361	219	437	655
30	3,852	193	386	578
31	3,832	192	384	575
32	4,044	203	405	607
33	1,158	58	116	174
34	3,805	191	381	571
35	2,965	149	297	445
36	3,840	192	384	576
37	4,012	201	402	602
38	3,444	173	345	517
39	4,535	227	454	681
40	3,411	171	342	512
41	3,874	194	388	582
42	4,183	210	419	628
43	5,598	280	560	840
44	5,339	267	534	801

EXHIBIT 4  
DATE 2/1/95  
HB 370

February 6, 1995

To the House State Administration Committee

Mr. Chairman and Members of the Committee,

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

I rise in opposition to HB 370 for several reasons. Moving the primary from June to April would lengthen the campaign time between primary and general election. By election time all electors would like to vote for none of the above!

To have the county election administrator conduct the April election in even-numbered years and the school clerk conduct the elections in odd number years would be extremely confusing as the school clerks handle elections differently than we do. The election laws in Title 13 are different than the election laws of Title 20. We have different advertising requirements, different polling hours, and different polling place in many cases. In the odd year elections, would the school clerks have to follow Title 13??

Thank you for your attention.

Sincerely,

*Betty T. Lund*

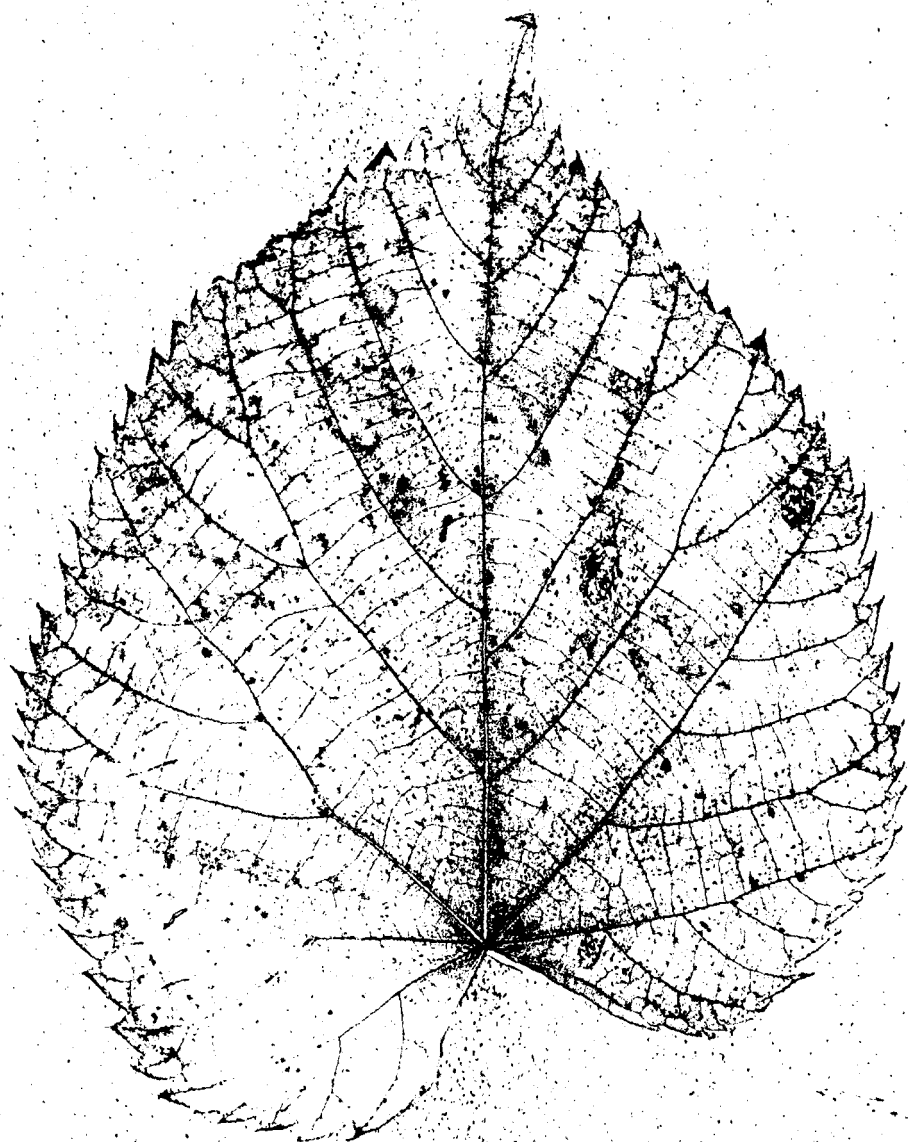
Betty T. Lund



**EXHIBIT # 5**

**DATE: 2/7/95**

**THE ORIGINAL OF THIS DOCUMENT IS  
STORED AT THE HIST. SOCIETY AT 22  
N. ROBERTS, HELENA MT 59620-1201  
PHONE NO: 444-2694**



**League of Women Voters  
of Montana**



EXHIBIT 6  
DATE 2/7/95  
HB 327

**WRITTEN TESTIMONY SUBMITTED BY THE LEAGUE OF WOMEN  
VOTERS OF MONTANA**

House State Administration Committee  
9 a.m., Tuesday, February 7, 1995  
House Bill 327 by George Heavy Runner

The League of Women Voters was a leading proponent of the National Voter Registration Act signed by President Clinton in 1993. Passage was the culmination of many years of intense citizen pressure on Congress to open up the voting booth to all eligible Americans.

However, more than a year later, millions of voters and would-be voters across the country are still locked out of the system. Montana is one of thirteen states, representing 33% of the electoral votes needed to elect the next President, that has failed to open the door to voter registration by not passing enabling legislation for NVRA.

With one-third of Americans-nearly 70 million citizens-not registered to vote, the NVRA was long overdue. It facilitates voter registration, especially for those with disabilities and those who have recently moved. The act also mandates a uniform set of voter registration standards for all federal elections. The NVRA declares that voting is a right of citizenship and requires government to facilitate voter registration for all citizens in a uniform and nondiscriminatory way. In a highly mobile society in which Americans move every two years on the average, eligible voters need consistent, accessible procedures for registering to vote.

The League of Women Voters of Montana supports H.B. 327. Since nearly nine in ten of those who are registered to vote turn out to vote consistently on election day, increasing the numbers of registered voters will increase the numbers of those who vote--and will increase the strength of our democracy. Thank you.

Joan Bishop  
Legislative Corps, LWVMT

# MontPIRG

## Montana Public Interest Research Group

360 Corbin Hall - Missoula, MT - (406) 243-2908

Testimony For House Bill 327, February 7, 1995

Chairman Simpkins and members of the House State Administration Committee:

For the record, my name is J.V. Bennett, for the Montana Public Interest Research Group, or MontPIRG.

MontPIRG is a non-profit, non-partisan research and advocacy organization working for good government, consumer rights and sound environmental protection. MontPIRG represents over 4000 members in Montana, with 2200 student members students, and is funded with membership donations.

MontPIRG rises in enthusiastic support of House Bill 327 as a way to increase citizen participation in government. Involving citizens in the political process has been one of MontPIRG's most important activities, registering thousands of voters since its inception.

Montana has a long standing tradition of encouraging the involvement of citizens in the political process, passing moter-voter registration legislation before it was passed on the national level. By passing House Bill 327 enacting the National Voter Registration Act, Montana would provide even greater opportunity for interested citizens to become registered voters.

Because of our interest in making the ballot box more assessable to citizens we urge you to pass House Bill 327.

FEB 03 '95 14:41 BEAVERHEAD SHERIFF  
1-406-843-3317 MADISON COUNTY

01-31-95 06:37PM FROM RAVALLI COUNTY

189 P01

331 P05 FEB 01 '95 09:59

EXHIBIT 8  
DATE 2/7/95  
HB 327 P02

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NYRA FOR BEAVERHEAD COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 428.00

EXTRA PERSONNEL \$ 5,803.00

COMPUTER UPDATES \$ 2,400.00

MISCELLANEOUS SUPPLIES \$ 2,260.00

TOTAL ESTIMATED COSTS \$ 10,891.00

SUBMITTED BY Lynnis D. Clinton, Deputy Election Administrator

TO: HOUSE STATE ADMINISTRATION COMMITTEE

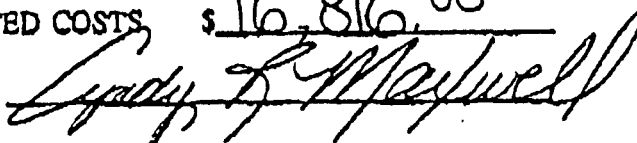
ESTIMATED COSTS FOR HB 327 NVRA FOR BIG HORN COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 720.00  
EXTRA PERSONNEL \$ 14,196.00  
COMPUTER UPDATES \$ 1,400.00  
MISCELLANEOUS SUPPLIES \$ 500.00

TOTAL ESTIMATED COSTS \$ 16,816.00

SUBMITTED BY



BIG HORN COUNTY CLERK &amp; RECORDER/ELECTION ADMINISTRATOR

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR BLAINE COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 489.60EXTRA PERSONNEL \$ 7,933.54COMPUTER UPDATES \$ 500.00MISCELLANEOUS SUPPLIES \$ 192.13

File cabinets 249.85 One time only

TOTAL ESTIMATED COSTS \$ 9,365.12SUBMITTED BY Sandi Boardman

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR CARBON COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 640.00

EXTRA PERSONNEL \$ 16,224.00

COMPUTER UPDATES \$ 1,000.00

MISCELLANEOUS SUPPLIES \$ 700.00

TOTAL ESTIMATED COSTS \$ 18,564.00

SUBMITTED BY Barbara M Thormahlen



02-01-95 04:24PM FROM CARTER COUNTY  
01-31-95 06:49PM FROM RAVALLI COUNTY

P01  
...

TO 449-2256

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR Carter COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE	\$ <u>50<sup>00</sup>/year</u>
EXTRA PERSONNEL	\$ <u>3500<sup>00</sup> including benefits</u>
COMPUTER UPDATES	\$ <u>1500<sup>00</sup></u> <i>We are not currently computerized</i>
MISCELLANEOUS SUPPLIES	\$ <u>250<sup>00</sup></u>

TOTAL ESTIMATED COSTS \$ 5300.00

SUBMITTED BY Pamela J. Castiberry  
Clerk & Recorder

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR FALLON COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 200.00

EXTRA PERSONNEL \$ 7,000.00

COMPUTER UPDATES \$           

MISCELLANEOUS SUPPLIES \$ 500.00

TOTAL ESTIMATED COSTS \$ 7700.00

SUBMITTED BY Mary Lee Dietz

Mary Lee Dietz, Fallon County Clerk & Recorder & Election Admin.

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR FLATHEAD COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 8,000

EXTRA PERSONNEL \$ 21,640

COMPUTER UPDATES \$ 35,000

MISCELLANEOUS SUPPLIES \$ 2,000

TOTAL ESTIMATED COSTS \$ 66,640

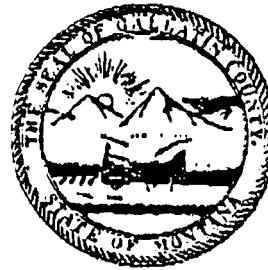
SUBMITTED BY Susan H. Haverfield

\$60,000 NEW PROGRAM

State of Montana

County of Gallatin

Bozeman



Date: February 2, 1995

To: House State Administration Committee

From: Gallatin County Election Administrator *JMC*

Re: Estimated Costs for implementing HB 327

The following are the estimated costs for Gallatin County to implement HB 327/ NVRA.

All expenses are for one year except computer updates which should be a one time cost.

Postage	\$	3,900.00
Extra Personnel	\$	18,900.00 (one full-time employee)
Computer Updates	\$	2,000.00 (changes to current program)
Miscellaneous Supplies	\$	2,000.00
Total estimated costs	\$	<hr/> 26,800.00

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NYRA FOR GLACIER COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 800.00 Estimated for 1 year

EXTRA PERSONNEL \$ 12844.00

COMPUTER UPDATES \$ 1000.00


MISCELLANEOUS SUPPLIES \$ 1472.00

TOTAL ESTIMATED COSTS \$ 16,116.00

SUBMITTED BY Clara Henderson Clerk & Recorder

COMMENT

Glacier Countys tax base is declining, we are having trouble meeting our budget demands. We are cutting back not increasing budgets. The taxpayers will be upset about this, they are being heard very loud in Glacier county. The cost of this implementation will be increase of one mill. 20,018 is what a mills value is now.

  
Clara Henderson  
Clerk and Recorder  
512 East Main  
Cut Bank, MT. 59427

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR HILL COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE	\$ <u>4,067.00</u>
EXTRA PERSONNEL	\$ <u>9,328.00</u>
COMPUTER UPDATES	\$ <u>1,500.00</u>
MISCELLANEOUS SUPPLIES	\$ <u>2,970.00</u>
TOTAL ESTIMATED COSTS	\$ <u>17,865.00</u>
SUBMITTED BY	<u>D. Mellem</u>

# County of Hill

OFFICE OF THE CLERK AND RECORDER  
HILL COUNTY COURTHOUSE  
HAVRE, MONTANA 59501

Clerk and Recorder Diane E. Mellem  
Deputy Carolyn Patrick  
Deputy E. A. Williams  
Deputy

3 February, 1995

House State Administration Committee  
Montana State House of Representatives  
Capitol Station  
Helena, Montana 59620-2801

Dear Members of the Committee:

Attached is a 'rough' estimate of the costs that would be associated with implementation and continuing yearly costs for the NVRA. HB 327 sets up the implementation of the NVRA for Montana and places the legislature in a position of refusing another Federal mandate, or, placing Montana in the path of litigation from or toward the Federal government. Your course is not easy. As an election administrator I personally believe the NVRA is a waste of public money, is inefficient in its conception and goals, and will not accomplish more voter participation. It will increase registration in numbers, but will not increase VOTING participation. The saddest commentary to all of this is that it will cost millions of dollars across this nation.

If, however, the Legislature determines to implement HB 327, then as an election administrator I must ask that you keep certain objectives in mind. First, that the Secretary of State only be given rule making authority through the Election Advisory Council already established. These rules must be designed and promulgated through the approval of the Election Advisory Council to allow for the most efficient means possible in implementation, and that efficiency exists in the knowledge of those who handle actual elections at the precinct and registration level. Second, that this legislation not be used as a guise to create or enlarge another branch of state bureaucracy. There is no doubt that HB 327 if passed will be expensive, but it will be far less expensive if handled with diligent and efficient rules through the local level where registration is maintained as part of our daily jobs. You may be told that centralizing voter registration would aid in administration of the NVRA and there is no doubt that the issue must be looked at in the future. However, the issue of centralization needs addressed slowly, diligently, and with the public interest and dollars utmost in mind. It is not something to be attached to or bartered with in HB 327. Please keep in mind that computerization

# County of Hill

OFFICE OF THE CLERK AND RECORDER  
HILL COUNTY COURTHOUSE  
HAVRE, MONTANA 59501

Clerk and Recorder

Deputy

Deputy

Deputy

2 of 2 pages

is a marvelous technological invention, but it is also a way of removing people further and further from government and any feeling that they are able to participate in government. I truly believe it is time to slow down on centralization issues and begin to work toward the maximum computer efficiency while still preserving people involvement efficiency.

Thank you for this opportunity to comment.

Sincerely,



Diane E. Mellem  
Hill County Clerk and Recorder



02-02-1995 09:24 2253275  
1-406-243-3517 MADISON COUNTY

JEFFERSON CO.

325 P03

P.01  
FEB 01 '95 10:09

01-31-95 06:37PM FROM RAVALLI COUNTY

P02

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR Jefferson COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 553/year

EXTRA PERSONNEL \$ 8450.<sup>00</sup>/year (1040 hrs X 6.25 + benefits)

COMPUTER UPDATES \$ 500.<sup>00</sup>

MISCELLANEOUS SUPPLIES \$ 500.<sup>00</sup>

TOTAL ESTIMATED COSTS \$ 10003.<sup>00</sup>

SUBMITTED BY Bonnie Ramsey

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR LEWIS AND CLARK COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 10,152.00  
EXTRA PERSONNEL \$ 22,218.00 (One staff person)  
COMPUTER UPDATES \$                       
MISCELLANEOUS SUPPLIES \$ 3,446.00  
  
TOTAL ESTIMATED COSTS \$ 35,816.00  
SUBMITTED BY Paul H. DeHart

There has been no estimate included  
for computer updates. Lewis & Clark County's  
Election software should be able to handle  
any changes that may result from the NVRA

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR Liberty COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 600<sup>00</sup>

EXTRA PERSONNEL \$ 0

COMPUTER UPDATES \$ unknown

MISCELLANEOUS SUPPLIES \$ 400<sup>00</sup>

TOTAL ESTIMATED COSTS \$ 1000<sup>00</sup>

SUBMITTED BY Maureen O'Leary, Election Administrator

We are a small county 1356 voters last general election. I don't see a real increase over \$1000<sup>00</sup> for us. We would not be allowed extra personnel, so would have to use what staff we have.

## LINCOLN COUNTY

TO: HOUSE STATE ADMINISTRATION COMMITTEE:

ESTIMATED COSTS TO IMPLEMENT HB327 FOR LINCOLN COUNTY

## YEARLY COSTS:

POSTAGE	:	\$ 1,400.00
EXTRA PERSONNEL	:	\$10,803.00
MISCELLANEOUS SUPPLIES	:	\$ 1,000.00
TOTAL YEARLY COSTS	:	\$13,203.00

## SET-UP COSTS: (CAPITAL COSTS)

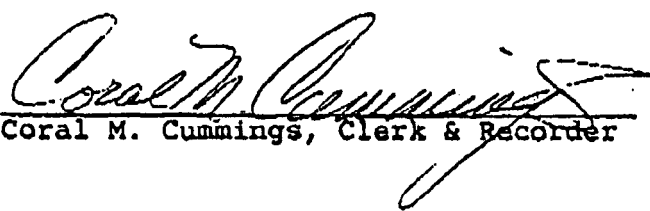
COMPUTER UPDATE	:	\$ 5,000.00
FILING CABINETS	:	\$ 1,600.00
TOTAL CAPITAL COSTS	:	\$ 6,600.00

\*\*\*\*\*

## JUSTIFICATION OF COSTS:

Postage	:	\$ 1,400.00
Extra Personnel:	\$7.99 per hr. 1/2 year plus 30% benefits and contributions	= \$10,803.00
Misc. supplies :	Envelopes	\$ 350.00
	Printing	\$ 150.00
	Forms	\$ 500.00
	Total Supplies	\$ 1,000.00
Total Yearly Estimated Costs:		\$13,203.00

Signed:

  
Coral M. Cummings, Clerk & Recorder

01-31-95 06:37PM FROM RAVALLI COUNTY

339 P02 FEB 01 '95 17:10  
P02

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR MADISON COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 1,231.00

EXTRA PERSONNEL \$ 3,480.00 Extra help for a 3 Mo. period during Election time @ \$7.17 per hr.

COMPUTER UPDATES \$ \_\_\_\_\_

MISCELLANEOUS SUPPLIES \$ 1,500.00

TOTAL ESTIMATED COSTS \$ 6,211.00

SUBMITTED BY \_\_\_\_\_

02/02/95 14:14 406 485 2889  
02/01/95 13:37 FAX 406 654 2429  
01-31-95 07:00PM FROM RAVALLI COUNTY

McCONE CO CTHSE  
PHILLIPS CO.COMM

002  
001  
P02

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR McCone COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE	\$ <u>250.<sup>00</sup></u>
EXTRA PERSONNEL	\$ <u>0.<sup>00</sup></u>
COMPUTER UPDATES	\$ <u>150.<sup>00</sup></u>
MISCELLANEOUS SUPPLIES	\$ <u>500.<sup>00</sup></u>

TOTAL ESTIMATED COSTS \$ 900.<sup>00</sup>

SUBMITTED BY Leanne Switzer  
McCone Co. EA.

MISSOULA  
COUNTY



OFFICE OF THE TREASURER  
200 W BROADWAY ST  
PO BOX 7249  
MISSOULA MT 59807-7249  
(406) 721-5700

TO: House State Administration Committee

Estimated costs for HB 327 N.V.R.A. for Missoula County

All Costs are one year except computer updates

- ◆ postage \$5,600 + per year
- ◆ extra personnel \$19,874 one additional f.t.e.
- ◆ computer unknown
- ◆ misc. supplies \*see below

\*Miscellaneous supplies--The whole purpose of this bill is to make registering to vote more accessible. Therefore, I believe the financial impact of this bill will be significant in preparing for an election. We will need to provide and prepare more ballots on election day. We will be mailing out more voter information pamphlets because we will have more registered voters. The November General Election cost Missoula County taxpayers \$72,000 with 57,000 registered voters and only 35,900 voter turnout.

I am personally not against this bill and I believe in the concept of this bill. However, I do know this will have a significant financial impact on my department's budget. I do not believe that the counties should be responsible for all of the additional costs this bill will impose.

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB327 FOR MUSSELSHELL COUNTY

All costs are for one year except computer updates.

POSTAGE	\$	200.00
EXTRA PERSONNEL	\$	5,000.00
COMPUTER UPDATES	\$	14,000.00 (New computer system)
MISCELLANEOUS SUPPLIES	\$	500.00
TOTAL ESTIMATED COSTS	\$	19,500.00

SUBMITTED BY JANE E. MANG

*Jane E Mang*



02/02 '95 12:29

ID:LANIERFAX3800

FAX:

PAGE

2

P.3

P02

2 01 2

FEB 21 '95 12:34PM MSLA COUNTY  
02-01-95 12:30PM FROM JAVALLI COUNTY

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR MINERAL COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 2,560.00

EXTRA PERSONNEL \$ 13,520.00

COMPUTER UPDATES \$ 500.00

MISCELLANEOUS SUPPLIES \$ 900.00

TOTAL ESTIMATED COSTS \$ 17,480.00

SUBMITTED BY Shirley Mancini Mineral County Clerk & Recorder/ Election Admn.

I believe this is an unfunded mandate.

01 '95 14:28 ROSEBUD COUNTY  
31-95 08:43PM FROM RAVALLI COUNTY

P.01  
P.2/801

HB 327

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR Powder River COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 50

EXTRA PERSONNEL \$ 1006 for 1/4 FTE + benefits

COMPUTER UPDATES \$ 1100 est for simple single user program

MISCELLANEOUS SUPPLIES \$ 100 Printed forms  
250 equip

TOTAL ESTIMATED COSTS \$ 2500

SUBMITTED BY Theresa A. Amende

FROM : POWELL COUNTY

TEL: 406 846 2742

FEB. 1. 1995 3:42 PM P 1

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR POWELL COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 250.00  
EXTRA PERSONNEL \$ 7436.00 (1/2 Time)  
COMPUTER UPDATES \$ 1000.00  
MISCELLANEOUS SUPPLIES \$ 400.00

TOTAL ESTIMATED COSTS \$ 9086.00

SUBMITTED BY

Karl M. Rydeen  
Clerk & Recorder, Elections Adm.

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR Prairie COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 40.00

EXTRA PERSONNEL \$ unknown at this time

COMPUTER UPDATES \$ 100.00

MISCELLANEOUS SUPPLIES \$ 100.00

TOTAL ESTIMATED COSTS \$ 240.00 Plus Potential Extra Personnel

SUBMITTED BY Lisa Kimmel, Clerk & Recorder

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR Ravalli COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 1600.00

EXTRA PERSONNEL \$ 12,844.00

COMPUTER UPDATES \$ 10,000.00 A15 400 Computer update

MISCELLANEOUS SUPPLIES \$ 5,100.00

TOTAL ESTIMATED COSTS \$ 29,444.00

SUBMITTED BY Betty T. Lund

February 6, 1995

Mr. Chairman and Members of the Committee,

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

I also rise in opposition to the unfunded mandate that requires that the State of Montana to implement the National Voter Registration Act.

You are aware that, thanks to our progressive Secretary of State Mike Cooney, we already have motor voter, the ability to register to vote while receiving your Montana driver's license, a requirement of NVRA. We also have the ability to register to vote by mail, another requirement of NVRA. We did have agency voter registration under the executive orders of Gov. Schwinden many years ago, the third requirement of NVRA. A procedure that had little measurable effect on the voter registration and turnout. We have also redesigned our voter registration card to meet the Federal standards of no notary or witness. So you can see, the State of Montana has complied with numerous procedures of the NVRA.

In my county 9 years ago I worked with our local post office and received copies of the changes of addresses for my electors, a like procedure is in the NVRA. I maintained a system of notifying each electors whose address was changed and asked them to sign transfer cards. After continuing this project for approximately two years, I found a less than one per cent difference in the cancellation factor after a federal presidential election. Lots of work, lots of expense and little satisfaction of making a difference.

I believe that rule making authority may not be necessary for the Secretary of State because the Federal Rules and Regulations are very complete. Each state has to have make decisions for several procedures that will be unique to the state though I believe the decisions can be made without rules. I have attached a copy of Federal rules for your information.

I know we will be hearing many threats from the Federal Government if we do not pass legislation to implement this federal legislation. However, I am positive our 150 duly elected legislators will be able to stand firm against this unfunded mandate.

Thank you again for your attention.

*Betty T. Lund*

Betty T. Lund

Ravalli County Clerk & Recorder

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR Rosebud COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 357.25

EXTRA PERSONNEL \$ 3000.00

COMPUTER UPDATES \$ 2,500.00

MISCELLANEOUS SUPPLIES \$ 100.00

TOTAL ESTIMATED COSTS \$ 5957.25

SUBMITTED BY Meraloni Custer

Co Clerk

Software Only,  
and I'd need additional  
hardware in a printer +  
PC or a lot of manipulation  
by our current software  
vendor!

02/06/95 15:16

003

02-01-95 13:33 FAX 406 654 2429

PHILLIPS CO.COMM

0004

01-31-95 57:00PM FROM RAVALLI COUNTY

P02

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR ROOSEVELT COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 800.00

EXTRA PERSONNEL \$ 16,600.00

COMPUTER UPDATES \$ 1,000.00

MISCELLANEOUS SUPPLIES \$ 1,000.00

TOTAL ESTIMATED COSTS \$ 20,000.00

SUBMITTED BY Cheryl A. Hansen  
Clerk & Recorder



FROM SANDERS COUNTY

02.02.1995 11:10

FEB 01 '95 12:38PM MSLA COUNTY  
02-01-95 12:38PM FROM KAVALEY COUNTY

P. 1  
P.3 PUG  
2 01 2

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR Sanders COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 500.00

EXTRA PERSONNEL \$ 10 000.00

COMPUTER UPDATES \$ 1 000.00

MISCELLANEOUS SUPPLIES \$ 500.00

Additional Voters on file  
Would increase election budget 2000.00 approx 10%  
TOTAL ESTIMATED COSTS \$ 14 000.00

SUBMITTED BY Tiebi Wolleston Clerk & Recorder / Election Administrator

# Sanders County

## State of Montana



February 1, 1995

TO: Montana State Legislatures

FR: Sanders County Clerk & Recorder, Tillie Wollaston

RE: National Voter Registration Act - HS 327

As the Clerk & Recorder for Sanders County, I also serve as the Election Administrator. I feel that this bill is an unfunded mandate that will not only place an increased financial burden to the taxpayer but increase our workload tremendously.

It has always been the right of United States Citizens to register and cast their vote for their choice of government representatives. Presently, through past legislation more avenues have been provided to make it easier to register with little or no effort on the registers part. Why then, must additional mandated laws be initiated that will force greater financial burdens on already strained County budgets and heavily taxed taxpayers due to the need for newer computer programs/equipment, office equipment, vault space and additional employees to handle the increased work load.

I would ask careful consideration in supporting NVRA HB 327 and the impact it will have on all of us.

Sincerely,

Tillie Wollaston  
Tillie Wollaston, Clerk & Recorder  
Sanders County Election Administrator

TW/pi

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR SILVER Bow COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 3,000.00  
EXTRA PERSONNEL \$ (OVERTIME FOR MYSELF & CHIEF DEPUTY)  
COMPUTER UPDATES \$ ?  
MISCELLANEOUS SUPPLIES \$ 1,500.00 - 2200.-  
TOTAL ESTIMATED COSTS \$ MINIMUM OF \$4,500.00  
SUBMITTED BY BARBARA SULLIVAN

Extra Work for Myself & Chief Deputy: since January 1, 1995:

- ° Coding Cards ( 20 minutes a week)  
(initial setting up 3 hours)
- ° Initializing tracking system-set up time- 2 hours
- ° Tracking duplicate registrations and point of registration  
2 hours per week

We have begun to supply voter registration cards to agencies such as SRS and political parties. This will prove to be quite costly since there is an average of 50 cards a month to SRS alone.

**COUNTY OF STILLWATER**  
**STATE OF MONTANA**  
*Clerk and Recorder Janet R. Parkins*

P.O. Box 149 • 400 3rd Avenue North  
Columbus, Montana 59019  
1 (406) 322-4546

TO HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR STILLWATER COUNTY.

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES.  
THESE ARE ESTIMATED.

NOTE: At this time extra personnel is not available as the counties are financially limited. Extra time will be held to the dollars within the Clerk and Recorders budget.

POSTAGE	\$ 75.00	
EXTRA PERSONNEL	6500.00	(just in case commission found a pot of gold.)
COMPUTER UPDATES	2500.00	
MISCELLANEOUS SUPPLIES	100.00	
TOTAL ESTIMATED COSTS	\$ 9175.00	

RESPECTIVELY SUBMITTED BY  
Stillwater Clerk and Recorder/ Election Administrator

*Janet*



**TOOLE COUNTY CLERK AND RECORDER**

TOOLE COUNTY COURTHOUSE SHELBY, MONTANA 59474

(406) 434-2232

TO Robert Throssell  
~~3~~

DATE 1-31-95

SUBJECT HB 327

406-449-2256

This is close estimate on implementing  
NVR Act for Toole County.  
Purged records since 1988 were 1130 voters.  
To maintain these records and send certified  
letters and keep ballots on hand, etc.  
would cost at least \$3400.00

Hope this is helpful.

SIGNED Melodee Robins

STILLWATER-COUNTY

TEL No.406-322-4698

Feb 6.95 18:16 No.009 P.04

COUNTY COMMISSIONERS  
M. F. "TUCK" WOELICH  
GEORGE CRAMER  
OLE REHLANN

OFFICE OF

# County Clerk & Recorder

OF TREASURE COUNTY

Telephone - 342-8547

~~SAVON REAR~~ = Kay Rexford  
County Clerk and Recorder/  
Clerk of District Court

P.O. Box 382  
MYSHAM, MONTANA 59028

TO: Janet R. Parkins  
Clerk and Recorder  
Stillwater County

FROM: Sharon DeCock  
Deputy Clerk and Recorder  
Treasure County

RE: HB 327, NVRA

## ESTIMATED COSTS FOR HB 327 NVRA FOR TREASURE COUNTY

POSTAGE: \$ 40.00

EXTRA PERSONNEL NOT AVAILABLE - Extra time taken from  
Clerk and Recorders budget (appro. 80 hrs. @ \$7.50/hr.) - \$600.00

PRINTED SUPPLIES: Est. \$35.00

TOTAL ESTIMATED COSTS - \$675.00 (our total election budget for a primary  
year is \$7,750)

SUBMITTED BY: Sharon DeCock, Deputy Clerk and Recorder

2/06 '95 09:13

ID:WIBAUX COUNTY

FAX:406-795-2625  
PHILLIPS CO.COMM

PAGE 1

01-31-95 07:00PM FROM RAVALLI COUNTY

0004  
P02

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NVRA FOR WIBAUX COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 72.00

EXTRA PERSONNEL \$ Probably just more work for we who are here

COMPUTER UPDATES \$ ?

\* COMPUTER SOFTWARE \$ \$4,265.00

MISCELLANEOUS SUPPLIES \$ ?

TOTAL ESTIMATED COSTS \$ 4,337.00

SUBMITTED BY Malinda Blou Clerk & Recorder/Election Admin.

\* We presently do not have a computer program for elections and would have to purchase one.

TO: HOUSE STATE ADMINISTRATION COMMITTEE

ESTIMATED COSTS FOR HB 327 NYRA FOR Yellowstone COUNTY

ALL COSTS ARE FOR ONE YEAR EXCEPT COMPUTER UPDATES

POSTAGE \$ 10,880.00EXTRA PERSONNEL \$ 18,000.00COMPUTER UPDATES \$ 1400.00MISCELLANEOUS SUPPLIES \$ 4,735.00 (includes a one time purchase of additional filing equipment)TOTAL ESTIMATED COSTS \$ 35,015.00SUBMITTED BY Duane Winslow



EXHIBIT 9 8  
DATE 2/7/95  
HB 327

February 6, 1995

Mr. Chairman and Members of the Committee,

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

I also rise in opposition to the unfunded mandate that requires that the State of Montana to implement the National Voter Registration Act.

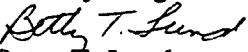
You are aware that, thanks to our progressive Secretary of State Mike Cooney, we already have motor voter, the ability to register to vote while receiving your Montana driver's license, a requirement of NVRA. We also have the ability to register to vote by mail, another requirement of NVRA. We did have agency voter registration under the executive orders of Gov. Schwinden many years ago, the third requirement of NVRA. A procedure that had little measurable effect on the voter registration and turnout. We have also redesigned our voter registration card to meet the Federal standards of no notary or witness. So you can see, the State of Montana has complied with numerous procedures of the NVRA.

In my county 9 years ago I worked with our local post office and received copies of the changes of addresses for my electors, a like procedure is in the NVRA. I maintained a system of notifying each electors whose address was changed and asked them to sign transfer cards. After continuing this project for approximately two years, I found a less than one per cent difference in the cancellation factor after a federal presidential election. Lots of work, lots of expense and little satisfaction of making a difference.

I believe that rule making authority may not be necessary for the Secretary of State because the Federal Rules and Regulations are very complete. Each state has to have make decisions for several procedures that will be unique to the state though I believe the decisions can be made without rules. I have attached a copy of Federal rules for your information.

I know we will be hearing many threats from the Federal Government if we do not pass legislation to implement this federal legislation. However, I am positive our 150 duly elected legislators will be able to stand firm against this unfunded mandate.

Thank you again for your attention.

  
Betty T. Lund

Ravalli County Clerk & Recorder

# Rules and Regulations

Federal Register

Vol. 59, No. 120

Thursday, June 23, 1994

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## FEDERAL ELECTION COMMISSION

### 11 CFR Part 8

[Notice 1994-8]

### National Voter Registration Act of 1993

AGENCY: Federal Election Commission.

ACTION: Final rules.

**SUMMARY:** The Federal Election Commission is promulgating regulations governing the national mail registration form and recordkeeping and reporting requirements under the National Voter Registration Act of 1993 ("NVRA" or "the Act").

**DATES:** These rules will take effect July 25, 1994.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219-3690 or 1-800-242-9530.

**SUPPLEMENTARY INFORMATION:** Under section 9 of the National Voter Registration Act of 1993, Public Law 103-31, 197 Stat. 77, 42 U.S.C. 1973gg-1 *et seq.*, the Federal Election Commission is required to develop a national mail voter registration form ("form") for elections to Federal office, and to submit to Congress no later than June 30 of each odd-numbered year (beginning June 30, 1995), a report that assesses the impact of the Act and recommends improvements in Federal and state procedures, forms, and other matters affected by the Act. 42 U.S.C. 1973gg-7(a). The Commission has no interpretive authority beyond these areas, and no enforcement powers under the NVRA.

On September 30, 1993, the Commission published an Advance Notice of Proposed Rulemaking ("ANPRM") to gain general guidance from the regulated community and other interested persons on how best to carry out these responsibilities. 58 FR 51132.

The Commission received 65 comments from 63 commenters in response to the ANPRM. In addition, the Commission's National Clearinghouse on Election Administration conducted surveys of state election officials to obtain information on state laws and procedures that impact on Commission responsibilities under the NVRA.

The Commission published a Notice of Proposed Rulemaking ("NPRM") on March 10, 1994 to seek comments from the regulated community and other interested parties on the specific items of information that it proposed to include on the mail registration form, and on the specific items of information that it proposed be required from the states to carry out the Act's reporting requirements. 59 FR 11211. 108 comments were received in response to this notice.

Several of the comments addressed issues outside the Commission's rulemaking authority. The Commission's rulemaking authority does not, for example, extend to superseding regulations of the U.S. Postal Service, to revising specific state voter eligibility requirements, or to interpreting how decisions on the national form affect state voter registration forms.

In addition to the comments received, the Commission conducted several surveys of state election officials to ascertain whether or not they plan to develop and use their own state mail and agency registration forms (or use the national form), and to clarify certain state voter registration requirements and procedures. These surveys are also part of the rulemaking record on which the final rules are based.

The Commission notes that this rulemaking does not apply to states where, on and after March 11, 1993, there was no voter registration requirement for any voter in the state with respect to an election for Federal office, or all voters in the state may register to vote at the polling place at the time of voting in the general election for Federal office, because such states are exempt from complying with provisions of the National Voter Registration Act under 42 U.S.C. 1973gg-2(b).

### Statement of Basis and Purpose

The Commission is charged with developing a single national form, to be accepted by all covered jurisdictions,

that complies with the NVRA, and that: Contains all elements necessary for jurisdictions to determine voter qualification and to administer voter registration and other parts of the election process (42 U.S.C. 1973gg-7(b)(1)); specifies each eligibility requirement (including citizenship) (42 U.S.C. 1973gg-7(b)(2)(A)); contains an attestation that the applicant meets each such requirement (42 U.S.C. 1973gg-7(b)(2)(B)); and requires the signature of the applicant, under penalty of perjury (42 U.S.C. 1973gg-7(b)(2)(C)).

In addition, 42 U.S.C. 1973gg-7(a)(3) requires the Commission to submit to the Congress not later than June 30 of each odd-numbered year a report assessing the impact of the NVRA on the administration of elections for Federal office during the preceding 2-year period. The report shall also include recommendations for improvements in Federal and state forms, procedures, and other matters affected by the Act.

### General Provisions

Section 8.1 of the final rules summarizes the purpose and scope of this new part of the Code of Federal Regulations.

Section 8.2 defines various terms used in this part. Paragraph (a) defines "form" as the national mail voter registration application form, which includes the registration application, accompanying general instructions for completing the application, and state-specific instructions.

Comments received in response to the NPRM suggested a number of minor revisions to this definition. Some of the comments were directed at ensuring the application could be separate from the instructions and that the application could be reproduced. The issues of separate applications and the reproduction of applications are addressed below in Section E "Production of Forms", rather than in the definition.

Paragraph (b) defines "Chief State Election Official" as the designated state officer or employee responsible for the coordination of state responsibilities under 42 U.S.C. 1973gg-8. This is the same definition proposed in the NPRM and no comments were received.

Paragraph (c) defines "Active voters" to mean all registered voters except those who have been sent but have not responded to a confirmation mailing sent in accordance with 42 U.S.C.

*D. Address Where You Get Your Mail (If Different from the Address Where You Live)*

The NPRM proposed that the applicant's mailing address be included if it is different from the physical address. No objections were received to this proposal. This information would be provided by applicants with post office boxes, rural or star routes without box numbers, and mailing addresses for non-traditional residences. Paragraph 8.4(a)(3), however, has been modified to reference rural and star routes without box numbers because those with box numbers are now considered acceptable for residential address.

*E. Former Address, If Applicable*

The NVRA requires at 42 U.S.C. 1973gg-4(a) that the national form be usable as a change of address form as well as an original registration application. In addition, the states have indicated that the applicant's former address is necessary on new registrations to facilitate canceling prior registrations. The NPRM proposed that the form include instructions explaining that if the application is used for a new registration or change of address, then the applicant should provide in the detachable portion of the application the former address at which he or she was registered. There were no objections to this proposal; accordingly, this provision is retained in paragraph 8.4(c) of the final rules.

*F. Date of Birth*

Since there were no objections to requiring the date of the applicant's birth as proposed in the NPRM, paragraph 8.4(a)(4) of the final rules continues to require the applicant's date of birth on the form in the standard month-day-year sequence.

*G. Telephone Number (Optional)*

Although not absolutely necessary, the applicant's telephone number is thought to be necessary or desirable by most of the election officials responding to a state survey, primarily as a means to enable registrars to clarify or complete required items of information by telephone rather than rejecting questionable applications outright. The NPRM proposed that the form request the applicant's telephone number as an optional item, so as to avoid undue intrusion into the applicant's privacy.

There were a few objections to this proposal. One commenter wanted the phone number to be mandatory and another wanted the Commission to exclude this element. A third commenter wanted the form to designate "daytime" or "evening"

phone number. For the reasons listed above, paragraph 8.4(a)(5) of the final rules continues to request the telephone number as an optional item, permitting the applicant to decide which number is appropriate.

*H. Voter Identification Number (for States That Require or Request It)*

States currently use voter identification numbers in the administration of voter registration to assist in identifying name changes for individuals already registered; to differentiate between individuals of the same or similar name and the same birth date to prevent duplicate registrations; to identify registrants who have moved within a jurisdiction and facilitate the transfer of change of address information from motor vehicle and agency registration sites; and to combat voter fraud through removal of registrants who are no longer eligible to vote in a particular jurisdiction. The identification number is also the primary key for many computer operations related to the administration of elections (such as voter registration and review of ballot access petitions), without which staff would have to enter significantly more information or run through several iterations of an operation to find the record of a particular individual, slowing the process and increasing the possibility of duplicate registrations.

The issue of requesting or requiring an identification number from voter registration applicants raises difficult questions. The ANPRM sought comment on the alternative of requiring only the last four digits of the applicant's social security number as a means of meeting privacy concerns while still allowing the use of these numbers for identification purposes. State and local election officials, however, made compelling arguments in support of the need for full voter identification numbers. They argued that the last four digits were insufficient to differentiate between individuals, particularly in large areas with highly mobile populations where the incidence of individuals having the same or very similar last four digits increases. Several also contended that the last four digits do not provide a sufficient identifier for use with a number of established automated voter registries, driver's license records, and other agency records.

The Commission was also concerned that requiring only the last four digits would arbitrarily impose on the states an identification system that might conflict with current state needs and practices, and ultimately conflict with

future individual identification systems currently under discussion or development in the public and private sectors. The NPRM proposed that the application provide a field for whatever identification number might be required or requested from the applicant's state of residence. The general instructions would direct the applicant to the instructions for that state, where the request or requirement would be identified.

A number of commenters, primarily election officials, supported this proposal. These commenters repeated arguments originally made in response to the ANPRM on the need for the full social security or other identification number in the administration of voter registration and other parts of the election process.

Commenters who opposed it felt that the requirement should either be eliminated or simplified by requiring only the last four digits of the social security number. Some commenters protested that the proposed procedure would be onerous because it would require the applicant to look up the appropriate state requirements and provide a number that might not be easily remembered. Some argued that the number cannot be deemed necessary because only a minority of states currently require it. Others were concerned about confidentiality issues associated with providing a social security number for records that may be accessible to the public. One commenter expressed concern that the Commission's proposal would encourage states that do not now request a voter identification number to begin doing so.

While only 13 states may and do require the applicant to provide their full social security number under provisions of the Federal Privacy Act of 1974 (5 U.S.C. 552a note), 21 others (including some states that do not now request such information) stated in response to a Commission survey that they consider the social security number or other number such as the driver's license number either necessary or desirable for the administration of voter registration. Some states prohibited by the Privacy Act from requiring the social security number find that by requesting it, the majority of registrants will provide the number, thereby facilitating the maintenance of accurate voter registration records.

Seventeen states currently do not request or require such an identification number, but most of these have relied upon place of birth information to assist them in distinguishing between individuals with similar names and the

provided for the date of signature in the standard month-day-year format, one election official suggested that states be permitted to accept applications even when this information has not been provided. The Commission considers this a matter for states to decide; therefore, paragraph 8.4(b)(3) retains this provision.

*L. If You Are Unable to Sign Your Name, The Name, Address, and (Optional) Telephone Number of the Person Who Assisted You In Completing This Form*

A few commenters expressed concern about the proposal to require the name, address, and telephone number of the person assisting an applicant who is unable to sign his or her name. They noted that such a requirement might have a dampening effect on participants in organized voter registration drives, especially in poor rural areas; and that such a requirement might constitute the kind of "formal authentication" prohibited by the Act.

However, in cases where the applicant is unable to sign the application, and only in such cases, it may be legally or administratively necessary to require the name, address, and (optional) telephone number of the person assisting the applicant as a reasonable means of deterring or detecting fraudulent voter registration applications. Such an important purpose outweighs whatever dampening effect the requirement might have on those providing assistance. Moreover, some states have indicated that they will not process an application without the applicant's signature unless information on the person assisting the applicant has been provided. Paragraph 8.4(b)(5), therefore, retains this requirement.

Such a requirement does not constitute the kind of "formal authentication" prohibited by the Act. The Act's use of "formal authentication" in conjunction with its use of "notarization" refers to an official act by a public officer. The mere identification of the person who provided assistance to an applicant unable to sign the application does not, then, qualify as "formal authentication."

One commenter suggested that the regulations prohibit this item from being used as a means of formal authentication. Since the NVRA already prohibits mail registration forms from including any requirement for notarization or other formal authentication, at 42 U.S.C. 1973gg-7(b)(3), the regulations need not restate this prohibition.

*M. Race/Ethnicity*

Both the ANPRM and the NPRM sought comments on whether "race/ethnicity" should be included on the national mail registration form. Those who responded to this issue presented a wide range of well-reasoned arguments.

Arguments raised in support of requiring "race/ethnicity" included: it is necessary to monitor the effectiveness of registration efforts under the Act; it is necessary to comply with the intent of the NVRA to eliminate barriers to equal voter registration; it is essential for full enforcement of the NVRA's anti-discrimination provisions concerning confirmation mailings; it would provide a statistical basis for administering and enforcing the Voting Rights Act; it is necessary under the U.S. Constitution to determine whether a jurisdiction unconstitutionally discriminates on the basis of race; and it would serve as a guide to determine minority representation of pollworkers.

Arguments presented against asking "race/ethnicity" included: it is not necessary to determine eligibility to vote; it is not essential for voter registration purposes; it is not necessary to comply with the intent of the NVRA; it is not required by the Voting Rights Act; it could have a chilling effect on voter registration, because applicants may view such a request as personally offensive, an invasion of privacy, or intimidating; it would require an unwieldy and/or emotionally charged classification scheme of possible races or ethnic groups; it could lead to an application's being rejected because the applicant failed to indicate his or her race or ethnicity; and it could result in some applications being more closely scrutinized than others on the basis of the applicant's race or ethnicity.

The Commission considered several options on how best to deal with this issue. These included requiring "race/ethnicity" from every applicant using the national voter registration form in every state; requiring "race/ethnicity" as an optional item in every state; requiring "race/ethnicity" only in those states that currently require it under state law; providing a box for "race/ethnicity" on the application, with instructions to applicants to complete the space in accordance with the state-specific requirements listed for their states; and not requesting or requiring "race/ethnicity" on the application.

Requiring "race/ethnicity" on every form from every applicant using the national voter registration form in every state would facilitate the enforcement and administration of those sections of

the Voting Rights Act that involve determinations of racial impact, along with any monitoring of the racial impact of the NVRA itself. It would also satisfy all of the other arguments in favor of asking "race/ethnicity," and is simple and straightforward for the applicant.

However, adopting this option would raise the difficult question of whether the Commission can impose requirements beyond what many states require under state law. It also fails to accommodate any of the concerns expressed by those opposed to including this item, especially the concern that applications might be rejected simply because applicants failed to respond to the question.

The Commission notes that any approach that does not require "race/ethnicity" nationwide would not be helpful in administering Section 2 of the Voting Rights Act (42 U.S.C. 1973), or in monitoring the racial impact of the NVRA, in states that do not require this information. However, the data generated through the NVRA form in states that do not otherwise seek this information would likely be of limited use either under Section 2 of the VRA, or in monitoring the racial impact of the NVRA.

If "race/ethnicity" were to be requested as an optional item nationwide, states that do not currently require this information would be unlikely to reject applications from those who failed to respond to the question. This approach would also satisfy a number of other concerns from those opposed to including the question. For example, those opposed to providing this information on personal privacy grounds would not be required to do so. Finally, it is simple and straightforward for the applicant.

Its principal disadvantage is that, to the degree that applicants fail to respond, there would be gaps in the data bases of states that currently require this information and use it to help maintain racial statistics to help in administering Section 5 of the VRA (42 U.S.C. 1973c).

Requiring "race/ethnicity" only in those seven states that currently require it under state law would neither enhance nor hinder current data collection efforts pursuant to Section 5 of the VRA. This would be consistent with current state practices to require "race/ethnicity" in states that currently do so but would not impose this requirement on applicants in states that do not. However, this approach would not serve the needs of the two states that currently request but do not require this information.

Omitting "race/ethnicity" entirely would simplify the application form,

are automatically restored either upon completion of the sentence or upon completion of the period of incarceration. Moreover, the overwhelming majority of states do not request or require the date of the restoration of their voting rights from applicants who have been convicted of a disenfranchising crime.

It appears, then, that the date of restoration of voting rights is not itself essential to determining the eligibility of applicants, provided that applicants affirm in writing and under penalty of perjury that they have not been convicted of a disenfranchising crime, or, if so, that their voting rights have been restored.

For these reasons, paragraph 8:4(b)(1) parallels the NPRM by incorporating matters of criminal conviction and mental incapacity by reference to the individual state voter eligibility requirements.

#### *H. Height, Weight, Hair and Eye Color, or Other Physical Characteristics*

Although one response to the NPRM indicated that height was a useful element in identifying voters at the polls, all other commenters on this issue agreed with the NPRM that physical characteristics are essential neither for determining voter eligibility nor for the administration of the election process. The final rules do not include a field on the application for information pertaining to an individual's height, weight, hair and eye color, or any other physical characteristic.

#### *I. Marital Status*

All commenters agreed with the NPRM that marital status is essential neither for determining voter eligibility nor for the administration of the election process. The Commission is not including marital status on the application.

#### *J. Other Names*

A number of commenters agreed with the NPRM that other names, including maiden name, spouse's name, mother's maiden name and others, are neither essential for determining voter eligibility nor for the administration of the election process. One commenter urged that maiden name be required because it is used as the chief identifier to update and cancel voter registrations. Another argued that maiden name was necessary to avoid a dual registration system in his state because it was required by the State Constitution. However, the national application will serve as a notice of name change; and most states indicated in response to a Commission survey that other names are

not necessary. The Commission is not including information regarding other names on the application.

#### *K. Miscellaneous Items*

A number of comments received in response to the NPRM supported the exclusion from the national form of such items as language preference, the need for assistance by persons with disabilities, and the willingness to serve as a poll worker. One commenter, however, supported a checkbox for language preference and another suggested adding a checkbox to be used for requesting an absentee ballot.

The Commission recognizes the concerns of language minority groups, as well as the language minority requirements of the Voting Rights Act specified in 42 U.S.C. 1973aa-1a and 1973(f)(4). Indeed, the Commission is hoping to develop separate versions of the national mail voter registration form by translating the form into each of the written languages covered by the Voting Rights Act, and to do so to the extent technically possible in a side by side format with the English version. Furthermore, the Commission realizes that local election officials face a challenge due to the dwindling pool of potential poll workers, and that a number of individuals who register by mail may also apply to vote by absentee ballot.

Nevertheless, alternative means exist for eliciting these miscellaneous items other than including such questions on the application. Also, states have the option of implementing a provision of the NVRA permitting them to require persons who register by mail to vote in person the first time after registration, unless the registrant's right to vote absentee is protected under federal law. The final rules, therefore, do not require or request any such miscellaneous information.

### **III. Format**

#### *A. Layout*

The ANPRM sought comments on whether the design of the form should be a single sheet, an application with a separate set of instructions, or a tear out application within a booklet of instructions. Sections 8.3 and 8.5 of the NPRM proposed the third approach because it appeared to be the best way to develop a universal form that would accommodate the information requirements under the NVRA and different state requirements. Under this approach, the Commission considered the "form" to include both the application portion and the accompanying booklet of instructions.

The NPRM proposed that the booklet would contain one or more tear out forms, instructions on how to complete the form, and a list of each covered state's eligibility and information requirements. Under this approach, the information contained in the booklet would be critical to the application, and the application could not be used without the accompanying instructions. All of the information relating to a particular state would be consolidated in one place. If the applicant had any questions concerning his or her state's requirements, the applicant would be able to read the relevant information under his or her specific state. Upon completing it, the applicant would forward the form to the appropriate state-level election official, as listed in the booklet.

Although a number of commenters supported this approach as the most practical way of developing a universal form meeting all the requirements of the NVRA, there were also a substantial number who opposed it. Opponents argued that the booklet was likely to be complex; intimidating, confusing, and time-consuming to use; and costly to produce. A number of commenters urged that states, agencies, and voter registration drives be permitted to distribute the national application with only the pertinent state's instructions, instead of a booklet with all state requirements. However, one commenter was concerned that applications might become separated from the booklet and suggested the application include a note warning the applicant not to complete the application if it had been detached from the booklet.

In considering whether or not the application should be made available separate from the general instructions and specific state instructions, the Commission worked to ensure that: (1) the form meet all the requirements of the NVRA and be "user friendly"; (2) the appropriate general instructions and state-specific information always be provided with the application; (3) the form be usable anywhere in the nation, enabling persons temporarily away from home (such as students and travelers) to apply to register to vote from a state other than the one in which they legally reside for voting purposes; and (4) the cost of producing the form be kept to a minimum.

Relating to item 2 above, permitting applications to be distributed without attached general instructions and state voter registration requirements could result in applicants not receiving the information needed to correctly complete the application and attest to their eligibility. Also, if the distribution

line for the applicant's signature or mark. Commenters supported these provisions, but one suggested that the application also be printed with drop-out ink in areas where the applicant prints his or her information and include tick marks to show the applicant where to print characters representing the information they are required to provide. The Commission will explore to what extent these suggestions can be incorporated in the specifications for producing the form, but has not addressed these matters in the final rules at paragraphs 8.5 (d) and (e).

A number of commenters on the ANPRM expressed their need to add information to the application such as precinct and legislative districts. Accordingly, the NPRM proposed to include, where practicable, blank areas on both sides of the form labeled "For Official Use Only". No objections were received to this proposal and paragraph 8.5(c)(3) parallels the language in the NPRM.

Some comments received in response to the NPRM indicated a need for margins from 1/2" to 1" around the periphery of the application where holes can be punched permitting placement of the card in a binder. The Commission will explore to what extent this is possible given the primary goal of producing a readable form in the largest practicable type size.

#### C. Type Size

To accommodate applicants with vision impairments, the NPRM proposed that the form employ the largest practicable *sans serif* type size. The Commission has now decided, however, that limiting the type face to *sans serif* would be unduly restrictive. Paragraph 8.5(f), therefore, does not reference a specific type face.

#### D. Bilingual Requirements

Jurisdictions covered by the NVRA must provide forms which meet the requirements of the Voting Rights Act of 1965 to eliminate language barriers. 42 U.S.C. 1973aa-1(a). To accommodate the needs of language minority groups and the language minority requirements of the Voting Rights Act, the Commission noted in the NPRM that it hopes to develop separate versions of the form in each of the written languages covered by that Act, to the extent technically possible, in a side by side format with the English version.

One commenter suggested amending the regulations to state this requirement. Another suggested that the form, including confirmation mailings, be provided in languages not covered by

the Voting Rights Act. Federal regulations relating to the requirements to provide election materials in a language other than English are the responsibility of the U.S. Department of Justice and, therefore, the Commission has not addressed this topic in these regulations. However, the Commission intends to explore the possibility of developing the national form in the written languages determined necessary by the U.S. Department of Justice as a means of assisting covered states and local jurisdictions in their implementation of the NVRA and the Voting Rights Act. Where more than one written dialect exists for the language, the Commission will seek the advice of the Department of Justice, organizations representing the various language minority groups, and affected election officials before determining which one(s) will be used for the translation.

#### E. Meeting the Needs of the Disabled

A few commenters objected to the proposed form because they believed it would present particular barriers to Americans with disabilities. The Commission is aware of the needs of persons with disabilities and the requirements of both the Voting Accessibility for the Elderly and Handicapped Act of 1984 and the Americans with Disabilities Act ("ADA"). 42 U.S.C. 1973ee, 42 U.S.C. 12101 *et seq.* The ADA requires that states provide disabled persons with "auxiliary aids and services" where necessary to participate in a program or benefit. Determinations of what must be done to comply with both the NVRA and the ADA must be made by each state in consultation with its state Attorney General.

One commenter pointed out that section 504 of the Rehabilitation Act of 1973 prohibits excluding a person, by reason of handicap, from participation in any program or activity conducted by a federal agency. 29 U.S.C. 794. The Commission proposes below to develop the national voter registration form in the largest practicable type size and to explore the feasibility of reproducing the national form's instructions on audiotape in order to accommodate applicants with vision impairments. Furthermore, the NVRA requires distribution of the form at agencies that are primarily engaged in providing services to persons with disabilities. Therefore, many disabled applicants will have the assistance of agency personnel when completing the form, if assistance is needed.

#### F. Production of Forms

As noted in the NPRM, the Commission is considering methods of keeping printing and production costs to a minimum while maintaining printing quality control. To achieve these objectives, the Commission will have a modest number of each version (English only and those in a language other than English) of the form (the booklet of consolidated instructions and attached applications) as well as the separate application printed at the Government Printing Office ("GPO"). This will make these items government documents, available for sale through GPO, and will offer the states and other interested groups an opportunity to "ride" the print order for the quantities they feel necessary (and to reorder as needed). Given GPO economies of scale, such an approach should substantially reduce costs and provide an avenue for obtaining large quantities of the form and separate application.

One commenter wanted the Commission to pay for the forms and provide a sufficient number to the states. Another commenter proposed that the forms be made available to 501(c)(3) organizations free of charge. Although the Commission plans to pay for the initial production of the form and the separate application, the Commission does not have the funds to produce enough to meet the states' needs. Each state will have to decide whether or not the forms will be made available to various organizations free of charge.

Several commenters recommended that the regulations be revised to permit the independent reproduction of the application and relevant parts of the instructions. The Commission does not foresee any problem with reprinting or photocopying the general instructions and relevant state information, or their independent reproduction in a format more accessible to the visually impaired (such as in Braille or audiotape).

The reproduction of the application, however, is more problematic. First, some methods of reproduction will not yield a product that meets U.S. Post Office specifications. Although a photocopied application which is too flimsy to go through the mail on its own could be mailed in an envelope or delivered by hand to the appropriate election official, this would require more effort from the applicant than an application that meets these specifications. Second, some methods of reproduction will not result in an application that meets the handling and optical scanning requirements of election offices. Still, the Commission is



While no commenters specifically objected to this reporting requirement, one commenter suggested that the Commission also require the reporting of the number of registration applications rejected, as well as the reason for their rejection, in order to monitor the effectiveness of NVRA compliance to the Voting Rights Act. The final rules do not require this additional information as the burden it would place on the states and other reporting entities would far outweigh its potential usefulness.

*D. If the State Distinguishes Between "Active" and "Inactive" Voters, the Total Number of Registrants Statewide That Were Designated "Inactive" at the Close Of the Most Recent Federal General Election*

The language in paragraph 8.7(b)(4) describing this reporting item has been altered from that in the NPRM to reflect the concern shared by several commenters that, since individuals would be added and deleted from the voter roles at various times during the election cycle in each state, no meaningful correlation could be made from the information as proposed. The Commission feels a better basis of comparison will result by uniformly requiring the collection of this information "at the close of the most recent federal general election."

In order to maintain consistency in the numbers of registrants reported, paragraph 8.7(b)(4) requires from those states that adopt the practice of distinguishing between "active" and "inactive" voters, the number of registrants designated as "inactive" at the close of the most recent federal general election and who remained "inactive" after the most recent federal general election (thus ruling out registrants that were designated "inactive" but were restored to "active" status by reason of returning a confirmation notice or voting).

*E. The Total Number of Registrations Statewide That Were Deleted From the Registration List Between the Past Two Federal General Elections*

Paragraph 8.7(b)(5) requires each state to report the total number of registrations (both "active" and "inactive" if the state makes such a distinction) that were, for whatever reason, deleted from the registration list between the past two federal general elections. Although one commenter opposed this provision, this information is necessary to provide a more complete view of changes in total registration figures than would be available from

information relating solely to additions to the voter registration list.

*F. The Statewide Number of Registration Applications That Were Received From or Generated By Each of the Following Categories of Sources: (1) All Motor Vehicles Offices; (2) Mail; (3) All Public Assistance Agencies That Are Mandated As Registration Sites Under the NVRA; (4) All State-Funded Agencies Primarily Serving Persons With Disabilities; (5) All Armed Forces Recruitment Offices; (6) All Other Agencies Designated by the State; and (7) All Other Means (Including In-Person, Deputy Registrars, Organized Voter Registration Drives Delivering Forms Directly to Registrars, etc.)*

The wording of paragraph 8.7(b)(6) of the final rules has been revised from that proposed in NPRM to more clearly define the information sought by the Commission. Several commenters were uncertain if the Commission would be asking for the total number of registration applications (regardless of whether they are valid, rejected, duplicative, or other information changes) from the various categories of locations as distinct from individual agency offices throughout the state.

A principal objective of the NVRA is to expand the number and range of locations where eligible citizens may obtain and complete a voter registration application. The final rules, therefore, require information regarding the number of registration applications received from or generated by the sources identified above to provide an indication of the level of voter registration activity from each.

There was no significant opposition to this reporting requirement. A few commenters suggested that the Commission go beyond the proposed requirements to include such things as the total number of registrations received from each individual office of each entity providing registration services, and the total volume of people served by each agency to compare the rate of individuals registered to the total number of people seeking service or assistance from each entity. While this additional information might provide useful statistics for the evaluation and comparison of particular agency sites, the final rules do not seek this information in view of the negative impact more complicated recordkeeping and reporting requirements would impose on the staff of both election offices and agencies or other entities providing voter registration services who are often already burdened with overwhelming caseloads.

The Commission notes, however, that the collection and retention of this information may be deemed necessary by the Department of Justice in those states that require disclosure of race on the voter registration application in order to assist the Department in enforcing the various provisions of the Voting Rights Act.

*G. The Total Number of "Duplicate" Registration Applications Statewide That, Between the Past Two Federal General Elections, Were Received in the Appropriate Election Office and Generated by Each of the Following Categories: (1) All Motor Vehicle Offices; (2) Mail; (3) All Public Assistance Agencies That Are Mandated As Registration Sites Under the NVRA; (4) All State-Funded Agencies Primarily Serving Persons With Disabilities; (5) All Armed Forces Recruitment Offices; (6) All Other Agencies Designated by the State; and (7) All Other Means (Including In-Person, Deputy Registrars, Organized Voter Registration Drives Delivering Forms Directly to Registrars, etc.)*

The Commission received comments both favoring and opposing this reporting requirement. The nature of the objections varied from concerns regarding the cost and logistical problems of collecting such information, to statements that the state's current data system could not collect this information, to concerns that determining duplicate applications in agencies would result in the applicant's confidentiality being compromised.

The Commission believes that it is important to gauge the level of overlapping voter registration activity from all categories of registration sources. Collecting such information will lead to better registration site selection and can indicate the need for improved voter information regarding the absence of the need to re-register if one is already registered and has not changed address.

Although the collection of this information might present difficulties for some jurisdictions, it is needed to meet the Commission's legal responsibility to accurately report to the U.S. Congress on the impact of the NVRA on the administration of elections. Moreover, mechanisms exist (such as coding techniques using an alpha-numeric identifier) which would allow for the accurate reporting of this information while maintaining the confidentiality of the applicant in those instances in which confidentiality is a primary concern. Accordingly, paragraph 8.7(b)(7) requires the number of duplicate registration applications

the efficiency of the Act. These provisions permit certain classes of registrants to vote that were formerly unable to do so because of bureaucratic or legal technicalities.

The NVRA specifically affords states considerable latitude in how to administer the "fail-safe" voting process. The procedures adopted in some states, therefore, will generate statistics on the number of "fail-safe" voters more readily than will the procedures adopted in others. Moreover, in some instances it may be difficult to distinguish between voters utilizing the "fail-safe" procedures developed in accordance with the Act and those utilizing existing state provisions for casting a provisional ballot.

For these reasons, the Commission is not seeking this information.

**C. The Number of Persons Newly Registered Between the Past Two Federal General Elections Who Voted in the Past Federal General Election**

No comments were received regarding this item. Because whether or not registered persons subsequently vote is a matter driven by a multitude of variables outside the Act, and also because election officials do not routinely undertake the burdensome task of gathering information on the subsequent voting of a specific group of registrants, the Commission is not requiring this information.

**D. The Postal Costs Incurred Statewide Between the Past Two Federal General Elections for All Mailings Required Under the NVRA**

Comments on the proposal to report the postal costs incurred statewide for all mailings required under the NVRA were generally negative. Most commenters questioned the necessity of collecting this information, and felt that the administrative costs of gathering the information would impose a considerable additional financial burden on localities. Other commenters stated that for many smaller jurisdictions, the data gathered would be incomplete and unreliable.

Of those commenters in favor of including postal costs, a few went beyond the scope of the proposed rules and stated that they would like to see not only postal costs reported, but also all other costs associated with the implementation of the NVRA.

These comments have persuaded the Commission to delete this requirement from the final rules. This would not preclude states from voluntarily providing this information in their biennial report to the Commission.

**E. Other Implementation or Operating Costs of the NVRA**

As was the case with the ANPRM, a number of commenters to the NPRM wanted to report other implementation and operating costs of the NVRA. For a number of very practical reasons, however, the Commission is not seeking such data.

First, states will approach the NVRA from many different starting points. The costs of newly implementing any of these programs will entail an upfront expenditure which could not be compared to any new costs incurred by states that already administer some or all of the required programs.

Second, states vary considerably in their degree of computerization in election offices as well as in motor vehicle and public assistance agencies. Computerization at both the state and local levels will result in apparent reduced operating costs in states that already employ such technology.

The Commission also recognizes that the different implementation strategies of the various states will likely show different kinds of costs and therefore comparisons and even total cost figures would be misleading.

Finally, it is the experience of this Commission in conducting previous research on election costs, that few election offices are able to isolate their election related costs from the costs of other non-election-related office activities. However, this would not preclude states from voluntarily reporting other costs (e.g., in the brief narrative description of the state's implementation of the NVRA section of the report).

**Regulatory Flexibility Act**

One commenter argued that the proposed rules would violate the Regulatory Flexibility Act under 5 U.S.C. 605(b) because of the impact on small entities. However, as the commenter notes, both the NVRA and the rules are directed to the covered states and not to local jurisdictions. Under the rules, the covered states will choose their own methods of implementing these requirements.

**List of Subjects in 11 CFR Part 8**

Elections, National Voter Registration Act. Reporting and recordkeeping requirements.

**Certification of No Effect Pursuant to 5 U.S.C. 605(b) [Regulatory Flexibility Act]**

The attached final rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for

this certification is that few, if any, small entities will be directly affected by these rules.

For the reasons set out in the preamble, new Part 8 is added to Chapter I of Title 11 of the *Code of Federal Regulations* as follows:

**PART 8—NATIONAL VOTER REGISTRATION ACT (42 U.S.C. 1973gg-1 et seq.)**

**Subpart A—General Provisions**

**Sec.**

**8.1 Purpose & scope.**

**8.2 Definitions.**

**Subpart B—National Mail Voter Registration Form**

**Sec.**

**8.3 General Information.**

**8.4 Contents.**

**8.5 Format.**

**8.6 Chief State Election Official.**

**Subpart C—Recordkeeping and Reporting**

**Sec.**

**8.7 Contents of reports from the states.**

Authority: 42 U.S.C. 1973gg-1 et seq.

**Subpart A—General Provisions**

**§ 8.1 Purpose & scope.**

The regulations in this part implement the responsibilities delegated to the Commission under Section 9 of the National Voter Registration Act of 1993, Public Law 103-31, 97 Stat. 77, 42 U.S.C. 1973gg-1 et seq. ("NVRA"). They describe the format and contents of the national mail voter registration form and the information that will be required from the states for inclusion in the Commission's biennial report to Congress.

**§ 8.2 Definitions.**

As used in this part:

(a) *Form* means the national mail voter registration application form, which includes the registration application, accompanying general instructions for completing the application, and state-specific instructions.

(b) *Chief state election official* means the designated state officer or employee responsible for the coordination of state responsibilities under 42 U.S.C. 1973gg-8.

(c) *Active voters* means all registered voters except those who have been sent but have not responded to a confirmation mailing sent in accordance with 42 U.S.C. 1973gg-6(d) and have not since offered to vote.

(d) *Inactive voters* means registrants who have been sent but have not responded to a confirmation mailing sent in accordance with 42 U.S.C.

15  
7-3-94  
Book



(1) All voter registration eligibility requirements of that state and their corresponding state constitution or statutory citations, including but not limited to the specific state requirements, if any, relating to minimum age, length of residence, reasons to disenfranchise such as criminal conviction or mental incompetence, and whether the state is a closed primary state.

(2) Any voter identification number that the state requires or requests; and

(3) Whether the state requires or requests a declaration of race/ethnicity;

(4) The state's deadline for accepting voter registration applications; and

(5) The state election office address where the application shall be mailed.

(b) If a state, in accordance with 11 CFR 8.4(a)(2), requires the applicant's full social security number, the chief state election official shall provide the Commission with the text of the state's privacy statement required under the Privacy Act of 1974 (5 U.S.C. 552a note).

(c) Each chief state election official shall notify the Commission, in writing, within 30 days of any change to the state's voter eligibility requirements or other information reported under this section.

#### Subpart C—Recordkeeping and Reporting

##### § 8.7 Contents of reports from the states.

(a) The chief state election official shall provide the information required under this section with the Commission by March 31 of each odd-numbered year beginning March 31, 1995 on a form to be provided by the Commission. Reports shall be mailed to: National Clearinghouse on Election Administration, Federal Election Commission, 999 E Street, NW., Washington DC 20463. The data to be reported in accordance with this section shall consist of applications or responses received up to and including the date of the preceding federal general election.

(b) Except as provided in paragraph (c) of this section, the report required under this section shall include:

(1) The total number of registered voters statewide, including both "active" and "inactive" voters if such a distinction is made by the state, in the federal general election two years prior to the most recent federal general election;

(2) The total number of registered voters statewide, including both "active" and "inactive" voters if such a distinction is made by the state, in the most recent federal election;

(3) The total number of new valid registrations accepted statewide

between the past two federal general elections, including all registrations that are new to the local jurisdiction and re-registrations across jurisdictional lines, but excluding all applications that are duplicates, rejected, or report only a change of name, address, or (where applicable) party preference within the local jurisdiction;

(4) If the state distinguishes between "active" and "inactive" voters, the total number of registrants statewide that were considered "inactive" at the close of the most recent federal general election;

(5) The total number of registrations statewide that were, for whatever reason, deleted from the registration list, including both "active" and "inactive" voters if such a distinction is made by the state, between the past two federal general elections;

(6) The statewide number of registration applications received statewide (regardless of whether they were valid, rejected, duplicative, or address, name or party changes) that were received from or generated by each of the following categories:

(i) All motor vehicle offices statewide;

(ii) Mail;

(iii) All public assistance agencies that are mandated as registration sites under the Act;

(iv) All state-funded agencies primarily serving persons with disabilities;

(v) All Armed Forces recruitment offices;

(vi) All other agencies designated by the state;

(vii) All other means, including but not limited to, in person, deputy registrars, and organized voter registration drives delivering forms directly to registrars;

(7) The total number of duplicate registration applications statewide that, between the past two federal general elections were received in the appropriate election office and generated by each of the categories described in paragraphs (b)(6) (i) through (vii) of this section;

(8) The statewide number of confirmation notices mailed out between the past two federal general elections and the statewide number of responses received to these notices during the same period;

(9) Answers to a series of questions with categorical responses for the state to indicate which options or procedures the state has selected in implementing the NVRA or any significant changes to the state's voter registration program; and

(10) Any additional information that would be helpful to the Commission for

meeting the reporting requirement under 42 U.S.C. 1973gg-7(a)(3).

(c) For the State report due March 31, 1995, the chief state election official need only provide the information described in paragraph (b)(1) of this section and a brief narrative or general description of the state's implementation of the NVRA.

Dated: June 17, 1994.

Danny L. McDonald,  
Vice Chairman.

[FR Doc. 94-15199 Filed 6-22-94; 8:45 am]

BILLING CODE 6715-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 93-SW-12-AD; Amendment 39-8803; AD 94-02-05]

#### Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B-1, and 214ST Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

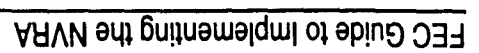
**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc. Model 214B and 214B-1 helicopters, that currently establishes a mandatory retirement life for the main transmission upper planetary carrier (carrier). This amendment requires changing the retirement life for the carrier from flight hours to high-power events, removing the 2,500 hours' time-in-service magnetic particle inspection (MPI) for the carrier, and making the requirements applicable to the Model 214ST as well as the Model 214B and 214B-1 helicopters. This amendment is prompted by the manufacturer's analysis and retesting that has shown that frequent takeoffs and external load lifts (high-power events) shorten the life of the carrier. The actions specified by this AD are intended to prevent fatigue failure of the carrier, failure of the main transmission, and subsequent loss of control of the helicopter.

**EFFECTIVE DATE:** July 28, 1994.

**ADDRESSES:** This AD and any related information may be examined in the Rules Docket at the Federal Aviation Administration, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

**FOR FURTHER INFORMATION CONTACT:** Mr. Uday Garadi, Aerospace Engineer, Rotorcraft Certification Office, FAA, Rotorcraft Directorate, 2601 Meacham

# VOTER REGISTRATION LIST MAINTENANCE OPTIONS UNDER THE NVRA



1992 GENERAL ELECTION  
Purge by County

{\* = Top ten voter turnout in 1994}  
{# = Top ten voter turnout in 1992}

EXHIBIT 11  
DATE 2/7/95  
HB 327

County	1992 Registration	Votes Cast	Estimated Purged	Estimated % Purged	1994 Registration	% of those registered in 1992, and not registered in 1994
Beaverhead	5,286	4,210	1,076	20.36%	4,809	9.02%
Big Horn	6,268	4,516	1,752	27.95%	5,760	8.10%
Blaine	4,297	3,073	1,224	28.48%	3,604	16.13%
Broadwater	2,388	1,878	510	21.36%	2,327	2.55%
Carbon	6,013	4,837	1,176	19.56%	5,671	5.69%
Carter *	1,126	892	234	20.78%	974	13.50%
Cascade	46,129	36,990	9,139	19.81%	45,295	1.81%
Chouteau * #	3,814	3,268	546	14.32%	3,588	5.93%
Custer	7,170	5,760	1,410	19.67%	6,982	2.62%
Daniels #	1,622	1,385	237	14.61%	1,488	8.26%
Dawson	6,400	5,016	1,384	21.63%	6,051	5.45%
Deer Lodge	6,519	5,362	1,157	17.75%	6,126	6.03%
Fallon * #	2,011	1,655	356	17.70%	1,891	5.97%
Fergus	8,130	6,622	1,508	18.55%	7,641	6.01%
Flathead	39,749	31,924	7,825	19.69%	41,385	-4.12%
Gallatin	37,750	29,145	8,605	22.79%	36,943	2.14%
Garfield	1,049	822	227	21.64%	925	11.82%
Glacier	6,559	4,458	2,101	32.03%	6,250	4.71%
Golden Valley	631	503	128	20.29%	589	6.66%
Granite	1,726	1,349	377	21.84%	1,718	0.46%
Hill	10,657	8,279	2,378	22.31%	9,773	8.30%
Jefferson	5,542	4,352	1,190	21.47%	5,506	0.65%
Judith Basin *	1,819	1,476	343	18.86%	1,732	4.78%
Lake	13,180	10,692	2,488	18.88%	13,251	-0.54%
Lewis & Clark	33,003	26,527	6,476	19.62%	32,613	1.18%
Liberty * #	1,439	1,226	213	14.80%	1,365	5.14%
Lincoln	11,482	8,567	2,915	25.39%	10,648	7.26%
Madison	4,133	3,348	785	18.99%	4,226	-2.25%
McCone * #	1,622	1,368	254	15.66%	1,522	6.17%
Meagher	1,287	1,021	266	20.67%	1,162	9.71%
Mineral	2,175	1,666	509	23.40%	2,182	-0.32%
Missoula	57,490	43,614	13,876	24.14%	57,043	0.78%
Musselshell	2,882	2,253	629	21.83%	2,636	8.54%
Park	9,808	7,548	2,260	23.04%	9,392	4.24%
Petroleum *	367	300	67	18.26%	352	4.09%
Phillips	3,258	2,652	606	18.60%	2,943	9.67%
Pondera	3,955	3,240	715	18.08%	3,641	7.94%
Powder River	1,482	1,176	306	20.65%	1,274	14.04%
Powell	3,675	3,019	656	17.85%	3,648	0.73%
Prairie * #	1,040	886	154	14.81%	949	8.75%
Ravalli	19,134	15,125	4,009	20.95%	19,167	-0.17%
Richland	6,100	4,850	1,250	20.49%	6,120	-0.33%
Roosevelt	6,249	4,284	1,965	31.45%	5,550	11.19%
Rosebud	5,533	4,063	1,470	26.57%	5,298	4.25%
Sanders	5,961	4,558	1,403	23.54%	5,945	0.27%
Sheridan * #	3,206	2,705	501	15.63%	3,025	5.65%
Silver Bow	22,827	18,665	4,162	18.23%	21,465	5.97%
Stillwater	4,597	3,720	877	19.08%	4,408	4.11%
Sweet Grass	2,169	1,826	343	15.81%	2,058	5.12%
Teton #	4,105	3,493	612	14.91%	3,988	2.85%
Toole #	3,273	2,766	507	15.49%	3,078	5.96%
Treasure * #	664	549	115	17.32%	611	7.98%
Valley	5,707	4,663	1,044	18.29%	5,292	7.27%
Wheatland	1,503	1,166	337	22.42%	1,406	6.45%
Wibaux	837	628	209	24.97%	747	10.75%
Yellowstone	73,024	57,628	15,396	21.08%	70,018	4.12%
Total	529,822	417,564	112,258	21.19%	514,051	2.98%

EXHIBIT 11  
DATE 2/7/95  
HB 327

SUSAN W. HAVERFIELD

**FLATHEAD COUNTY CLERK & RECORDER**

800 South Main - Kalispell, Montana 59901

\*\*\* NEW PHONES 06/93 \*\*\*

PHONE (406) 758-5526

(406) 758-5532

FAX (406) 758-5865

February 7, 1995

The Honorable Dick Simpkins, Chair  
House State Administration Committee  
Montana House of Representatives  
Montana State Capitol  
Helena, Montana 59620

Re: HB 327 National Voter Registration Act

Chairman Simpkins and Members of the Committee:

It is not without apprehension that we approach the subject of the National Voter Registration Act. As legislative chair of the Montana Association of Clerks and Recorders let me first state that there is nothing about the NVRA that we find palatable.

Montana was progressive in implementing our own "motor voter" system. This has resulted in thousands of voter registration forms being completed at the driver licensing stations around the state. These have not been without problems requiring follow-up mailings and phone calls to determine correct addresses and information. Motor voter was incorporated into our registration system, and it works.

We believe that there are no barriers to voter registration in Montana. Even the witness requirement has been removed from our registration cards. We have a straight-forward, workable system, which allows us to maintain and purge our registration records without a lot of complicated rules.

The National Voter Registration Act is Federal law. The Federal Election Commission has prepared rules by which we must comply. Citizens may apply to register to vote at numerous agencies or decline to register to vote. We must maintain the confidentiality of their site of application, and yet we must report to Congress on the numbers of registrants from various sources.

In order to maintain a current registration list we must keep track of "active" and "inactive" voters on separate lists. To purge our rolls we must do multiple mailings; five first class notices to the voter that he may be removed from the register. NVRA takes follow-up mailings to new heights. We will not be allowed to target non-voters so can envision periodic first class mailings to our entire voter registration rolls; 41,385 first class letters at 32 cents is \$13,243.20 in additional postage costs in Flathead County.

Our registered voter count will be inflated by carrying the "inactive voters" on our rolls until after two federal elections and this will impact bond elections where a 40% turnout is required.

We believe NVRA is an unfunded federal mandate. We know it will dramatically increase our postage costs, cause us to reprogram our computer registration systems or buy new software and hardware, and will require additional personnel, file cabinets, and supplies. My computer services department has stated that NVRA will be "an absolute nightmare" to program. New, packaged, software will run about \$60,000 for Flathead County based on our current voter base, with incremental increases for the projected additional registrations we will have under NVRA, plus annual maintenance fees to keep up with changes in the rules. Can Montana counties afford this? Not under I105. Do we have a choice?

As I stated previously, we don't like NVRA. We don't think it is needed in Montana. Whether we have to comply with NVRA is a decision that the Governor and the Legislature will have to make. The State of Montana could join California in charging NVRA violates the Tenth Amendment.

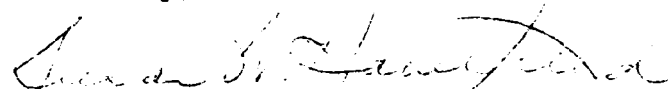
If we must comply we will have to have statutory authority; HB 327 is that authority. We question the need for the rule making authority in HB 327. The FEC has already made rules.

The Montana Association of Clerks and Recorders has offered an amendment to HB 327 which would repeal any Montana statutes pertaining to implementation of NVRA if Congress should act to repeal or revise the act. We would hope Congress would, at the least, make compliance optional. We, Montana Election Administrators, would chose the option of not following NVRA.

If we must comply with NVRA, the Association will support HB 327, as amended, and less the rule making authority, to implement this federal mandate.

Thank you for your consideration of this testimony.

Sincerely,



Susan W. Haverfield  
Flathead County Clerk and Recorder

DEAR ABBY

Independent Record

Sun., February 1, 1992

# Elections bypass voter again

**DEAR ABBY:** Another election year has come and gone, and I didn't vote — again. Why? Because I don't know how to register, and I was too ashamed to ask anyone. You would do me and many others a tremendous favor if you would answer these questions:

Where should you go to register? Who do you call to find out? Can a person register to vote any time, or are there specific times of the year? Must I fill out a form, or will someone ask me questions? Do I need to bring my birth certificate, driver's license or Social Security card? Will I have to declare my party preference? If I have to declare my loyalty to one party, will I be allowed to choose from all the candidates?

These are serious questions. Please answer in the newspaper and help me (and possibly others) become politically active. — MASSACHUSETTS READER

**DEAR READER:** Anyone who wants to know how, when and where to register to vote can get specific details by calling the League of Women Voters or the county election or voter registration board (all are listed in the phone directory). If you can't find the listings, call "Information."

EXHIBIT

12

DATE

2/7/95

HB

327

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

State Administration

DATE Feb 7, 1995

BILL NO. HB 399 SPONSOR(S) Hurdle

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
C. B. PEARSON 538 Rollins Missoula, MT 59801	League of Women Voters of Montana	✓	
Chaez [unclear]	Mr. Meerspeeden		✓
→ north	Self	✓	
McDowell	Sec. of [unclear] of Mont		✓
Jim Scheier	Commissioner of Political Practices		
Ed [unclear]	MSCA	✓	
BRAD MARTIN	TNT Democratic Party	✓	
Beck Baker	Dept of Justice	Informant	
J.V. Bennett	Mont PIRG	✓	

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

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

State Administration

DATE Feb. 7, 1995

BILL NO. HB 404 SPONSOR(S) McCullich

PLEASE PRINT

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Joe Kervin	SOS	X	
Robert Thosell	MT Clerk & Rec	X	
Susan Haverfield	MACR / Fratthead Co	X	
Vickie Zeier	MACR / MSLA	✓	
<del>Carol</del> Shelley Cheney	Gallatin Co.	✓	
Betty Lund	Ravalli Co.	✓	

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



HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

State Administration

DATE Feb. 7, 1995

BILL NO. HB 370 SPONSOR(S) Tropila

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Joe Kerwin	SOS - informational		
Jordan Morris	MACo.	✓	
SUSAN HAVERFIELD	MACR / FLATHEAD Co		✓
<del>A</del> Vickie Zeier	MACR / Msla		✓
JPetty T. Jund	Rareb. Co.		✓
Shelley Cheney	Gallatin Co		✓

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

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

State Administration

DATE Feb. 7, 1995

BILL NO. H B 327

SPONSOR(S) Nancy Runner

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Glenna Obie	Jefferson County		
JOAN BISHOP	LEAGUE OF WOMEN <sup>VOTERS</sup>	✓	
Angela Juley	Secretary of State	✓	
DARRELL HOLZER	AFL-CIO	✓	
ROBERT THROSSELL	MT Assoc Clerk & Rec		✓
SUSAN HAVERFIELD	MACR / FLATHEAD Co		✓
Vickie Zeier	MACR / Missoula		✓
JoAnn L. Johnson	MACR / Chouteau		✓
Betty Lund	Ravalli Co		✓
Shelley Cheney	Gallatin Co.		✓
Duane Winslow	Election Admin / Yellowstone Co		✓
Michael Keedy	MSBA		X
Norma Frazee	SAM		X

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

Brad Martin

MT Demo Party

Ed Cagli

MSCA -

J.V. Bennett

MontPIRG

✓

✓

✓