

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN DON HARGROVE, on March 11, 1997, at
10:04 A.M., in Room 331.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Vivian M. Brooke (D)
Sen. Delwyn Gage (R)
Sen. Fred Thomas (R)
Sen. Bill Wilson (D)

Members Excused: None

Members Absent: None

Staff Present: David Niss, Legislative Services Division
Mary Morris, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted:	HB 550	3/7	
	HB 394	3/6	
	HB 439	3/6	
	HB 501	3/6	
Executive Action:	HB 439	BCI	6-0
	HB 501	BCI	6-0
	HB 550	BCI	6-0
	SR 9	A	5-1
	HB 193	FAIL	3-3

HEARING ON HB 550

Sponsor:

REP. VICKI COCCHIARELLA, HD 64, MISSOULA

Proponents:

Joe Kerwin, Deputy Secretary of State
Robert Throssell, Montana Association Clerk and Recorders and
Election Administrators
Betty Lund, Ravalli County

Opponents:

None

Opening Statement by Sponsor:

REP. VICKI COCCHIARELLA presented HB 550. She pointed out some key words, such as "not mandatory". This would allow for certain elections to be held by mail if the Elections Clerk chooses to do that. This does not mandate any mail ballot for any reason. Line 9, section 3, does not allow for general, primary or municipal elections as some of those cannot be held by mail. It is not the intent of this bill to have all elections vote by mail. This legislation would allow counties to do this where they could save money by doing a mail ballot rather than setting up a polling place and creating an inconvenience for a couple hundred people on a water district issue, for example, to be able to send that ballot out and save the cost of hiring the employees to have the polling place open.

Proponents' Testimony:

Joe Kerwin, Deputy Secretary of State for Elections testified in support of the bill. He pointed out the importance of making mail ballots easy for counties and local political subdivisions to use. The current restrictions on local governments are not always consistent. There are certain prohibitions and certain allowances for mail ballot elections. This bill would make it simple and expand the ability of counties and local governments to have more flexibility. *{Tape: 1; Side: A; Approx. Time Count: 4.0-7; Comments: pointed out those elections allowable by mail ballot.}*

Robert Throssell, Montana Association of Clerk and Recorders and Election Administrators spoke in support of HB 550. The bill gives flexibility particularly to the small local districts to conduct their elections by mail which is cost effective.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SEN. GAGE asked Mr. Kerwin to clarify the number of mail ballots that could be conducted on the same day. **Mr. Kerwin** replied that currently there could not be a mail ballot election and a regular election going on at the same time. However, there is a loophole that could allow for that. If there are two elections going on they have to be uniform, either by mail ballot or both have to be at the polls. Additionally, if the election is by mail ballot it has to be conducted by the same person, such as the county election administrator.

CHAIRMAN HARGROVE asked Mr. Throssell if mail ballots were more cost effective. **Mr. Throssell** replied that the hiring of election judges, getting a polling place, having that polling place open such as small school district is a tradeoff since there are a very finite number of electors to hold that polling place open for the entire day for a small number of people to come in. The mail ballots have been shown to be less expensive. It also depends on how extensive the election is, such as a special election on one issue which would impact the cost. House Bill 550 would give the local governments options to coordinate the elections, and choose the most efficient method both in the number of voters and the cost, depending on the particular situation. *{Tape: 1; Side: A; Approx. Time Count: 18.3; Comments: examples of mosquito, sewer, water, fire, park districts.}*

Closing by Sponsor:

REP. VICKI COCCHIARELLA said this was a very limited opening of the mail ballot process for the sake of improving voter turnout in the small elections and also for efficiency in government. The U.S. Post Office wanted this bill to be all expansive, all inclusive, because it would be a money maker for them to be able to have general and primary elections by ballot. They did a survey of the Montana Clerk and Records Association and they agreed mail ballots should be an option for Montana voters.

Sen. Fred Van Valkenburg will carry the bill.

HEARING ON HB 501

Sponsor: **REP. DOUG WAGNER, HD 83, Hungry Horse**

Proponents:

None

Opponents:

None

Opening Statement by Sponsor:

REP. DOUG WAGNER, HD 83, Hungry Horse, presented HB 501. The bill is at the request of one of his constituents. This bill would change when a school board holds an election in conjunction with a bond issue that is not in conjunction with a regular school bond election.

Proponents' Testimony:

None

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SEN. GAGE asked about the posting notice. REP. WAGNER replied that currently you had to post in three separate places. SEN. BROOKE asked about the notice if there is no newspaper of general circulation. REP. WAGNER clarified that the noticing provision is in current law.

CHAIRMAN HARGROVE asked Mr. Throssell to comment on the bill and whether the 30 days was a problem. Mr. Throssell said the reason he did not appear to testify for or against the bill was that most of the school elections are conducted not by the county election officials but by the school districts themselves so the association has not been involved in that issue. Mr. Kerwin commented that it was out of the jurisdiction of the Secretary of State's Office. Thirty days did not seem to be a problem as long as they were not held in conjunction with school elections.

Closing by Sponsor:

REP. DOUG WAGNER said the bill would allow the public to better participate in school elections.

HEARING ON HB 439

Sponsor: REP. TRUDI SCHMIDT, HD 42, GREAT FALLS presented HB 439. The bill is at the request of the Secretary of State which makes some changes to the mock student elections through a program called the Montana Youth Voting Program established by HB 606 in 1991. The changes effect two sections of the code. The first change is students will be able to cast their mock ballots at a location designated as a Youth Voting Location while accompanying an eligible voter to this voting place. The other change is linked to the first change about the distribution of the mock ballots to these locations. These students are coming to these locations previously with a parent and now with an eligible voter. These changes will allow for more flexibility. The intent is to educate Montana youth in the democratic process and increase the likelihood that they will participate as adults. Participating students register and vote in their own mock election in their own election day. The program is a non-partisan program and is privately funded. The Secretary of State and the Office of Public Instruction develop and coordinate the program and the curriculum is provided to the participating schools. Since the program has started, IBM has been the sole sponsor for the program. In 1992 five counties participated, in 1994 seven and now 1996 twelve counties. In past programs, school participation has been limited depending on participation of election administrators. The students went to actual polling

places to cast their mock ballot. This bill would allow mock polling places to be designated such as school gyms, libraries or classrooms. Students could participate with their teachers.

Proponents:

Angela Fultz, Chief Deputy Secretary of State, testified that the Montana Youth Voting Program was a program that allowed students to get involved in the electoral process. The reason for the program was to increase participation at a later date in voting. She introduced Leslie Shell-Beckert.

Leslie Shell-Beckert, Deputy Assistant to the Secretary of State gave her report. It is her responsibility to administer the Montana Youth Voting Program. The bill would allow for more flexibility and to make it less burdensome for the local election administrators. She passed out the final report, **EXHIBIT 1**. The program allows students to participate and learn about the democratic process. The programs in 1992 and 1994 participating schools were required to work in conjunction with their local election administrators to be able to go to an actual polling place and cast their ballot. The changes would allow students to participate even if their local election administrators were not participating. Polling places could be designated in libraries or classrooms and even computer terminals and this would allow them to participate without going to the polling place. The Youth Voting Program information was made available on-line which allows students to participate in the program. This does not exclude county election administrators from participating.

Robert Throssell, Montana Association of Clerk and Recorders testified in support of the bill. *{Tape: 1; Side: A; Approx. Time Count: 53.7; Comments: in support.}* The program will help voter participation. This creates options for the local elections administrator to participate but still allows the Youth Voting Program to go on if it isn't feasible for the voting to be done at an actual election place.

Opponents:

None

Questions From Committee Members and Responses:

CHAIRMAN HARGROVE asked about exit polls in the future to find out if these participants continue. **Ms. Shell-Beckert** said that would be possible in the future. Arizona has done research and has proven that increased participation has been about 5%.

SEN. BROOKE asked about funding. **Ms. Shell-Beckert** said the program's inception has been provided by IBM as well as the continuing funding.

Closing by Sponsor:

REP. VICKI COCCHIARELLA closed. Sen. Brooke will carry the bill.

EXECUTIVE ACTION ON SR 9

Discussion: SEN. BROOKE noted that Pat Graham was very professional. CHAIRMAN HARGROVE agreed.

Motion/Vote: The motion was made to confirm Patrick Graham as Director of Fish, Wildlife and Parks. The question was called. The motion PASSED with one no vote by Sen. Mesaros.

EXECUTIVE ACTION ON HB 550

Motion/Vote: SEN. VIVIAN BROOKE moved HB 550. The question was called. The motion PASSED UNANIMOUSLY. Sen. Fred Van Valkenburg will carry the bill.

EXECUTIVE ACTION ON HB 501

Motion/Vote: SEN. KEN MESAROS moved HB 501. The question was called. The motion PASSED UNANIMOUSLY. Sen. Harp will carry the bill.

EXECUTIVE ACTION ON HB 439

Motion/Vote: SEN. BROOKE moved do concur HB 439. The question was called. The motion PASSED UNANIMOUSLY. Sen. Brooke will carry the bill.

EXECUTIVE ACTION ON HB 193

Discussion: CHAIRMAN HARGROVE said he had talked to the auditor, Mr. Seacat, who said he would be a witness if necessary but would prefer not to. The changes on 13-20 on page 2 is basically the way they operate now, though it is not in law. The only change would be "funds or property" since they have only dealt with funds. The records are confidential, some by law. This is public money. Some of the money does get donated and finds its way into the foundation where it is no longer visible.

Motion/Vote: SEN. MESAROS moved do concur HB 193.

SEN. BROOKE said she had some concerns. She noted Leroy Schramm mentioned a broader entity than the university. SEN. MESAROS

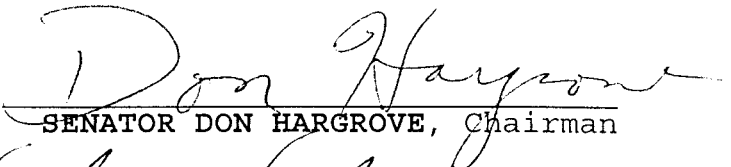
said he supports the bill and could understand the need for confidentiality of donors in the foundations. {Tape: 1; Side: B.}


SEN. WILSON commented that he was not convinced that people would not donate anymore if it were opened up. Money could come up missing. CHAIRMAN HARGROVE suggested potential donations may not come in if people thought they were trying to hide things. SEN. GAGE said he would support it. Several years ago when he asked the Commissioner of Higher Education where the legislative authority started and stopped. The Commissioner had replied "once you authorize our budget you are out of it."

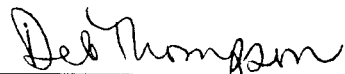
The question was called. The vote was 3-3, motion FAILED, with Thomas, Wilson and Brooke voting No.

ADJOURNMENT

Adjournment: 10:48 A.M.


SENATOR DON HARGROVE, Chairman


MARY MORRIS, Secretary


Transcribed by Deb Thompson

DH/MM