

SENATE BILL 147

Introduced by B. Brown, et al.

1/14	Introduced
1/14	Fiscal Note Requested
1/14	Referred to State Administration
1/14	First Reading
1/21	Fiscal Note Received
1/22	Fiscal Note Printed
1/22	Hearing
1/29	Committee Report--Bill Passed as Amended
2/01	2nd Reading Passed
2/02	3rd Reading Passed
	Transmitted to House
2/03	First Reading
2/03	Referred to Business & Economic Development
2/06	Rereferred to State Administration
3/03	Hearing
3/05	Committee Report--Bill Concurred as Amended
3/08	2nd Reading Concurred
3/08	Taken from Engrossing and Rereferred to Appropriations
3/17	Tabled in Committee

INTRODUCED BY Senate BILL NO. 147
Butt Whalen

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE SECRETARY OF STATE TO COMPILE AND MAINTAIN A LIST OF ALL REGISTERED ELECTORS IN THE STATE; REQUIRING COUNTY OFFICIALS TO FORWARD VOTER REGISTRATION LISTS TO THE SECRETARY OF STATE; PROVIDING THAT THE SECRETARY OF STATE MAY FURNISH A CURRENT LIST OF REGISTERED ELECTORS TO ANY ELECTOR FOR NONCOMMERCIAL USE AND MAY CHARGE FOR THE COST OF PROVIDING THE LIST; TRANSFERRING RESPONSIBILITY FOR MAILING THE VOTER INFORMATION PAMPHLET FOR BALLOT ISSUES FROM COUNTY OFFICIALS RESPONSIBLE FOR VOTER REGISTRATION TO THE SECRETARY OF STATE; PROVIDING THAT THE SECRETARY OF STATE MAY NOT BE PROVIDED WITH THE SOCIAL SECURITY NUMBERS OF REGISTERED ELECTORS; AMENDING SECTIONS 13-2-114, 13-2-115, AND 13-27-410, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 1] authorizes the secretary of state to prescribe by rule the format for submissions of voter registration lists and the date for submissions of the lists of electors for special elections. The legislature intends that, in adopting rules applicable to delivery of the lists before

special elections, the secretary of state require the submissions of the lists at times as near as practicable to the times specified for general elections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** Election administrator to provide list of electors to secretary of state. (1) The election administrator in each county shall provide to the secretary of state a list of all registered electors in the county by precinct. The list must include the following information, when possible, for each elector:

- (a) name;
- (b) mailing address;
- (c) precinct number;
- (d) registration number assigned by the county election administrator pursuant to 13-2-114;
- (e) residence address;
- (f) phone number;
- (g) date of birth; and
- (h) gender.

(2) (a) Except as provided in subsection (2)(b), the list provided pursuant to subsection (1) must be a paper copy.

(b) If the county election administrator also maintains the information in some other media, such as on a computer

1 disk or tape, and the secretary of state requests the
2 information in that media, the county election administrator
3 shall also provide the list in that media. The secretary of
4 state may prescribe by rule the format of all submissions.

5 (3) In odd-numbered years, the list of electors
6 required by subsection (1) must be delivered to the
7 secretary of state by December 15.

8 (4) (a) In even-numbered years, the list of electors
9 required by subsection (1) must be delivered to the
10 secretary of state:

11 (i) for a primary election, no later than July 1, and
12 if the county has:

13 (A) more than 5,000 electors, the list must include any
14 changes made up to and including the June primary; or

15 (B) 5,000 or fewer electors, the list may include
16 information through the close of registration prior to the
17 June primary; and

18 (ii) for a general election:

19 (A) 30 days prior to the close of registration before
20 the election; or

21 (B) no later than 10 days following the close of
22 registration for the election.

23 (b) Each election administrator shall provide the
24 secretary of state with a supplemental list of electors,
25 giving the additions and changes made between the time the

1 previous list was compiled and the close of registration.

2 (5) The secretary of state may prescribe by rule the
3 date for submissions of the lists of electors if a special
4 election requires the collection of the lists at a time and
5 in a manner not identified in this section.

6 **Section 2.** Section 13-2-114, MCA, is amended to read:

7 "13-2-114. Registration numbers to be assigned. (1) The
8 registration form for each elector ~~shall~~ must be assigned a
9 number by the election administrator, using a system of
10 numbering that best accommodates the filing system and list
11 preparation method used. The election administrator may
12 adopt the use of the elector's social security number as the
13 registration number. If social security numbers are used,
14 they may not be:

15 (a) provided to the secretary of state to be included
16 on the list of electors required by [section 1];

17 (b) printed on lists of registered voters prepared by
18 the election administrator or by the secretary of state; or

19 (c) released as public information.

20 (2) If social security numbers are used as the
21 registration number, the election administrator may assign
22 an alternative number for any elector who does not have a
23 social security number or who declines to provide the
24 number. A system of assigning alternative numbers ~~shall~~ must
25 be developed in consultation with the secretary of state.

(3) Upon receipt by the election administrator of a properly completed registration card, the registration of the elector is complete and the election administrator shall assign a registration number."

Section 3. Section 13-2-115, MCA, is amended to read:

"13-2-115. Registration lists to be prepared. (1) Immediately after registration is closed, the election administrator shall prepare and have printed lists of all registered electors in each precinct. Names of electors ~~shall~~ must be listed alphabetically, with their residence address or mailing address if located where street numbers are not used. A preliminary list of registered electors may be printed before the close of registration for an election. If a preliminary list is printed, a supplementary list must be printed after the close of registration.

(2) A copy of the list of registered voters ~~shall~~ must be displayed at the polling place. Extra copies of the lists ~~shall~~ must be retained by the election administrator and furnished to an elector upon request.

(3) The list of registered electors prepared for a primary election may be used for the general election if a supplemental list giving the additions and deletions since the primary list was prepared is printed. The election administrator may prepare lists for a special election, but lists are not required to be printed for special elections.

(4) Lists of registered voters need not be printed if the election will not be held.

(5) The election administrator shall forward a list of all registered electors in the county to the secretary of state, as provided in [section 1]. The secretary of state shall use the lists submitted by election administrators to compile and maintain a list of all registered electors in the state. Upon written request, the secretary of state shall furnish to any elector for noncommercial use a current list of registered electors or mailing labels for registered electors. Upon delivery, the secretary of state shall collect a charge not to exceed the actual cost of compiling and maintaining the list and of reproducing the list or mailing labels."

Section 4. Section 13-27-410, MCA, is amended to read:

"13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which ~~they~~ the issues will be submitted. The requisition ~~shall~~ must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

1 (2) The secretary of state shall estimate the number of
 2 copies necessary to furnish one copy to every voter in each
 3 county the state, except that two or more voters with the
 4 same mailing address and the same last name may be counted
 5 as one voter. The secretary of state shall provide for an
 6 extra supply of the pamphlets in determining the number of
 7 voter pamphlets to be ordered in the requisition.

8 (3) The department of administration shall call for
 9 bids and contract with the lowest bidder for the printing
 10 and delivery of the voter information pamphlet. The contract
 11 shall must require completion of printing and shipment, as
 12 specified on the delivery list, of the voter information
 13 pamphlets by not later than 30 days before the election at
 14 which the ballot issues will be voted on by the people.

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 16 ~~registration-in-each-county~~ secretary of state shall mail
 17 one copy of the voter information pamphlet to each
 18 registered voter in the county state, except that two or
 19 more voters with the same mailing address and the same last
 20 name may be counted as one voter. The mailing shall must
 21 take place no later than 2 weeks after the pamphlets are
 22 received from the printer.

23 (5) Ten Five copies of the voter information pamphlet
 24 shall must be available at each precinct polling place for
 25 use by any voter wishing to read the explanatory information

1 and complete text before voting on the ballot issues.

2 (6) At the request of the county election
 3 administrator, the secretary of state shall provide the
 4 requested number of additional copies of the voter
 5 information pamphlet to the county election administrator
 6 for distribution to the public."

7 NEW SECTION. Section 5. Codification instruction.
 8 [Section 1] is intended to be codified as an integral part
 9 of Title 13, chapter 2, part 1, and the provisions of Title
 10 13, chapter 2, part 1, apply to [section 1].

11 NEW SECTION. Section 6. Effective date. [This act] is
 12 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0147, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act requiring the Secretary of State to compile and maintain a list of all registered electors in the state, charge for providing copies of the list and assume responsibility for mailing the voter information pamphlet.

ASSUMPTIONS:

1. 400,000 Voter Information Pamphlets (VIP) will be published for the 1994 general election (FY95).
2. Bulk postage rate will be \$.137 per ounce (each piece is 2 ounces).
3. Publication of VIP is assumed for the 1994 general election (FY95) only. No special elections mandating the publication of a VIP are included in this estimate.
4. Registration data will be compiled by the Secretary of State by electronic computer transfer and, in some cases, optical scanning of printed lists.
5. Custom computer programming will take place in FY94 and will cost \$8,000 in contracted services.
6. 0.50 FTE will be required to administer the new function (Grade 7). The FTE will work an average of four hours per day and will be hired by April 1, 1994, in order to receive sufficient training to implement the process by June, 1994.
7. The Secretary of State will sell only statewide and multi-county lists beginning after July 1, 1995.
8. Equipment required will be one computer, one printer, one high resolution monitor, one scanner, and software.

FISCAL IMPACT:**Expenditures:**

Secretary of State: Business and Government Services Program

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	21.25	21.50	.25	21.25	21.75	.50
Personal Services	552,725	557,725	5,000	554,103	564,103.24	10,000
Operating Expenses	366,117	374,117	8,000	419,394	528,994	109,600
Equipment	13,770	28,270	14,500	7,057	7,057	0
Total	932,612	960,112	27,500	980,554	1,100,154	119,600
Funding:						
General Fund	932,612	960,112	27,500	980,554	1,100,154	119,600
Revenue:						
General Fund (sale of voter lists)	0	0	0	0	20,000	20,000
Net General Fund impact			(27,500)			(99,600)

David Lewis 1-21-93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Bob Brown 1/22/93
 BOB BROWN, PRIMARY SPONSOR DATE

Fiscal Note for SB0147, as introduced**SB147**

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: Counties will save in excess of \$100,000 from no longer having to mail the voter information pamphlet. Counties will incur some additional expense in preparing and submitting updated voter registration lists to the Secretary of State and some loss of revenue from the sale of county lists.

SB147

APPROVED BY COMMITTEE
ON STATE ADMINISTRATIO

SENATE BILL NO. 147

INTRODUCED BY B. BROWN, TOOLE, WHALEN, WILSON

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A statement of intent is required for this bill because [section 1] authorizes the secretary of state to prescribe by rule the format for submissions of voter registration lists and the date for submissions of the lists of electors

for special elections. The legislature intends that, in adopting rules applicable to delivery of the lists before special elections, the secretary of state require the submissions of the lists at times as near as practicable to the times specified for general elections.

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- (a) name;
- (b) mailing address;
- (c) precinct number;
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- (e) residence address;
- (f) phone number;
- (g) date of birth; and
- (h) gender.

(2) (a) Except as provided in subsection (2)(b), the list provided pursuant to subsection (1) must be a paper copy.

(b) If the county election administrator also maintains the information in some other media, such as on a computer disk or tape, and the secretary of state requests the information in that media, the county election administrator shall also provide the list in that media. The secretary of state may prescribe by rule the format of all submissions.

(3) In odd-numbered years, the list of electors required by subsection (1) must be delivered to the secretary of state by December 15.

(4) (a) In even-numbered years, the list of electors required by subsection (1) must be delivered to the secretary of state:

(i) for a primary election, no later than July 1, and if the county has:

(A) more than 5,000 electors, the list must include any changes made up to and including the June primary; or

(B) 5,000 or fewer electors, the list may include information through the close of registration prior to the June primary; and

(ii) for a general election:

(A) 30 days prior to the close of registration before the election; or

(B) no later than 10 days following the close of registration for the election.

(b) Each election administrator shall provide the

secretary of state with a supplemental list of electors, giving the additions and changes made between the time the previous list was compiled and the close of registration.

(5) The secretary of state may prescribe by rule the date for submissions of the lists of electors if a special election requires the collection of the lists at a time and in a manner not identified in this section.

Section 2. Section 13-2-114, MCA, is amended to read:

"13-2-114. Registration numbers to be assigned. (1) The registration form for each elector ~~shall~~ must be assigned a number by the election administrator, using a system of numbering that best accommodates the filing system and list preparation method used. The election administrator may adopt the use of the elector's social security number as the registration number. If social security numbers are used, they may not be:

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2 be developed in consultation with the secretary of state.

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7 state, as provided in [section 1].

8 (6) The secretary of state shall use the lists
9 submitted by election administrators to compile and maintain
10 a list of all registered electors in the state. THE
11 CONSOLIDATED LIST MUST BE COMPILED WITHIN 30 DAYS AFTER THE
12 SECRETARY OF STATE RECEIVES THE COUNTY LISTS.

13 (7) (A) AS SOON AS THE LIST IS COMPILED, THE SECRETARY
14 OF STATE SHALL FURNISH A COPY OF THE LIST TO THE PRESIDING
15 OFFICER OF EACH POLITICAL PARTY IN THE STATE WHOSE CANDIDATE
16 FOR GOVERNOR APPEARED ON THE BALLOT IN EITHER OF THE LAST
17 TWO GENERAL ELECTIONS.

18 (B) Upon written request, the secretary of state shall
19 furnish to any elector for noncommercial use a current list
20 of registered electors or mailing labels for registered
21 electors.

22 (C) Upon delivery, the secretary of state shall collect
23 a charge not to exceed the actual cost of compiling and
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4 arrange with the department of administration by requisition
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19 [Section 1] is intended to be codified as an integral part
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21 13, chapter 2, part 1, apply to [section 1].

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"13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they the issues will be submitted. The requisition shall must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county the state, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract shall must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 30 days before the election at which the ballot issues will be voted on by the people.

(4) ~~The county---official---responsible---for---voter registration-in-each-county~~ secretary of state shall mail one copy of the voter information pamphlet to each registered voter in the county state, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing ~~shall~~ must take place no later than 2 weeks after the pamphlets are received from the printer.

(5) ~~Ten~~ Five copies of the voter information pamphlet ~~shall~~ must be available at each precinct polling place for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues.

(6) At the request of the county election administrator, the secretary of state shall provide the requested number of additional copies of the voter information pamphlet to the county election administrator for distribution to the public."

NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 13, chapter 2, part 1, and the provisions of Title 13, chapter 2, part 1, apply to [section 1].

NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 1993.

-End-

HOUSE STANDING COMMITTEE REPORT

March 4, 1993
Page 2 of 2

March 4, 1993
Page 1 of 2

Mr. Speaker: We, the committee on State Administration report that Senate Bill 147 (third reading copy -- blue) be concurred in as amended.

Signed: Dick Simpkins
Dick Simpkins, Chair

And, that such amendments read:

Carried by: Rep. Toole

1. Title, line 14.

Strike: "FOR BALLOT ISSUES"

2. Title, line 16.

Following: "STATE;"

Insert: "REVISING THE CONTENT OF THE VOTER INFORMATION PAMPHLET;"

3. Title, line 18.

Following: "13-2-115,"

Insert: "13-27-401,"

4. Page 2, line 13.

Strike: "when possible"

Insert: "if available on electronic media"

5. Page 6.

Following: line 25

Insert:

"Section 4. Section 13-27-401, MCA, is amended to read:

"13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

(a) ballot title, fiscal statement if applicable, and complete text of the issue;

(b) the form in which the issue will appear on the ballot;

(c) arguments advocating approval and rejection of the issue; and

(d) rebuttal arguments.

(2) The pamphlet ~~shall~~ must also contain a notice advising the recipient where additional copies of the pamphlet may be obtained.

(3) Whenever more than one ballot issue is to be voted on

at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet shall be presented in the same order.

(4) The pamphlet must also contain the name, address, and phone number, filed with the secretary of state as of the 75th day before the election, for each candidate for any office filled by a statewide vote of registered electors."

Renumber: subsequent sections

6. Page 7, line 6.

Strike: "for all ballot issues"

7. Page 7, lines 7 and 8.

Strike: "at" on line 7 through "submitted" on line 8

-END-

Committee Vote:

Yes 9, No 7

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HOUSE

SB 147

491609SC.Hpf