

**MINUTES**

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

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN RICHARD SIMPKINS**, on January 25,  
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 283, HB 284, HB 295  
Executive Action: HB 283 AMENDMENT LANGUAGE APPROVED  
HB 295 DO PASS

*{Tape: 1; Side: A.}*

HEARING ON HB 295Opening Statement by Sponsor:

REP. DON HOLLAND, HD 1, stated HB 295 was a request by the Commissioner of Political Practices. He stated this is a bill for an act entitled: "an act providing that the commissioner of political practices may exercise discretion in issuing orders of noncompliance for failure to meet campaign finance reporting requirements; and amending section 13-37-121, MCA." The change in the bill they were proposing was in the first paragraph. He read the paragraph as stating, "(1) Each statement and report filed with the commissioner during an election or within 60 days after the election must be inspected within 10 days after the statement or report is filed. If a person has not satisfied the provisions of this chapter, the commissioner shall immediately notify the person of the noncompliance. If the person fails to comply after the notification, the commissioner may issue an order of noncompliance as provided in this section." This gives the commissioner a little latitude. He stated he would like the commissioner to report on the reason for asking this to be added to the statute. He reserved the right to close.

Proponents' Testimony:

Ed Argenbright, Commissioner of Political Practices, stated the reason for the bill was because the Legislative Audit Committee audited his office. When they receive reports of the candidates, they attempt to call those people who have forgotten to provide the occupation of one of their contributors or if they have made an error, or have otherwise not complied with the requirements. Their office does not issue orders of noncompliance immediately. They try to work with people to straighten things out and let them know what the requirements are. The only thing this bill does is change the word "shall" to "must". He stated he didn't view this bill as anything that would change the way things have been operating. This would give his office the latitude to send the formal report of noncompliance, which is a legal document.

Opponents' Testimony:

Debra Smith, Attorney, stated she was testifying against the bill on behalf of Common Cause. She said there are some aspects that raise questions and have not been adequately addressed. She acknowledged the Commissioner has some very valid concerns about the time frames in which orders must be issued, time frames in which people not complying have to comply. Nevertheless, what this amendment would do if passed would not have any time frame at all in which violators of reporting campaign expenditures would have to report. The people want to know what is being spent. If the commissioner had difficulty in meeting the time frame in which he needs to act, that is a matter that needs to be addressed by this committee and this legislature in changing the time frames to make them more practical. This law would

completely eliminate time frames in which people have to comply. She suggested amendments to the bill. She thought something much more narrowly crafted should be considered from the committee.

**J.V. Bennett, MontPIRG**, stated for the same reasons Common Cause had objected to the bill they also oppose this legislation.

**Informational Testimony:**

**John Northe, Legislative Auditor**, stated this bill resulted from an audit conducted by his office on the Commissioner's Office. When they audit, they test for compliance with the law. Some of these forms were not submitted to the Commissioner correctly and the Commissioner was not issuing the order of noncompliance as ordered by the statute. As a practical matter, they didn't have a problem with what the Commissioner was doing, however their office could not recommend that the Commissioner ignore the law. The Legislative Auditor's Office recommended the office comply with the law or seek changes. This bill accomplishes this change. He stated some people forget to fill out a line on the form. By making a phone call and not immediately issuing the report of noncompliance, he is violating the law. This bill would allow the commissioner the latitude to do that informal compliance. If there is no compliance he would still have the authority at that point to then issue a report of noncompliance.

**Questions From Committee Members and Responses:**

**REP. GEORGE HEAVY RUNNER** stated he didn't understand because even if they issued the notice of noncompliance and it went down to the county attorney level there is a thirty-day time period where the county attorney can receive the process he has or turn it back over to **Mr. Argenbright**. There is also that period there that a person has in terms of rectifying the report that is late.

**Mr. Argenbright** stated should prosecution be brought, which they have not done in his two years, that part of the procedure involves first going to the county attorney. If the county attorney determines he doesn't want to do it, he can then go ahead and prosecute. He stated previous commissioners have prosecuted folks, but he hasn't had to do that. He stated they attempt to work with the people to receive the reports. The order of noncompliance is an official document that starts the clock ticking for time to rectify to the state to be prosecuted.

**REP. HEAVY RUNNER** stated even if it gets to that extreme there is still a thirty day time frame that he assumed the people could work with the county attorney to try and rectify before they decide or are compelled at that point to take further action.

**Mr. Argenbright** stated that not having gone through that procedure, he wasn't sure how that would work. The thirty-day time period would be in place and this would be the time the

county attorney would say they would or would not like to handle the situation.

**REP. MATT BRAINARD** asked how many people were on his staff.

**Mr. Argenbright** replied he and two others.

**REP. BRAINARD** asked what he would have to do to meet the compliance.

**Mr. Argenbright** stated they are having a tough time meeting the ten-day requirement. He stated with this change it would give them the ability to send the order of noncompliance when they feel they will not get the proper information and would give them flexibility in the way they would be able to get the information.

**REP. MATT DENNY** asked out of the people who file forms what is the number of people who had purposely not complied with the campaign laws.

**Mr. Argenbright** stated they had issued five or six orders of noncompliance. Most people want to do the right thing and if part of a person's information is missing, they will go to great lengths to try and find that information out. He believed that to issue an order of noncompliance early on in the process would be counter-productive.

**REP. CAROLYN SQUIRES** asked if this affects both the primary and general elections.

**Mr. Argenbright** stated that it would include both elections.

**REP. SQUIRES** asked if this time frame would cover those people who file optional names on the ballot and do not comply. Would their names be taken off the ballot.

**Mr. Argenbright** stated the authority he has comes in being able to say to the local election administrator a person has not filed their reports, they may not receive their certificate of election and cannot hold office. Those who are not elected are more likely to be issued a report of noncompliance.

**REP. SQUIRES** asked if the non winners are the ones who are in trouble. She asked if the sixty days takes care of that period of time in which they can issue the order.

**Mr. Argenbright** stated this would be the time frame for reports.

**REP. SQUIRES** asked if she was correct in stating if in fifteen to twenty days the person does not comply, their names are not placed on the ballot.

**Mr. Argenbright** stated she was correct.

**Closing by Sponsor:**

REP. HOLLAND stated that in order for the commissioner to perform his duties in a timely manner with the staff and funding he has, it would be very difficult for him to comply with what the Legislative Auditor is asking him to do. He hoped the committee could see the need for such an adjustment in the law. He recommended a do pass on this bill.

**HEARING ON HB 283****Opening Statement by Sponsor:**

REP. JOE TROPILA, HD 47, opened by stating this was a bill for an act entitled: "An act eliminating the requirement to rotate names on ballots; and amending section 13-12-205 MCA." The bill is written so that the candidates must appear alphabetically on the ballot. He stated he would leave it up to the committee to decide how they would like to have the names on the ballot arranged. This bill will save the counties money. Anytime the rotation on ballots is eliminated, there will be thousands of dollars saved on the printing of the ballot. **EXHIBITS 1 - 6**

When a ballot is printed the state law now reads if there are eight people running on that ballot the ballot will have to be rotated eight times per precinct in every county in the state of Montana. Any time the ballots have to be rotated there must be a plate made and that costs money. This law was made many years ago when people thought if their names were on top they would receive more votes. In this day and age, voters are more informed and educated. He stated he didn't believe that being first on the ballot would give the person any more votes than if they were second or third. He referred to the exhibits which showed the savings if the ballots weren't rotated.

**Proponents' Testimony:**

Robert Throssell, Montana Association of Clerks and Recorders, stated that rotating the ballots is costly and complicated. The printing and laying out of the ballots to make sure you get the rotation that is required takes considerable time. They believe today's voters are well informed and where the name is placed will make no difference. He said for these reasons the Clerks and Recorder's Association stands in support of this bill.

REP. TONI HGENER, HD 90, stated having been a county commissioner, she strongly supported this bill. Having been through many elections where names are rotated on the ballots not only takes a tremendous amount of time and effort, it is a tremendously complicated procedure. It takes hours of work and costs the county a great deal of money.

**Opponents' Testimony: none**

Informational Testimony: none

Questions From Committee Members and Responses:

REP. BRAINARD asked if they knew of any repercussions associated with federal ballots, national ballots or presidential ballots.

REP. TROPILA stated there would be none that he knew of. He referred the question to the Secretary of State's office.

Joe Kerwin, Election Bureau Chief, Secretary of State's Office, stated there are thirty four states that currently do not use any type of ballot rotation. The Supreme Court has not ruled there must be ballot rotation.

REP. DENNY asked if the Secretary of State's Office is aware of any studies that would indicate one way or another whether or not the placement of the names on a ballot makes a difference.

Mr. Kerwin stated there have been some studies. He said they don't have the reports in their office. He had looked at some Supreme Court cases that brought up this subject. In some states they have a two-tier method. This method lists the major parties and then the minor parties. They did that without ballot rotation. The court ruled there is an advantage to having their names at the top tier, there is also an advantage to having the names listed alphabetically.

Closing by Sponsor:

REP. TROPILA closed by stating there is no fiscal impact to the state, however there is a tremendous savings to the county. He stated he is amenable to anyone on the committee to amend the language to decide how the names are presented on the ballot.

HEARING ON HB 284

Opening Statement by Sponsor:

REP. JOE TROPILA, HD 47, opened by saying this bill was also accompanied by a fiscal note that stated there would be little or no fiscal impact on county or local governments. He stated this was completely wrong, because if they are eliminating an election they would save money. He stated this is a bill for an act entitled: "An act eliminating the primary election for nonpartisan municipal offices provided for under the municipal commission-manager form of government; and amending section 13-14-115, MCA." The law now reads if there is a filing of more than double the amount of people running for that office, there would be an election. What this does is allows the top two vote-getters in one election to become the city councilperson or city commissioner, which is a part-time job, or the mayor.

Proponents' Testimony: none

Opponents' Testimony:

**Tom Huddleston, Helena City Commissioner,** submitted written testimony. EXHIBIT 7

Informational Testimony: none

Questions From Committee Members and Responses:

**CHAIRMAN SIMPKINS** asked **REP. TROPILA** what would happen if it was optional. Now it is a dictate; is there a way to make it optional.

**REP. TROPILA** stated he didn't know if they could do that. He stated many people are concerned with elections that are unnecessary to eliminate one person in the primary into the general. There have been very few occasions where there have been double the number running in the city of Great Falls. He stated they have had a tough time getting candidates, and a tough time getting people to the polls. This is an attempt to eliminate an election and save the cities and counties money. The question was referred to **Mr. Huddleston**.

**Mr. Huddleston** stated he wouldn't mind an option. He stated he also wouldn't mind if the committee would amend it to a larger number. The concern is why not raise the number instead of eliminating it all together. This would create concerns that no one would want to see happen. He stated they wouldn't care what the number would be or how they would amend this to give them the option, they just don't believe individual participation in this system should be limited to cost savings. He stated he believed this was a worthwhile cost.

**CHAIRMAN SIMPKINS** asked if the number he was referring to was on page 2, where it says twice the number. He asked if he would like it to say three or four times the number.

**Mr. Huddelston** stated he thought the number was arbitrary, but if they are concerned with holding a special election for one person, to lift the cap.

**CHAIRMAN SIMPKINS** asked if the Secretary of State's Office knew of anything that would prevent the committee from making this optional and the cities could include it in the charter.

**Mr. Kerwin** stated he did not know of anything that would prevent the committee from doing that.

{Tape: 1; Side: B.}

Closing by Sponsor:

REP. TROPILA closed.

EXECUTIVE ACTION ON HB 283

Motion: REP. BILL REHBEIN MOVED THAT HB 283 DO PASS..

Discussion:

REP. REHBEIN stated he would like to amend this bill to choose name placement on ballots by lots rather than alphabetically.

REP. SQUIRES stated she liked the proposed amendment. She stated there is a 50/50 chance of either getting on the top or at the bottom.

REP. GALVIN said there are some instances where there are some people left off the ballot.

REP. BRAINARD stated that even though he had a last name that started with B in his last election he was at the bottom because he had run against two other people that had the last names that started with B as well.

REP. TAYLOR asked when the language to rotate the names was put into the law.

REP. TROPILA stated the language in this law was introduced in the 1930s.

Motion: REP. REHBEIN MOVED AN AMENDMENT TO USE LOT NUMBERS TO ESTABLISH THE PLACEMENT OF NAMES ON THE BALLOT.

Discussion:

REP. SMITH asked if this would ever propose a problem, for instance, if the first five positions on the ballot were all Democrats or Republicans, there might be complaints.

REP. TAYLOR stated if they were going to do it by lot they had to be specific as to who would draw the lots. She stated in her county it would be a problem. She thought arranging names by lot was a great idea, but they had to be sure to be specific about who would draw the lot numbers.

REP. GREEN thought alphabetical placement would be a better way to go. It would be easier to find the names of those people the voters wanted to vote for.

REP. SQUIRES thought it should be the responsibility of the election officer.



REP. DENNY stated he shared REP. TAYLOR'S concern. If the selection was done publicly, there would be no question.

REP. GALVIN stated that regardless of the first name drawn, the next person drawn should be of the opposite party.

CHAIRMAN SIMPKINS said he would take a vote to decide if the committee wanted to arrange the names according to lot numbers. He stated if the committee wanted to do this, REP. TROPILA and Sheri Heffelfinger would meet to draw up an amendment proposal to say how the lot would be drawn. He stated if the committee members wanted the arrangement to be alphabetical, they would vote no and if they wanted the arrangement to be by lot number, they would vote yes. He stated this vote would not amend the bill, but establish how an amendment would be prepared for the committee to vote on.

Vote: Motion carried 10-6 to draw up an amendment for lot numbers.

CHAIRMAN SIMPKINS stated REP. REHBEIN, REP. TROPILA, and Sheri Heffelfinger would meet and come back to the committee with the proposed amendment.

#### EXECUTIVE ACTION ON HB 295

Motion: REP. BRAINARD MOVED HB 295 DO PASS.

#### Discussion:

REP. SQUIRES asked if there would be any conflicts with I-118 if the committee would pass this bill.

Sheri Heffelfinger stated there would be no conflicts with I-118.

REP. GALVIN stated he makes out the forms himself. He had made an error and the Commissioner had called him to correct it and it was helpful. He stated everyone makes mistakes and this bill should be passed to give the Commissioner more leeway to do correspondence in this manner.

REP. TAYLOR stated there are honest mistakes that are made and there needs to be room for these to be corrected.

Vote: Motion carried unanimously with REP. MASOLO voting yes by proxy.

ADJOURNMENT

Adjournment: 10:15 a.m.

  
RICHARD SIMPKINS, Chairman

  
CHRISTEN VINCENT, Secretary

RS/cdv

# HOUSE OF REPRESENTATIVES

## State Administration

ROLL CALL

DATE *January 25, 1995*

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 Masólo			
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		



## HOUSE STANDING COMMITTEE REPORT

January 25, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 295 (first reading copy -- white) do pass.

Signed: *Dick Simpkins*  
Dick Simpkins, Chair

1-25

*mm*

Committee Vote:  
Yes 18, No 0.

211022SC.Hbk

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 1-25-95 BILL NO. HB NUMBER 295

MOTION: DO PASS MOTION MADE BY REP. MATT BRAINARD

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, 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 <u>By Proxy</u>	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

Yellowstone County  
cost analysis  
of rotation of candidate names on ballot

PRIMARY ELECTION

Actual printing &  
programming costs  
(231 plates, 102 faces)---\$14,676.36

GENERAL ELECTION

Actual printing &  
programming costs  
(106 plates, 190 faces)---\$8,023.36

\*\*\*\*\*

EX: #1

No Rotations  
2 sets of ballots  
(60 plates, 60 faces)-----\$ 4,113.60

EX: #1

No Rotations  
(33 plates, 33 faces)-----\$2,262.48

EX: #2

No Rotations  
Open Primary  
(30 plates, 30 faces)-----\$ 2,056.80

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Example #1

Primary Savings-----\$10,562.76

General Election Savings---\$5,760.88

Example #2

Primary Savings-----\$12,619.56

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The combined savings that would have been realized for the taxpayers of Yellowstone County if the requirement to rotate candidate names, on the primary and general election ballots in 1994, had not been in effect is:

**\$16,323.64** with 2 sets of primary ballots

or

**\$18,380.44** with an open primary ( 1 ballot )

EXHIBIT and  
DATE 1-26-95  
13 283

# Yellowstone PRINTING AND PUBLISHING

*A Division of Printers Inc.*  
114 So. Hauser, Suite A  
P.O. Box 1135  
Red Lodge, MT 59068  
FAX (406) 446-2200  
Phone (406) 446-2200

Barbara Thormahlen,  
Elections Director  
Carbon County, MT

8 September, 1994

Dear Barbara,

I'm happy to be able to bid on your upcoming AIS ballots. Please find our estimate below for a 2-sided ballot, perforated and numbered. Typesetting is included in this price. The only variable that I can foresee would be in the event that all of the ballot issues don't fit on the second side, at which time another bid would be given. However at this time, I feel that all of the issues will fit just fine.

**5,964 AIS BALLOTS, complete..... \$1,980.05**

Following this page are two standard bids for the Fromberg Local Government Review and the Voter Information Brochure. Please note that our brochure bid is for an 8-page booklet, not a 6-page, as I don't believe the necessary information will fit on just 6-pages unless it is reduced below the readable point size comfortable to senior citizens.

Again, thank you for the opportunity to bid on these ballots. I look forward to hearing from you in the near future.

Most Sincerely,

*Lou Ward Steinmasel*

Lou Ward Steinmasel

YELLOWSTONE PRINTING

EXHIBIT two

DATE 1-25-95

HB 283

# Yellowstone

## PRINTING AND PUBLISHING

P. 1/1  
ESTIMATE

No. E#516

Date 9/12/84

Customer P.O. No.

Carbon County

SOLD TO Barb Thormahlen

QUANTITY	DESCRIPTION	AMOUNT
2,982	General Election Ballots, 8.5 x 14 AIS Ballot Stock, 2 originals, printed 2 colors front in Special Gray/Black Ink 1 color back in Black Ink	886.22
6	INK - Standard Colors	
6	Agfa Camera Plate 11 x 18	
8:00	Typeset (hourly)	
6	10" Film per foot	
2:30	Stripping (Standard)	
1	Number	
5,964	Perforate	
Notification: none Wanted: Ballots Sales Rep: Account Type: COD Barb,		SUB 886.22 TAX 35.40 SHIPPING TOTAL 921.62

Ballot costs if there were no rotation.



-Lou

YELLOWSTONE PRINTING AND PUBLISHING

1732 E. Sheridan, Cody, WY 82414 • FAX (307) 527-6479 • PHONE (307) 527-6476  
 547 South 20th Street, Suite W • Billings, MT 59102 • FAX (406) 652-3618 • PHONE (406) 656-7852  
 114 South Hauser, Suite A, Red Lodge, MT 59068 • FAX & PHONE (406) 438-2200

1-800-473-2797

EXHIBIT Free  
 DATE 1-25-85  
 HB 283



COUNTY OF CARBON

Box 887

Red Lodge, Montana 59068

Phone # (406)446-1220  
Fax # (406)446-2640

COVER LETTER

TO: Chr. County

DATE 1-6-95

ATTENTION: John Johnson

FAX #: 406-622-3631

FROM: Barbara

DEPARTMENT: Elections

NUMBER OF PAGES INCLUDING THIS ONE: 4

MESSAGE OF COMMENTS: John - This is the letter I  
wrote and faxed to Betty Lund.

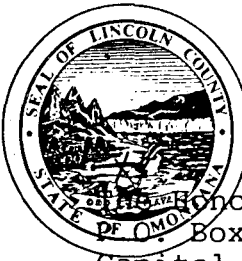
As you can see, my cost would have  
been \$1100.00 cheaper. Hope to see you  
soon

Barbara

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL  
(406)446-1220

EXHIBIT four  
DATE 1-25-95  
HB 283

OFFICE OF  
CLERK AND RECORDER



*Coral M. Cummings*

*512 California Avenue*

**COUNTY OF LINCOLN**

*(406) 293-7781*

*Libby, Montana 59923*

Honorable Joe Tropila  
Box 121  
Capitol Station  
Helena, Mt. 59620

Dear Joe:

Congratulations on your new job. I know you will do very well and look forward to contacting you on legislative issues now that I have your number.

I understand you are sponsoring legislation to eliminate rotation of names on the ballot. HOORAY!!! This has become a monumental expense to Lincoln County, and upon conferring with my printer, he is totally in support of this legislation. He is new to Montana and not cast in the old traditions and after last year's election, he is ready to be supportive in spite of the other printers' opinions.

My costs and cost savings are calculated below. I certainly hope this flies.

Thanks so much

*Coral*  
Coral M. Cummings  
Clerk & Recorder

1994 ballot costs:

Primary Election: \$6,454.30  
General Election: \$5,028.40      1,043 ballots & absentee

Total : \$11,482.70

Projected Cost of same elections without Rotation:

Primary Election: \$1,613.58  
General Election: \$1,257.10

Total : \$2,870.68

Total cost savings without Rotation: \$8,612.02

Joe, my printer helped me with these figures. He estimated I could save 75% of my costs without rotation. We have the punch card system. He said both the savings in the number of plates required and time he was sure would save 75%, and if he can be of help on this to let him know. Brian Todd, Denning Printing, 314 Mineral Ave, Libby, 59923. Phone 293-2757

EXHIBIT *five*  
DATE *1-25-95*  
HB *283*

Campaign Finance Laws

Effective as of January 1, 1995

(as effected by passage of CI-118)

**Section A.** Section 13-37-216, MCA, is amended to read:

**"13-37-216. Limitations on contributions.** (1) (a) Aggregate contributions for each election in a campaign by a political committee or by an individual, other than the candidate, to a candidate are limited as follows:

(i) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed \$400;

(ii) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed \$200;

(iii) for a candidate for any other public office, not to exceed \$100.

(b) A contribution to a candidate includes contributions made to the candidate's committee and to any political committee organized on the candidate's behalf.

(2) (a) A political committee that is not independent of the candidate is considered to be organized on the candidate's behalf. For the purposes of this section, an independent committee means a committee which is not specifically organized on behalf of a particular candidate or which is not controlled either directly or indirectly by a candidate or candidate's committee and which does not act jointly with a candidate or candidate's committee in conjunction with the making of

EXHIBIT Six  
DATE 1-25-95  
HB 283

expenditures or accepting contributions.

(b) A leadership political committee maintained by a political officeholder is considered to be organized on the political officeholder's behalf.

(3) All political committees except those of political party organizations are subject to the provisions of subsections (1) and (2). For purposes of this subsection, "political party organization" means any political organization that was represented on the official ballot at the most recent gubernatorial election. Political party organizations may form political committees that are subject to the following aggregate limitations from all political party committees:

(a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed \$15,000;

(b) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed \$5,000;

(c) for a candidate for public service commissioner, not to exceed \$2,000;

(d) for a candidate for the state senate, not to exceed \$800;

(e) for a candidate for any other public office, not to exceed \$500.

(4) A candidate may not accept any contributions in excess of the limits in this section.

(5) For purposes of this section, "election" means the general election or a primary election that involves two or more

candidates for the same nomination. If there is not a contested primary, there is only one election to which the contribution limits apply. If there is a contested primary, then there are two elections to which the contribution limits apply."

{Internal References to 13-37-216: None.}

**Section B.** Section 13-37-218, MCA, is amended to read:

**"13-37-218. Limitations on receipts from political committees.** A candidate for the state senate may receive no more than \$1,000 in total combined monetary contributions from all political committees contributing to his campaign, and a candidate for the state house of representatives may receive no more than \$600 in total combined monetary contributions from all political committees contributing to his campaign. The foregoing limitations shall be multiplied by the inflation factor as defined in 15-30-101(8) for the year in which general elections are held after 1984; the resulting figure shall be rounded off to the nearest \$50 increment. The commissioner of political practices shall publish the revised limitations as a rule. In-kind contributions must be included in computing these limitation totals. The limitation provided in this section does not apply to contributions made by a political party eligible for a primary election under 13-10-601."

{Internal References to 13-37-218: None.}

**Section C.** Section 13-37-240, MCA, is amended to read:

**"13-37-240. Surplus campaign funds.** (1) A candidate shall

dispose of any surplus funds from the candidate's campaign within 120 days after the time of filing the closing campaign report pursuant to 13-37-228. In disposing of the surplus funds, a candidate may not contribute the funds to another campaign, including the candidate's own future campaign, or use the funds for personal benefit. The candidate shall provide a supplement to the closing campaign report to the commissioner showing the disposition of any surplus campaign funds.

(2) For purposes of this section, "personal benefit" means a use that will provide a direct or indirect benefit of any kind to the candidate or any member of the candidate's immediate family."

*{Internal References to 13-37-240: None.}*

EXHIBIT 6  
DATE 1-25-95  
HB 283

**Section A.** Section 13-37-216, MCA, is amended to read:

"13-37-216. **Limitations on contributions.** (1) (a) Aggregate contributions for ~~all elections~~ each election in a campaign by a political committee or by an individual, other than the candidate, to a candidate ~~and political committees organized on his behalf~~ are limited as follows:

~~(a)(i)~~ (i) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed ~~\$1,500~~ \$400;

~~(b)(ii)~~ (ii) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed ~~\$750~~ \$200;

~~(c)~~ (c) ~~for a candidate for public service commissioner, district court judge, or state senator, not to exceed \$400;~~ and

~~(d)(iii)~~ (iii) for a candidate for any other public office, not to exceed ~~\$250~~ \$100.

(b) A contribution to a candidate includes contributions made to the candidate's committee and to any political committee organized on the candidate's behalf.

(2)(a) A political committee that is not independent of the candidate is considered to be organized on the candidate's behalf. For the purposes of this ~~subsection~~ section, an independent committee means a committee which is not specifically organized on behalf of a particular candidate or which is not controlled either directly or indirectly by a candidate or candidate's committee and which does not act jointly with a

candidate or candidate's committee in conjunction with the making of expenditures or accepting contributions.

(b) A leadership political committee maintained by a political officeholder is considered to be organized on the political officeholder's behalf.

(3) All political committees except those of political party organizations are subject to the provisions of subsection (1) and (2). For the ~~purpose~~ purposes of ~~limitation on contributions~~ this subsection, "political party organization" ~~organizations are independent committees~~ means any political organization that was represented on the official ballot at the most recent gubernatorial election. ~~Aggregate contributions by an independent committee to a candidate and political committees organized on his behalf for all elections in a campaign are limited as follows~~ Political party organizations may form political committees that are subject to the following aggregate from all political party committees:

(a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed ~~\$8,000~~ \$15,000;

(b) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed ~~\$2,000~~ \$5,000;

(c) for a candidate for public service commissioner, not to exceed ~~\$1,000~~ \$2,000;

(d) for a candidate for the state senate, not to exceed ~~\$600~~ \$800;

(e) for a candidate for any other public office, not to



exceed ~~\$300~~ \$500.

~~(3)(4) The limitations imposed by this section do not apply to public funds contributed to a A candidate under part 3 of this chapter may not accept any contributions in excess of the limits in this section.~~

(5) For purposes of this section "election" means the general election or a primary election that involves two or more candidates for the same nomination. If there is not a contested primary, there is only one election to which the contribution limits apply. If there is a contested primary, then there are two elections to which the contribution limits apply."

{Internal References to 13-37-216: None.}

History: amd. sec. 1, I-118, 1994.

Effective date: Sec. 6, I-118 provided that this section is effective January 1, 1995.

**Section B.** Section 13-37-218, MCA, is amended to read:

"13-37-218. (Resurrected because of suspension of HB 671) **Limitations on receipts from political committees.** A candidate for the state senate may receive no more than \$1,000 in total combined monetary contributions from all political committees contributing to his campaign, and a candidate for the state house of representatives may receive no more than \$600 in total combined monetary contributions from all political committees contributing to his campaign. The foregoing limitations shall be multiplied by the inflation factor as defined in 15-30-101(8) for the year in which general elections are held after 1984; the

resulting figure shall be rounded off to the nearest \$50 increment. The commissioner of political practices shall publish the revised limitations as a rule. In-kind contributions ~~may not~~ must be included in computing these limitation totals. The limitation provided in this section does not apply to contributions made by a political party eligible for a primary election under 13-10-601.

~~13-37-218. (Ineffective because of suspension of HB 671)  
Limitations on receipts from political committees. (1) A candidate for the state senate may receive no more than \$1,000 in total combined monetary contributions from all political committees contributing to the campaign, and a candidate for the state house of representatives may receive no more than \$600 in total combined monetary contributions from all political committees contributing to the campaign. The foregoing limitations must be multiplied by the inflation factor as defined in subsection (2) for the year in which general elections are held, and the resulting figure must be rounded off to the nearest \$50 increment. The commissioner of political practices shall publish the revised limitations as a rule. In kind contributions may not be included in computing these limitation totals. The limitation provided in this section does not apply to contributions made by a political party eligible for a primary election under 13-10-601.~~

~~(2) "Inflation factor" means a number determined for each year by dividing the consumer price index for June of the year by the consumer price index for June 1980. The consumer price index~~

~~to be used in determining the inflation factor is the consumer price index, United States city average, for all items, using the 1967 base of 100 as published by the bureau of labor statistics of the U.S. department of labor."~~

{Internal References to 13-37-218: None.}

History: amd. sec. 2, I-118, 1994.

Effective date: Sec. 6, I-118 provided that this section is effective January 1, 1995.

sections 13-27-232 through 13-37- 239. reserved

**13-37-240. Surplus campaign funds.** (1) A candidate shall dispose of any surplus funds from the candidate's campaign within 120 days after the time of filing the closing campaign report pursuant to 13-37-228. In disposing of the surplus funds, a candidate may not contribute the funds to another campaign, including the candidate's own future campaign, or use the funds for personal benefit. The candidate shall provide a supplement to the closing campaign report to the commissioner showing the disposition of any surplus campaign funds.

(2) For purposes of this section, "personal benefit" means a use that will provide a direct or indirect benefit of any kind to the candidate or any member of the candidate's immediate family.

History: En. sec. 3, I-118, 1994.

Effective date: Sec. 6, I-118 provided that this section is

effective January 1, 1995.

# County of Yellowstone



ELECTION ADMINISTRATOR  
(406) 256-2743  
(406) 256-2736 (FAX)

P.O. Box 35002  
Billings, Montana 59107  
January 18, 1995

Dear Representative Tropila,

The following page contains a break down of the amount of money that would be saved by eliminating the requirement to rotate the names of candidates on the ballots.

In looking at the cost of rotations on the ballot, there are many peripheral costs such as time spent at the printers, the time spent preparing the ballot with the correct rotations, etc; that I will not address now. These costs do exist, but are a bit more difficult to accurately assess.

In my figures I looked at the 2 main elections in 1994, the Primary and the General. I also figured out the cost for the primary election in 2 ways. One way is with an open primary (one set of ballots) and the other way is the manner in which it is now conducted, with 2 separate ballots.

Another assumption that was made is that there would be no committee people on the primary ballot. I feel that eliminating the requirement to rotate candidates on the ballot without also eliminating precinct committee people, only does half of the job. The idea of placing precinct committee people on the ballot may have some merit somewhere, but the reality of the situation is that most of the precincts end up without any candidate running for the spot. We have are required to count the write-in votes and try to determine the winner of each precinct, contact the winner to see if they will accept the position, wait up to 10 days for their response and if they choose not to accept, refer it to the political party and have them appoint their precinct person. Why not just let the central committees of each party go out and recruit their candidates and appoint them? It would save us considerable time and a great deal of money.

Thank you for your time and consideration. If you have any questions or I can be of any help, please feel free to call me at 256-2742.

Sincerely,

*Duane Winslow*

Duane Winslow  
Election Administrator

EXHIBIT *Seven*  
DATE *1-25-95*  
HB *284*

HOUSE OF REPRESENTATIVES

State Administration COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME Tom Huddleston BUDGET \_\_\_\_\_

ADDRESS 637 Highland DATE Jan. 25, 1995

WHOM DO YOU REPRESENT? HELENS City Commission

SUPPORT \_\_\_\_\_ OPPOSE  AMEND \_\_\_\_\_

COMMENTS: We believe that the current system is adequate and "not broken." The ballot is the action afforded each individual that gives meaning to the theory of democracy. It heightens the political conscience of a community, encourages the exchange of ideas, and forces majority expression. We do not believe that such a sacred tenet should be tampered with as a cost-savings move. In our community, we encourage political debate and candidacy for non-partisan political office. Under statute, if the number is not ~~excessive~~ excessive, the decision rests with the general election. But, as proposed, imagine an ~~excessive~~ <sup>excessive</sup> number, with a 25% turnout, and election of a 50% candidate. This individual would take a seat reflecting the wish of 13% of the electorate. Not quite a mandate molding policy.

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

State Administration

DATE January 25, 1995

BILL NO. HB283 SPONSOR(S) Tropica

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
ROBERT THROSSELL	MT Assoc Clerk & Records	X	
A.R. Toni Hagener	Hill County	X	

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 January 25, 1985

BILL NO. HB 284 SPONSOR(S) Tropica

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PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Tom Huddleston	Helena City Commission		X

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HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

State Administration

DATE January 25, 75

BILL NO. HB 275 SPONSOR(S) Holland

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Ed Argenbright	Com. Pol Practices	✓	
Don Holland	Rep HD 7	—	
Deborah Smith			✓
J.V. Bennett	Mont PERC		✓
John Mr. Douthy	LEB AUDITOR	✓	
John Fine	Legislative Auditor	✓	

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