

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION FREE CONFERENCE

Call to Order: By Senator Don Hargrove, Chair, on April 4, 2001
at 4:05 P.M., in Room 455 Capitol.

ROLL CALL

Members Present: Sen. Hargrove, Chair
Sen. Ekegren
Sen. Franklin
Rep. Olson, Vice Chair
Rep. Wolery
Rep. Harris

Members Excused: None.

Members Absent: None.

Staff Present: David Niss

Mary Lou Schmitz, Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 293 - 4-4-01
Executive Action: HB 293

HEARING ON HB 293

The Free Conference Committee was called to order by **Senator Don Hargrove, Chair**. This is a Bill whereby the Secretary of State, at the appropriate time, has the opportunity to break ties in an impartial manner. The Bill went through the State Administration Committee and was brought out the first time whole, got in serious trouble so they took it back to Committee and looked at each of the Repealers and made a decision on them individually, brought it back to the Senate and **Senator Franklin** presented it very well and it then went to the House where **Rep. Harris** rejected it.

Rep. Harris said there are a couple ways of approaching this:

1) The Idaho statutes are a model of simplicity - tie election, flip a coin. That is essentially the approach we should take in Montana with the Secretary of State making the determination about what the random method would be.

2) All states, with exception of Maryland, Delaware and Connecticut take a drawing by lot to deal with a tie election and those three states have something similar to Montana, when it is a political decision-making process.

Rep. Harris cited some worst case scenarios because on rare occasions there will be tie votes but on those rare occasions, which are coupled with an interesting political background to the situation, you can see what an absolute disaster it would be if there is no toss of a coin resolution.

Bob Brown, Secretary of State, attended a meeting with other Secretaries of State and one of the things that was emphasized was election reform and expressed standardization and simplification. He said this Bill is in keeping with that same concept. If the election process becomes too confusing, people lose faith and then don't participate. It is not good to put some elected official on the spot in some kind of a bizarre situation.

Senator Ekegren asked how would the coin toss be set up?

Secretary Brown said he would establish a policy such as getting a coin minted, maybe with a Bobcat on one side and a Grizzly on the other and at high noon on a determined date he would flip the coin probably in the Rotunda of the Capitol building.

Rep. Olson said the **Secretary of State** could adopt rules. He cited the Florida situation with a lot of political wrangling and this would take care of that.

Chairman Hargrove said it looked like they were all in agreement. One of the things that happened in the Senate was people were putting politics back in. It survived. They decided, when it went back to Committee was look at each one of the Repealers and that might make people happy. His personal, practical consideration is he wants something that will pass. He asked the Committee if they want to look at each of the Repealers separately? They can do the whole Bill if the Committee prefers. He asked **David Niss, LC Staffer to explain the Repealers**.

Rep. Harris said the Legislature gets into the act when state offices are involved. The Governor gets into the act when it is

a case of a state legislator, a Supreme Court Justice or a District Court Judge.

Senator Franklin said she was looking for a thread to make some structural sense which was to repeal all the state wides and let the counties come up with their own method, if that is what they would like to do.

Motion: **Senator Franklin moved in new Section 2 to reinsert the removal of the exemption of the Repealers, leaving in the Stapleton amendment, after a recount, and go back to the original form.**

Senator Hargrove called for the question the motion to basically bring this Bill back to where it was, with the exception of the necessary changes. **Motion carried 6-0.**

ADJOURNMENT

Adjournment: 4:30 P.M.

Senator Don Hargrove , Chairman

Mary Lou Schmitz, Secretary

EXHIBIT (frh76frh.hmaad)