Exhibit No. 1
Date 2-21-05
Bill No. SB 464

SB 464
A BILL TO PROVIDE FOR A TWO-TIER SPLIT SYSTEM OF U.S. SENATORIAL NOMINATIONS RESTORING SOME STATE INFLUENCE OVER STATE REPRESENTATION IN WASHINGTON

Under current Montana law, candidates for the US Senate are selected by popular vote during state primary elections. Participation in these primary elections is already governed by two sets of standards---one set of standards for mainline party candidates (any mainline party candidate may pay the filing fee and be listed on the ballot, regardless of any showing of support in the electorate) while another set of standards applies to "third-party" candidates (i.e. anyone other than Republicans or Democrats) who must file petitions signed by a certain number of qualified voters as well as paying a filing fee.

SB 464 is designed to do two things: to provide greater prominence and attention for third-party and independent candidates during the primary and general elections on the one hand, and to involve the State Legislature in the selection of "major party" nominees for the U.S. Senate on the other.

SB 464 will allow the Montana Legislative Caucuses of all (at the present time "both") parties represented in the legislature to nominate one candidate each for inclusion on the general election ("November") ballot for every U.S. Senatorial election. SB 464 will leave intact current rules concerning primary elections for all other candidates for the general senatorial elections.

The ultimate result of SB 464 will be ensure that the state government is defined as one of the interest groups and entities which compete for representation in the Senatorial elections. This proposal will not resuscitate the pre-17th Amendment status quo whereby State Legislatures directly elected U.S. Senators, but SB 464 will reintroduce the State government and body politic as at least a potentially represented interest group or entity.

The graft which accompanied the election and appointment of W.A. Clark to the U.S. Senate around 1903 is prevented under SB 464 because:

1. All meetings of the Legislative Caucuses are now open to the public;
2. The caucus elections proposed in SB 464 will be by secret ballot only;
3. Term limits of state legislators have removed the state power structures which the 17th Amendment was drafted to eliminate and prevent.

The 17th Amendment was an experiment to restrict the power of special interests exerted over the election of our US Senators prior to 1913. While William Jennings Bryan's crusade was noble in its time, the great "Cross of Gold" Orator himself would surely oppose his creation today because of how the 17th Amendment has worked out, or

more exactly, how the 17th Amendment has failed to work to prevent the domination of the Senatorial selection process by special interests.

William Jennings Bryan spent his lifetime fighting "the Bigs" of his day (big trusts, big railroads, the big "Gold Standard" banks and exchanges etc.) but the modern "Bigs": Big Insurance, Big Media, Big Labor, Big Energy, and for that matter Big Corporations of every stripe presently exert undue influence over the popular election of U.S. Senators, because only such "big" entities have the vast amounts of capital necessary to sway the popular vote even in relatively less populated states such as Montana.

We should pass SB 464 to re-engage the influence of the State Legislature over national policy formulated in the U.S. Senate. Let all the "bigs" of our day know, as Cicero told the Cataline Conspirators who tried to overthrown the Roman Republic:

SENATUS INTELLEGIT!
(THE SENATE UNDERSTANDS!).