

**MINUTES**

**MONTANA SENATE  
59th LEGISLATURE - REGULAR SESSION  
COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN CAROLYN SQUIRES**, on February 8, 2005  
at 6:10 P.M., in Room 422 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Carolyn Squires, Chairman (D)  
Sen. Vicki Cocchiarella (D)  
Sen. Mike Cooney (D)  
Sen. Jon Ellingson (D)  
Sen. Jeff Essmann (R)  
Sen. Steven Gallus (D)  
Sen. Dave Lewis (R)  
Sen. Jim Shockley (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** Sen. Rick Laible (R), Sen. Joe Balyeat (R)

**Members Absent:** None

**Staff Present:** Dave Bohyer, Legislative Branch  
Claudia Johnson, Committee Secretary

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

**Committee Business Summary:**

Hearing & Date Posted: SB 88, 2/4/2005  
Executive Action: SB 73; SB 148; SB 191

**EXECUTIVE ACTION ON SB 73**

**Motion:** SEN. SHOCKLEY moved that SB 73 DO PASS.

**Discussion:** SEN. COONEY said he liked the amendments for SB 73. He asked SEN. LEWIS if he talked with anyone at the Montana Historical Society. SEN. LEWIS replied no.

**Motion:** SEN. LEWIS moved that AMENDMENT SB007301.adb DO PASS.

SEN. LEWIS distributed amendment SB007301.adb. (see Exhibit 1) He explained the amendment stating that the Historical Society will make an inventory of the item, and determine the owners of each items, including the description and condition of each item. He said the inventory conducted will take place according to subsection two of the bill, because the official record will be retained, and the copies signed and dated, and given to the Board of Commissioners of Powell County. He commented that Powell County has an item from Oswald, the person that shot the late president, John F. Kennedy, which they claim they own. He said this way there will be a neutral party, Montana Historical Society, who will sit down with the two parties to resolve these issues.

**EXHIBIT (sts31a01)**

SEN. TROPILA said that the inventory may take two to three years, because Powell County is so back-logged. He said he wouldn't be able to support the amendment, because it should be done right now. Great Falls said they are ready for the items to be moved in right away.

SEN. ESSMANN asked if the Committee can take action to make the two parties get together and having each of them pay for half of the inventory. SEN. LEWIS responded that it will be impossible to get them together.

SEN. COONEY suggested that an amendment be placed on this bill that will deal with these issues.

**Vote:** Motion on amendment SB007301.adb DO PASS carried by voice vote with SEN. SHOCKLEY and SEN. TROPILA voting no. SEN. BALYEAT AND SEN. ELLINGSON voted yes by proxy.

SEN. ELLINGSON came back to the Committee.

**Motion/Vote:** SEN. LEWIS moved that SB 73 DO PASS AS AMENDED. Motion carried unanimously by voice vote. SEN. BALYEAT voted yes by proxy.

**EXECUTIVE ACTION ON SB 148**

**Motion/Vote:** SEN. COCCHIARELLA moved that SB 148 BE TABLED. Motion carried 9-2 by voice vote with SEN. ESSMANN and SEN. SHOCKLEY voting no. SEN. BALYEAT voted yes by proxy.

**EXECUTIVE ACTION ON SB 191**

**Motion:** SEN. COONEY moved that SB 191 DO PASS.

**Discussion:** SEN. COONEY discussed conceptual amendment. It changes the name of the State Auditor. The bill calls for the name to be changed to Commissioner of Financial Industry. The banking industry testified came into Committee and were against the name. SEN. COONEY suggested the Committee change the name to Commissioner of Insurance and Securities.

**Motion/Vote:** SEN. COONEY moved the CONCEPTUAL AMENDMENT TO CHANGE the name to Commissioner of Insurance and Securities DO PASS. Motion carried unanimously by voice vote. SEN. BALYEAT voted yes by proxy.

**Motion/Vote:** SEN. COONEY moved that SB 191 DO PASS AS AMENDED. Motion carried 9-2 by voice vote with SEN. COCCHIARELLA and SEN. GALLUS voting no. SEN. BALYEAT voted yes by proxy.

The Committee recessed until 7:00 p.m. to hear SB 88.

**HEARING ON SB 88**

**Opening Statement by Sponsor:**

SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on SB 88, Permanent absentee voter registration. She stated that SB 88 has two primary objectives: 1) To allow counties to develop and maintain a permanent absentee voter registration list for electors wishing to have ballots mailed to them automatically. When an elector registers for permanent absentee status they will

be given two options: a) request ballots for federal elections only, or b) they can request ballots for all elections. She said this provision will remove the redundant process of having to submit an absentee ballot request every time an elector wants to exercise their right to vote by mail option. She stated this will bring the election laws into conformity with the changes adopted in 1999, when the requirements that an elector had to prove why they wanted to vote by mail was repealed; and 2) The address verification process. **SEN. SQUIRES** said the 75 days before election, the county will mail an address verification postcard to the individual who wants to be on the absentee list. Any elector's card that is returned to the county as undeliverable, will cause that elector to be purged from the register, such as; a person who is in a nursing home and doesn't comprehend. She said this bill was drafted with the help of the Clerks and Recorders' office, and several other interested parties. She said there are amendments that address section five, which states that the elector shall reside at the same address during the 75-day process.

**EXHIBIT (sts31a02)**

**Proponents' Testimony:**

**Jeanne Souvigney, Montana Conservation Voters (MCV), Livingston,** stated that MCV strongly supports of SB 88. She said that MCV sends out thousands of absentee ballot request forms every election, and they have a very high response to this method. She stated that some counties have over 20 percent of their absentee ballots voted on and returned. She said that the MCV really likes the idea that there can be a permanent voter registration list. **Ms. Souvigney** said that MCV is very proud of the Clerks and Recorders, especially Vicki Zeier, from Missoula and Dwayne Winslow, Yellowstone County, who worked hard at developing the amendment distributed earlier. (see Exhibit 2)

**EXHIBIT (2)**

**Connie Summers, Lobbyist for the Associated Students of Montana State University, Billings (MSU-B),** distributed written testimony, which she read. She stated that the students on campus consider voting a high priority. The campus of MSU-B had a "Political Action Week", and there was a 70 percent student-voter turnout. She said that the amendments will prevent someone from moving, and from voting more than one time in any given election. She said the students of MSU-B strongly urge the Committee to give this bill a do pass motion.

**EXHIBIT (sts31a03)**

**Daryl Holzer, Montana State AFL-CIO**, said the AFL-CIO is in strong support of SB 88 with the amendments. He stated that this dialogue started last session, and he is proud to have been involved in the process. He feels that this is a good piece of legislation and urged the Committee to pass SB 88.

**Elaine Gravely, Election Deputy for Secretary of State's Office**, stated the Secretary of State supports SB 88 as amended. She informed the Committee that every election there are more people voting by absentee. This last election there was 20 percent or more that voted by absentee ballot. She liked the postcard idea that is sent to people on the list to determine if they have moved or not.

**Jessica Grennan, representing the Associated Students of the University of Montana, Missoula (ASUM-M)**, stated that ASUM-M represents over 13,000 students, including those enrolled with the College of Technology, and those that are non-campuses. She said improving voter turnout is their number one priority. She thanked **SEN. SQUIRES** for the bill. She said "we no longer live in a society where 9 to 5 is the norm". She urged a do pass recommendation for SB 88.

**Bob Bartholomeu, State Director of AARP**, informed the Committee that AARP has 143,000 members in the state of Montana. He stated that AARP is in strong support of SB 88. He said it is important that voting becomes more accessible for those citizens who are becoming older and disabled. He feels this bill will encourage a higher voting turn out.

**Robert Throssell, Montana Association of Clerks and Recorders**, stated that the clerks do not oppose these election bills for political reasons. The clerks are the ones that have to poll 600,000 Montanans. He said SB 88 is a realistic effort to come up with a workable solution to a situation that will start in 2006. This program will allow for a box to be checked on the postcards. He apologized to **SEN. SQUIRES** for the misunderstanding that this will begin on July 1, 2006, and not July 1, 2005. The system will not be available on the July 1, 2005, date. He said technology is changing the way this is done, and urged a do pass. He distributed written testimony from Vicki M. Zeier, Missoula County Clerk and Recorder.

**EXHIBIT (sts31a04)**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. COONEY** asked **CHAIRWOMAN SQUIRES** if the postcard is returned as undeliverable, and removed from the polls, does this mean the person's name will be removed permanently. **CHAIRWOMAN SQUIRES** said no. This only happens if the postcard is returned for that person to receive an absentee ballot.

**Closing by Sponsor:**

**CHAIRWOMAN SQUIRES** closed. She hoped the Committee will put the bill through this time. She urged a do pass motion.

**ADJOURNMENT**

Adjournment: 8:00 P.M.

---

SEN. CAROLYN SQUIRES, Chairman

---

CLAUDIA JOHNSON, Secretary

CS/cj

Additional Exhibits:

**EXHIBIT ([sts31aad0.PDF](#))**