EXHIBIT 13
DATE 3/20/09
SB 394

VOTE NO ON SB 394

UNDER SB 394, POLLING PLACES WILL BE ABOLISHED AS IT ALLOWS ELECTION OFFICIALS TO INSTITUTE A MAIL-IN BALLOT-ONLY VOTING SYSTEM FOR ANY MONTANA ELECTION

The legislation uses the word "may", but every Clerk of Court in the state showed up to testify that abolishing polling places was their objective.

They Say It Works in Oregon: But when it comes to the infrastructure for voting by mail, Montana is no Oregon.

- OR phased in vote by mail over 17 years, from 1981 (first pilot) to 1998 (primary and general elections). SB 394 allows for an abrupt shift in our elections system and provides no implementation parameters.
- It takes five years to be put on inactive voter list in OR, only one year in MT. Inactive voters, which number in the tens of thousands, would not receive a mail ballot. An inactive, but otherwise qualified voter, who realizes s/he hasn't received a ballot until close to Election Day may be denied a reasonable opportunity to vote.
- In MT, there are no provisions in the mail ballot counties for additional outreach to inactive voters who currently activate at polling places.
- OR election administrators are required to update elector registrations upon receiving evidence from the USPS that an elector has a new address in the same county. The clerk then sends a new precinct card to the elector. The elector is not required to update the registration, the USPS notification is sufficient. Not so in MT.
- OR has accessible voting technologies for disabled voters that Montana lacks, including audio/telephone balloting and providing electronic versions of ballots so that people can use their own accessible software on their computers to fill them out.
- OR provides secure drop sites for ballots. MT has no such provisions.
- OR prohibits electors from being placed on the inactive list within 60 days before an election, and prohibits electors' registrations from being cancelled within 90 days of an election.
- OR's voting manual has sections on ballot mailing and coordination with the post office, official ballot drop sites and privacy booths, ballot security, signature verification, as well as appendices on replacement ballots, drop site security, signature verification problems, and even a list of characters for signature verification. MT is prepared with none of this.

The American Indian Caucus has opposed the legislation due to its likely negative impacts on Native Voters.

Native American legislators have expressed concerns regarding more fluid living situations and less reliable postal services on some reservations. Box Elder, in fact, just got mailing addresses. "First class mail, as its name might imply, does not treat everyone

equally. In fact, it discriminates against low-income communities…Twenty-one percent of households with incomes under $25,000 have moved in the past year, compared to 12 percent of households with incomes greater than $100,000. Almost one in three renters moved, compared to one in 11 homeowners" (Vote-by-Mail Doesn't Deliver, Slater and James, Project Vote). This, of course, is relevant for all low-income Montanans.

Disabilities Rights Montana has opposed the legislation saying the infrastructure isn't there to prevent negative impact on disabled voters.

Failure to provide accessible elections is a violation of the Montana Human Rights Act and the Americans with Disabilities Act. Unfortunately, some county election administrators during the 2007 mail ballot elections which were conducted throughout the state did not provide AutoMARKs or AutoMARK compatible ballots. This is the subject of current litigation challenging this failure as discriminatory.

Groups supportive of vote by mail are opposed to this legislation.

Voter groups worked with the HJR 46 work group and the interim SAVA committee throughout the last interim on the issue of mail balloting and testified they could support a well-structured mail ballot pilot program to assess the affects of holding all elections by mail, and offered amendments to the mail ballot pilot program in HB 18 to improve the program and ensure that voting remains accessible to all qualified Montana voters. SB 394 does even less than HB 18 to ensure that procedures are in place to accommodate voters.

Start small and build.

Because this is <u>not</u> a pilot program, and therefore there is no data collection or evaluation, there is no special attention given to procedures such as signature verifications, mailing procedures and coordination with the USPS at a local or statewide level. There is also little likelihood that there will be any kind of analysis of the effects of holding elections by mail on populations such as Native Americans, or on certain transitional populations, such as low income or young voters. While the data might be retrievable, not all such data will be retrievable without planning in advance, and no one has agreed to evaluate the data that might be collected. In examples where voter turn out has dropped as a result of vote by mail, the problem has been one of implementation. This bill has no parameters for implementation.

It's unfortunate to have a bill that pits those who administer elections against those who vote in them but that is what we have in SB 394. SB 394 turns a potentially good idea into a bad bill.

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Contacts:Kate Cholewa, MT Common Cause, 459-4092, Betti Brenneman, Disability Rights Montana, 449-2344, Sarah Cobler, MT Conservation Voters, 581-2284