Comm Svcs

MONTANA SECRETARY OF STATE

LINDA McCULLOCH

EXHIBIT #2
DATE Jan 13th
HB 91

HB 91: Revise Election Laws (clean-up)
House State Administration, RM 455
January 13, 2011 @ 8 AM
Secretary of State Linda McCulloch's Testimony

- Good morning Mr. Chair, members of the committee. For the record, I am Linda McCulloch, Montana Secretary of State.

- I am here today to support House Bill 91, an act generally revising the laws relating to Montana elections.

- Thank you Representative Ingraham for sponsoring this legislation for our office.

- As Representative Ingraham mentioned, this is a general "clean-up" bill to clarify existing election laws and eliminate or revise outdated language.

- HB 91 is the product of the Secretary of State's review and compilation over the past two years of election laws that need cleaning up.

- Most of the clean-up is the result of the need to clarify certain statutory language:
    - On a daily basis, our SOS staff tracks questions and concerns that come in to the office or inconsistencies they notice regarding election laws, and the compilation eventually becomes "general clean-up" draft legislation, as you see in today's bill.

- Clean-up also occurs when statutes have become outdated or unnecessary because of changes in election administration processes – which occurred with the creation of the statewide voter file and the use of the absentee list.

- **Most of the clean-up in this bill is the result of:**

  1. **The need to clarify certain statutory language.**

    - Examples:
      - **13-1-106** clarifies that a <u>precinct's</u> polling place can be closed if all voters **<u>in that precinct</u>** have voted, rather than an entire polling place that may contain multiple precincts.

      - **13-1-203** removes the requirement for a "***<u>verified</u>*** *statement*" from an indigent candidate, since an election administrator has no way to "verify" an individual's indigency. An individual affirms their indigency on the form. Also, current law is not specific about the

deadline for submission of petitions from indigent candidates, so added a deadline consistent with other candidate filing deadlines.

- **13-10-211** clarifies that precinct committee candidates can file for other public offices, clarifies that a write-in candidate for a general election does not file with a party designation.

2. **Statutes that have outdated processes because of changes in election administration, many due to the creation of the statewide voter file.**

   - Examples:
     - **13-2-108** removes the requirement for election administrators to provide certain information to the Secretary of State, since the information is available at any time in the statewide voter file, and election administrators no longer need to provide it.

     - **13-13-211** removes the time period for application for an absentee ballot, since voters can sign up for the absentee list at any time during the year.

     - **13-13-214** removes the requirement that election administrators must provide the option to be on the absentee list with absentee ballot materials because the option to be placed on the absentee list is on the application for absentee ballot that the voter just filled out. Also removes the requirement to attach ballot stubs to the absentee application, since with use of the absentee list, there is not an application submitted for each election.

- Making sure that processes and procedures are consistent with statutory language is important, and reduces any risk of confusion or inconsistency in the application of the law.

- Supporting this bill supports fair and accurate elections in Montana. I ask for your favorable vote. Thank you for your time this morning.

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