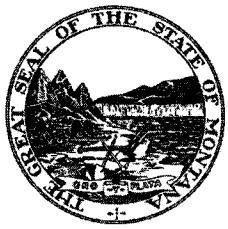
STATE ADMINISTRATION
Exhibit No. 3
Date 3-11-2011
Bill No. SB 325



MONTANA SECRETARY OF STATE
LINDA McCULLOCH

SB 325: Ref. requiring majority vote in general election
Senate State Admin, RM 335
March 11, 2011 @ 3 PM
Secretary Linda McCulloch's Testimony

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

- I strongly oppose Senate Bill 325 for a number of reasons, but for timing purposes, I have simplified my concerns down to a list of three major issues:
    - It's multimillion-dollar fiscal impact;
    - It's vague and confusing language; and
    - It's potential to diminish voters' confidence in the elections process.

- I shared similar concerns with the 2009 Legislature. The committee agreed this was a bad bill for Montana. I hope you can do the same.

- This bill would have a significant fiscal impact on county governments: **Potentially, more than $5 million dollars.** The extent of the cost is dependent on how this bill is implemented – either by requiring runoff elections, or by implementing "Instant Runoff Voting," commonly known as "Ranked-Choice Voting."

Ranked-Choice Voting Costs:

- For starters, I would like to focus on the cost associated with Ranked-Choice Voting.

- The cost in the fiscal note comes from the vendor that supplies the state-certified vote-tabulating equipment to all Montana counties.
    - I'd like to stress that we obtain our cost estimates from the vendor. They are not "totally bogus" as the sponsored accused during Executive Action on SB 257. We do not invent costs, nor do we ask the vendor leading questions to achieve a high-dollar fiscal note, again accused during SB 257.
    - We simply explained the bill to the vendor and asked if the counties' machines are compatible - and if not, how much it would cost to implement any proposed requirements.
    - It is wrong for anyone to suggest that I would provide false information to this Legislature. I have never done that. You are welcome to disagree with me, but not to impugn my integrity or honesty. Every fiscal note provided by our office can be verified.

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- During executive action on SB 257 the bill sponsor said that I had asked leading questions of the vendor who provides Montana's vote-tabulating machines. I did not communicate with the vendor. My Elections Deputy emailed the vendor, not at my request or even my knowledge. She was doing her job. This is the same Elections Deputy that my predecessor hired in the same position.

- In short, our current vote-tabulating machines have the wrong operating system to do 'Ranked-Choice Voting' or 'Multiple Party Candidate Voting.' They cannot be reprogrammed to do that.

  - Just because I put a piece of paper in my microwave at home, doesn't mean it will fax that paper to my office. No amount of reprogramming on my part will turn my microwave into a fax machine. (And, I was a Home-Ec major in college!)

- Just because the bill sponsor proclaims that the machines should be able to do this new function doesn't mean that it is true. I have not seen or heard about any research the sponsor has done in this effort, in this Session or previous Legislative Sessions regarding the vote-tabulating machines. You cannot choose to ignore costs or implementation problems just because you want your bill to pass.

- The vote tabulating equipment currently being used in Montana is not compatible with instant runoff voting, and the vendor has told us that they are not yet able to update or reprogram the equipment to process instant runoff ballots.

  - **Purchasing compatible equipment will cost counties and taxpayers roughly $5 million.**

Runoff Elections (Special Elections):

- Runoff elections held through a special election are also costly. Depending on the type of runoff conducted, counties could be looking at nearly **$2 million in added expenses**. That's the county's cost of a state and federal election. That price goes up if multiple elections are needed to determine a winner.

- Runoffs – no matter how they are run – will require substantial and expensive changes to Montana elections. Right now, **our counties can't afford those changes**.

Other Concerns:

- Another concern I have is the bill's language. It is vague and does not adequately explain how a majority of votes in a general election would be accomplished if no candidate receives the majority.

- In the event a special runoff election is held, **when** would it take place?
    - Would our absentee voters or members of the military have enough time to receive and return their ballots? Recall that we are required to make ballots available to military and overseas voters 45 days in advance of the election.

- Only one thing is for sure: Requiring people to either return to the polls a second time or quickly mail-in additional absentee ballots **will decrease voter turnout**. It would be ironic to hold a second election because a candidate did not receive a majority of votes and then have a decrease of voters turn out to vote. That majority number would keep getting smaller and smaller.

- This bill has the potential to **diminish voters' confidence** in the elections process.

- Instant runoff voting, or ranked-choice voting, has been proven to adversely affect voters' confidence.

    - ***See sample ballot of ranked-choice voting for a municipal election in Minnesota.

    - Minneapolis, Minnesota has to hand-count all their ballots in their municipal elections as they have similar vote-tabulating machines that we have in Montana, and ran into the same problem we would run into with tabulating equipment.

    - The cost of printing a longer ballot is not included in the fiscal note – nor is the cost of voter education. Both would be significant costs to counties and to my office.

    - Educating the public about this new method of voting will not be a one-time expense. It will need to be on-going. The city of Minneapolis has stressed this to us.

    - A 2008 study in Cary, North Carolina showed that a significant percent of respondents did not understand instant runoff voting before or after voting in the city's first instant runoff vote election.

        - This is despite the city's effort to educate the public and its election workers.

        - Interestingly, nationally, Cary, North Carolina has the most Ph.D.s per capita for cities larger than 75,000 people.

    - Cary, North Carolina ultimately ditched instant runoff voting – and joined the growing number of cities that have tried and then rejected this costly method of administering elections.

- As Montana's Chief Elections Official, it is my duty to ensure elections in Montana accurately reflect the will of the people. Voter confidence is an essential part of that equation.

- In my opinion, this bill would turn Montana's simple, fair and accurate elections process into a complicated and questionable mess.

- Senate Bill 325 leaves so many important questions unanswered, but what we do know is that it will cause voter confusion and cost taxpayers money.

- I urge you to oppose this bill. Thank you for your time.

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