



MONTANA SECRETARY OF STATE

STATE ADMINISTRATION

Bill No. 5
LINDA McCULLOCH 3/21/11

Title: HB 152

HB 152: Revise proof of residency & ID requirements for registering/voting
Senate State Administration, Rm 335
March 21, 2011 @ 3 PM
Secretary of State Linda McCulloch's Testimony

- Good afternoon Mr. Chair, members of the committee. For the record, I am Montana Secretary of State Linda McCulloch.
- I am here today to respectfully oppose House Bill 152, on the grounds that it limits the legal right for Montana residents (as defined in 13-1-111) to register and to cast a ballot in their state of residence.
- Voting and participating in the elections process is one of the most fundamental rights we enjoy as American citizens. There is no justification for making it harder for eligible Montanans to register and to vote.
- This bill unnecessarily goes above and beyond the ID requirements outlined by the federal Help America Vote Act, which was signed by President Bush in 2002.
 - Studies show that nationwide, 12% of eligible voters do not have a government-issued photo ID. That percentage is even higher for seniors, minorities, people with disabilities, low-income populations and students.
- Montana is a fiercely independent state, and it is rare to see a measure that increases burdens that have been imposed by the Feds.
 - Two examples of Montana opposing extreme federal requirements: Real ID Act of 2005 and President Bush's No Child Left Behind Act of 2001.
- At the very least, this bill should follow some of the guidelines resulting from several court challenges and subsequent decisions regarding government-issued photo IDs.
 - **First**, the IDs should be provided free of charge.
 - **Second**, they should be made reasonably accessible to all eligible voters.
 - **Third**, this bill should include sufficient resources for voter education and outreach programs, as well as for poll worker training.
- Two examples: Ohio and Georgia have paid to defend lengthy court challenges to uphold their ID requirement laws.
 - The Secretary of State's Office in Ohio was ordered to pay more than \$500,000 in legal fees following a court settlement.
 - Georgia's state law was in fact, struck down - A decision that was later reversed by the state Supreme Court based on Georgia's extensive voter outreach efforts.

- What we can learn from litigation in this state is that this bill shouldn't be taken at face-value.
- The truth is that in order to uphold the fundamental right for every eligible person to cast a ballot in an election, Montana will have to:
 1. Provide these IDs free of charge;
 2. Open additional DMV licensing or ID stations to ensure that every county has one;
 3. Extend the hours that the driver's license offices are open;
 4. Implement mobile driver's license stations; and
 5. Provide for public and voter education outreach and poll worker training.
- Additional costs could include the cost to defend the state in court challenges.
- None of these fees are documented in a fiscal note.
- If this bill passes, it could lead to mistakes, voter confusion, and long lines at the polls, at the county election office, and at the local DMV stations.
 - As I understand the Sponsor's testimony, this bill is intended to prevent individuals – who in the Sponsor's estimation are not really Montana residents even though they meet Montana's residency requirements to vote – from voting without first obtaining a valid Montana photo ID.
 - The reality is that all this bill does is send those people to the DMV office first – where they can provide valid forms of ID to obtain a Montana ID card. Note that of the two forms of ID needed to obtain a Montana ID card, one list contains the same forms of ID that are being removed from the list of what is acceptable under current law for voter registration.
- As Chief Elections Officer, I cannot support any measure that limits a Montanan's fundamental right to register and to vote by imposing unneeded bureaucracy and costs upon our qualified voters.
- I urge you to oppose HB 152. Thank you for your time.