

Secretary of State
 Agency Overview - Highlights

August 2015

For the State Administration and Veterans' Affairs Interim Committee

Secretary of State: Linda McCulloch (D), statewide elected official, term limited, 2nd 4-year term expires January 2017. Contact info: 444-4195, secretary@mt.gov

Website: <http://sos.mt.gov/>

Agency Responsibilities:

Elections

- The secretary of state is the chief election officer of the state.
- Maintains uniformity in the application, operation, and interpretation of the election laws and in the use of voting systems.
- Provides advise and training.
- Maintains public election records.

Records management

- Maintains official records of the executive branch and of the acts of the legislature and keep the great seal.
- Attests to the governor's signature on executive actions.

Business services

- Files and maintains records of secured financial transactions, such as liens.
- Reviews, maintains, and distributes public-interest records of businesses and nonprofit organizations.

Other

- Files administrative rules adopted by state agencies.
- Serves on the state Board of Land Commissioners and the Board of Examiners.
- Serves on the Capital Finance Advisory Council.
- Commissions notaries public.

Programs, FTE, and Budgeted Funding - 2017 Biennium:

Source: Legislative Fiscal Division

Programs	FTE FY 2016	General Fund	State Special	Federal Revenue	Proprietary	Other	Total Funding	% General Fund
Business & Government Services (covers all divisions)	56.25	\$0	\$0	\$210,000	\$12,306,103	\$0	\$12,516,103	0.00%

*Compiled by Sheri Scurr, Research Analyst
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*Montana Legislative Services Division
 http://leg.mt.gov (406) 444-3064*

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Budget Summary

The Secretary of State's Office (SOS) is mostly funded through proprietary funds, which are not included in HB 2. These proprietary funds are derived from fees charged by the office for services, document sales, etc., as authorized in statute. In addition to these proprietary funds, the office received a \$210,000 appropriation to allow the Secretary of State's Office to spend interest generated from Federal Help American Vote Act (HAVA) funds, which were provided to states to help with HAVA regulations and compliance.

Statutory Advisory Councils:

- None

Administratively Attached Agencies:

- Commissioner of Political Practices
- Board of Canvassers

Most Recent Legislative Audits:

- Financial compliance for two fiscal years ending June 30, 2014. No recommendations.

Agency Bills Passed During 2015 Session:

- HB 69 - update training requirements for election administrators
- SB 35 - eliminate certificate of existence requirements for out-of-state businesses
- SB 36 - revise foreign limited partnership filing laws
- SB 41 - revise business services laws

Agency Bills that Failed During 2013 Session:

- HB 18 - authorize student election judges
- HB 48 - establish online voter registration
- HB 55 - provide that fees charged by SOS are not refundable
- HB 58 - generally revise election laws
- HB 70 - revise vote by mail laws
- SB 40 - revise veto poll laws
- SB 73 - revise U.S. Senate vacancy laws

Committee Areas of Interest 2013-2014 Interim:

- Study on combining primary and school elections ([SJR 14](#))
- General revision to standardize and simplify statutes concerning administrative dates and deadlines for special district and local elections ([HB 84](#))

Hot Topics of 2015 Session:

- See attached staff report listing elections legislation introduced during 2015 Session

Statutorily Required Reports:

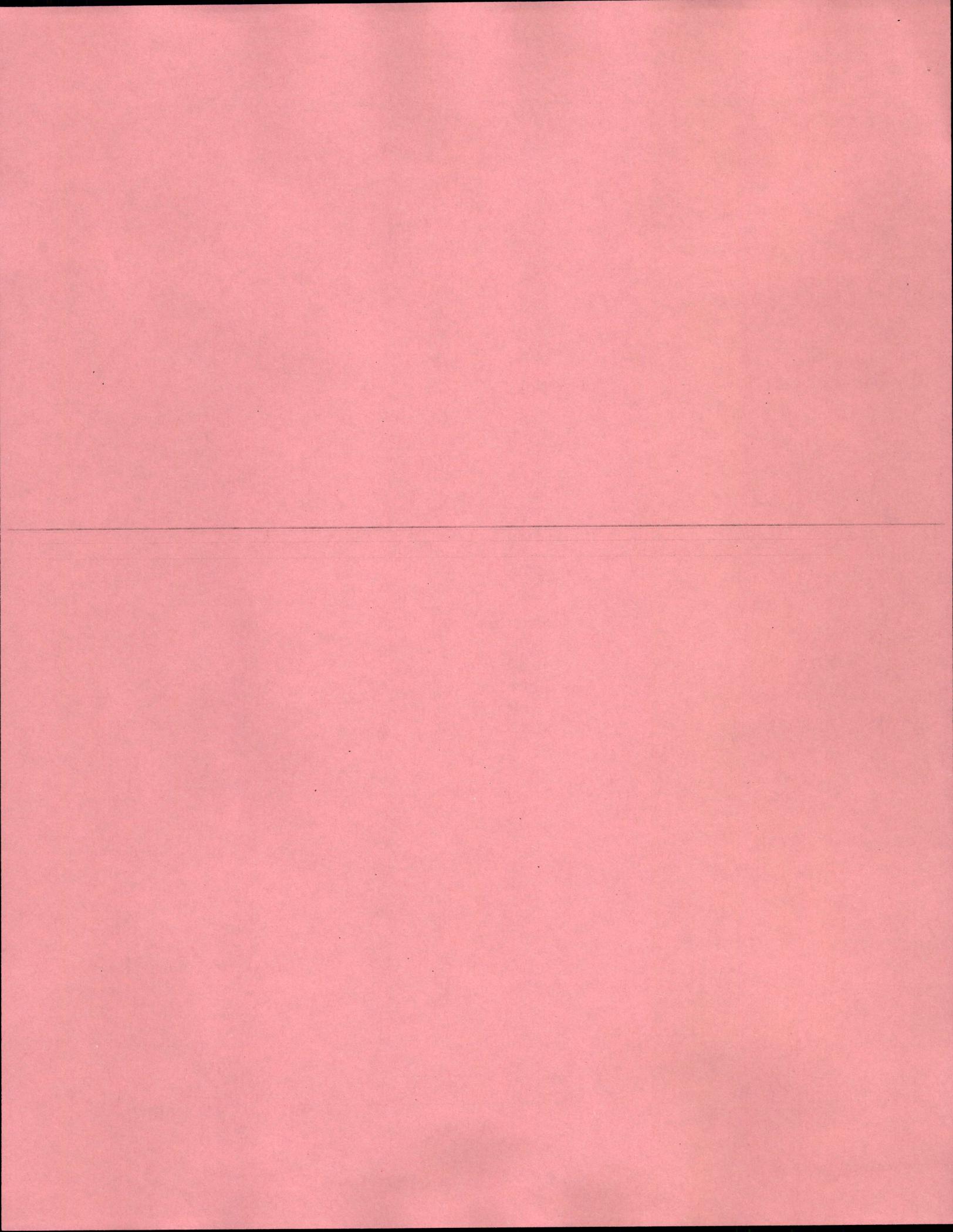
- Uniform Commercial Code Secured Transactions Report (amended 2013 Session to no longer be required unless there are changes to the relevant uniform code rules)

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ATTACHMENTS

Election Bills: 2015 Session
SOS Organizational Chart
SOS Phone Directory

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**Synopsis of Election Bills & Resolutions Relevant to
State Administration and Veterans' Affairs Interim Committee**

2015 Legislative Session

*Prepared by Sheri Scurr, Legislative Research Analyst
Montana Legislative Services Division*

Election Administration

Introduced: 28
Passed and approved: 8

General revision

Bill No.	Sponsor	Short Title	Disposition
HB 58	Custer <i>(By Request of SOS)</i>	Sec. of State's general revision bill.	Adverse committee report from House State Administration adopted
HB 84	B. Bennett <i>(By Request of SAVA)</i>	Standardize and update certain dates and deadlines for administration of elections. Require most special purpose district elections to be held on school election day.	ENACTED Chapter 49

Ballots - general

Bill No.	Sponsor	Short Title	Disposition
HB 58	Custer <i>(By Request of SOS)</i>	Sec. of State's general revision bill. Repealing 13-1-122, ballot form and content for constitutional convention, and placing that section's language into another section.	Adverse committee report from House State Administration adopted
HB 198	Regier	Clarifying ballot may not state a candidate's credentials or certain other designations	ENACTED Chapter 214
HB 561	Lamm	Prohibiting a county election administrator from providing a ballot to an elector (not including a military or overseas elector) until residency requirement is verified	Tabled in House State Administration

Absentee ballots and voting

Bill No.	Sponsor	Short Title	Disposition
HB 58	Custer <i>(By Request of SOS)</i>	Sec. of State's general revision bill - repealing section authorizing a special county levy to fund an absentee ballot board, which delivers absentee ballots upon special request - election administrators to provide notice of method that will be used to count absentee ballots and the place and time for counting absentee ballots on election day.	Adverse committee report from House State Administration adopted
HB 86	Custer	Absentee ballots to be available 25 days rather than 30 days before an election in even-numbered years	Tabled in House State Administration
HB 247	Custer	Allowing absentee ballots to be prepared for counting 3 business days before the election instead of 1 day before	Tabled in House State Administration
HB 283	Regier	Revising the use of secrecy and signature envelopes to provide one envelope with a detachable flap and not requiring the return of the unvoted party ballot	Tabled in House State Administration
HB 342	B. Bennett	Allowing electronic confirmation of an elector's address for mailing absentee ballots to electors on the biennial absentee voter list	ENACTED Chapter 246

Elections by mail

Bill No.	Sponsor	Short Title	Disposition
HB 70	Custer <i>(By Request of SOS)</i>	Requiring all elections, except school elections, to be conducted by mail and generally revising mail ballot election laws.	Bill withdrawn by sponsor without a hearing.
HB 283	Regier	Revising absentee and mail ballot laws to eliminate the secrecy envelope and require use of a signature envelope with a detachable stub, eliminating the need to return unvoted political party ballots in primary elections, and other revisions.	Tabled in House State Administration

Election judges

Bill No.	Sponsor	Short Title	Disposition
HB 18	B. Bennett <i>(By Request of SOS)</i>	Authorize student election judges	Tabled in House State Administration
HB 58	Custer <i>(By Request of SOS)</i>	Sec. of State's general revision bill - defined "election judge", required election judges to receive instruction as approved by the Secretary of State's office	Adverse committee report from House State Administration adopted
HB 69	Custer <i>(By Request of SOS)</i>	Update training requirements for election judges	ENACTED Chapter 209

Voter registration

Bill No.	Sponsor	Short Title	Disposition
HB 48	Custer <i>(By Request of SOS)</i>	Establish on-line voter registration	Tabled in House State Administration
HB 58	Custer <i>(By Request of SOS)</i>	Sec. of State's general revision bill. Strikes the term "transfer form" for updating a person's voter registration. Voter registration information will be "new" or "updated".	Adverse committee report from House State Administration adopted
SB 119	Kary	Clarifying that the individuals authorized to vote on behalf of a corporation or company that owns property in a local government or special purpose district election also includes a president, vice president, authorized agent, or secretary of a corporation or company.	ENACTED Chapter 121

Disabled voters

Bill No.	Sponsor	Short Title	Disposition
HB 58	Custer <i>(By Request of SOS)</i>	Sec. of State's general revision bill. Require that if a disabled voter must vote in a precinct that is not where the voter is registered, an addendum to the poll book in the precinct where the disabled voter must vote shall be printed so that the name of the disabled voter appears on the poll book for that precinct.	Adverse committee report from House State Administration adopted
HB 209	Schreiner	Allowing a disabled voter to use a designated agent to assist in any part of the voter registration and election process and specifying that use of designated agent is a reasonable accommodation that election administrators must honor.	ENACTED Chapter 236
HB 400	Custer	Allowing a disabled voter to receive an electronic ballot that may be voted electronically, printed, and mailed back in a secrecy envelop.	ENACTED Chapter 247

Studies

Bill No.	Sponsor	Short Title	Disposition
HJ 23	Lamm	Requesting an interim legislative study of Montana's election laws and election process.	Failed 3rd Reading in the Senate

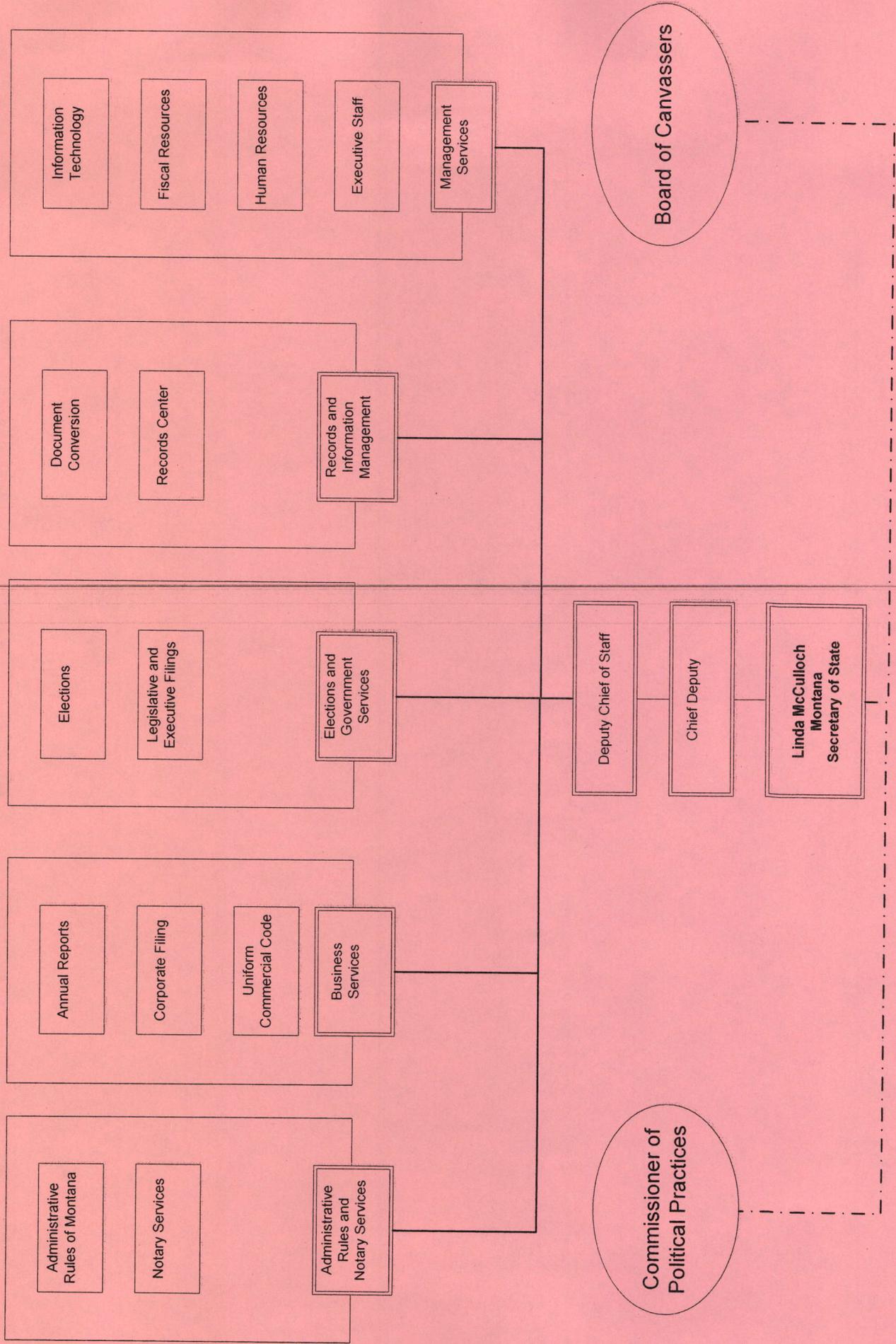
Misc.

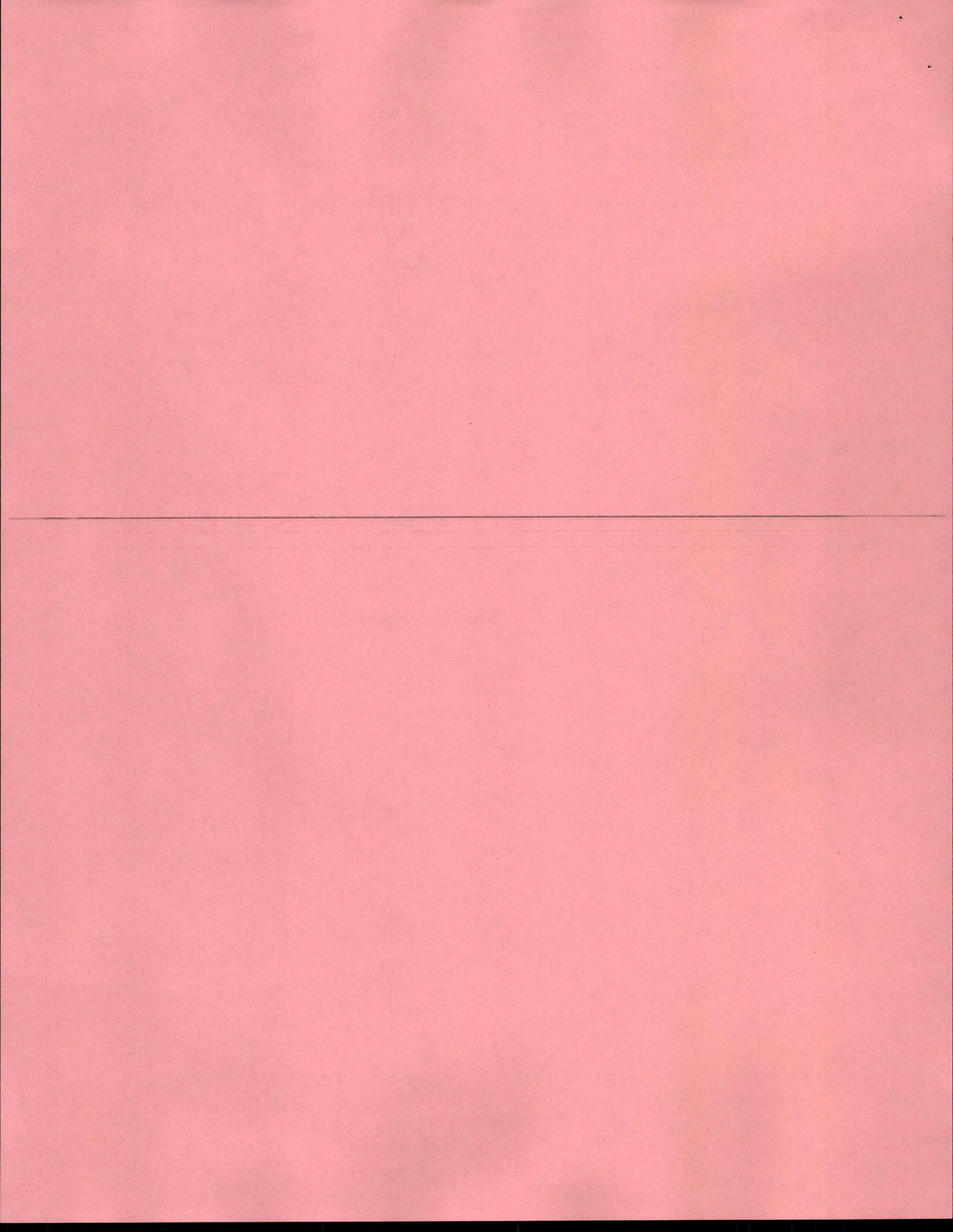
Bill No.	Sponsor	Short Title	Disposition
HB 174	Mortensen	Require election of city court judges	Bill withdrawn by sponsor without a hearing
HB 220	Essmann	Revise recall provisions for local district elected officials	Tabled in House State Administration

Bill No.	Sponsor	Short Title	Disposition
HB 368	Hertz	Sunset voter-approved property tax levies after a certain time period	Tabled in Senate Taxation
HB 441	Essmann	Revising the process for and providing for an election concerning the consolidation of counties	Tabled in Senate Local Government
HB 469	B. Bennett	Authorize counties to create an elected office of election administrator as a separate office from the clerk and recorder	Bill withdrawn by sponsor without a hearing.
SB 73	Facey <i>(By Request of SOS)</i>	Requiring a special election to fill a vacancy in a Montana U.S. Senate seat	Tabled in Senate State Administration
SB 169	Hamlett	Requiring a special election to fill a vacancy in a Montana U.S. Senate seat in certain cases	ENACTED Chapter 340
SB 275	Webb	Constitutional amendment proposal to elect the Board of Public Education	Failed 3rd reading in House
SB 279	Hamlett	Requiring a special election to fill a vacancy in a Montana U.S. Senate seat in certain cases	ENACTED Chapter 302 <i>(Void because SB 169 was enacted)</i>
SB 287	Moore	Require election of Board of Livestock	Tabled in Senate Agriculture, Livestock, and Irrigation
SB 341	Pomnichowski	Revise election and appointment of conservation district supervisors	Tabled in Senate Local Government

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Montana Secretary of State





SECRETARY OF STATE - DIRECTORY

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