

Summary of HJR 46 Work Group Session Aug. 8, 2007

General Comments on Items to Cover in Review

Participants mentioned some items they would like to make sure a review covers:

- The challenge of dealing with increases in absentee voting
- Issues raised in the performance audit for HAVA, including drop-off sites for absentee ballots
- Accessibility issues, particularly in the absentee voting procedure
- Whether elections should be consolidated, particularly school elections and regular elections
- Whether ID needs to be required for new electors registering by mail for absentee voting
- Funding -- are there sufficient resources to cover the costs of the different systems, particularly staffing of polling places
- Election Day registration
- Variations in registration, notice and other procedures for regular elections and school elections -- should they be uniform?
- Should there only be two elections a year -- a primary and a general? How would that affect some of the municipal elections, particularly those for special districts?
- Should the county clerks and recorders handle school elections?

Issues related to school elections

- Holding school elections in conjunction with November elections would be difficult because the districts need to enter into contracts before the school year starts and so need to know funding levels (whether mill levies passed)
- If counties did run school elections, then the information from those elections could be put into the statewide voter database. That could make late registration an option for school elections.
- School district and state officials said because of the voter database, they can determine which voters should receive ballots for which elections (including elections for school districts or special districts that cross county lines)
- Schools did change their elections from April to May in 1999 (SB460). But holding them much closer to the June primary could create problems for county clerks and recorders, if counties are given the responsibility for conducting school elections.
- Changing the date of the primary to May, to coincide with school elections, was put forth as a possible option.
- Consolidating elections into one date could eliminate voter confusion because voters now receive a number of notices and, for absentee voters, several different ballots in the course of a year. Or, they may be voting absentee in some elections but not others -- another cause of confusion.
- **Next steps:**
 - Sue will develop, in consultation with the Secretary of State's Office, material to show what is similar and what is different in conducting the various types of elections
 - Lynda Brannon will survey school clerks, to determine whether they want to continue conducting elections and what they believe the pros and cons of turning elections over to the counties would be. Duane Winslow said a similar survey could be done for clerks and recorders, either via a listserv or at the annual meeting later this month.

Chapter-by-Chapter Review of Title 13

Participants agreed at the outset that several chapters do not need to be reviewed as part of the update because they fall outside the resolution's focus on administering elections. The chapters are:

- Chapter 22, Youth Voting Act
- Chapter 26, Convention to Ratify Amendments to the U.S. Constitution
- Chapter 27, Ballot Issues
- Chapter 35, Election and Campaign Procedures and Criminal Provisions
- Chapter 36, Contesting of Elections
- Chapter 37, Control of Campaign Practices
- Chapter 38, Political Parties

Unless the State Administration and Veterans' Affairs Interim Committee directs otherwise, the only changes envisioned to these chapters would be changes necessary to implement any possible mail ballot changes and to eliminate gender-specific terms.

The following suggestions were made during the chapter-by-chapter review that started at this meeting and will continue at future meetings.

Suggestions for Chapter 1

- 13-1-101: Revise existing definitions for active elector, inactive elector, election administrator, and political subdivision; add definitions for adequate public notice, election judge, polling place. Also, look elsewhere in Title 13 to see where definitions have been added to specific parts and work those into this section, instead.
- 13-1-104: Potential revisions to (3) and (4) to clarify and to coordinate better with Title 7 and any changes made by the ongoing HB49 study. Eliminate school election reference in (4)? Potentially address the question of when a primary is held if the general election is on school election day.
- 13-1-112: Clarify to address questions raised about several subsections and possibly add an exception for public officials required to have a home in Helena.
- 13-1-113: Modify by clarifying that there can only be one residence "for the purpose of voting."
- 13-1-301: Need to address the definition of political subdivision, by reviewing its use elsewhere in election-related statutes to see if one, uniform definition will suffice.
- 13-1-401: Change (4) to provide for adequate public notice as defined in 13-1-101, and eliminate the reference to the number of times notice must be advertised. Several comments were made about how the notice provisions vary from election type to election type, and this may be a way to establish a minimum level of notice, through a definition, but still allow counties and school districts the flexibility to provide more notice if they want.

Suggestions for Chapter 2:

- 13-2-110: add electronic registration? Some work group members questioned how the signature could be verified if online registration were allowed. Sara Busey has provided the group with additional information in advance of the Aug. 16 meeting
- 13-2-220 and 221: Clarify how a voter gets on the inactive list? It's in Part 4, but maybe need to reference that here, as well.
- Part 3: Need to review late registration issues, reconcile with mail ballots to some degree, and look at replacement ballot issues for people who register late to vote absentee.

Other issues

Funding: The work group considered a number of issues related to the costs of holding elections, raising the following questions: Should the state pay more to cover the costs? If so, how would the state's share be figured? Could the state pay, through an appropriation, for capital costs? What are the state-related costs of holding an election; for example, in a federal or state election run by a county, how much of the cost can be attributed to the federal and state issues/candidates on the ballot? How will SB96 affect counties and schools?

This issue is not specifically within the scope of the HJR 46 study, but could be presented to the State Administration and Veterans' Affairs Committee as an important election-related issue if the work group wants to pursue that. Additional work would be needed by participants to solidify information on costs and possible options for legislative consideration.

Future meetings: The group expressed an interest in longer meetings, since some people are traveling to Helena to participate. The next meeting will begin at 9 a.m. on Aug. 16, instead of at 10 a.m. No specific adjournment time was set, but the room is now reserved until 4:30 p.m.

Participants

Beth Brenneman, Montana Advocacy Project
Jeanne-Marie Souvigney, Montana Conservation Voters
Rep. Diane Sands, HJR 46 sponsor
Rina Moore, Cascade County Clerk and Recorder
Deb Mart, Cascade County Clerk and Recorder's Office
Alan Miller, Secretary of State's Office
Lynda Brannon, Montana Association of School Business Officials
Bob Vogel, Montana School Boards Association
Denise Ulberg, Office of Public Instruction
Janice Doggett, Secretary of State's Office
Duane Winslow, Secretary of State's Office/Yellowstone County
Vickie Zeier, Missoula County Clerk and Recorder
Joy Bruck, AARP
Sara Busey, League of Women Voters
Sheryl Wood, Montana Association of Counties
Allan Underdal, Toole County Commissioner
MaryAnn Harwood, Toole County Clerk and Recorder
Alysha Goheen Janotta, Montana Women Vote (via phone)
Sue O'Connell, Legislative Services Division