MINUTES LOG
March 6, 2018
Room #102, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT
SEN. SUE MALEK, Chair
SEN. DOUG KARY, Vice Chair
SEN. DEE BROWN
SEN. FRANK SMITH
REP. DENISE HAYMAN
REP. FORREST MANDEVILLE
REP. WENDY MCKAMEY
REP. KATHY SWANSON

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT
SHERI SCURR, Lead Staff
K. VIRGINIA ALDRICH, Staff Attorney
JENNII CARR, Secretary
VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTIONS

CALL TO ORDER AND ROLL CALL
00:00:06 Sen. Malek brought meeting to order. Committee secretary took roll. (Attachment 3)

VOTING TECHNOLOGY AND OPTIONS FOR DISABLED ELECTORS
Wendy Underhill, Program Director, Elections and Redistricting, National Conference for State Legislatures (NCSL)
00:01:47 Ms. Underhill began her presentation. (Exhibit 1)
00:32:32 Sen. Brown asked if there was a way to take voting equipment to the disabled voter, and if there were places in the United States that do have mobile polling places.
00:34:00 Sen. Brown asked if it was by statute to have bipartisan groups to go to the voter.
00:34:42 Rep. Hayman asked about security in regards to electronic ballots in other states.
00:36:00 Rep. Mandeville asked about printed ballots.
00:38:14 Rep. McKamey asked about the possibility of electronic signatures.
00:39:25 Sen. Malek asked about uniformity across the state, and if contracting through the state saves money.
00:42:43 Sen. Malek asked how the election administrator would know a ballot was from a certain voter.

Susan Greenhalgh, Election Specialist, National Election Defense Coalition
00:44:27 Ms. Greenhalgh began her presentation on election system security. (Exhibit 2)

Michelle Bishop, Disability Advocacy Specialist for Voting Rights, National Disability Rights Network
01:09:31 Ms. Bishop began her presentation on disability rights. (Exhibit 3)

Lori Mommaerts, Election Systems & Software (ES&S), Montana Representative
01:32:11 Ms. Mommaerts began her presentation. (Exhibit 4)(Exhibit 5)(Exhibit 6)
01:50:37 Sen. Brown asked how new equipment would reconcile paper ballot acceptance across the state.
01:51:53 Rep. Mandeville asked if the Express Vote was certified by the Secretary of State's Office, or if the way it prints was certifiable in the state.
01:52:58 Rep. Mandeville asked if a law change would be required to use the equipment.
01:53:14 Sen. Malek asked for clarification on how a voter would be identified.

BREAK (reconvene at 10:30)

***During the break, Legislators were invited to try voting on an Automark machine and an
Express Vote machine, which had been set up for demonstrations prior to the meeting.

02:27:59  Sen. Malek brought the meeting back to order, and introduced the next speaker.

**Dana Corson, Elections Director, Secretary of State’s Office**

02:28:40  Mr. Corson began his presentation on certification processes for voting equipment in the state. (Exhibit 7)

02:43:13  Sen. Malek asked for clarification on the presentation and the administrative rule review discussed by Mr. Corson. (Exhibit 8)

02:45:24  Sen. Brown asked how old the certification criteria is, and if the Secretary of State's Office is working on cleaning up any of the language for the Montana Code Annotated (MCA).

02:48:04  Sen. Brown asked if the rule had been updated since 2012.

02:49:07  Sen. Malek asked for clarification on ballots.

**County election administrator comments and any public comment on voting system technologies for disabled electors**

02:51:11  Regina Plettenberg, Legislative Liaison, Montana Clerk and Recorder and Election Administration Association, gave testimony on voting system technologies for disabled voters.

**All speakers at the table, including county election administrator representative, for round-up discussion, questions, and answers with the committee - Ms. Underhill; Ms. Greenhalgh; Ms. Bishop; Ms. Mommaerts; Mr. Corson; Ms. Plettenberg**

02:58:05  Rep. Hayman asked Ms. Plettenberg about the conflicts in trying to adequately provide opportunities for the disabled population.


03:06:36  Sen. Kary asked Ms. Bishop if all of the counties in the state have the AutoMark, and if some counties are not using them.

03:11:39  Rep. Mandeville asked if there was an issue in the state with accessibility and security in non-federal elections.

03:13:34  Sen. Brown asked Ms. Plettenberg if this situation would improve with a gradual change instead of a sudden change in voting equipment.


03:21:36  Sen. Malek asked Ms. Mommaerts about annual fees for maintenance of Express Vote equipment.

03:21:53  Sen. Malek asked Ms. Greenhalgh how privacy is handled in other states.

03:26:40  Rep. Mandeville asked what the population “break even” point would be to make it cost-effective for ES&S to make the voting machines fit our current uniform ballot law.

03:28:46  Sen. Malek asked if new legislation was written, if some counties could keep the current system, and some could update their machines.

03:30:32  Sen. Malek asked Sheri Scurr, staff researcher, if a planning day could happen to bring everyone together to discuss the advancement of technology and necessity of a new system.
03:35:08 Sen. Smith asked how it could be known that a system was hacked if there is no paper trail.

03:38:56 Rep. McKamey asked about the differences in ballots and how difficult it would be to perform a post election audit.

RULE REVIEW - Ginger Aldrich, staff attorney

03:43:57 Ms. Aldrich went over the three rule review memorandums. (Exhibit 9) (Exhibit 10) (Exhibit 11)

LUNCH (reconvene 1:00pm)

04:58:35 Sen. Malek brought the meeting back to order and introduced the next speaker.

PUBLIC PENSION PLANS

Luke Martel, Group Director, Employment, Labor & Retirement, NCSL

05:00:17 Mr. Martel began his presentation on pensions. (Exhibit 12)

05:02:34 Sen. Malek asked for clarification on social security coverage regarding public safety officials.

Keith Brainard, Research Director, National Association for State Retirement Plan Administrators (NASRA)

05:29:46 Mr. Brainard began his presentation comparing Montana pensions with those of surrounding states. (Exhibit 13)

Public comment on the pension plans

No comment.

All speakers at the table for roundup discussion, questions, and answers with the committee - Mr. Martel, Mr. Brainard

06:05:55 Sen. Brown asked Mr. Brainard about Cost of Living Adjustments (COLA) in our state and across the country.

06:08:43 Rep. Hayman asked Mr. Brainard if the state was on a path of financial preparedness for the future in regards to pensions.

06:12:14 Sen. Malek asked for clarification on moving public safety personnel into social security, and what it would entail.


06:17:22 Sen. Malek asked about South Dakota's model.

06:20:48 Sen. Brown asked if 1/10th of 1% means different things for different states.

06:22:20 Sen. Brown asked how long the state pension plans could sustain while taking in less in contributions than its paying out in benefits


06:26:33 Sen. Malek asked for clarification on when actuarial reports are conducted.

06:29:34 Ms. Scurr acknowledged hand outs in the meeting folders from Mr. Joshua Franzel, CEO/President, Center for State and Local Government Excellence. Mr. Franzel was prevented from attending to make his presentation due to a storm in Minneapolis that caused his flight to be canceled. (Exhibit 14) (Exhibit 15) (Exhibit 16) (Exhibit 17) (Exhibit 18)
Public comment on any topic under the committee's jurisdiction
06:33:45 Ms. Scurr presented a public comment from Gina Newby concerning election statutes on water/sewer districts. (Exhibit 19)
06:38:28 Committee discussion on water district votes.

NEXT MEETING AGENDA - May 16, 2018
06:44:52 Ms. Scurr asked what the committee would like on the agenda for the next meeting, and went over the items that are currently included on the May agenda.
06:46:40 Committee discussion.

ADJOURNMENT
06:53:21 With no further business before the committee, Sen. Malek adjourned the meeting at 2:57pm.

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