



## **State Administration and Veterans' Affairs Interim Committee**

### **65th Montana Legislature**

#### **SENATE MEMBERS**

SUE MALEK--Chair  
DOUG KARY--Vice Chair  
DEE BROWN  
FRANK SMITH

#### **HOUSE MEMBERS**

DENISE HAYMAN  
FORREST MANDEVILLE  
WENDY MCKAMEY  
KATHY SWANSON

#### **COMMITTEE STAFF**

SHERI SCURR, Lead Staff  
K. VIRGINIA ALDRICH, Staff Attorney  
JENNI CARR, Secretary

# **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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

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  
JENNI 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.  
03:03:28      Rep. Hayman asked for Ms. Bishop's input.  
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.  
03:15:47      Sen. Brown asked Ms. Mommaerts for clarification on cost when comparing countywide and statewide upgrades in voting equipment.  
03:17:27      Rep. McKamey asked Ms. Underhill about clarification on the mobile voting units out of Colorado.  
03:19:33      Sen. Brown commented on voter registration accessibility.  
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.
- 06:15:33 Sen. Malek asked for clarification on New York's tier plan.
- 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
- 06:24:35 Rep. Mandeville asked to what extent could a board make things look better by manipulating actuarial assumptions.
- 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**

- 06:33:29 Sen. Brown remarked on the benefits of today's speakers.  
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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