



State Administration and Veterans' Affairs Interim Committee
63rd Montana Legislature

SENATE MEMBERS

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DAVE LEWIS
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COMMITTEE STAFF

SHERI SCURR, Lead Staff
GINGER ALDRICH, Staff Attorney

MINUTES LOG

SJR 14 SUBCOMMITTEE ON COMBINING ELECTIONS
September 18, 2013
Room 102, State Capitol
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

SUBCOMMITTEE MEMBERS PRESENT

REP. BRYCE BENNETT, Presiding Officer
REP. JOANNE BLYTON
REP. KATHY SWANSON

STAFF PRESENT

SHERI SCURR, Lead Staff
GINGER ALDRICH, Staff Attorney
NADINE SPENCER, Secretary

AGENDA & VISITORS' LIST

Agenda ([Attachment 1](#)).

Visitors' list ([Attachment 2](#)).

COMMITTEE ACTION

- Voted 2-1 to look at creating consistency in the election laws then making a determination of whether or not to proceed with the process of combining elections.

AGENDA ITEM #1: CALL TO ORDER AND ROLL CALL

00:00:01 REP. BRYCE BENNETT called the subcommittee to order at 9:00 AM. The secretary called the role ([Attachment 3](#)).

AGENDA ITEM #2: WELCOME, OVERVIEW OF SUBCOMMITTEE'S PURPOSE, OVERVIEW OF AGENDA

00:00:20 REP. BENNETT

00:03:18 **Ms. Ginger Aldrich**, Staff Attorney, Legislative Services Division (LSD), gave a presentation on the priority of laws regarding school elections. She referenced a legal memorandum she prepared on the complex issues between Title 20 and Title 13 of the Montana Code Annotated (MCA) ([Exhibit 1](#)) and explained the order of priority between Title 20 and Title 13 ([Exhibit 2](#)).

AGENDA ITEM #3: PRESENTATION ON ELECTION DATES AND DEADLINES

00:06:24 **Ms. Sheri Scurr**, Lead Staff, Legislative Services Division (LSD), gave a presentation on election dates and deadlines and discussed even year elections ([Exhibit 3](#)), odd year elections ([Exhibit 4](#)), and referenced a summary chart of annual, primary and general elections prepared by the Secretary of State's Office ([Exhibit 5](#)) and a school budget timeline from the Office of Public Instruction (OPI) ([Exhibit 6](#)) .

00:18:40 **Ms. Lisa Kimmet**, Deputy for Elections, Office of the Secretary of State (SOS)

00:19:15 Ms. Scurr

00:21:23 **Ms. Linda Stoll**, Lobbyist for the Montana Association of Clerks and Recorders (MACR)

00:21:50 Ms. Scurr, LSD

00:24:46 **Ms. Vicki Zeier**, Missoula County Clerk and Recorder and Election Administrator (MCCREA)

00:25:08 Ms. Scurr

00:25:10 Ms. Zeier, MCCREA

00:25:36 Ms. Scurr discussed the summary chart of annual, primary and general elections (see Exhibit 5) and the working draft of the summary chart of special district election laws ([Exhibit 7](#)).

00:31:38 **Mr. Bob Vogel**, Montana School Board Association (MTSBA)

00:31:49 Ms. Scurr

AGENDA ITEM #4: ROUNDTABLE DISCUSSION WITH STAKEHOLDERS

00:32:01 REP. BENNETT asked the roundtable participants to introduce themselves and to provide their perspective on whether or not it is administratively feasible to combine primary and school elections.

Presentation by Montana Association of Clerk and Recorders

00:33:06 Ms. Stoll, MACR, introduced the clerks and recorders in attendance at the meeting. She asked them to make a presentation and to explain how elections are administered in their county and to provide insight into the issue of split precincts and the potential for a number of different ballot faces at the polls.

00:35:51 **Ms. Linda McCulloch**, Secretary of State, expressed her concerns about moving the primary date from June to May.

00:37:55 Ms. Stoll

00:38:30 **Ms. Paula Jaconetty**, Teton County Clerk and Recorder and Election Administrator (TCCREA)

00:38:37 Ms. Stoll

00:39:42 Ms. Jaconetty, TCCREA

00:44:11 REP. BENNETT

00:44:24 Ms. Stoll

00:45:22 Ms. Zeier provided a diagram showing split precinct ([Exhibit 8](#)).

00:48:10 Ms. Stoll

00:49:13 **Ms. Charlotte Mills**, Gallatin County Clerk and Recorder and Election Administrator (GCCREA)

00:52:07 Ms. Stoll

00:52:53 **Ms. Rina Moore**, Cascade County Clerk and Recorder and Election Administrator (CCCREA)

00:53:41 Ms. Stoll

00:57:01 REP. BENNETT

00:57:27 Ms. Stoll

Roundtable Discussion

00:58:48 Ms. Lisa Kimmet, SOS, said that it was feasible to combine the elections administratively, but a clean up of Title 7, MCA, and other election laws would have to be done first. She said there is a referendum on the November ballot which, if passed, will have an impact on how a primary election is administered. She also said that if the state were to go to an all vote by mail system for federal and statewide elections it would simplify the process and make it administratively accurate and secure.

01:02:17 **Ms. Shantil Siaperas**, Montana Association of Counties (MACo), said that they are interested in monitoring activity on combining elections and can provide any needed information. She said they are concerned about the cost.

01:03:14 **Ms. Mary Beveridge**, citizen volunteer, indicated that she is interested in following the election law discussions.

01:03:51 **Ms. Marty Rehbein**, Missoula City Clerk (MCC), said that it was important for the system to be easy to administer. She also said that split precincts and different ballot faces could impact voter privacy and urged the committee to keep constitutional privileges in mind if elections are combined.

Committee Questions and Discussion

01:08:12 REP. JOANNE BLYTON

01:08:35 Ms. Rehbein, MCC

01:09:28 REP. BLYTON

01:09:35 Ms. Zeier

01:13:30 REP BENNETT

01:13:48 Ms. Scurr

01:16:39 Ms. Zeier

01:17:22 Ms. Stoll

01:18:07 REP. BENNETT

01:18:27 Ms. Zeier

Roundtable Discussion

01:19:55 **Ms. Nicole Thuotte**, School Finance Specialist, Office of Public Instruction (OPI), described several problems associated with combining elections including having two sets of election instructions, confusion with elections conducted in even versus odd years, the need for extra training, confusion with changing polling locations, increased special school elections, the possibility of more ballots and more ballot faces and increased costs.

01:23:39 Ms. Kimmet

01:24:05 Ms. Thuotte, OPI

01:24:20 REP. BENNETT

01:25:46 Ms. Thuotte

01:25:54 **Ms. Denise Ulberg**, Executive Director, Montana Association of School Business Officials (MASBO), agreed with the concerns expressed by Ms. Thuotte. She was also concerned about consistency from year to year and making sure that elections are run properly and in compliance with the law.

01:27:15 Mr. Bob Vogel, MTSBA, said that they oppose combining elections and discussed some of the challenges that would be involved including violating constitutional law if counties run school elections and overlap that could result if trustee and mill levy elections are held on the same day.

01:37:02 **Ms. Nicki Beyer**, District Clerk and Election Administrator for Sidney schools (DCEAS), explained the problems that they would have in Richland County if the elections were combined. She also said that having the election in June would be better than in May.

01:41:26 **Mr. Alec Hanson**, Montana League of Cities and Towns (MLTC), discussed the problems associated with combining city elections with school elections.

AGENDA ITEM #5: OTHER PUBLIC COMMENT

01:47:04 Ms. Mills, GCCREA
01:49:27 Terry Minow, representing MEA-MFT
01:50:42 Regina Plettenberg, Ravalli County Clerk and Recorder (RCCR)

01:52:34 Break

02:06:24 REP. BENNETT called the meeting back to order 11:07 AM.

02:06:58 Ms. Scurr discussed the election law statutes and partisan verses non partisan elections.

Committee Questions and Discussions

02:08:52 REP. BENNETT
02:09:03 REP. KATHY SWANSON
02:09:59 REP. BENNETT
02:10:22 REP. BLYTON
02:10:58 Ms. Kimmet
02:11:05 Mr. Vogel
02:12:32 Ms. Zeier
02:13:01 REP. BLYTON
02:13:43 Ms. Judy Christensen, Carbon County Election Administrator (CCEA)
02:14:30 REP. BENNETT
02:15:02 Ms. Christensen, CCEA
02:15:54 Ms. Zeier
02:16:55 Ms. Stoll shared a comment from Mr. Brett Rutherford, Yellowstone County, regarding turnout for school elections using mail in ballots.

02:17:16 Ms. Rehbein
02:18:09 REP. SWANSON
02:18:31 Ms. Zeier
02:19:24 REP. BENNETT
02:19:55 Ms. Zeier
02:21:36 REP. BENNETT
02:21:47 Ms. Mills
02:22:40 Ms. Jaconetty
02:23:46 Ms. Kimmet
02:24:47 Ms. Mills

AGENDA ITEM #4: ROUNDTABLE DISCUSSION WITH STAKEHOLDERS CONTINUED

02:25:24 REP. BENNETT asked for comments on what the committee should consider if they decide to move forward with a proposal to combine elections.

- 02:25:47 Ms. Kimmet asked the committee to look at issues involving the Uniform and Overseas Voters Act requiring ballots to be mailed out 45 days in advance of the election.
- 02:27:35 Ms. Stoll asked that the committee consider combining the elections in conjunction with implementing an all mail in ballot.
- 02:28:05 Ms. Thuotte asked the committee to take into consideration budgeting deadlines.
- 02:28:30 Ms. Zeier said that laws should be consistent so that all ballots go out 30 days before the election and that filing deadlines and requirements should also be consistent.
- 02:29:29 Ms. Rehbein said that cities, just like the legislature, need to apportion wards.
- 02:31:03 Mr. Hanson said because there is a low number of city primary elections in small towns it might not be worth combining elections.
- 02:31:55 Mr. Vogel said that voters need to be given a choice between traditional voting and mail in ballots and that they need to preserve what efficiencies have been gained in the election process.
- 02:32:54 Ms. Siaperas said it was important to consider cost and also how current terms would roll forward.
- 02:33:13 Ms. Plettenberg said that two-thirds of their association is against combining elections and that it would be difficult for small schools districts.
- 02:34:20 Ms. Mills said that she was in favor of moving up election deadlines. She also commented on late registration.
- 02:35:43 Ms. Beyer also commented on late registration.
- 02:36:11 Ms. Beverage, citizen, commented that as a voter she would like to see that laws are consistent and also commented on special districts.
- 02:37:42 Ms. Aldrich, LSD, gave a brief overview of some of the constitutional questions.
- 02:39:41 Ms. Stoll
02:40:44 Ms. Beveridge
02:41:17 REP. BENNETT
- 02:41:37 Ms. Siaperas agreed that small school districts need to be considered.
- 02:41:57 Ms. Kimmet said that they need to consider filing deadlines for candidates if elections were moved to May and she also talked about the cost associated with special districts.

02:43:56 Ms. Stoll shared a comment from Sandy Boardman, Blaine County, about the cost impact for the large number of small school districts.

Committee Questions and Discussions

02:44:35 Ms. Ulberg, MASBO
02:45:53 REP. BENNETT
02:46:11 Ms. Scurr
02:47:20 Ms. Kimmet
02:48:58 Ms. Scurr
02:50:27 Ms. Plattenberg
02:50:40 REP. BENNETT

AGENDA ITEM #6: SUBCOMMITTEE WORK SESSION - NEXT STEPS

02:52:45 REP. BENNETT
02:53:15 Ms. Scurr
02:54:52 REP. BENNETT
02:55:02 REP. SWANSON
02:56:08 REP. BLYTON
02:57:06 Ms. Scurr
02:57:22 REP. BENNETT

Committee Action

02:58:30 **REP. BLYTON moved that the committee look at creating consistency in the election laws and then reevaluate whether or not to proceed with the process of combining elections. The motion carried 2-1 by voice vote with REP. SWANSON voting no.**

02:59:25 Rep. Bennett adjourned the meeting at 12:00 PM.
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