

HJR 46: Revision of Election Laws

Update on Work Group Process

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for the State Administration and Veterans' Affairs Interim Committee
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During August, representatives of groups involved in Montana elections met to review the state's election laws, as a starting point for addressing the House Joint Resolution 46 directive to "develop legislation that provides for a comprehensive cleanup and clarification of current election laws, including the possible revisions to mail ballot elections to require or permit that all elections be conducted by mail ballot." The work group met August 8 and August 16 to develop consensus on changes needed to clean up, clarify, and update the election laws. On August 30, it discussed issues involved with mail ballot elections. The group is meeting again on October 24 to continue that discussion and review draft revisions to Title 13 and Title 20 election laws.

Narrowing the Focus

Staff recommended, and the work group agreed, that the following chapters of Title 13 be excluded from review because they deal with areas outside the actual administration of elections:

- 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

Staff will review these chapters to clean up archaic or gender-specific language and to make sure they reflect any changes made elsewhere in Title 13. However, these chapters could be scrutinized further if SAVA members want a more substantive review.

Cleanup and Clarification

At the August 8 and August 16 meetings, the work group spent several hours reviewing each chapter of Title 13 and agreed on revisions designed to:

- Reconcile the time frames and certain other requirements for late registration, absentee voting, and mail balloting, to making them consistent.
- Clarify the handling of provisional and challenged ballots, to conform with rules adopted for those procedures.
- Clarify accessibility standards for polling places.
- Require the same training and certification for all election judges.
- Expand the sources of information used to set the benchmark performance standard for voting systems.
- Clarify the procedure for registering as a permanent absentee voter.
- Revise, update, and consolidate definitions.

Mail Ballot Elections

The group reviewed a draft briefing paper on mail ballot elections to offer additional ideas for topics that should be included or researched further. Members raised a number of questions for further research, including:

- issues centering on the mail delivery of ballots and the rate of ballots that are returned as undeliverable by the U.S. Postal Service.
- whether trends in voter turnout in the only all-mail ballot election state, Oregon, have changed significantly, based on the voting age population and not just the number of registered voters.
- the level of participation among minorities, the low-income, and people who tend to move frequently, live in multi-unit housing such as dorms or nursing homes, or do not have mailing addresses.
- accessibility issues for voters with disabilities.

On October 24, the group will continue discussing these and other issues, including the experiences of Montana cities that are conducting their elections only by mail this fall. Before members conclude their work, they will determine what recommendation, if any, to make on expanded use of mail ballot elections.

Election-Related Issues for SAVA Consideration

Participants agreed that some topics they discussed fell outside the study's scope, but wanted SAVA to be aware of them in case the committee wanted to pursue them further, including:

- The question of having county election administrators conduct school elections. Currently, counties have the option of doing so if school districts request it. Quick surveys of school district clerks and county clerks and recorders showed an overwhelming number of school respondents supporting county administration of the elections. Clerks and recorders were about evenly split on the idea, although all but five of the 19 respondents who were opposed said they would support the idea if school elections were combined with the primary election. Work group members recognize that a change of such magnitude raises numerous issues and questions.
- The need to address funding and resource issues in some manner, because of the increasing costs of running elections. Costs are affected by, among other things, federal requirements, an increasing number of absentee ballots that must be mailed and counted while polling place elections are underway, and changes caused by late registration. A recent legislative audit also noted the need to address ongoing costs of election reforms.
- The idea of holding elections on Saturdays.

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SAVA Decisions Points for September 2007

Staff requests that SAVA provide direction on the following issues during its October meeting, to ensure the HJR 46 work progresses as scheduled.

- What is the committee's preference in handling the Title 13 chapters that were excluded from the work group process in August?
 - ✓ Agree with work group decision to make only minor, necessary changes to chapters
 - ✓ Request a more substantive review of the chapters for other issues
 - ✓ Other

- Does the committee want to consider any of the following election-related issues during the interim and if so, in what manner?
 - Requiring county clerk and recorders to conduct school elections
 - ✓ Panel presentation on the topic
 - ✓ Inclusion of the change in draft legislation
 - ✓ Study resolution for the 2009 Legislature
 - ✓ Set aside as outside the scope of the study resolution
 - ✓ Other

 - Combining the school and primary elections and possibly changing the date of the election -- an idea raised in conjunction with requiring counties to conduct school elections
 - ✓ Discuss at a committee meeting, possibly as part of a panel presentation
 - ✓ Set aside as outside the scope of the study resolution
 - ✓ Other

 - Resource and funding needs for administering elections
 - ✓ Briefing paper summarizing work group concerns
 - ✓ Panel presentation at committee meeting
 - ✓ Set aside as outside the scope of the study resolution
 - ✓ Other

 - Moving Election Day to Saturday to deal with issues of turnout and election judges
 - ✓ Explore idea further, with discussion or briefing paper
 - ✓ Set aside as outside the scope of the study resolution
 - ✓ Other

Work Group Participants

The following people have participated in one or more of the work group meetings:

Duane Winslow

Secretary of State's Office/Yellowstone County

Alan Miller

Secretary of State's Office

Janice Doggett

Secretary of State's Office

Vickie Zeier

Missoula County Clerk & Recorder

Rina Moore

Cascade County Clerk & Recorder

MaryAnn Harwood

Toole County Clerk & Recorder

Deb Mart

Cascade County Elections Office

Allan Underdal

Toole County Commissioner

Joe Lamson

Office of Public Instruction

Denise Ulberg

Office of Public Instruction

Bob Vogel

Montana School Boards Association

Lynda Brannon

Montana Association of School Business Officials

Sheryl Wood

Montana Association of Counties

Beth Brenneman

Montana Advocacy Project

Joy Bruck

AARP

Sara Busey

League of Women Voters

Claudia Clifford

AARP

Alysha Goheen Janotta

Montana Women Vote

Jeanne-Marie Souvigney

Montana Conservation Voters

Rep. Pat Ingraham

Thompson Falls/HJR 46 Sponsor/ Former Clerk & Recorder

Rep. Diane Sands

Missoula/HJR46 Sponsor

In addition, the following people have been invited to and kept informed of work group activities via e-mail: *Alec Hansen, Montana League of Cities and Towns; Janice Hoppes, Pondera County Clerk and Recorder; Jim Farrell, formerly with the Montana Democratic Party; and Chris Wilcox, Montana Republican Party.*