



State Administration and Veterans' Affairs Interim Committee
64th Montana Legislature

SENATE MEMBERS

DEE BROWN--Chair
DOUG KARY
CLIFF LARSEN
JONATHAN WINDY BOY

HOUSE MEMBERS

BRYCE BENNETT--Vice Chair
FORREST MANDEVILLE
WENDY MCKAMEY
KATHY SWANSON

COMMITTEE STAFF

SHERI SCURR, Lead Staff
GINGER ALDRICH, Staff Attorney
KATYA GROVER, Secretary

MINUTES LOG

November 24, 2015, Conference Call
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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COMMITTEE MEMBERS PRESENT (via conference call)

SEN. DEE BROWN, Chair
REP. BRYCE BENNETT, Vice Chair

SEN. DOUG KARY
SEN. CLIFF LARSEN
SEN. JONATHAN WINDY BOY

REP. FORREST MANDEVILLE
REP. WENDY MCKAMEY
REP. KATHY SWANSON

STAFF PRESENT

SHERI SCURR, Lead Staff
GINGER ALDRICH, Staff Attorney
KATYA GROVER, Secretary

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTIONS

The committee:

- Approved the proposed form for the ballot and that signatures would be required on both pages of the ballot and that initials would be required next to any corrections made on the ballot.
- Agreed that following documents would be included in the hard copy mailing of the ballots to all legislators:
 - o The text of the 16 rules being voted on.
 - o The statues pertaining to the 16 rules.
 - o The response letter by the Commissioner of Political Practices.
- Agreed that other relevant materials would be provided on SAVA's website on a special web page for the poll.
- Decided that the ballots would be sent hard copy by mail only.
- Directed that the ballots be printed on colored paper.
- Agreed that the voted ballots could be returned by mail, in person, by e-mail, or by FAX and that the hard copy ballot need not be mailed in if the signed ballot was electronically returned.
- Agreed that if multiple voted ballots were returned, the last ballot received would be considered the official ballot and would supersede the previous ballots.
- Directed that the ballot packets be mailed on Dec. 1.
- Set Dec. 21 as the deadline by which voted ballots must be received.
- Authorized the Presiding Officer and Vice Presiding Officer to resolve any problems or questions that may arise on the conduct of the poll and to validate the poll results.
- Directed that the official poll results be provided to the Secretary of State for publication.
- Directed staff to communicate to the Secretary of State the committee's understanding that the publication of the adoption notice for the rules proposed in MAR Notice No. 44-2-207 would be delayed so that the poll results could be published with the adoption notice.

CALL TO ORDER AND ROLL CALL

00:00:10 Sen. Brown called the meeting to order at 3:02 p.m. The committee secretary called roll. ([Attachment 3](#))

BALLOT PROCESS AND PROCEDURE

Introduction: Polling Statutes, Draft Poll Letter, Draft Ballot, Additional Online Documents, Public Requests for Preliminary Results - Ginger Aldrich, Staff Attorney

00:01:38 Ms. Aldrich provided an overview of the ballot process, rules and procedures. ([Exhibit 1](#)) ([Exhibit 2](#)) ([Exhibit 3](#))

Committee Questions of Ms. Aldrich

00:13:19 Sen. Brown asked what would happen if a legislator does not return his or her ballot and whether 'yes' or 'no' votes would be automatically assigned to ballots that are not returned.

00:14:20 Sen. Brown asked in what manner COPP can respond to the objections to the rules.

00:15:18 Ms. Aldrich resumed her presentation and discussed the procedure regarding public requests for preliminary results. Ms. Aldrich also referred the committee members to Attachment A and Attachment B for the mailing packet. ([Exhibit 4](#)) ([Exhibit 5](#))

00:16:11 Committee members agreed by consensus that only the text of the 16 rules objected to will be included in the mailing with the ballot.

Committee Discussion

00:16:48 Committee members discussed whether legislators should be provided a link to the website containing the statutes or whether hard copies of the statutes should be included in the mailed poll packets.

00:18:24 Committee members agreed by consensus that hard copies of the statutes should be included in the packets.

00:19:00 Ms. Aldrich referred the committee members to the COPP letter with the [Justification for Rules](#), to the [MAR Notice No. 42-2-207](#), to the [Updated Changes to MAR Notice No. 44-2-207](#), and to the collated [16 Rules](#).

Committee Questions of Ms. Aldrich

00:20:40 Sen. Brown asked whether the packet will include the reply provided by the Commissioner of Political Practices since SAVA's last meeting.

00:21:28 Ms. Aldrich resumed her presentation and referred the committee members to the [Legislator Letters of Objection](#), as well as other materials from the previous SAVA meetings regarding MAR Notice No. 44-2-207. Ms. Aldrich also referred the committee members to materials regarding SB 289 and SB 151 from 2015 Legislative Session.

Public Comment on the Polling Process - none

Committee Discussion of Methods by Which Ballots Will Be Accepted

00:25:11 Ms. Aldrich elaborated on methods for returning voted ballots.

Committee Discussion on Methods of Delivering Ballots to Legislators

00:29:25 Committee members agreed by consensus that the hard copies of ballots should be mailed to the legislators. The committee also unanimously agreed that the voted ballots can be returned via mail, e-mail, fax, or in person.

Committee Questions and Discussion on Authentication of Ballots

00:32:32 Rep. McKamey asked if the law requires legislators to send in a hard copy ballot.

00:36:13 Sheri Scurr, lead staff, asked about potential mistakes on the ballots made by voters.

00:36:54 The committee members agreed that if a voter makes a mistake, he or she needs to initial corrections.

00:39:56 Committee members agreed by consensus that a follow up with a hard copy of the voted ballot is not required if the ballot is sent in electronically. The committee also agreed that each page of the voted ballot should be signed. The committee also agreed by consensus that, in case of multiple ballots returned by a legislator, the new one supersedes the old ones. The committee also agreed by consensus that if a legislator changes a vote on a ballot, the legislator can initial the change and that a whole new ballot would not need to be printed.

Action Items: Materials to Be Provided

00:42:11 Ms. Aldrich reiterated what materials will be included in the packets.

00:42:59 Rep. Bennett asked if the ballots could be printed on a different color. The committee agreed that the ballots should be printed on colored paper.

00:43:35 Sen. Brown commented on the usefulness of the website and concluded the discussion about materials that should be provided to the legislators.

00:44:09 The committee members expressed their agreement.

Action Items: Deadlines

00:44:47 The committee members and staff discussed the possible dates for mailing out the poll materials and for returning the ballots in time to meet the publication deadline for the MAR.

00:55:54 The committee decided by consensus that the poll materials should be sent to the legislators by December 1, 2015. The committee members proposed that the deadline for voted ballots to be returned would be December 23, 2015.

00:56:35 Rep. Bennett asked Ms. Aldrich whether having all ballots in by December 23, 2015, will meet the deadline for the January 8, 2016, publication of the MAR.

Action Items: Results and Publication

01:00:46 The committee agreed by consensus that December 21, 2015, should be the deadline for the return of the voted ballots so the deadline for publication of January 8, 2016, can be met. The committee members agreed by consensus that the committee chair and vice chair can authenticate the results of the poll.

01:04:26 The committee members agreed by consensus to provide results of the poll to the Secretary of State for publication.

01:05:51 Sen. Brown instructed Ms. Aldrich to write a letter on behalf of the committee to the Secretary of State regarding delayed publication of the adoption notice.

Public Comment - None

01:09:58 Ms. Aldrich reminded the committee that the documents in the poll packets, including the voted ballots, are considered public and will be presented to the public if there is such a request. Ms. Aldrich also said that once the rules are adopted by the COPP, she can revise the poll website to include the text of the rules as adopted.

ADJOURNMENT

01:10:56 With no further business before the committee, Sen. Brown adjourned the meeting at 4:13 p.m.

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