

IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY

Montana Democratic Party, Mitch Bohn,

Plaintiffs,

Western Native Voice, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian
Community, and Northern Cheyenne Tribe,

Plaintiffs,

Montana Youth Action; Forward Montana
Foundation; and Montana Public Interest
Research Group

Plaintiffs,

v.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Consolidated Case No. DV 21-0451

**DECLARATION OF MALIA
BERTELSEN**

I, Malia Bertelsen, declare as follows:

1. My name is Malia Bertelsen. I am over 18 years old. I make this declaration based upon my personal knowledge and experience, and in support of Plaintiffs' application for preliminary injunction in the above-captioned matter.

2. I am a native of Bozeman, Montana, having grown up in the city and lived there for my first 18 years of life. When I turned 18, I registered to vote in Montana.

3. In August 2017, I began my college studies at the University of Vermont in Burlington. While I lived in Vermont during the academic year, I maintained my permanent residence at my parents' home in Bozeman. I returned to Montana during almost every academic

DECLARATION OF MALIA BERTELSEN

break. During the summer and winter breaks, I worked in Montana, and as a result, I filed income taxes in the state.

4. While a student in Vermont, I voted in the 2018 midterm and 2020 presidential elections in Montana. I requested and received my absentee ballots at the addresses I lived at while a student in Vermont and returned them via the U.S. postal service. During college, I lived at three different addresses and updated my Montana registration each time.

5. During my senior year at Vermont, I became very involved in the local election for mayor of Burlington. The issues the candidates were engaging with really spoke to me, and I felt compelled to participate in that election as a voter. I registered to vote in Vermont at my address in that state and cast a ballot in the March 2, 2021 election.

6. After graduation in May 2021, I returned to Bozeman to live and work full time. I intend to remain in Montana for the foreseeable future and have no plans to leave. Having been a lifelong resident of the city, I was interested in the local races on the ballot in November 2021.

7. I knew from growing up here that Montana had traditionally offered citizens the opportunity to register to vote on Election Day. On the afternoon prior to Election Day 2021, I saw a friend's Instagram story that the deadline had been moved by the Montana Legislature to noon the day prior. This was the first time I had heard of the change in the law. The friend who posted the story worked on a campaign for a city commissioners race in Bozeman and seemingly knew of the law change because of her involvement in local politics. None of my other friends knew about the change. By the time I saw the post, the deadline had already passed. But I was not concerned in the moment because I thought my Montana registration remained valid.

8. When I arrived to vote on Election Day, I learned otherwise. Unbeknownst to me, my Montana registration had been canceled, most likely because I had registered in Vermont in

the interim. This was the first I had heard of the cancellation; I never received any notice from any Montana official via the mail or otherwise. The elections official working that day informed me that I was no longer registered in Montana and confirmed what I had seen in my friend's social media post: the opportunity to register had passed.

9. I feel strongly about the importance of voting. I have volunteered for campaigns in the past, and I stay informed about political issues about which I am passionate. Accordingly, I was excited to vote in 2021. I believe that local-level offices are an important part of our democracy, and I wanted to make my mark on Bozeman. What's more, I was particularly invested in one city commissioner race and wanted to support a candidate that had been a part of a task force to promote women's rights in the city. I was very sorry to learn I would not have that opportunity.

10. The change in the Montana registration deadline prevented me from voting this year. I hope the Court will take action to block this kind of thing from happening to other voters.

I declare under penalty of perjury that the foregoing is true and correct.

Date of Signature: January 11, 2022

Place of Signature: Malia Bertelsen, Bozeman, Montana

Malia Bertelsen
Malia Bertelsen

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 01-12-2022:

Austin Markus James (Attorney)
1301 E 6th Ave
Helena MT 59601
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

Dale Schowengerdt (Attorney)
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Service Method: eService

David Francis Knobel (Attorney)
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Rylee Sommers-Flanagan (Attorney)
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Representing: Forward Montana Foundation, Montana Public Interest Reserch Grp., Montana Youth Action
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Representing: Montana Democratic Party
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Alexander H. Rate (Attorney)
713 Loch Leven Drive
Livingston MT 59047
Representing: Western Native Voice
Service Method: eService

Electronically Signed By: Matthew Prairie Gordon
Dated: 01-12-2022

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY**

Montana Democratic Party, Mitch Bohn,

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Blackfeet Nation, Confederated Salish and
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Montana Secretary of State,

Defendant.

Consolidated Case No. DV 21-0451

**DECLARATION OF THOMAS
BOGLE**

I, Thomas Bogle, declare as follows:

1. My name is Thomas Bogle. I am over 18 years old. I make this declaration based upon my personal knowledge and experience, and in support of Plaintiffs' application for preliminary injunction in the above-captioned matter.

2. After growing up in Houston, I spent more than 10 years of my adult life in Northwest Colorado. In 2020, my wife and I moved to Frederick, Maryland for her job. After her job became remote because of the pandemic, we decided we wanted to return to the Mountain West. In April 2021, we moved to Bozeman with the intent of starting a family and putting down roots.

DECLARATION OF THOMAS BOGLE

3. In early September 2021, my wife and I went to the DMV to get our Montana drivers licenses. While obtaining the new identification, we each indicated to the clerk that we also wanted to register to vote in Montana. Both of us filled out and submitted the appropriate voter registration paperwork. We also both elected to receive an absentee ballot so that we had the ability to vote by mail.

4. Neither my wife nor I received any confirmation in the mail or otherwise that our registration had been processed. But a few weeks later, my wife received her absentee ballot through the mail at our home address. Mine, however, did not arrive. I figured that there was some delay in processing my absentee ballot application, but I thought the problem would resolve itself before election day. At no point did I ever think that my voter registration had also not been successfully processed.

5. Though my ballot never arrived in the mail before election day, I nevertheless wanted to exercise my right to vote in my new home state. Since registering to vote at age 18, I believe I have cast a ballot in every election for which I was eligible.

6. Going to the Clerk's office is no small undertaking for me. I care fulltime for our infant daughter, I am a small business owner, and my schedule is otherwise very full. Taking an infant in her car seat up all the stairs in the county courthouse was not something I was looking forward to doing, particularly during a pandemic. But because voting is so important to me, when my absentee ballot did not arrive, I went to the clerk's office to vote.

7. I arrived at the clerk's office in Bozeman on Election Day, November 2, 2021, to cast my ballot believing that I was duly registered. When I arrived, the elections official informed me that I was not registered to vote in Montana. The official told me that he could see in the system

that I had requested an absentee ballot, but the actual voter registration had never been sent from the DMV to the county clerk for processing. As a result, my ballot was never sent out.

8. Every state I had lived in previously permitted election day registration, and it was my understanding that Montana allowed for the same. I therefore asked to register and vote that day. The official informed me that because of a recent change in the state's election laws, the deadline to register for the 2021 election had passed, and that I would not be able to cast a ballot for this election. Although I am an avid consumer of the news, this was the first time I had heard of the change in Montana law.

9. I had very much wanted to vote in 2021. I believe the local races on the ballot are incredibly important to our participatory democracy. I was very upset that I was unable to vote. Because I had been disenfranchised by the new law, I wrote to my state representative, Ed Stafman, to express my frustration. I received a response from Rep. Stafman that he shared my concern and had voted against this change in the law. This response, while affirming, did not change the fact that the law change had effectively barred me from voting through no fault of my own.

10. Although I was not able to vote on election day, my registration finally came through, weeks after the election. A confirmation notice arrived at my home a few weeks ago.

11. I hope this Court will take action and prevent others from facing a similar fate by blocking further enforcement of this new law.

I declare under penalty of perjury that the foregoing is true and correct.

Date of Signature: Jan. 10th, 2022 _____

Place of Signature: Bozeman, MT _____



Thomas Bogle

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 01-12-2022:

Austin Markus James (Attorney)
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Service Method: eService

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David Francis Knobel (Attorney)
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Rylee Sommers-Flanagan (Attorney)
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John C. Heenan (Attorney)
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Alexander H. Rate (Attorney)
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Livingston MT 59047
Representing: Western Native Voice
Service Method: eService

Electronically Signed By: Matthew Prairie Gordon
Dated: 01-12-2022

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Defendant.

Consolidated Case No. DV 21-0451

DECLARATION OF MITCH BOHN

I, Mitch Bohn, declare as follows:

1. My name is Mitch Bohn. I am over 18 years old. I make this declaration based upon my personal knowledge and experience, and in support of Plaintiffs' application for preliminary injunction in the above-captioned matter, in which I am also a plaintiff.

2. I am a Montana citizen and voter residing in Billings. I have a disability that confines me to a wheelchair and has resulted in numerous health complications over the years.

3. I first registered to vote in 2014. My high school government teacher gave me a voter registration form on my 18th birthday, and I filled it out right away. I have voted in every

DECLARATION OF MITCH BOHN

election for which I have been eligible since. I believe voting is an incredibly important civic responsibility and the best way to have a say in our government.

4. I have a preference for voting by absentee ballot. Billings typically only has one polling location at the Metra Arena on election day. I know from past experience that the arena can be extremely busy on election day, making it even more difficult for a person in a wheelchair to navigate. November weather in Montana can also be a complicating factor that makes getting to a polling location on election day all the more difficult for me and others with disabilities. I also enjoy the extra time with my ballot afforded by the absentee process to carefully consider my choices.

5. By the time I had filled it out my ballot for the 2018 election, I was worried the mail would not deliver my ballot back at the clerk's office in time to be counted. As a result, I asked my parents to return my ballot for me, which they helpfully did.

6. In subsequent years, I have returned my absentee ballot through the mail. But if it were legal, I would prefer to give my ballot to a paid employee of the Montana Democratic Party or other similarly reliable ballot collection groups to return on my behalf. I trust the Party's employees to return my ballot safely and probably more promptly than the U.S. Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Date of Signature: 1/11/2022

Place of Signature: Billings



Mitch Bohn

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 01-12-2022:

Austin Markus James (Attorney)
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Electronically Signed By: Matthew Prairie Gordon
Dated: 01-12-2022

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Montana Secretary of State,

Defendant.

Consolidated Case No. DV 21-0451

**DECLARATION OF TRENT
BOLGER**

I, Trent Bolger, declare as follows:

1. My name is Trent Bolger. I am over 18 years old. I make this declaration based upon my personal knowledge and experience, and in support of Plaintiffs' application for preliminary injunction in the above-captioned matter.

2. From the past several years, I served as a Senior Adviser at the Montana Democratic Party ("MDP"), a Plaintiff in the above-captioned matter. From 2008 until 2019, I worked at the MDP in a variety of roles. From 2015 to 2019, I served as the Chief Financial Officer for the MDP. In my roles as Chief Financial Officer and Senior Advisor, I was involved with developing and executing

the MDP's political strategy, including polling, advertising, media placement, hiring staff, renting offices, and educating, persuading, and mobilizing voters.

3. I am a registered voter in Montana and regularly vote in primary and general elections.

4. The MDP's mission is to elect Democratic Party candidates in local, county, state, and federal elections. In past elections, the MDP expended millions of dollars to persuade and mobilize voters to support candidates who affiliate with the Democratic Party in Montana.

5. During general election years, the MDP operates a field office in Billings, which serves as the headquarters for the MDP's voter persuasion and mobilization activities. These activities include encouraging voting and assisting voters in returning absentee ballots. In 2020, the Billings office was staffed by approximately a half-dozen MDP employees. The office hosted over one hundred MDP volunteers for voter persuasion and mobilization activities, including door-to-door canvassing in Billings and other locations in Yellowstone County, during which time MDP representatives offered absentee ballot collection services to voters. The MDP provided trainings to organizers and volunteers regarding absentee ballot collection services at its Billings office.

6. The MDP works to accomplish its mission in part through its Get Out the Vote ("GOTV") efforts. The MDP's GOTV efforts are two-fold. Well before election day, the MDP focuses on encouraging absentee voters to return their ballots in a timely fashion. Typical activities include registering voters, encouraging absentee voters to request an absentee ballot, ensuring that voters know what form of ID they need to vote and that they have a plan to vote. As election day approaches, the MDP's GOTV focus shifts to educating and mobilizing election day voters. The MDP engages with tens of thousands of voters within the week leading up to election day. The MDP volunteers and organizers address people's questions and concerns about how and where to vote in a variety of ways, especially through its phone banking and voter protection hotline. The MDP

volunteers field anywhere between 500 to several thousand calls from voters with these types of issues—a number that may be greater than the vote differential between candidates in an election.

7. During the first phase of GOTV, the MDP tries to encourage potential voters to register to vote as early as possible. That does not always prove easy as voter are harder to motivate when election day is still far in the future. For the past sixteen years, election day registration (“EDR”) has functioned as a “fail safe” for voters. EDR provides voters with greater opportunities to register to vote: Working and student voters often have election day off from work or class so they have more time to go to their local elections office to both register and cast their ballots. Voters with limited transportation resources can rely on organized rides to the polls on election day. Voters also have more time to register to vote on election day, as they are permitted to do so as long as they are in line by the time polls close at 8 PM that day.

8. EDR also allows voters to resolve issues with their voter registration that occur through no fault of their own. I am aware of multiple occasions where voters have duly registered within the original registration window, only to find out on election day that they are not in fact registered because of an administrative error. EDR allows those voters to correct the issue, register, and vote on election day.

9. In my experience, three groups of voters are most likely to be affected by the elimination of EDR: (1) young people who do not own a home or are renting and those people who otherwise live a more nomadic lifestyle; (2) Native Americans and people in the tribal community who live on reservations that are split into multiple counties and don’t have easy access to county offices; and (3) elderly voters who have been living in one place for a prolonged period of time who end up in assisted living or who sell their homes for downsizing purposes—if and when they relocate.

10. In fact, HB 176 has already disenfranchised Montana voters. I personally know of at least two voters who were unable to vote in the 2021 election because of the change in law. One of these individuals continued to think she had until election day to register because of the longstanding practice under Montana law. It was only when she arrived at her polling location, however, that she discovered the law had changed. While she registered that day for future elections, she was unable to vote in this year's municipal elections.

11. In addition to helping voters register to vote, another integral part of the MDP's GOTV efforts includes ensuring that voters understand what they need to bring with them to their polling location in order to cast their ballots. In the past, we have informed voters that they must bring a current photo ID with them to the polls. But because of Senate Bill 169 ("SB 169"), we will have to inform voters that they can no longer use IDs issued by Montana colleges and universities to vote unless they also provide an additional form of identification, many of which student voters do not possess. Out-of-state students, for example, are unlikely to possess Montana driver's licenses. And all students may lack utility bills, bank statements, and pay checks with their current Montana address.

12. During the second phase of GOTV, the MDP focuses on ensuring that voters actually cast their ballots. Starting the weekend prior to election day, the MDP staff and volunteers knock on doors of voters who have not yet turned in their ballots. I have personally participated in these activities. At that time, it's too late for voters to mail in their ballots because ballots must be received on (rather than postmarked by) election day. As such, there is increased need to educate voters about their options for casting their absentee ballots in time and for providing ballot return assistance. Other MDP staff and volunteers have similarly encountered voters expressing confusion over the deadline for returning ballots. For this reason, the MDP has made particular efforts, and expended resources,

to help those voters ensure that their ballots are delivered to election officials by 8 p.m. on election day.

13. To that end, the MDP has trained staff and volunteers to offer to return absentee ballots for voters in every election for which it was legal under Montana law. The Preamble to the MDP's 2020 Platform states: "Our history as a party teaches us that by working together and speaking as one, we can move society forward, especially when we raise our voices for those among us with little money, influence, or acceptance." One of the principles of the MDP's 2020 Platform is the "assurance of voting rights to all citizens and expanded voter participation, particularly in historically disenfranchised populations." Offering ballot collection services to those who request them is one important way that the MDP communicates its belief in working together to help all citizens participate in democratic elections, particularly for voters who have experienced historically low turnout rates when compared to the rest of the population, or who for various reasons—disability, advanced age, poverty, or discrimination—would have difficulty voting.

14. When the MDP trains organizers and volunteers on voter outreach and GOTV, we emphasize having a conversation with the voter and helping the voter formulate a plan for how they are going to vote. We have trained volunteers to help voters think through when and how they were going to mail or bring in their ballot to their county elections office or drop box and to make the offer of ballot collection and delivery when it seemed like the voter was unsure whether they would be able to deliver the ballot themselves. In past elections, when it was too late to mail in a ballot, MDP organizers and volunteers were trained to offer ballot collection and delivery services as part of a "last resort" option to help voters figure out how they were going to turn in their ballot without using the mail.

15. In past elections, the MDP's training included strict guidelines for ballot collection: Collectors should never pressure a voter to collect their ballot, but rather offer it as an option when other options seemed unworkable. After staff or volunteers committed to providing a voter with ballot collection services, they were instructed not to ask about whom the voter voted for. If the voter volunteered that information anyway, the MDP instructed staff and volunteers that they had to ensure the ballot was returned to county elections officials no matter who the voter said they voted for. Staff and volunteers were instructed to give the voter privacy if they had not completed filling out their ballot; to never touch the ballot, mark the ballot, or sign for a voter; and to only accept the envelope containing the ballot after it had been signed and sealed.

16. Staff and volunteers were also instructed to deliver collected ballots to county elections officials by 5 pm the same day that they were collected. If it was not possible for staff and volunteers to deliver the collected ballots the same day, they were instructed to do so within 24 hours of collection. If a ballot was collected at a time when the county elections office was not open within the next 24 hours (for instance, if the ballot was collected on a Saturday), staff and volunteers were instructed to deliver the ballot to county election officials on the following Monday.

17. Staff and volunteers were also instructed never to keep a collected ballot in their personal possession. If a ballot could not be turned in the same day it was collected, staff and volunteers were instructed that it should be stored in a secure container in a locked campaign office, as opposed to in the collector's home or car.

18. For ballots collected on election day, staff and volunteers were instructed to always ensure that all collected ballots were delivered before the deadline for receipt, no matter what.

19. The MDP has helped voters deliver absentee ballots in that manner during every election cycle since 2006 in which the activity was permitted under Montana law. I have personally

collected and returned numerous ballots from voters. Unlike field organizers and GOTV volunteers, whose activities with the MDP are primarily focused on voter education and mobilization, I spent a relatively small amount of my time on such activities.

20. Voters have asked me to return their ballots for them for a variety of reasons. Often, the voter was elderly, lived in an assisted living facility, and lacked mobility and transportation options. Other elderly voters told me that they had planned to mail their ballot but had forgotten that election day was so soon.

21. After I offered to collect and return a voter's ballot, I never asked for whom they had voted. I always made certain, in the voters' respective presences, that ballots were sealed before I collected them, and I dropped them off at the county election office as soon as I could practicably do so.

22. Because of House Bill 530 ("HB 530"), the MDP staff and volunteers will no longer be able to assist voters in returning their ballots. HB 530 prohibits ballot assistance performed in exchange for a "pecuniary benefit." It is unclear to me, and to the MDP, what exactly qualifies as a "pecuniary benefit." But because HB 530 carves out from its prohibition certain paid employees—including election administrators and mail delivery service employees—but does not exclude paid staff members of the MDP, we are forced to assume that paid staff members, or volunteers who reimbursed for certain expenses, may not assist voters with their absentee ballots. But for HB 530, the MDP would continue to plan to assist people in returning their ballots in future elections. If HB 530 is not enjoined, the MDP will instruct its staff and volunteers not to collect or return voters' ballots while participating in MDP activities.

23. In addition to preventing the MDP from conducting ballot return assistance activities, HB 530 will effectively prevent the MDP from assisting voters with their absentee ballots in other

ways. HB 530 prohibits providing, or even offering to provide, voters assistance in “distributing, requesting, collecting, and delivering ballots.” In past years, the MDP has helped voters with requesting absentee ballots and signing up for the permanent absentee ballot list.

24. As a result of HB 176, SB 169, and HB 530, the MDP will be forced to modify our GOTV efforts. Because of SB 176, the MDP will have to spend additional time and resources contacting unregistered voters earlier in the election cycle to encourage them to register in advance of election day. Because of HB 169, the MDP will have to spend additional time and resources educating voters regarding the change in the voter ID law. And because of HB 530, the MDP will have to spend additional time and resources ensuring that voters return their absentee ballots well in advance of the election. These efforts would likely include direct voter contact activities, such as canvassing and phone banking, as well as sending direct mail and digital ads. To accomplish this, the MDP will be required to divert resources from other critical organizational activities in Yellowstone County and throughout the state, including educating voters about Democratic candidates.

I declare under penalty of perjury that the foregoing is true and correct.

Date of Signature: 1/11/22

Place of Signature: Helena, MT


Trent Bolger

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 01-12-2022:

Austin Markus James (Attorney)
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Electronically Signed By: Matthew Prairie Gordon
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Secretary of State,

Defendant.

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DECLARATION OF SARAH DENSON

I, Sarah Denson, declare as follows:

1. My name is Sarah Denson. I am over 18 years old. I make this declaration based upon my personal knowledge and experience, and in support of Plaintiffs' application for preliminary injunction in the above-captioned matter.

2. When I was 18 years old, I registered to vote in my hometown, Miles City, Montana. For the past seven years, I have moved around quite a bit, primarily as a student at Montana State University in Bozeman. Because I had stronger ties to my parents' home in Miles City, until last summer, I maintained my registration at that address and voted absentee while living in Bozeman.

3. This past summer, I moved twice within Bozeman and have lived at my current address since August. Because I had graduated college and found employment in Bozeman, my residence in

DECLARATION OF SARAH DENSON

Bozeman became more permanent, and I wanted to register to vote at my new Bozeman address. When I moved the first time this summer, I filled out the online paperwork with the U.S. Postal Service to update my voter registration. I went through the process carefully and strongly believe that I completed the application correctly.

4. When I arrived to vote in Bozeman on November 2 (election day), I was informed my registration at my Bozeman address had not been processed, and my Montana registration was still affiliated with my Miles City address. There was no way I would have been able to make the trip back to Miles City, four hours away, in time to cast a ballot before the polls closed that day. Because of the change in the law eliminating election day Registration, I was unable to update my registration and cast my ballot in Bozeman. I had been excited to vote in the 2021 election because my high school friend was running for county commissioner.

5. It was my understanding that Montana had allowed people to register to vote on election day. My roommate had done so the year prior, and he had told me that I could rely on that process in case my online registration had not been properly processed. I had heard nothing about the change in the law discontinuing election day registration prior to November 2, 2021. I now know that Montana has allowed election day registration for more than a decade, and I hope this Court will block the law that eliminated that option.

I declare under penalty of perjury that the foregoing is true and correct.

Date of Signature: 1-11-22

Place of Signature: Bozeman, MT


Sarah Denson

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 01-12-2022:

Austin Markus James (Attorney)
1301 E 6th Ave
Helena MT 59601
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Service Method: eService

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Suite 200
Helena MT 59624
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

David Francis Knobel (Attorney)
490 N. 31st St., Ste 500
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Rylee Sommers-Flanagan (Attorney)
40 W. Lawrence Street
Helena MT 59601
Representing: Forward Montana Foundation, Montana Public Interest Reserch Grp., Montana Youth Action
Service Method: eService

John C. Heenan (Attorney)
1631 Zimmerman Trail, Suite 1
Billings MT 59102
Representing: Montana Democratic Party
Service Method: eService

Peter M. Meloy (Attorney)
2601 E. Broadway
2601 E. Broadway, P.O. Box 1241
Helena MT 59624

Representing: Montana Democratic Party
Service Method: eService

Alexander H. Rate (Attorney)
713 Loch Leven Drive
Livingston MT 59047
Representing: Western Native Voice
Service Method: eService

Electronically Signed By: Matthew Prairie Gordon
Dated: 01-12-2022

IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY

Montana Democratic Party, Mitch Bohn,

Plaintiffs,

Western Native Voice, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian Community,
and Northern Cheyenne Tribe,

Plaintiffs,

Montana Youth Action; Forward Montana
Foundation; and Montana Public Interest Research
Group

Plaintiffs,

v.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Consolidated Case No. DV 21-0451

**DECLARATION OF BERNADETTE
FRANKS-ONGOY**

I, Bernadette Franks-Ongoy, declare as follows:

1. I am over 18 years old. I make this declaration based upon my personal knowledge and experience, and in support of Plaintiffs' application for preliminary injunction in the above-captioned matter

2. I have worked in the disability rights and advocacy field for more than 30 years. For the last 23 years, I have served as the Executive Director of Disability Rights Montana ("DRM"). I am also a licensed attorney, having graduated from the University of San Diego school of law.

3. Founded more than 40 years ago, DRM has a mission "to protect and advocate for the human, legal, and civil rights of Montanans with disabilities while advancing dignity, equality, and

DECLARATION OF BERNADETTE FRANKS-ONGOY

self-determination.” DRM envisions a society where people with disabilities have equality of opportunity and are able to participate fully in community life by exercising choice and self-determination.

4. DRM’s staff includes seven advocates, three attorneys, and executive director as well as a full support staff. Our advocates work to connect people with disabilities to the services they need to fully participate in their lives. DRM is the sole federally mandated civil rights protection and advocacy system in Montana as established by the Developmental Disabilities Rights Act of 1975. In that capacity, our attorneys can represent almost any person in Montana with a disability in legal proceedings.

5. Helping people with disabilities exercise their right to vote is an important component of DRM’s work. DRM’s position, as reflected in a statement on our website, is that all persons with disabilities must have the same right to vote in Montana as anyone else who meets the requirements set by state law. Among our 2022 Priorities and Objectives is that “DRM will develop and provide resource materials and assist people with disabilities to register to vote.”

6. DRM runs several voting programs including the Protection and Advocacy of Voter Access (“PAVA”) program. As part of PAVA, we work to ensure that all voting locations are accessible to people with disabilities, including by providing accessible voting machines and otherwise complying with the requirements of the Help America Vote Act. (“HAVA.”)

7. I am personally very familiar with the obligations and mandates of HAVA. In addition to being an attorney myself, I served as the president of the National Disability Rights Network (“NDRN”) during the congressional negotiation of the HAVA bill. NDRN played a large role in shaping the important carve outs in HAVA that ensure people with disabilities to vote privately and independently.

DECLARATION OF BERNADETTE FRANKS-ONGOY

8. Montana has several congregant care facilities across the state. Congregant care facilities are where groups of unrelated people with disabilities live together in a group home, nursing home, or medical institution. Among the congregant care facilities are state institutions such as the Montana State Hospital and the Intermediate Behavioral Center.

9. The DRM staff regularly travels to congregant care facilities to help people fill out their voter registration forms and deliver them to the election office. Our programs typically assist several hundred people with disabilities during local and a federal elections.

10. Our staff also conducts a detailed training for the DRM team of attorneys and advocates during every federal election year and a separate training for providing voter assistance in state institutions. In the course of overseeing these efforts, I communicate frequently with members of our staff about their experiences assisting voters in these settings.

11. Many of the people with disabilities we have helped in congregate care facilities cast an absentee ballot.

12. Our assistance has been particularly helpful to people with disabilities in the Montana State Hospital and the Intermediate Behavioral Center. Between these two centers, there are close to 250 residents, though the vast majority are at the Montana State Hospital. Patients in these facilities are under a commitment order and as a result cannot leave the facility to vote. They are also generally far removed from their county of residence where they are registered to vote, and often are voting shortly before the election. The same is true for individuals in psychiatric day treatment programs and developmental disability group homes as well.

13. When my staff visit Montana's congregant care facilities, they report back that without our help, it is unlikely that the residents or patients served at the facility would vote. In my experience, in almost every circumstance, care givers who work at these facilities have many responsibilities and are not necessarily available to ensure residents or patients are registered to vote and submit their

DECLARATION OF BERNADETTE FRANKS-ONGOY

ballots. When we offer to come to a facility to help people with the voting process, care givers are relieved and welcome our assistance.

14. In some instances, patients' family members are available to assist them with voting at these facilities, but in my experience, this is very rare. This is in part because the facilities are often far removed from voters' counties of residence. But it's also because family members are often overwhelmed when their loved one goes into a congregant care facility, and voting doesn't always cross their mind.

15. In the Intermediate Behavioral Center and the Montana State Hospital, patients have access to mail but will receive their mail only if someone remembers to forward it to them there. Moreover, even if mail is forwarded, it is often delayed because of the restrictions and monitoring of all mail into congregant care facilities.

16. The people residing in these facilities often need assistance to fill out and submit a request for an absentee ballot and send it in with sufficient postage. After they receive the ballot, they must fill it out and send it in. In our work helping people in congregate care facilities, we have had to return multiple times to help residents or patients to complete each step. I have found that it is difficult for care givers at these congregant care facilities to handle these multiple steps on top of all their other important responsibilities.

17. Because of the difficulty that voters in congregate care facilities often have in handling the absentee ballot process, they frequently make absentee ballot requests near election day. When we are providing voter assistance services in congregate care centers, we actively look for people who are newly admitted, particularly in the two months prior to an election. This is because these voters may need additional assistance in returning their applications and ballots by the relevant deadlines.

18. DRM staff have historically held voter registration drives and other programs to help patients receive and return their ballots in time in accordance with Montana law. DRM and its staff

DECLARATION OF BERNADETTE FRANKS-ONGOY

and employees have regularly returned ballots for patients of these facilities as part of their regular employment with DRM.

19. To help voters in congregate care facilities who received their ballot shortly before election day, DRM staff have delivered their sealed ballot envelope to the appropriate county election office to ensure it arrived in time. On occasion, when time is short, we have patients fill out an agent form so we can deliver their request for an absentee ballot to the county election official, get a ballot and bring it right back to them so they can vote. We then take the ballot in its sealed envelope to the election office. Based on my experience working with these voters, I think it is unlikely that any of them would have been able to vote without this assistance.

20. This changed, however, with House Bill 530 ("HB 530"). Despite having a law degree and working with lawyers, I have been unable to totally understand what is required by the changes in law made by HB 530. The term "pecuniary benefit" is not defined in the bill or elsewhere in the Montana code. And as a result, I am not sure whether the actions of our employees, all taken during the course of their regular, paid employment with DRM, would run afoul of this new law. I am very wary of potential legal liability for my staff, particularly in an era where election administration and ballot collection have become so partisan and heated.

21. HB 530 also puts DRM in a legal catch 22. We receive funding under HAVA to help people with disabilities access their ballot and to vote independently and privately. It is unclear to me whether this funding constitutes a "pecuniary benefit" under HB 530. We at DRM are still actively analyzing our legal responsibilities under these seemingly conflicting laws.

22. In congregant care facilities where patients reside voluntarily, there are similar impediments to voting. As part of our PAVA programs, DRM schedules outreach to between 5 and 10 group homes prior to elections. Like with the larger facilities, residents often arrive at these group homes very shortly before election day. In targeting these individuals for assistance in the past, we at

DECLARATION OF BERNADETTE FRANKS-ONGOY

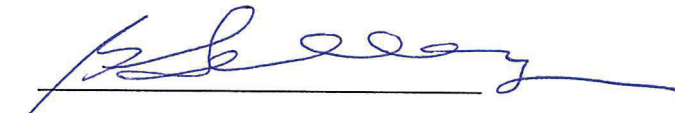
DRM have always informed them that they could register to vote on Election Day under existing Montana law. This includes updating existing Montana registrations with new addresses.

23. The registration deadline, however, has been moved back to noon on the day prior to election day as a result of House Bill 176 ("HB 176") from the 2021 legislative session. Because these residents often cannot drive themselves, each additional trip to the county election office presents an additional burden. The ability to both register and vote in a single visit to the county election office on Election Day was thus always a real advantage that Montana law afforded people with disabilities.

I declare under penalty of perjury that the foregoing is true and correct.

Date of Signature: 1/11/2022

Place of Signature: Helena, Montana


Bernadette Franks-Ongoy

DECLARATION OF BERNADETTE FRANKS-ONGOY

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 01-12-2022:

Austin Markus James (Attorney)
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Helena MT 59601
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

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Suite 200
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Representing: Montana Democratic Party
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Alexander H. Rate (Attorney)
713 Loch Leven Drive
Livingston MT 59047
Representing: Western Native Voice
Service Method: eService

Electronically Signed By: Matthew Prairie Gordon
Dated: 01-12-2022

RYLEE SOMMERS-FLANAGAN

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Missoula, MT 59807

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Attorneys for Plaintiffs

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

<p>Montana Youth Action; Forward Montana Foundation; and Montana Public Interest Research Group,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">vs.</p> <p>CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State,</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>Cause No. DV 21-0451</p> <p>Hon. Michael Moses</p> <p style="text-align: center;">AFFIDAVIT OF KENDRA MILLER</p>
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1. My name is Kendra Miller. I am over 18 years old. I make this declaration based upon my personal knowledge and experience, and in support of the Plaintiffs' application for a preliminary injunction in the above-captioned matter.
2. I am a Data Consultant for the Montana Federation of Public Employees ("MFPE"), which is a co-Plaintiff in litigation currently pending before the

Eighth Judicial District in Great Falls that challenges the constitutionality of House Bill 176.

3. I am familiar with and experienced in the analysis of voter data in Montana, particularly data collected and maintained by the Montana Secretary of State and by local election administrators. I previously served as Data Director for the Montana Democratic Party and as Data Manager for the Western Organization of Resource Councils where I was responsible for managing databases of registered voters utilizing statewide registration information from county election offices and the Montana Secretary of State and analyzing registration and other individual-level and aggregate data.
4. MFPE conducted a statewide public information request to all county election administrators in Fall 2021 seeking records of individuals who sought to register to vote the day before Election Day and on Election Day.
5. As Data Consultant to MFPE, I oversaw the review of late registration data from county election offices for the 2021 municipal elections across Montana. These duties included communicating with MFPE staff and attorneys as they compiled correspondence and late registration information from county-level public records requests, collecting voter file and mail ballot report information to confirm pre- and post-2021 election registration information and official vote history from the 2021 municipal elections, and determining which Montanans who attempted to register after 12 pm on November 1, 2021 and on Election

Day, November 2, 2021, were prevented from casting a ballot due to House Bill 176.

6. MFPE received information from 32 of the 36 counties that held 2021 municipal elections. Twenty counties did not hold any municipal elections in 2021. Of the 32 counties that held elections and responded to the public records request, 20 reported no registration attempts during the time period requested. Twelve counties that held elections identified 266 Montanans who attempted to register or update voter registration information after 12 pm on November 1, 2021 or on Election Day, November 2, 2021. Four rural counties that held municipal elections in 2021 did not respond to the public records request.
7. MFPE received copies of state-level voter files from the Montana Secretary of State from October 14, 2021 and December 15, 2021. State-level voter files include both registration information for all registrants in Montana as of the date of the Montana Secretary of State's export from the Montana Votes database and individual-level vote history from Montana elections prior to that date.
8. MFPE received copies of absentee/mail ballot reports from 2021 municipal elections for Yellowstone, Missoula, Lewis & Clark and Flathead Counties. Absentee/mail ballot reports include information on all ballots issued to individuals for the pertinent election and the status of those ballots, including whether or not a ballot was returned and accepted.

9. After compiling information from county election offices of 266 Montanans who attempted to register between noon on November 1, 2021 and Election Day, November 2, 2021, I identified those individuals as registrants on the December 15, 2021 voter file from the Montana Secretary of State. Not all counties provided the same level of information for the individuals who attempted to register in their counties, but all included some combination of full name, date of birth, registration county, and registration address to identify matching records on the statewide voter file from the Montana Secretary of State.
10. Using vote history information from the Secretary of State and absentee/mail ballot reports from county election offices, I identified whether or not each of the 266 Montanans had cast a ballot in the 2021 municipal election.
11. Because not all Montanans were eligible to vote in a municipal election in 2021, I determined which municipalities held elections and which counties held county-wide elections.
12. I used the statewide voter file abstract to identify which of the 266 Montanans is registered within a municipality or within a county that held a county-wide election in 2021.
13. I determined that at least 58 individuals identified by 10 county election offices as attempting to register between noon on November 1, 2021 and Election Day, November 2, 2021 did not cast a ballot in the 2021 municipal election despite

living in a municipality that held a 2021 election or a county that held a county-wide 2021 election.

14. Using the Montana Secretary of State's voter file abstract from October 14, 2021 prior to the 2021 municipal elections, I determined that 37 of the 58 individuals identified were new registrants and 21 were already registered Montana voters prior to the 2021 municipal election. These individuals already registered in Montana were updating their registration to a new residence address within the state. Thirteen of those 21 Montana registrants were moving county to county and eight were moving within a county from one precinct to a new precinct. In those eight instances, registered voters were moving from a residence outside of a municipality and attempting to register at their new place of residence within a municipality holding a 2021 election.
15. All 58 of these individuals would have been eligible to vote in a 2021 municipal election if their registrations had been processed on November 1, 2021 and November 2, 2021.
16. The remaining individuals identified by county election offices as attempting to register during that time period lived outside a municipality and did not have an election, were moving within a county and were allowed to vote their old ballot style for their previous place of residence (permissible under Montana law), or submitted their registration form via mail or through another

state agency rather than in-person (and thus were not present in person on Election Day).

17. I identified that there were discrepancies between counties in whether or not registrations for precinct to precinct movers attempting to register at a new residence within a municipality were processed and those voters issued ballots.
18. Two counties, Lincoln County and Lewis & Clark County, reported eight individuals attempting to register who were moving within their counties from a residence outside of a municipality to a residence within a municipality holding a 2021 election. These eight precinct to precinct movers were not issued ballots for their municipal elections where they were attempting to register.
19. Two counties, Ravalli County and Flathead County, reported four individuals attempting to register who were moving within their counties from a residence outside of a municipality to a residence within a municipality holding a 2021 election. These four precinct to precinct movers were issued ballots for their municipal elections and voted.
20. Records from the Montana Secretary of State show that turnout was low for the 2021 election. In my experience and based on my knowledge of historical data related to Montana elections, this is common for “off-year” elections in which many local government units do not have elections and in which state district, statewide, and federal candidates are not on the ballot. Likewise, in

my experience and based on my knowledge of historical data related to Montana elections, “on-year” elections in which state district, statewide, and federal candidates are on the ballot feature much higher turnout and many more Montanans who utilize Election Day registration to vote.

21. Based on my review of publicly-available data from the 2021 election, described above, I conclude that a minimum of 58 Montanans were prevented from voting because of the new restrictions of House Bill 176.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

DATE: 01/12/2022

PLACE: Bozeman, MT

Kendra Janice Miller
Kendra Miller

ALL-PURPOSE ACKNOWLEDGMENT

State/Commonwealth of TEXAS)

☐ City ☒ County of Harris)

On 01/12/2022 before me, Jameca Andry,
Date Notary Name

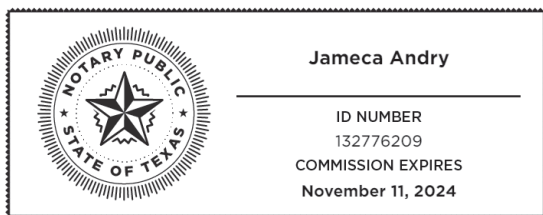
personally appeared Kendra Janice Miller
Name(s) of Signer(s)

☐ personally known to me -- OR --

☐ proved to me on the basis of the oath of _____ -- OR --
Name of Credible Witness

☒ proved to me on the basis of satisfactory evidence: driver license
Type of ID Presented

to be the individual(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and by proper authority, and that by his/her/their signature(s) on the instrument, the individual(s), or the person(s) or entity upon behalf of which the individual(s) acted, executed the instrument for the purposes and consideration therein stated.



WITNESS my hand and official seal.

Notary Public Signature: Jameca Andry Notary Public, State of Texas

Notary Name: Jameca Andry

Notary Commission Number: 132776209

Notary Commission Expires: 11/11/2024

Notarized online using audio-video communication

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: Affidavit of Kendra Miller

Document Date: 01/12/2022 Number of Pages (w/ certificate): 8

Signer(s) Other Than Named Above: no other signers

Capacity(ies) Claimed by Signer(s)

Signer's Name: Kendra Janice Miller

☐ Corporate Officer Title: _____

☐ Partner – ☐ Limited ☐ General

☒ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer Is Representing: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer Title: _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer Is Representing: _____

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 01-12-2022:

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Alexander H. Rate (Attorney)
713 Loch Leven Drive
Livingston MT 59047
Representing: Western Native Voice
Service Method: eService

Electronically Signed By: Matthew Prairie Gordon
Dated: 01-12-2022

IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY

Montana Democratic Party, Mitch Bohn,

Plaintiffs,

Western Native Voice, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian
Community, and Northern Cheyenne Tribe,

Plaintiffs,

Montana Youth Action; Forward Montana
Foundation; and Montana Public Interest
Research Group

Plaintiffs,

v.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Consolidated Case No. DV 21-0451

**DECLARATION OF SHAWN
REAGOR**

I, Shawn Reagor, declare as follows:

1. My name is Shawn Reagor. I am over 18 years old. I make this declaration based upon my personal knowledge and experience, and in support of Plaintiffs' application for preliminary injunction in the above-captioned matter.

2. I am the Director of Equality and Economic Justice at the Montana Human Rights Network ("MHRN"). Founded in 1990, MHRN is a non-profit with a mission of organizing Montana residents to realize their power to create pluralism, justice, and equality in their communities. Through community organizing and legislative advocacy, MHRN fights for laws in

DECLARATION OF SHAWN REAGOR

Montana that honor everyone's basic rights and add protections for groups targeted by hate activity. I am myself a transgender man.

3. Among MHRN's core missions is support of Montana's LGBTQ+ community. In furtherance of this mission, MHRN runs a program called the Montana Gender Alliance ("MGA" or the "Alliance") that deploys a variety of programs to help members of the LGBTQ+ community participate fully in civic life in the state. The Alliance provides community support and resources to transgender, nonbinary, and Two Spirit Montanans and works to educate the public on how to better support transgender, nonbinary, and Two Spirit individuals and communities.

4. MGA has four core tenets of its program: community building; leadership development; direct services and advocacy; and education and outreach. The direct services component aims to make MGA a one-stop resource for transgender, nonbinary and Two Spirit Montanans, providing guidance and information regarding gender affirming services. These resources include support for name and gender marker change and the corresponding updating of legal identification documents. The Alliance also meets and coordinates with human resources departments in workplaces and administrators in schools to help create supportive transition plans.

5. MGA helps several dozen transgender, nonbinary, and Two Spirit individuals each year navigate their transition processes. MGA's support groups also meet with and provide support to approximately 100 people throughout the year. Our individual advocacy work, which includes helping individuals acquire gender-affirming identification, helps approximately 20 individuals a year navigate this process.

6. The process for a transgender individual to acquire gender-affirming identification has always been difficult and lengthy in Montana. Individuals navigating this process must get a

court order changing the individual's name, an updated birth certificate, an updated social security card, and finally a Montana license.

7. To obtain a legal name change in Montana, an applicant must submit a petition to a district court. Unless filing under a sealed record, the applicant must also publish notice of the hearing time and place in a county newspaper for four weeks. Only after this process has been completed will the court issue an order legally changing the individual's name. This order is required to change a person's name on their Montana license.

8. The process for changing a gender marker on Montana identification has always been more complicated than a name change and has only become more arduous this year. As part of the 2021 legislative session, the Montana Legislature passed Senate Bill 280 ("SB 280"), which Governor Gianforte signed into law. Under the new regime created by SB 280, an individual seeking to update the gender marker on a birth certificate must acquire a court order indicating that the person has undergone gender confirmation surgery. However, some individuals are unable to, or choose not to, have this surgery, which makes acquiring a court order impossible as there is no waiver under the new law. To acquire such a court order, the individual must provide the court with a letter from a physician that includes the physician's license number as well as an affirmation that the individual has undergone sex confirmation surgery. Only with this court order can the gender marker on a birth certificate be changed.

9. To update the gender marker on one's social security card, an individual must provide a similar letter from a physician to the Social Security administration. This process used to be relatively easy and occur in person, but that changed with the onset of the pandemic. Now, most interactions with the Social Security Administration occur through the mail and have been significantly slowed, often taking 8-10 weeks to process.

10. An updated birth certificate or social security card showing the affirming gender marker are the only ways an individual can then receive a gender confirming marker on their Montana license. As described above, both these avenues require medical documentation from a licensed treating physician that is not particularly easy—or quick—to acquire.

11. Members of the Montana trans, nonbinary, and Two Spirit communities have often lamented to me about the difficulties their identification processes have on their ability to vote. These individuals have often begun their transition process and are presenting to the world in accordance with their true gender identify, even if the legal transition is not yet completed with the relevant government entities. If the identification transition process has not yet been completed, their Montana identification and physical presentation may be in conflict, leading to confusion when the person has to present their outdated identification. As a result, many in the community might not possess a Montana license where their appearance and gender marker match, which could very well lead to a clerk refusing to allow that person to vote in Montana's elections.

12. Some transgender individuals have been accused of stealing another's identity because of a lack of gender confirming identification. For example, I have personally been accused of stealing a person's credit card. In reality, it was my own credit card but since I had not finished the court process for legally changing my name, the name on my credit card and my appearance did not match.

13. Acquiring gender confirming student identification is often a much easier process than what is described above. While the exact requirements differ by institution, transgender students typically do not need to acquire a court order, physician's letter, or have undergone surgery to change their name and gender marker on their student identification. This means a

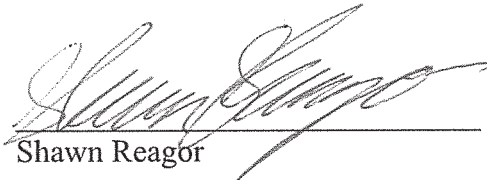
transgender student may be able to acquire gender conforming student identification well before the person can acquire a Montana license that reflects their correct gender identity.

14. Because these students often live in dorms, they often do not possess other forms of identification, like a lease or utility bill, that is now required by Montana law to be presenting in conjunction with a student identification to vote.

I declare under penalty of perjury that the foregoing is true and correct.

Date of Signature: January 11, 2022

Place of Signature: Helena, Montana


Shawn Reagor

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 01-12-2022:

Austin Markus James (Attorney)
1301 E 6th Ave
Helena MT 59601
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

Dale Schowengerdt (Attorney)
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David Francis Knobel (Attorney)
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Billings MT 59101
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

Rylee Sommers-Flanagan (Attorney)
40 W. Lawrence Street
Helena MT 59601
Representing: Forward Montana Foundation, Montana Public Interest Reserch Grp., Montana Youth Action
Service Method: eService

John C. Heenan (Attorney)
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Representing: Montana Democratic Party
Service Method: eService

Peter M. Meloy (Attorney)
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2601 E. Broadway, P.O. Box 1241
Helena MT 59624

Representing: Montana Democratic Party
Service Method: eService

Alexander H. Rate (Attorney)
713 Loch Leven Drive
Livingston MT 59047
Representing: Western Native Voice
Service Method: eService

Electronically Signed By: Matthew Prairie Gordon
Dated: 01-12-2022

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY**

Montana Democratic Party, Mitch Bohn,

Plaintiffs,

Western Native Voice, Montana Native Vote, Blackfeet
Nation, Confederated Salish and Kootenai Tribes, Fort
Belknap Indian Community, and Northern Cheyenne
Tribe,

Plaintiffs,

Montana Youth Action; Forward Montana Foundation;
and Montana Public Interest Research Group

Plaintiffs,

v.

Christi Jacobsen, in her official capacity as Montana
Secretary of State,

Defendant.

Consolidated Case No. DV 21-0451

DECLARATION OF BRADLEY SEAMAN

I, Bradley Seaman, declare as follows:

1. My name is Bradley Seaman. I am over 18 years old. I make this declaration based upon my personal knowledge and experience, and in support of Plaintiffs' application for preliminary injunction in the above-captioned matter.

2. I have served as the Missoula County Elections Administrator since early 2020. Before that, I worked as the Elections Supervisor in Missoula County, starting in 2016. In these capacities, I have helped to administer multiple elections for the county, including two presidential elections and a federal midterm election. Missoula County is the third most populous county in the state.

3. Election day registration has been an important facet of Montana law that has acted as a failsafe for many voters to cast their vote. Over the years, Missoula County has served thousands of voters through Election Day registration. There are multiple reasons an eligible voter might need to take advantage of election

DECLARATION OF BRADLEY SEAMAN

day registration. For example, it might be the first time the individual is voting in Montana or because the law also allowed voters who had moved from elsewhere in the state to update their registrations on Election Day, it might be the first time the individual is voting after a recent move.

4. Our office has had a robust system in place to register voters on election day. Once an individual identified as someone looking to register that day, we would have the voter complete a voter registration application. The voter registration application requests a driver's license number, state ID number, or other verifying information such as the last four digits of their social security number. That information would then be entered into the statewide voter database and one of two scenarios would take place.

5. If the voter had never been registered as a Montana voter previously, after completing an absentee ballot request, the election worker would give the newly registered voter an absentee ballot. The voter would then be able to cast the absentee ballot that day. After the signature on the affirmation envelope had been verified by an election worker, the vote would be recorded.

6. If the voter had previously been registered in the state, the election worker would issue the voter a provisional ballot. After the ballot was cast, elections officials from Missoula County would communicate with officials in the voter's previous county to ensure that the voter had not cast another ballot for the same election in the previous county. If the voter moved within Missoula County, our office would confirm through the polling place registers that the voter had not already voted within Missoula County. Only once this verification had occurred would the provisional ballot be formally counted. Through this thorough process, utilizing the statewide voter database, we ensured that no one was able to cast more than one ballot in any Montana election.

7. Election Day registration required planning. From past experience, we knew we needed to prepare for many people to take advantage of their right to be registered on Election Day. But with the appropriate measures in place, my staff and the election day workers were prepared to accommodate Election Day registration.

8. The 2021 elections were held after the law change made by House Bill 176. Despite it being a municipal election, which generally have lower turnout than state or federal elections, there was still an impact.

Despite extensive public outreach about the lack of Election Day registration, Missoula County had to turn away eight otherwise eligible voters who arrived on November 2nd. These voters would have been able to vote under the previous law.

9. To my knowledge, there has never been any voter fraud associated with election day registration in Missoula County. In fact, I know of no voter fraud in the County from voting in any form.

10. Missoula County is home to the University of Montana and thus has a large number of student voters. In previous elections, many students have voted while presenting only their student identification. My staff and I have never had any issue verifying the identify of a voter who came to vote with only their student identification, and I am not aware of fraud related to the use of a student ID for voting.

11. I am not aware of fraud that has occurred because of ballot collection in Missoula County.

I declare under penalty of perjury that the foregoing is true and correct.

Date of Signature: 01/12/2022

Place of Signature: Missoula County Elections Office



Bradley Seaman

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 01-12-2022:

Austin Markus James (Attorney)
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Rylee Sommers-Flanagan (Attorney)
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Representing: Forward Montana Foundation, Montana Public Interest Reserch Grp., Montana Youth Action
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Representing: Montana Democratic Party
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2601 E. Broadway, P.O. Box 1241
Helena MT 59624

Representing: Montana Democratic Party
Service Method: eService

Alexander H. Rate (Attorney)
713 Loch Leven Drive
Livingston MT 59047
Representing: Western Native Voice
Service Method: eService

Electronically Signed By: Matthew Prairie Gordon
Dated: 01-12-2022

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY**

Montana Democratic Party, Mitch Bohn,

Plaintiffs,

Western Native Voice, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian
Community, and Northern Cheyenne Tribe,

Plaintiffs,

Montana Youth Action; Forward Montana
Foundation; and Montana Public Interest
Research Group

Plaintiffs,

v.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Consolidated Case No. DV 21-0451

**DECLARATION OF ERIC
SEMERAD**

I, Eric Semerad, declare as follows:

1. My name is Eric Semerad. I am over 18 years old. I make this declaration based upon my personal knowledge and experience, and in support of Plaintiffs' application for preliminary injunction in the above-captioned matter.

2. I am a resident of Bozeman, Montana. Since January 2019, I have served as the Gallatin County Clerk and Recorder. Before that, I worked in the Gallatin County Clerk's office as a Recording Supervisor and Chief Deputy Clerk for almost 26 years, and I oversaw the county's elections department during 10 of those years. As clerk, I am responsible for managing a variety

DECLARATION OF ERIC SEMERAD

of government services for the people of Gallatin County, including the administration of the county's elections department. Clerk and Recorder is an elected position in Gallatin County.

3. For every election (with the exception of the 2021 election) during which I have served as Clerk and Recorder, Montana has permitted registration of voters up to and including on election day.

4. In my experience, the ability to register on election day has been an important failsafe. Historically in Gallatin County, more people have registered to vote for the first time—or updated their existing registration—on election day than any other single day of the late registration period. Election day registration solves a number of problems voters face when attempting to vote, particularly if the voter has recently relocated their residence and needs to update their registration. With the elimination of election day registration, a person who has moved from somewhere outside Gallatin county and has not yet updated their registration, will no longer have the opportunity to do so and cast a ballot on election day.

5. In most years, election day registration is available only at the Gallatin County courthouse. This means that individuals attempting to register are not causing additional burden on the regular polling locations. In 2020, we opened a second satellite office at the Gallatin County fairgrounds where individuals could also register to vote on election day, which helped us manage the demand for this service more efficiently.

6. With the passage of HB 176 by the Montana legislature, the deadline for registering or updating registrations has been moved back to noon on the day prior to election day. This law went into effect this past summer and was in place for the 2021 local elections.

7. Despite 2021 being an “off-year,” low turnout municipal election, the change in law led to 17 qualified voters being unable to cast ballots in Gallatin County because they arrived

after noon on November 1, the day before election day. While these individuals were able to update their registration at that time, they were not permitted to cast a ballot for the 2021 contests.

8. In my 30 years working in the Gallatin County Clerk's office, including my tenure as Clerk and Recorder, I am not aware of any instance of voter fraud associated with election day registration. Election day registration is, if anything, more secure than other forms of registration because a voter must present in person to register and provide their appropriate form of identification to cast a ballot. The system available to our clerks also automatically checks the registrant against a database and alerts the clerk to any potential duplicative registrations.

9. In my opinion, election day registration has long been an important facet of Montana's election laws that have allowed for greater participation in the overall franchise. It was a mistake to remove this option for voters, and I expect that more Montana citizens will continue to lose their ability to vote because of the deadline change.

10. The Montana Legislature also enacted SB 169, which relegated student identification issued by Montana colleges and universities to a secondary form of identification that must be accompanied by certain specific written documents like a utility bill or lease. Previously either of these forms would independently have sufficed to cast a ballot. Now, both are needed in order to vote in person.

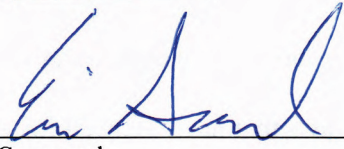
11. Gallatin county is home to Montana State University with its more than 17,000 students. As a result, we have a large number of student voters. In the past, my office has experienced no problems with voters using student identification at the polls. In my 30 years working in the Gallatin County Clerk's office, including my tenure as Clerk and Recorder, I am not aware of any instance of voter fraud or voter impersonation associated with the use of student identification.

12. Many student organizations at Montana State University have traditionally collected ballots for other students and returned them to the Gallatin County office. This has occurred, to the best of my knowledge, without any issue or instance of voter fraud in our county.

I declare under penalty of perjury that the foregoing is true and correct.

Date of Signature: 1/12/2022

Place of Signature: Bozeman, MT


Eric Semerad

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 01-12-2022:

Austin Markus James (Attorney)
1301 E 6th Ave
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Service Method: eService

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Helena MT 59624

Representing: Montana Democratic Party
Service Method: eService

Alexander H. Rate (Attorney)
713 Loch Leven Drive
Livingston MT 59047
Representing: Western Native Voice
Service Method: eService

Electronically Signed By: Matthew Prairie Gordon
Dated: 01-12-2022

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY**

Montana Democratic Party, Mitch Bohn,

Plaintiffs,

Western Native Voice, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian
Community, and Northern Cheyenne Tribe,

Plaintiffs,

Montana Youth Action; Forward Montana
Foundation; and Montana Public Interest
Research Group

Plaintiffs,

v.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Consolidated Case No. DV 21-0451

**DECLARATION OF GAVIN
ZALUSKI**

I, Gavin Zaluski, declare as follows:

1. My name is Gavin Zaluski. I am over 18 years old. I make this declaration based upon my personal knowledge and experience, and in support of Plaintiffs' application for preliminary injunction in the above-captioned matter.

2. I am currently 20 years old. When I turned 18, I registered to vote in Ravalli County, Montana, where I resided at the time. Shortly after my 19th birthday, I moved to Missoula, Montana and updated my registration to that address. I am also a student at Montana State University in Bozeman. Shortly after returning to college this past semester, I came upon a voter registration table on campus and decided to update my registration to my off-campus address so that I could

DECLARATION OF GAVIN ZALUSKI

vote in Bozeman in the 2021 election. I filled out a voter registration form updating my address and returned it to the person staffing the table.

3. Although I have only been eligible to vote for a few years, I have voted in every election since my 18th birthday.

4. In addition to being a full-time student, I also work part time at a pizza restaurant in Bozeman. Between work and school, I am very busy, and trips to the county clerk's office take valuable time away from my other responsibilities.

5. I arrived at the Bozeman clerk's office around 4 PM on November 1, 2021, the day prior to election day, to cast an in-person ballot. Because of my busy schedule, this was the first opportunity I had to make it to the clerk's office to vote. When I arrived, I was informed that my registration was still tied to my last address in Missoula. The clerk also told me that because of a recent change in Montana law, I was too late to update my registration.

6. I was not able to return to Missoula to vote before the close of the polls on election day. The trip would have taken me more than three hours each way, and I had an exam on Tuesday, November 2 this year.

7. As a result of the new Montana law, I was unable to vote in the 2021 election. I was able to re-register at the clerk's office on November 1, but I was unable to cast a ballot.

8. I was surprised I had not heard about the law change earlier. I keep up-to-date on news, but nothing I had read indicated that Montana's longstanding practice of allowing election day registration had changed. I hope the Court will return the law to the previous status quo and allow Montana's citizens to register to vote on election day as has been the tradition for more than a decade.

I declare under penalty of perjury that the foregoing is true and correct.

1/12/2022

Date of Signature: _____

Place of Signature: _____ My home



Gavin Zaluski

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 01-12-2022:

Austin Markus James (Attorney)
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Livingston MT 59047
Representing: Western Native Voice
Service Method: eService

Electronically Signed By: Matthew Prairie Gordon
Dated: 01-12-2022

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Attorneys for Plaintiffs Montana Democratic Party and Mitch Bohn

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY**

Montana Democratic Party, Mitch Bohn,
Plaintiffs,

WESTERN NATIVE VOICE, Montana Native
Vote, Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian
Community, and Northern Cheyenne Tribe,

Plaintiffs,

Montana Youth Action; Forward Montana
Foundation; and Montana Public Interest
Research Group

Plaintiffs,

v.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Consolidated Case No. DV 21-0451

**DECLARATION OF MATTHEW
GORDON**

I, Matthew Gordon, declare as follows:

My name is Matthew Gordon. I am over 18 years old and am an attorney with the law firm of Perkins Coie LLP. I am admitted to practice law in the State of Montana and am an attorney for Plaintiffs in this matter. I submit this declaration to provide the Court with true and correct copies of certain documents submitted in connection with Plaintiffs' Motion for Preliminary Injunction in this matter.

1. Exhibit 1 is a true and correct copy of Montana Senate Bill No. 151. Exhibit 1 is publicly available at <https://leg.mt.gov/bills/2021/billpdf/SB0151.pdf>.

2. Exhibit 2 is a true and correct copy of Montana Senate Bill No. 88. Exhibit 2 is available at <https://leg.mt.gov/bills/2005/billpdf/SB0088.pdf>.

3. Exhibit 3 is a true and correct copy of Montana Senate Bill No. 302. Exhibit 3 is available at <https://leg.mt.gov/bills/2005/billhtml/SB0302.htm>.

4. Exhibit 4 is a true and correct copy of the Montana Secretary of State's table of historical voter turnout in Montana. Exhibit 4 is available at <https://sosmt.gov/elections/voter-turnout/>.

5. Exhibit 5 is a true and correct copy of the Joint Statement from Elections Infrastructure Government Coordinating Council & the Election Infrastructure Sector Coordinating Executive Committees (Nov. 12, 2020), available at <https://www.cisa.gov/news/2020/11/12/jointstatement.pdf>

6. Exhibit 6 is a true and correct copy of Montana House Bill No. 176. Exhibit 6 is available at <https://leg.mt.gov/bills/2021/billpdf/HB0176.pdf>.

7. Exhibit 7 is a true and correct copy of the Bill Actions for Montana House Bill No. 176. Exhibit 7 is available at [http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=176&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=&P_PRNT_FRNDLY_PG=Y](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=176&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=&P_PRNT_FRNDLY_PG=Y).

8. Exhibit 8 is a true and correct copy of the Bill Actions for Montana Senate Bill No. 169. Exhibit 8 is available at [https://laws.leg.mt.gov/legprd/LAW0210W\\$BSIV.ActionQuery?P_BILL_NO1=169&P_BLTP_BILL_TYP_CD=SB&Z_ACTION=Find&P_SESS=20211&P_PRNT_FRNDLY_PG=Y](https://laws.leg.mt.gov/legprd/LAW0210W$BSIV.ActionQuery?P_BILL_NO1=169&P_BLTP_BILL_TYP_CD=SB&Z_ACTION=Find&P_SESS=20211&P_PRNT_FRNDLY_PG=Y).

9. Exhibit 9 is a true and correct copy of Montana Senate Bill No. 169. Exhibit 9 is available at <https://leg.mt.gov/bills/2021/sesslaws/ch0254.pdf>.

10. Exhibit 10 is a true and correct copy of the Bill Actions for Montana House Bill No. 530. Exhibit 10 is available at [https://laws.leg.mt.gov/legprd/LAW0210W\\$BSIV.ActionQuery?P_BILL_NO1=530&P_BLTP_BILL_TYP_CD=HB&Z_ACTION=Find&P_SESS=20211&P_PRNT_FRNDLY_PG=Y](https://laws.leg.mt.gov/legprd/LAW0210W$BSIV.ActionQuery?P_BILL_NO1=530&P_BLTP_BILL_TYP_CD=HB&Z_ACTION=Find&P_SESS=20211&P_PRNT_FRNDLY_PG=Y).

11. Exhibit 11 is a true and correct copy of Montana House Bill No. 530. Exhibit 11 is available at <https://leg.mt.gov/bills/2021/billpdf/HB0530.pdf>.

12. Exhibit 12 is a true and correct copy of the Bill Actions for Montana Senate Bill No. 302. Exhibit 12 is available at [http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P_SESS=20051&P_BLTP_BILL_TYP_CD=SB&P_BILL_NO=302&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=&P_PRNT_FRNDLY_PG=Y](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20051&P_BLTP_BILL_TYP_CD=SB&P_BILL_NO=302&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=&P_PRNT_FRNDLY_PG=Y).

13. Exhibit 13 is a true and correct copy of Burden et al., *The Effects and Costs of Early Voting, Election Day Registration, and Same Day Registration in the 2008 Elections*, Pew Charitable Trusts, Dec. 21, 2009. Exhibit 13 is available at https://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2009/uwisconsin1pdf.pdf.

14. Exhibit 14 is a true and correct copy of Brians et al., *Election Day Registration's Effect on Voter Turnout*, Social Science Quarterly, Mar. 2001. Exhibit 14 is available at <http://www.socsci.uci.edu/~bgrofman/18%20Brians-Grofman-Election%20day%20registration%27s%20effect.pdf>.

15. Exhibit 15 includes excerpts of true and correct copies of transcripts of legislative hearings related to Montana House Bill No. 176 (2021).

16. Exhibit 16 is a true and correct copy of Montana Secretary of State Linda McCulloch's 2014 Statewide General Election Canvass.

17. Exhibit 17 includes excerpts of true and correct copies of transcripts of legislative hearings related to Montana Senate Bill 405.

18. Exhibit 18 is a true and correct copy of Same Day Voter Registration, National Conference of State Legislatures, Sep. 20, 2021. Exhibit 19 is available at https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx#_Toc522006760.

19. Exhibit 19 is a true and correct copy of Montana Senate Bill No. 190. Exhibit 20 is publicly available at <https://leg.mt.gov/bills/2003/billpdf/HB0190.pdf>.

20. Exhibit 20 includes excerpts from true and correct copies of legislative transcripts related to Montana Senate Bill 169.

21. Exhibit 21 is a true and correct copy of Institute for Democracy & Higher Education, *Out-of-State College Students and Voting*, Jun. 2018. Exhibit 21 is available at <https://tufts.app.box.com/v/idhe-out-of-state-voting-2018>.

22. Exhibit 22 is a true and correct copy of Montana State University, *Get Your Catcard*. Exhibit 22 is available at <https://www.montana.edu/catcard/students.html#get>.

23. Exhibit 23 is a true and correct copy of Montana Senate Bill No. 280. Exhibit 23 is available at <https://leg.mt.gov/bills/2021/billpdf/SB0280.pdf>.

24. Exhibit 24 is a true and correct copy of *State-by-State 2020 Youth Voter Turnout: West and Southwest*, Center for Information and Research on Civic Learning and Engagement, Mar. 24, 2021. Exhibit 24 is available at <https://circle.tufts.edu/latest-research/state-state-2020-youth-voter-turnout-west-and-southwest>.

25. Exhibit 25 is a true and correct copy of Undergraduate Application, Montana State University. Exhibit 25 is available at

<https://www.montana.edu/admissions/applications/app.pdf>.

26. Exhibit 26 is a true and correct copy of University of Montana, *Griz Card Center*. Exhibit 26 is available at https://www.umt.edu/griz-card/get-your-griz-card/pick_up_griz_card.php.

27. Exhibit 27 is a true and correct copy of Montana Secretary of State, *2018 Federal Election: Number of Absentee Ballots Sent, Accepted*. Exhibit 27 is available at <https://sosmt.gov/Portals/142/Elections/Documents/Absentee-Turnout-2000-Present.xlsx>

28. Exhibit 28 is a true and correct copy of excerpts from the Transcript of Trial Proceedings in *Driscoll v. Stapleton*, No. DV 20-408.

29. Exhibit 29 includes excerpts of true and correct copies of transcripts of legislative hearings related to Montana House Bill No. 406.

30. Exhibit 30 is a true and correct copy of Montana Senate Bill No. 352. Exhibit 31 is available at <https://leg.mt.gov/bills/2017/billpdf/SB0352.pdf>.

31. Exhibit 31 includes excerpts from true and correct copies of transcripts of legislative hearings related to Montana House Bill No. 352.

32. Exhibit 32 is a true and correct copy of the Bill Actions for Montana Senate Bill No. 352. Exhibit 32 is available at

[https://laws.leg.mt.gov/legprd/LAW0210W\\$BSIV.ActionQuery?P_BILL_NO1=352&P_BLTP_BILL_TYP_CD=SB&Z_ACTION=Find&P_SESS=20171&P_PRNT_FRNDLY_PG=Y](https://laws.leg.mt.gov/legprd/LAW0210W$BSIV.ActionQuery?P_BILL_NO1=352&P_BLTP_BILL_TYP_CD=SB&Z_ACTION=Find&P_SESS=20171&P_PRNT_FRNDLY_PG=Y).

33. Exhibit 33 is a true and correct copy of Montana House Bill No. 406. Exhibit 34 is available at <https://leg.mt.gov/bills/2021/billpdf/HB0406.pdf>.

34. Exhibit 34 is a true and correct copy of the Bill Actions for Montana House Bill 406. Exhibit 34 is available at

[https://laws.leg.mt.gov/legprd/LAW0210W\\$BSIV.ActionQuery?P_BILL_NO1=406&P_BLTP_BILL_TYP_CD=HB&Z_ACTION=Find&P_SESS=20211&P_PRNT_FRNDLY_PG=Y](https://laws.leg.mt.gov/legprd/LAW0210W$BSIV.ActionQuery?P_BILL_NO1=406&P_BLTP_BILL_TYP_CD=HB&Z_ACTION=Find&P_SESS=20211&P_PRNT_FRNDLY_PG=Y).

35. The Expert Report of Kenneth R. Mayer, a copy of which is attached hereto as Exhibit 35, is a true and correct copy of Dr. Kenneth R. Mayer's expert report.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Dated this 12th day of January, 2022.

A handwritten signature in black ink, appearing to read "Matthew Gordon", written above a horizontal line.

Matthew Gordon

Exhibit 1

SENATE BILL NO. 151

INTRODUCED BY D. SANDS

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE RELIGIOUS EXEMPTION REGARDING THE REPORTING OF SEXUAL ABUSE BASED ON MONTANA SUPREME COURT PRECEDENT; AND AMENDING SECTION 41-3-201, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-3-201, MCA, is amended to read:

"41-3-201. Reports. (1) When the professionals and officials listed in subsection (2) know or have reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare, they shall report the matter promptly to the department of public health and human services.

(2) Professionals and officials required to report are:

(a) a physician, resident, intern, or member of a hospital's staff engaged in the admission, examination, care, or treatment of persons;

(b) a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional;

(c) religious healers;

(d) school teachers, other school officials, and employees who work during regular school hours;

(e) a social worker, operator or employee of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program organized under 52-2-711 or of a child and adult food care program, or an operator or employee of a child-care facility;

(f) a foster care, residential, or institutional worker;

(g) a peace officer or other law enforcement official;

(h) a member of the clergy, as defined in 15-6-201(2)(b);

1 (i) a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of
2 alleged abuse or neglect;

3 (j) an employee of an entity that contracts with the department to provide direct services to children;
4 and

5 (k) an employee of the department while in conduct of the employee's duties.

6 (3) A professional listed in subsection (2)(a) or (2)(b) involved in the delivery or care of an infant shall
7 report to the department any infant known to the professional to be affected by a dangerous drug, as defined in
8 50-32-101.

9 (4) Any person may make a report under this section if the person knows or has reasonable cause to
10 suspect that a child is abused or neglected.

11 (5) (a) When a professional or official required to report under subsection (2) makes a report, the
12 department may share information with:

13 (i) that professional or official;

14 (ii) other individuals with whom the professional or official works in an official capacity if the individuals
15 are part of a team that responds to matters involving the child or the person about whom the report was made
16 and the professional or official has asked that the information be shared with the individuals; or

17 (iii) the child abuse and neglect review commission established in 2-15-2019.

18 (b) The department may provide information in accordance with 41-3-202(8) and also share
19 information about the investigation, limited to its outcome and any subsequent action that will be taken on
20 behalf of the child who is the subject of the report.

21 (c) Individuals who receive information pursuant to this subsection (5) shall maintain the
22 confidentiality of the information as required by 41-3-205.

23 ~~(6) (a) Except as provided in subsection (6)(b) or (6)(c), a person listed in subsection (2) may not~~
24 ~~refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege.~~

25 ~~(b) A member of the clergy or a priest is not required to make a report under this section if:~~

26 ~~(i) the knowledge or suspicion of the abuse or neglect came from a statement or confession made to~~
27 ~~the member of the clergy or the priest in that person's capacity as a member of the clergy or as a priest;~~

28 ~~(ii) the statement was intended to be a part of a confidential communication between the member of~~

1 ~~the clergy or the priest and a member of the church or congregation; and~~

2 ~~(iii) the person who made the statement or confession does not consent to the disclosure by the~~
3 ~~member of the clergy or the priest.~~

4 ~~(c) A member of the clergy or a priest is not required to make a report under this section if the~~
5 ~~communication is required to be confidential by canon law, church doctrine, or established church practice.~~

6 ~~(7)~~(6) The reports referred to under this section must contain:

7 (a) the names and addresses of the child and the child's parents or other persons responsible for the
8 child's care;

9 (b) to the extent known, the child's age and the nature and extent of the child's injuries, including any
10 evidence of previous injuries;

11 (c) any other information that the maker of the report believes might be helpful in establishing the
12 cause of the injuries or showing the willful neglect and the identity of the person or persons responsible for the
13 injury or neglect; and

14 (d) the facts that led the person reporting to believe that the child has suffered injury or injuries or
15 willful neglect, within the meaning of this chapter. (Subsection (5)(a)(iii) terminates September 30, 2021--sec.
16 12, Ch. 235, L. 2017.)"

17 - END -

Exhibit 2

SENATE BILL NO. 88

INTRODUCED BY SQUIRES

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN ELECTOR MAY REQUEST ABSENTEE BALLOTS FOR SUBSEQUENT ELECTIONS; PROVIDING FOR A REQUEST FORM; ~~AND~~ AMENDING SECTIONS 13-13-212 AND 13-13-214, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot -- special provisions. (1) An elector may apply for an absentee ballot, using only a standardized form provided by rule by the secretary of state, by making a written request, which must include the applicant's birth date and must be signed by the applicant. The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

(2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the special absentee election board provided for in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under this subsection (2) must be received by the election administrator within the time period specified in 13-13-211(2).

(3) An elector who has made a request for an absentee ballot by one of the methods provided in this section may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election administrator.

(4) (A) When applying for an absentee ballot under this section, an elector may also request to be mailed an absentee ballot, as soon as the ballot becomes available, for each subsequent election in which the elector is eligible to vote OR ONLY FOR EACH SUBSEQUENT FEDERAL ELECTION IN WHICH THE ELECTOR IS ELIGIBLE TO

VOTE for as long as the elector remains qualified to vote and resides at the address provided in the initial application.

(B) TO ENSURE THAT THE ELECTOR STILL RESIDES AT THE ADDRESS PROVIDED IN THE INITIAL APPLICATION, THE THE ELECTION ADMINISTRATOR SHALL MAIL AN ADDRESS CONFIRMATION FORM AT LEAST 75 DAYS BEFORE THE ELECTION TO EACH ELECTOR WHO HAS REQUESTED AN ABSENTEE BALLOT FOR SUBSEQUENT ELECTIONS. IF THE FORM IS RETURNED TO THE ELECTION ADMINISTRATOR AS UNDELIVERABLE THE ELECTOR SHALL SIGN THE FORM, INDICATE THE ADDRESS TO WHICH THE ABSENTEE BALLOT SHOULD BE SENT, AND RETURN THE FORM TO THE ELECTION ADMINISTRATOR. IF THE FORM IS NOT COMPLETED AND RETURNED, THE ELECTION ADMINISTRATOR SHALL REMOVE THE ELECTOR FROM THE REGISTER OF ELECTORS WHO HAVE REQUESTED AN ABSENTEE BALLOT FOR EACH SUBSEQUENT ELECTION.

(C) AN ELECTOR WHO HAS BEEN REMOVED FROM THE REGISTER MAY SUBSEQUENTLY REQUEST TO BE MAILED AN ABSENTEE BALLOT FOR EACH SUBSEQUENT ELECTION."

Section 2. Section 13-13-214, MCA, is amended to read:

"13-13-214. Mailing absentee ballot to elector -- delivery to person other than elector. (1) (a)

Except as provided in 13-13-213 and in subsection (1)(b) of this section, as soon as the official paper absentee ballots are printed, the election administrator shall immediately send by mail, postage prepaid, to each legally registered elector and provisionally registered elector from whom the election administrator has received a valid absentee ballot application under 13-13-211 and 13-13-212 whatever official ballots are necessary.

(b) The election administrator may deliver a ballot in person to an individual other than the elector if:

(i) the elector has designated the individual, either by a signed letter or by making the designation on the application form in a manner prescribed by the secretary of state;

(ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the ballot;

(iii) the election administrator believes that the individual receiving the ballot is the designated person;

and

(iv) the designated person has not previously picked up ballots for four other electors.

(2) The election administrator shall enclose with the ballots:

(a) a form prescribed by the secretary of state that allows the elector to request absentee ballots for EACH SUBSEQUENT FEDERAL ELECTION ONLY OR FOR ALL subsequent elections, as provided for in 13-13-212(4);

(a)(b) a secrecy envelope, free of any marks that would identify the voter; and

(b)(c) an envelope for the return of the ballots. The envelope must be self-addressed by the election administrator and an affirmation in the form prescribed by the secretary of state must be printed on the back of the envelope.

(3) The election administrator shall ensure that the ballots provided to an absentee elector are marked as provided in 13-13-116 and remove the stubs from the ballots, attaching the stubs to the elector's absentee ballot application.

(4) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way so that it can be identified as being used by any one elector.

(5) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must include use of the envelope for unvoted ballots. The instructions must include information concerning the type or types of writing instruments that may be used to mark the absentee ballot. The instructions must include information regarding use of the secrecy envelope and use of the return envelope. The election administrator shall include a voter information pamphlet with the instructions if:

(a) a statewide ballot issue appears on the ballot mailed to the elector; and

(b) the elector requests a voter information pamphlet."

NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 2005.

- END -

Exhibit 3

2005 Montana Legislature

[About Bill -- Links](#)



SENATE BILL NO. 302 INTRODUCED BY ELLINGSON

AN ACT GENERALLY REVISING ELECTION LAWS; REVISING VOTER REGISTRATION PROVISIONS; REVISING WHEN BALLOTS MUST BE PRINTED; REVISING VOTER IDENTIFICATION REQUIREMENTS; REVISING PROVISIONS ON ABSENTEE VOTING; CLARIFYING HOW REJECTED BALLOTS ARE HANDLED; REVISING PROVISIONS GOVERNING STANDARDS FOR VOTING SYSTEMS; AND AMENDING SECTIONS 13-2-108, 13-2-110, 13-2-115, 13-2-301, 13-2-514, 13-13-201, 13-13-205, 13-13-212, 13-13-213, 13-13-232, 13-13-233, 13-13-241, 13-13-243, 13-15-107, 13-15-201, 13-17-103, AND 13-17-212, MCA; REPEALING SECTIONS 13-2-302 AND 13-15-203, MCA; AND PROVIDING EFFECTIVE DATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Late registration -- late changes -- nonapplicability for school elections. (1) Except as provided in subsections (2) and (3), the following provisions apply:

(a) An elector may register or change the elector's voter registration information after the close of regular registration in 13-2-301 and vote in the election if the election administrator in the county where the elector resides receives and verifies the elector's voter registration information prior to the close of the polls on election day.

(b) Except as provided in 13-2-514(2)(a), an elector who registers or changes the elector's voter information pursuant to this section may vote in the election only if the elector votes at the county election administrator's office.

(2) If an elector has already been sent an absentee ballot for the election, the elector may change the elector's voter registration information only with respect to the next election.

(3) The provisions of subsection (1) do not apply with respect to an elector's registration to vote in a school election held pursuant to Title 20.

Section 2. Section 13-2-108, MCA, is amended to read:

"13-2-108. Rulemaking for statewide voter registration list. (1) The secretary of state shall adopt rules to implement the provisions of 42 U.S.C. 15483 and this chapter.

(2) The rules must include but are not limited to:

(a) a list of maintenance procedures, including new data entry, updates, registration transfers, and other procedures for keeping information current and accurate;

(b) proper maintenance and use of active and inactive lists;

(c) proper maintenance and use of lists for legally registered electors and provisionally registered electors;

(d) procedures and timelines to be used by election administrators when providing the information required in 13-2-123;

(e) technical security of the statewide voter registration database;

(f) information security with respect to keeping from general public distribution driver's license numbers, whole or partial social security numbers, and address information protected from general disclosure pursuant to 13-2-115; and

(g) quality control measures for the system and system users.

(3) The rules adopted by the secretary of state must reflect that an elector who was properly registered prior to January 1, 2003, is considered a legally registered elector."

Section 3. Section 13-2-110, MCA, is amended to read:

"13-2-110. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes. (1) An individual may apply for voter registration in person or by mail by completing and signing an application for voter registration and providing the application to the election administrator in the county in which the elector resides ~~before the close of registration as provided in 13-2-301.~~

(2) An individual applying by mail shall send the application to the election administrator, postage paid, no later than 15 days after the date it is signed. ~~An application for voter registration properly executed and postmarked on or before the day registration is closed must be accepted for 3 days after the close of registration.~~

(3) Each application for voter registration must be accepted and processed as provided in rules adopted under 13-2-109.

(4) Except as provided in subsection (5):

(a) an applicant for voter registration shall provide the applicant's driver's license number; or

(b) if the applicant does not have a driver's license, the applicant shall provide the last four digits of the applicant's social security number.

(5) If an applicant does not have a driver's license or social security number:

(a) an applicant appearing in person before the election administrator shall provide:

(i) current and valid photo identification, including but not limited to ~~a valid driver's license~~, a school district or postsecondary education photo identification; or a tribal photo identification, with the individual's name; or

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(b) an applicant applying by mail to register ~~by mail~~ shall also enclose a copy of:

(i) a current and valid photo identification, including but not limited to ~~a valid driver's license~~, a school district or postsecondary education photo identification; or a tribal photo identification, with the individual's name; or

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(6) (a) If information provided on an application for voter registration is sufficient to be accepted and processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall register the elector as a legally registered elector.

(b) If information provided on an application for voter registration was sufficient to be accepted but the applicant failed to provide the information required in subsection (4) or (5) or if the information provided was incorrect or insufficient to verify the individual's eligibility to vote, the election administrator shall register the applicant as a provisionally registered elector.

(7) Each applicant for voter registration must be notified of the elector's registration status pursuant to rules adopted under 13-2-109.

(8) The secretary of state shall assign to each elector whose application was accepted a unique identification number for voting purposes and shall establish a statewide uniform method to allow the secretary of state and local election officials to distinguish legally registered electors from provisionally registered electors.

(9) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-221, 13-21-201, 13-21-203, and 61-5-107 and as provided for in federal law."

Section 4. Section 13-2-115, MCA, is amended to read:

"13-2-115. Certification of statewide voter registration list -- local lists to be prepared. (1) Immediately after regular registration is closed under 13-2-301, the secretary of state shall certify the official statewide voter registration list.

(2) Each election administrator shall have printed from the certified statewide voter registration database lists of all registered electors in each precinct in the county. Except as provided in subsections (5) and (6), names of electors must be listed alphabetically, with their residence address or with a mailing address if located where street numbers are not used.

(3) A copy of the list of registered electors in a precinct must be displayed at the precinct's polling place. Extra copies of the lists must be retained by the election administrator and furnished to an elector upon request.

(4) Lists of registered electors need not be printed if the election will not be held.

(5) If a law enforcement officer or reserve officer, as defined in 7-32-201, requests in writing that, for security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's, not be disclosed, the secretary of

state or an election administrator may not include the address on any generally available list of registered electors but may list only the electors' names.

(6) (a) Upon the request of an individual, the secretary of state or an election administrator may not include the individual's residential address on any generally available list of registered electors but may list only the elector's name if the individual:

(i) proves to the election administrator, as provided in subsection (6)(b), that the individual, or a minor in the custody of the individual, has been the victim of partner or family member assault, stalking, custodial interference, or other offense involving bodily harm or threat of bodily harm to the individual or minor; or

(ii) proves to the election administrator, as provided in subsection (6)(c), that a temporary restraining order or injunction has been issued by a judge or magistrate to restrain another person's access to the individual or minor.

(b) Proof of the victimization is conclusive upon exhibition to the election administrator of a criminal judgment, information and judgment, or affidavit of a county attorney clearly indicating the conviction and the identity of the victim.

(c) Proof of the issuance of a temporary restraining order or injunction is conclusive upon exhibition to the election administrator of the temporary restraining order or injunction."

Section 5. Section 13-2-301, MCA, is amended to read:

"13-2-301. Close of regular registration -- ~~procedure notice~~ -- changes. (1) The election administrator shall:

(a) close regular registrations for 30 days before any election; and

(b) ~~publish broadcast~~ a notice specifying the day regular registrations will close on radio or television as provided in 2-3-105 through 2-3-107 or publish the notice in a newspaper of general circulation in the county at least once a week for 3 weeks before the close of registration.

(2) Information to be included in the notice must be prescribed by the secretary of state.

(3) An application for voter registration properly executed and postmarked on or before the day regular registration is closed must be accepted as a regular registration for 3 days after regular registration is closed under subsection (1)(a).

~~(3)(4)~~ (4) An individual who submits a completed registration form to the election administrator before the ~~deadline~~ deadlines provided in ~~subsection (1)(a)~~ this section is allowed to correct a mistake on the completed registration form until 5 p.m. on the 10th day following the close of regular registration, and the qualified elector is then eligible to vote in the ~~next~~ election at the polling place for that elector's precinct.

(5) Subject to the provisions of [section 1], an elector who misses the deadlines provided for in this section may register to vote or change the elector's voter information and vote in the election, except as otherwise provided in [section 1]."

Section 6. Section 13-2-514, MCA, is amended to read:

"13-2-514. Change of residence to another county. (1) ~~An~~ Except as provided in subsection (2)(a), an elector who changes residence to a different county within this state shall register in the new county of residence in order to vote in any election ~~unless the change occurs less than 45 days before the election.~~

(2) An elector who changes residence to a different county 45 days or less before an election may:

- ___(a) vote in person or by absentee ballot in the precinct and county where previously registered; or
- ___(b) update the elector's registration information and vote in the elector's new county of residence, subject to the regular registration provisions of 13-2-301 or the late registration provisions of [section 1].

(3) The registration information of an elector ~~who votes under the provisions of subsection (2)~~ whose information is changed pursuant to this section must be updated in the statewide voter registration list ~~after the election~~ pursuant to rules adopted under 13-2-108."

Section 7. Section 13-13-201, MCA, is amended to read:

"13-13-201. Voting by absentee ballot -- procedures. (1) A legally registered elector or provisionally registered elector is entitled to vote by absentee ballot as provided for in this part.

(2) The elector may vote absentee only by paper ballot and by:

- (a) marking the ballot in the manner specified;
- (b) placing the marked ballot in the secrecy envelope, free of any identifying marks;
- (c) placing the secrecy envelope containing one ballot for each election being held in the return envelope;
- (d) executing the affidavit printed on the return envelope; and

(e) returning the return envelope with all appropriate enclosures by regular mail, postage prepaid, or by delivering it to the election administrator of the special absentee election board established pursuant to 13-13-225.

(3) (a) ~~The~~ A provisionally registered elector may also enclose in the outer return envelope a copy of the elector's photo identification showing the elector's name, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification. If the provisionally registered elector does not enclose a photo identification, the elector ~~shall~~ may enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.

(b) ~~If the elector fails to provide the information required under subsection (3)(a) or the information provided is insufficient to verify the elector's identity and eligibility, the~~ An elector's absentee ballot must be handled as a provisional ballot provided in 13-13-241."

Section 8. Section 13-13-205, MCA, is amended to read:

"13-13-205. When paper ballots to be available. (1) The election administrator shall ensure that paper ballots are printed and available for absentee voting at least:

___(a) 30 days prior to an election for those elections held in compliance with ~~13-1-104(1) and~~ 13-1-107(1);

~~(2)(b). For elections held in compliance with 13-1-104(2) and (3) and 13-1-107(2), the election administrator shall ensure that paper ballots are printed and available for absentee voting at least 20 days prior to an election for those elections held in compliance with 13-1-104(2) and (3) and 13-1-107(2); and~~

(c) 45 days prior to an election held in conjunction with a federal general election in compliance with 13-1-104(1).

~~(3)(2)~~. If paper ballots are sent more than 30 days before an election, the election administrator shall include a notice that the voter information pamphlet, when required to be distributed, will be provided pursuant to 13-27-410."

Section 9. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot -- special provisions. (1) An elector may apply for an absentee ballot; using ~~only~~ a standardized form provided by rule by the secretary of state; or by making a written request, which must include the applicant's birth date and must be signed by the applicant. The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

(2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the special absentee election board provided for in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under this subsection (2) must be received by the election administrator within the time period specified in 13-13-211(2).

(3) An elector who has made a request for an absentee ballot by one of the methods provided in this section may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election administrator."

Section 10. Section 13-13-213, MCA, is amended to read:

"13-13-213. Transmission of application to election administrator -- delivery of ballot. (1) All absentee ballot application forms must be addressed to the appropriate election official.

~~(1)(2)~~. Except as provided in subsection ~~(3)~~ (4), the elector ~~shall~~ may mail the application directly to the election administrator or deliver the application in person to the election administrator. ~~With the exception of an immediate family member, as defined in 15-30-602, or a guardian, or a third party may not collect applications for absentee ballots from electors~~ the elector's application and forward ~~the applications~~ it to the election administrator.

~~(2)(3)~~. The election administrator shall compare the signature on the application with the applicant's signature on the registration card. If convinced the individual making the application is the same as the one whose name appears on the registration card, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214.

~~(3)(4)~~. In lieu of the requirement provided in subsection ~~(4)~~ (2), an elector who requests an absentee ballot pursuant to 13-13-212(2) may return the application to the special absentee election board. Upon receipt of the application, the special absentee election board shall examine the signatures on the application and a copy of the voting registration card to be

provided by the election administrator. If the special absentee election board believes that the applicant is the same person as the one whose name appears on the registration card, the special absentee election board shall provide a ballot to the elector."

Section 11. Section 13-13-232, MCA, is amended to read:

"13-13-232. Delivery of ballots and secrecy envelopes to election judges -- ballots to be rejected. (1) If an absentee ballot is received prior to delivery of the official ballots to the election judges, the election administrator shall process it according to 13-13-241 and then deliver the unopened secrecy envelope to the judges at the same time that the ballots are delivered.

(2) If an absentee ballot is received after the official ballots are delivered to the election judges but prior to the close of the polls, the election administrator shall process it according to 13-13-241 and shall then immediately deliver the unopened secrecy envelope to the judges.

(3) If the election administrator receives an absentee ballot for which an application or request was not made or received as required by this part, the election administrator shall endorse upon the elector's envelope the date and exact time of receipt and the words "to be rejected". Absentee ballots endorsed in this manner must be handled in the same manner as provided in 13-13-243(1)."

Section 12. Section 13-13-233, MCA, is amended to read:

"13-13-233. ~~Issue~~ Issuing and ~~record of recording~~ absentee ballots -- certificate to election judges. (1) Absentee ballots must be official numbered paper ballots beginning with ballot number 1 and following consecutively according to the number of applications for absentee ballots.

(2) The election administrator shall keep a record of all absentee ballots issued.

(3) When the election administrator delivers the voted absentee ballots pursuant to 13-13-232(1), the election administrator shall also provide a certificate stating:

(a) the ballot numbers of the absentee ballots mailed or transmitted pursuant to 13-13-214 or 13-21-207, delivered pursuant to 13-13-229, ~~and~~ or marked in person pursuant to 13-13-222;

(b) the number of ballots to be reserved for late absentee voting pursuant to 13-13-211(2); and

(c) the names of the electors within the precinct to whom the ballots were provided.

(4) The chief election judge shall post in a conspicuous location at the polling place a list of the names of electors appearing on the certificate required under subsection (3)."

Section 13. Section 13-13-241, MCA, is amended to read:

"13-13-241. Examination of absentee ballot return envelopes -- deposit of absentee and unvoted ballots. (1) (a) As soon as an absentee ballot is received, an election administrator shall compare the signature of the elector on the absentee ballot request with the signature on the absentee ballot return envelope.

(b) If the elector is legally registered and the signature on the return envelope matches the signature on the absentee ballot application, the election administrator or an election judge shall handle the ballot as a regular ballot.

~~___(c)(i). Except as provided in subsection (2), after comparing the signatures~~ If the elector is provisionally registered and the signature on the return envelope matches the signature on the absentee ballot application, the election administrator or an election judge shall open the outer return envelope and determine whether the elector's voter identification information, if enclosed pursuant to 13-13-201, is sufficient pursuant to rules adopted under 13-2-109 to legally register the elector.

~~___(ii) If the voter identification information is sufficient to legally register the elector, the ballot must be handled as a regular ballot.~~

~~___(iii) If voter identification information was not enclosed or the information enclosed is insufficient to legally register the elector, the ballot must be handled as a provisional ballot under 13-15-107.~~

(2) If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall place the ballot in a secrecy envelope without examining the ballot.

~~(b)(3).~~ In a primary election, unvoted party ballots must be separated from the secrecy envelopes and handled without being removed from their enclosure envelopes.

~~(c)(4). A ballot cast by an elector who provided sufficient information must be handled as provided in subsection (3). A ballot cast by an elector whose voter information is insufficient or whose name does not appear on the precinct register must be handled as a provisional ballot under 13-15-107. The~~ If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify the absentee elector by mail or by the most expedient method available under rules adopted by the secretary of state that the elector's identification information was insufficient and that the elector's ballot will be treated as a provisional ballot until the elector provides sufficient information, pursuant to rules adopted by the secretary of state. If the elector is notified by mail, the election administrator shall provide a self-addressed return envelope along with a description of the information necessary for the absentee elector to reclassify the provisional ballot as a regular ballot.

~~(2)(5).~~ If the signature on the absentee ballot return envelope does not match the signature on the absentee ballot request form, the absentee ballot must be rejected. The election administrator, without opening the absentee ballot return envelope, shall mark across it the reason for rejection. Unopened rejected absentee ballot return envelopes must be handled in the same manner as provided for rejected ballots in 13-13-243(1).

~~(3)(6).~~ After receiving an absentee ballot secrecy envelope, without opening the secrecy envelope, the election judges shall on election day place the secrecy envelope in the proper ballot box."

Section 14. Section 13-13-243, MCA, is amended to read:

"13-13-243. Rejected absentee ballots -- handling provided by rule. (1) ~~The~~ All rejected absentee ballots, the absentee ballot applications, and all absentee ballot return envelopes ~~shall~~ must be ~~enclosed in an envelope and sealed,~~

~~and the judges shall write on the envelope "rejected ballot(s) of absentee elector" (writing in the elector's name) handled and marked as provided under rules adopted by the secretary of state.~~

(2) The unopened absentee ballot envelope of an elector who has voted in person as provided in 13-13-204 must be marked "voted in person" and initialed by a majority of the election judges handled and marked as provided under rules adopted by the secretary of state.

(3) The unopened absentee ballot envelope of an elector who dies before election day ~~shall~~ must be marked "died before election day" and initialed by a majority of the election judges if they are notified of the death on election day. The election administrator shall make and sign the notation if notice of the death is received before delivery of the absentee ballot to the polling place handled and marked as provided under rules adopted by the secretary of state.

(4) ~~At~~ After being handled and marked as provided in this section, all rejected ballots ~~shall~~ must be placed in the ~~sealed~~ a package or container in which the voted ballots are ~~required~~ to be placed and the package or container must be sealed, dated, and marked as provided under rules adopted by the secretary of state. After a package or container is sealed pursuant to this subsection (4), a package or container may not be opened without a court order."

Section 15. Section 13-15-107, MCA, is amended to read:

"13-15-107. Handling and counting provisional and challenged ballots. (1) To verify eligibility to vote, ~~an~~ a provisionally registered elector who casts a provisional ballot in person shall provide information to the election administrator as listed below:

(a) present in person at the office of the election administrator by 5 p.m. on the day after the election a photo identification or other identifying document as described in 13-13-114(1)(a);

(b) send by facsimile or electronic mail by 5 p.m. on the day after the election a copy or scanned document that meets the identification requirements of 13-13-114(1)(a); or

(c) mail a nonreturnable copy or nonreturnable original document described in 13-13-114(1)(a) in a self-addressed return envelope provided by the election administrator. If the elector mails a document, the postmark on the envelope must be for the day of the election or the day following the election.

(2) (a) If a legally registered elector casts a provisional ballot because the elector failed to provide sufficient identification as required pursuant to 13-13-114(1)(a), the election administrator shall compare the elector's signature on the affirmation required under 13-13-601 to the elector's signature on the elector's voter registration card.

(b) If the signatures match, the election administrator shall handle the ballot as provided in subsection (6).

(c) If the signatures do not match, the ballot must be rejected and handled as provided in 13-13-243.

~~(2)(3)~~ (3) The election administrator shall determine prior to an election whether an absentee voter has provided sufficient identification to allow a ballot to be counted. If the information is insufficient, the election administrator shall follow procedures described in 13-13-241 to allow an absentee elector who failed to provide proper identifying information in the outer return envelope to verify eligibility to vote. An absentee elector whose ballot is determined to be provisional has until

5 p.m. on the day after the election to provide valid identification information either in person, by facsimile, by electronic mail, or by mail postmarked on the day of the election or the day after the election.

~~(3)~~(4). A provisional ballot must be counted if the election administrator verifies the elector's eligibility pursuant to rules adopted under 13-13-603. However, a if the election administrator cannot verify the elector's eligibility under the rules, the elector's provisional ballot may not be counted if the election administrator cannot verify the elector's eligibility under the rules must be rejected and handled as provided in 13-13-243.

~~(4)~~(5). The election administrator shall provide an elector who cast a provisional ballot but whose ballot was not counted with the reasons why the ballot was not counted.

~~(5)~~(6). A provisional ballot cast by an elector whose voter information is verified before 5 p.m. on the day after the election must be removed from its provisional envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot."

Section 16. Section 13-15-201, MCA, is amended to read:

"13-15-201. Preparation for count. (1) (a) Subject to 13-10-311, to prepare for a manual or automatic count of paper ballots before or after the close of the polls, the counting board of election judges designated under 13-15-112 shall take ballots out of the box unopened to determine whether each ballot is single.

(b) If an absentee ballot counting board has been appointed pursuant to 13-15-112, the absentee ballots must be delivered to the absentee ballot counting board and counted as provided in 13-15-104. If an absentee ballot counting board has not been appointed, the regular counting board shall, subject to 13-13-244, remove each absentee ballot secrecy envelope and open it to determine whether the ballot for each election is single. An absentee ballot must be rejected and handled as provided in 13-13-243 if in the envelope there is more than one voted ballot for each election.

(c) The counting board shall count all ballots to ensure that the total number of ballots corresponds with the total number of names in the pollbook.

(d) If the counting board cannot reconcile the total number of ballots with the pollbook, the board shall submit to the election administrator a written report stating how many ballots were missing or in excess and any reason of which they are aware for the discrepancy. Each judge on the board shall sign the report.

(e) A ballot that is not marked as official is void and may not be counted unless all judges on the counting board agree that the marking is missing because of an error by election officials, in which case the ballot must be marked "unmarked by error" on the back and must be initialed by all judges.

(f) If two or more ballots are folded or stuck together to look like a single ballot, they must be laid aside until the count is complete. The counting board shall compare the count with the pollbooks, and if a majority believes that the ballots folded together were voted by one elector, the ballots must be rejected and handled as provided in 13-13-243; otherwise they must be counted.

(2) For nonpaper ballots, the counting board shall prepare for the official count in a manner prescribed by the secretary of state pursuant to 13-17-211."

Section 17. Section 13-17-103, MCA, is amended to read:

"13-17-103. Required specifications for voting systems. (1) A voting system may not be approved under 13-17-101 unless the voting system:

- (a) allows an elector to vote in secrecy;
- (b) prevents an elector from voting for any candidate or on any ballot issue more than once;
- (c) prevents an elector from voting on any office or ballot issue for which the elector is not entitled to vote;
- (d) allows an elector to vote only for the candidates of the party selected by the elector in the primary election;
- (e) allows an elector to vote a split ticket in a general election if the elector desires;
- (f) allows each valid vote cast to be registered and recorded within the performance standards adopted pursuant to subsection (2);
- (g) may be protected from tampering for a fraudulent purpose;
- (h) prevents an individual from seeing or knowing the number of votes registered for any candidate or on any ballot issue during the progress of voting;
- (i) allows write-in voting; ~~and~~
- (j) will, if purchased by a jurisdiction within the state, be provided with a guarantee that the training and technical assistance will be provided to election officials under the contract for purchase of the voting system;
- (k) records votes in a manner that allows the votes to be printed on paper so that votes can be manually counted or audited if necessary; and
- (l) allows auditors to access and monitor any software program while it is running on the system to determine whether the software is running properly.

(2) To implement the provisions of subsection (1)(f), the secretary of state shall adopt rules setting a benchmark performance standard that must be met in tests by each voting system prior to approval under 13-17-101. The standard must be based on commonly accepted industry standards for readily available technologies."

Section 18. Section 13-17-212, MCA, is amended to read:

"13-17-212. Performance certification of voting systems prior to election. (1) No more than 30 days prior to an election in which a voting system is used, the election administrator shall test and certify that the system is performing properly.

(2) The secretary of state shall ensure that at least 10% of all voting systems in the state have been randomly tested and certified at least once every calendar year.

(3) If any type of direct recording electronic voting system is approved pursuant to 13-17-101 after meeting the requirements of 13-17-103, provision must be made to ensure that, at a minimum, each system is tested and certified as follows:

(a) upon delivery; _____

___(b) no more than 30 days prior to the election; and

___(c) on election day.

___(4) ~~The test and certification provisions of this section must be conducted~~ implemented according to rules adopted by the secretary of state pursuant to 13-17-211."

Section 19. Repealer. Sections 13-2-302 and 13-15-203, MCA, are repealed.

Section 20. Instruction to code commissioner. Section 13-13-243 is intended to be renumbered and codified in Title 13, chapter 15, part 1.

Section 21. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2005.

(2) [Sections 1 and 3 through 6] are effective July 1, 2006.

- END -

Latest Version of SB 302 (*SB0302.ENR*)

Processed for the Web on April 13, 2005 (12:00pm)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the [status of this bill](#) for the bill's primary sponsor.

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Prepared by Montana Legislative Services

(406) 444-3064

Exhibit 4

Montana consistently has had one of the highest voter turnout rates in the nation.

The chart below shows voter registration and turnout for Primary and General Elections since 1920. [Download the Chart](#). County-by-county [turnout](#) is also available, as are [archived election results](#), from 1912 through the present, which include voter registration and turnout.

Primary				General		
Year	Registered	Votes Cast	%	Registered	Votes Cast	%
1920	230,221	102,971	44.7%	261,257	178,968	68.5%
1922	224,142	108,643	48.5%	243,936	158,737	65.1%
1924	211,450	109,688	51.9%	240,800	174,415	72.4%
1926	205,822	103,106	50.1%	227,118	153,442	67.6%
1928	203,193	117,300	57.7%	241,096	194,840	80.8%
1930	220,671	100,157	45.4%	240,086	176,161	73.4%
1932	232,545	146,038	62.8%	265,181	216,381	81.6%
1934	247,248	133,098	53.8%	268,482	203,626	75.8%
1936	251,807	155,781	61.9%	283,695	226,353	79.8%
1938	248,443	151,620	61.0%	269,963	208,710	77.3%
1940	253,138	146,354	57.8%	295,237	240,694	81.5%
1942	258,749	118,478	45.8%	271,773	170,514	62.7%
1944	203,749	85,546	42.0%	248,392	197,217	79.4%
1946	241,550	127,889	52.9%	263,422	190,566	72.3%
1948	236,236	133,742	56.6%	269,779	221,003	81.9%
1950	250,374	128,058	51.1%	272,103	210,527	77.4%

1952	274,929	146,252	53.2%	304,053	260,469	85.7%
1954	283,651	136,466	48.1%	296,611	227,454	76.7%
1956	273,236	136,081	49.8%	316,444	263,204	83.2%
1958	289,851	145,462	50.2%	305,614	229,483	75.1%
1960	279,685	196,210	70.2%	322,876	276,612	85.7%
1962	301,003	152,422	50.6%	318,721	248,441	77.9%
1964	290,109	185,102	63.8%	327,477	280,975	85.8%
1966	306,852	156,042	50.9%	330,182	264,971	80.2%
1968	299,818	203,353	67.8%	331,078	285,892	86.4%
1970	304,328	166,126	54.6%	325,315	254,790	78.3%
1972	336,913	238,215	70.7%	386,867	327,176	84.6%
1974	352,244	179,153	50.9%	373,889	260,496	69.7%
1976	411,087	208,346	50.7%	454,924	339,346	74.6%
1978	381,769	207,903	54.5%	410,046	296,521	72.3%
1980	452,510	228,750	50.6%	496,402	371,976	74.9%
1982	412,841	198,840	48.2%	445,888	328,082	73.6%
1984	482,429	192,226	39.8%	526,841	395,006	75.0%
1986	421,264	166,622	39.6%	443,935	326,436	73.5%
1988	471,352	224,217	47.6%	505,541	378,981	75.0%
1990	408,354	201,118	49.3%	435,900	326,652	74.9%
1992	479,578	247,158	51.5%	529,299	417,564	78.9%
1994	485,629	228,603	47.1%	514,051	359,455	69.9%
1996	562,579	228,040	40.5%	590,751	417,232	70.6%
1998	602,716	161,568	26.8%	639,241	338,733	53.0%
2000	671,325	223,419	33.3%	698,260	417,916	59.9%
2002	606,147	174,730	29.0%	624,548	340,272	54.5%
2004	595,668	220,210	37.0%	638,474	456,096	71.4%
2006	626,853	214,840	34.3%	649,436	411,061	63.3%
2008	630,633	285,215	45.2%	668,085	497,599	74.5%
2010	639,309	206,791	32.5%	651,335	367,096	56.36%

2012	642,308	238,771	37.17%	681,608	491,966	72.18%
2014	659,921	218,882	33.17%	674,264	373,831	55.44%
2016	648,764	293,548	45.25%	694,370	516,901	74.44%
2017				700,401	383,301	54.73%
2018	679,333	282,704	41.61%	711,844	509,213	71.53%
2020	696,292	382,072	54.87%	752,538	612,075	81.33%

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Exhibit 5



JOINT STATEMENT FROM ELECTIONS INFRASTRUCTURE GOVERNMENT COORDINATING COUNCIL & THE ELECTION INFRASTRUCTURE SECTOR COORDINATING EXECUTIVE COMMITTEES

Original release date: November 12, 2020

WASHINGTON – The members of Election Infrastructure Government Coordinating Council (GCC) Executive Committee – Cybersecurity and Infrastructure Security Agency (CISA) Assistant Director Bob Kolasky, U.S. Election Assistance Commission Chair Benjamin Hovland, National Association of Secretaries of State (NASS) President Maggie Toulouse Oliver, National Association of State Election Directors (NASD) President Lori Augino, and Escambia County (Florida) Supervisor of Elections David Stafford – and the members of the Election Infrastructure Sector Coordinating Council (SCC) – Chair Brian Hancock (Unisyn Voting Solutions), Vice Chair Sam Derheimer (Hart InterCivic), Chris Wlaschin (Election Systems & Software), Ericka Haas (Electronic Registration Information Center), and Maria Bianchi (Democracy Works) - released the following statement:

“The November 3rd election was the most secure in American history. Right now, across the country, election officials are reviewing and double checking the entire election process prior to finalizing the result.

“When states have close elections, many will recount ballots. All of the states with close results in the 2020 presidential race have paper records of each vote, allowing the ability to go back and count each ballot if necessary. This is an added benefit for security and resilience. This process allows for the identification and correction of any mistakes or errors. **There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.**

“Other security measures like pre-election testing, state certification of voting equipment, and the U.S. Election Assistance Commission’s (EAC) certification of voting equipment help to build additional confidence in the voting systems used in 2020.

“While we know there are many unfounded claims and opportunities for misinformation about the process of our elections, we can assure you we have the utmost confidence in the security and integrity of our elections, and you should too. When you have questions, turn to elections officials as trusted voices as they administer elections.”

###

Topics: Election Security

Keywords: CISA, Election security

Last Published Date: November 12, 2020

Exhibit 6



AN ACT REVISING LATE VOTER REGISTRATION; CLOSING LATE VOTER REGISTRATION AT NOON THE DAY BEFORE THE ELECTION; PROVIDING AN EXCEPTION SO MILITARY AND OVERSEAS ELECTORS MAY CONTINUE TO REGISTER THROUGH THE DAY OF THE ELECTION; AMENDING SECTIONS 13-2-301, 13-2-304, 13-13-301, 13-19-207, AND 13-21-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-2-301, MCA, is amended to read:

"13-2-301. Close of regular registration -- notice -- changes. (1) The election administrator shall:

- (a) close regular registrations for 30 days before any election; and
- (b) publish a notice specifying the day regular registrations will close and the availability of the late registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or broadcast of the notice.
- (2) Information to be included in the notice must be prescribed by the secretary of state.
- (3) An application for voter registration properly executed and postmarked on or before the day regular registration is closed must be accepted as a regular registration for 3 days after regular registration is closed under subsection (1)(a).
- (4) An elector who misses the deadlines provided for in this section may register to vote or change the elector's voter information and vote in the election, ~~except as otherwise as~~ provided in 13-2-304."

Section 2. Section 13-2-304, MCA, is amended to read:

"13-2-304. Late registration -- late changes. (1) Except as provided in 13-21-104 and subsection (2) of this section, the following provisions apply:

(a) An elector may register or change the elector's voter registration information after the close of regular registration as provided in 13-2-301 and vote in the election if the election administrator in the county where the elector resides receives and verifies the elector's voter registration information prior to ~~the close of the polls on election day.~~

~~(b) Late registration is closed from noon to 5 p.m. on the day noon the day before the election.~~

~~(e)(b)~~ Except as provided in 13-2-514(2)(a) and subsection ~~(4)(d)~~ (1)(c) of this section, an elector who registers or changes the elector's voter information pursuant to this section may vote in the election if the elector obtains the ballot from the location designated by the county election administrator.

~~(d)(c)~~ With respect to an elector who registers late pursuant to this section for a school election conducted by a school clerk, the elector may vote in the election only if the elector obtains from the county election administrator a document, in a form prescribed by the secretary of state, verifying the elector's late registration. The elector shall provide the verification document to the school clerk, who shall issue the ballot to the elector and enter the verification document as part of the official register.

~~(e)(d)~~ An elector who registers late and obtains a ballot pursuant to this section may return the ballot as follows:

(i) before election day, to a location designated by the county election administrator or school clerk if the election is administered by the school district; or

(ii) on election day, to the election office or to any polling place in the county where the elector is registered to vote or, if the ballot is for a school election, to any polling place in the school district where the election is being conducted.

(2) If an elector has already been issued a ballot for the election, the elector may change the elector's voter registration information only if the original voted ballot has not been received at the county election office, or received by the school district if the district is administering the election, and if the original ballot that was issued is marked by the issuing county as void in the statewide voter registration system, or by the school district if the district is administering the election, prior to the change."

Section 3. Section 13-13-301, MCA, is amended to read:

"13-13-301. Challenges. (1) An elector's right to vote may be challenged at any time by any registered elector by the challenger filling out and signing an affidavit stating the grounds of the challenge and providing any evidence supporting the challenge to the election administrator or, on election day, to an election judge.

(2) A challenge may be made on the grounds that the elector:

- (a) is of unsound mind, as determined by a court;
- (b) has voted before in that election;
- (c) has been convicted of a felony and is serving a sentence in a penal institution;
- (d) is not registered as required by law;
- (e) is not 18 years of age or older;
- (f) has not been, for at least 30 days, a resident of the county in which the elector is offering to vote, except as provided in 13-2-514;

(g) is a provisionally registered elector whose status has not been changed to a legally registered voter; or

(h) does not meet another requirement provided in the constitution or by law.

(3) When a challenge has been made under this section, unless the election administrator determines without the need for further information that the challenge is insufficient:

(a) prior to the close of registration under 13-2-301, the election administrator shall question the challenger and the challenged elector and may question other persons to determine whether the challenge is sufficient or insufficient to cancel the elector's registration under 13-2-402; or

(b) after the close of regular registration under 13-2-301 ~~or on election day~~, the election administrator or, on election day, ~~the~~ either the election administrator or an election judge shall allow the challenged elector to cast a provisional paper ballot, which must be handled as provided in 13-15-107.

(4) (a) In response to a challenge, the challenged elector may fill out and sign an affidavit to refute the challenge and swear that the elector is eligible to vote.

(b) If the challenge was not made in the presence of the elector being challenged, the election

administrator or election judge shall notify the challenged elector of who made the challenge and the grounds of the challenge and explain what information the elector may provide to respond to the challenge. The notification must be made:

- (i) within 5 days of the filing of the challenge if the election is more than 5 days away; or
- (ii) on or before election day if the election is less than 5 days away.
- (c) The election administrator or, on election day, the election judge shall also provide to the challenged elector a copy of the challenger's affidavit and any supporting evidence provided.
- (5) The secretary of state shall adopt rules to implement the provisions of this section and shall provide standardized affidavit forms for challengers and challenged electors."

Section 4. Section 13-19-207, MCA, is amended to read:

"13-19-207. When materials to be mailed. (1) Except as provided in 13-13-205(2) and subsection (2) of this section, for any election conducted by mail, ballots must be mailed no sooner than the 20th day and no later than the 15th day before election day.

(2) ~~(a)~~ All ballots mailed to electors on the active list and the provisionally registered list must be mailed the same day.

~~(b)~~ (3) (a) At any time before noon on the day before election day, a ballot may be mailed or, on request, provided in person at the election administrator's office to:

~~(i)~~ an elector on the inactive list after the elector reactivates the elector's registration as provided in 13-2-222; or

~~(ii)~~ an individual who registers under the late registration option provided for in 13-2-304.

~~(c)~~ (b) An elector on the inactive list shall vote at the election administrator's office on election day if the elector reactivates the elector's registration after noon on the day before election day.

~~(d)~~ (4) An elector who registers pursuant to 13-2-304 on election day or on the day before election day must receive the ballot and vote it at the election administrator's office."

Section 5. Section 13-21-104, MCA, is amended to read:

"13-21-104. Adoption of rules on electronic registration and voting -- acceptance of funds. (1)

The secretary of state shall adopt reasonable rules under the rulemaking provisions of the Montana Administrative Procedure Act to implement this chapter. The rules are binding upon election administrators.

(2) The rules must provide that:

(a) there are uniform statewide standards concerning electronic registration and voting;

(b) regular absentee ballots for a primary, general, or special election are available in a format that allows the ballot to be electronically transmitted to a covered voter as soon as the ballots are available pursuant to 13-13-205;

(c) a covered voter may, ~~subject to 13-2-304~~, register and vote up to the time that the polls close on election day;

(d) a covered voter is allowed to cast a provisional ballot if there is a question about the elector's registration information or eligibility to vote;

(e) a covered voter with a digital signature is allowed the option of using the digital signature as provided in 13-21-107; and

(f) a ballot cast by a covered voter and transmitted electronically will remain secret, as required by Article IV, section 1, of the Montana constitution. This subsection (2)(f) does not prohibit the adoption of rules establishing administrative procedures on how electronically transmitted votes must be transcribed to an official ballot. However, the rules must be designed to protect the accuracy, integrity, and secrecy of the process.

(3) The secretary of state may apply for and receive a grant of funds from any agency or office of the United States government or from any other public or private source and may use the money for the purpose of implementing this chapter."

Section 6. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 176, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 176

INTRODUCED BY S. GREEF, D. ANKNEY, M. BLASDEL, B. BROWN, M. CUFFE, J. ELLSWORTH, S. FITZPATRICK, C. FRIEDEL, T. GAUTHIER, B. GILLESPIE, C. GLIMM, G. HERTZ, S. HINEBAUCH, B. HOVEN, D. HOWARD, D. KARY, B. KEENAN, T. MANZELLA, T. MCGILLVRAY, B. MOLNAR, K. REGIER, W. SALES, D. SALOMON, J. SMALL, R. TEMPEL, G. VANCE, J. WELBORN, F. ANDERSON, B. BEARD, M. BERTOGLIO, M. BINKLEY, J. DOOLING, P. FIELDER, R. FITZGERALD, J. FULLER, S. GALLOWAY, F. GARNER, C. HINKLE, K. HOLMLUND, M. HOPKINS, W. MCKAMEY, B. MITCHELL, J. PATELIS, J. READ, J. SCHILLINGER, D. SKEES, K. WALSH, K. WHITMAN, C. SMITH

AN ACT REVISING LATE VOTER REGISTRATION; CLOSING LATE VOTER REGISTRATION ON THE FRIDAY AT NOON THE DAY BEFORE THE ELECTION; PROVIDING AN EXCEPTION SO MILITARY AND OVERSEAS ELECTORS MAY CONTINUE TO REGISTER THROUGH THE DAY OF THE ELECTION; AND AMENDING SECTIONS 13-2-301, 13-2-304, 13-13-301, 13-19-207, AND 13-21-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Exhibit 7

Bill Draft Number: LC0656**Bill Type - Number:** HB 176**Short Title:** Close late voter registration on Friday before the election**Primary Sponsor:** Sharon Greef (R) HD 88**Chapter Number:** 244**Bill Actions - Current Bill Progress:** Became Law**Bill Action Count:** 54

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/19/2021			
(H) Signed by Governor	04/19/2021			
(H) Transmitted to Governor	04/09/2021			
(S) Signed by President	04/08/2021			
(H) Signed by Speaker	04/07/2021			
(C) Printed - Enrolled Version Available	04/01/2021			
(H) Returned from Enrolling	04/01/2021			
(H) Sent to Enrolling	03/30/2021			
(H) 3rd Reading Passed as Amended by Senate	03/30/2021	65	35	
(H) Scheduled for 3rd Reading	03/30/2021			
(H) 2nd Reading Senate Amendments Concurred	03/29/2021	65	35	
(H) Scheduled for 2nd Reading	03/29/2021			
(S) Returned to House with Amendments	03/24/2021			
(S) 3rd Reading Concurred	03/24/2021	30	20	
(S) Scheduled for 3rd Reading	03/24/2021			
(S) 2nd Reading Concurred	03/23/2021	31	19	
(S) Scheduled for 2nd Reading	03/23/2021			
(S) Committee Report--Bill Concurred as Amended	03/22/2021			(S) State Administration
(C) Printed - New Version Available	03/22/2021			
(S) Committee Executive Action--Bill Concurred as Amended	03/19/2021	5	3	(S) State Administration
(S) Hearing	02/15/2021			(S) State Administration
(S) Referred to Committee	02/08/2021			(S) State Administration
(S) First Reading	02/08/2021			
(H) Transmitted to Senate	02/05/2021			
(H) 3rd Reading Passed	02/05/2021	64	34	
(H) Scheduled for 3rd Reading	02/05/2021			
(H) 2nd Reading Passed	02/04/2021	61	39	
(H) Motion Carried	02/04/2021	93	6	
(H) 2nd Reading Motion to Amend Failed	02/04/2021	44	56	
(H) Scheduled for 2nd Reading	02/04/2021			
(H) Committee Report--Bill Passed as Amended	02/02/2021			(H) State Administration
(H) Committee Executive Action--Bill Passed as Amended	02/02/2021	10	9	(H) State Administration
(H) Taken from Table in Committee	02/02/2021			(H) State Administration
(H) Tabled in Committee	01/29/2021			(H) State Administration
(C) Amendments Available	01/28/2021			
(C) Introduced Bill Text Available Electronically	01/21/2021			
(H) Hearing	01/21/2021			(H) State Administration

(H) First Reading	01/18/2021	
(H) Referred to Committee	01/18/2021	(H) State Administration
(H) Introduced	01/15/2021	
(C) Draft Ready for Delivery	01/13/2021	
(C) Executive Director Final Review	01/13/2021	
(C) Draft Ready for Delivery	01/13/2021	
(C) Draft in Assembly	01/12/2021	
(C) Executive Director Review	01/12/2021	
(C) Bill Draft Text Available Electronically	01/11/2021	
(C) Draft in Final Drafter Review	01/11/2021	
(C) Draft in Input/Proofing	01/11/2021	
(C) Draft to Drafter - Edit Review [CMD]	01/07/2021	
(C) Draft in Edit	01/02/2021	
(C) Draft in Legal Review	12/30/2020	
(C) Draft to Requester for Review	12/22/2020	
(C) Draft to Requester for Review	12/11/2020	
(C) Draft Request Received	10/26/2020	

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Greef	Sharon	
Drafter	Scurr	Sheri	
Primary Sponsor	Greef	Sharon	

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Elections (see also: Ballot Issues)		Simple	ELEC

Additional Bill Information

Fiscal Note Probable: No

Preintroduction Required: N

Session Law Ch. Number: 244

DEADLINE

Category: General Bills

Transmittal Date: 03/02/2021

Return (with 2nd house amendments) Date: 04/20/2021

Section Effective Dates

Section(s)	Effective Date	Date Qualified
All Sections	19-APR-21	

Exhibit 8

Bill Draft Number: LC1329**Bill Type - Number:** SB 169**Short Title:** Generally revise voter ID laws**Primary Sponsor:** Mike Cuffe (R) SD 1**Chapter Number:** 254**Bill Actions - Current Bill Progress:** Became Law**Bill Action Count:** 77

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/19/2021			
(S) Signed by Governor	04/19/2021			
(S) Transmitted to Governor	04/12/2021			
(H) Signed by Speaker	04/12/2021			
(S) Signed by President	04/08/2021			
(C) Printed - Enrolled Version Available	04/06/2021			
(S) Returned from Enrolling	04/06/2021			
(S) Sent to Enrolling	03/31/2021			
(S) 3rd Reading Passed as Amended by House	03/31/2021	31	18	
(S) Scheduled for 3rd Reading	03/31/2021			
(S) 2nd Reading House Amendments Concurred	03/30/2021	31	19	
(S) Scheduled for 2nd Reading	03/30/2021			
(H) Returned to Senate with Amendments	03/26/2021			
(H) 3rd Reading Concurred	03/26/2021	65	33	
(H) Scheduled for 3rd Reading	03/26/2021			
(C) Printed - New Version Available	03/24/2021			
(H) 2nd Reading Concurred as Amended	03/24/2021	66	34	
(H) 2nd Reading Motion to Amend Carried	03/24/2021	55	45	
(H) Scheduled for 2nd Reading	03/24/2021			
(C) Printed - New Version Available	03/17/2021			
(H) Committee Report--Bill Concurred as Amended	03/17/2021			(H) State Administration
(H) Committee Executive Action--Bill Concurred as Amended	03/17/2021	12	7	(H) State Administration
(H) Hearing	02/19/2021			(H) State Administration
(H) Hearing Canceled	02/18/2021			(H) State Administration
(H) First Reading	02/15/2021			
(H) Referred to Committee	02/15/2021			(H) State Administration
(S) Transmitted to House	02/11/2021			
(S) 3rd Reading Passed	02/11/2021	31	19	
(S) Scheduled for 3rd Reading	02/11/2021			
(S) 2nd Reading Passed	02/10/2021	31	19	
(S) Scheduled for 2nd Reading	02/10/2021			
(S) Committee Report--Bill Passed as Amended	02/09/2021			(S) State Administration
(C) Printed - New Version Available	02/09/2021			
(S) Committee Executive Action--Bill Passed as Amended	02/08/2021	5	3	(S) State Administration
(C) Amendments Available	02/08/2021			
(S) Hearing	02/03/2021			(S) State Administration
(C) Introduced Bill Text Available Electronically	01/28/2021			

(S) Referred to Committee	01/28/2021	(S) State Administration
(S) First Reading	01/28/2021	
(S) Introduced	01/28/2021	
(C) Draft Delivered to Requester	01/28/2021	
(C) Draft Ready for Delivery	01/27/2021	
(C) Executive Director Final Review	01/27/2021	
(C) Draft Ready for Delivery	01/27/2021	
(C) Draft in Assembly	01/27/2021	
(C) Executive Director Review	01/27/2021	
(C) Bill Draft Text Available Electronically	01/27/2021	
(C) Draft in Final Drafter Review	01/27/2021	
(C) Draft in Input/Proofing	01/27/2021	
(C) Draft to Drafter - Edit Review [CMD]	01/27/2021	
(C) Draft in Edit	01/27/2021	
(C) Draft in Legal Review	01/26/2021	
(C) Draft Back for Redo	01/26/2021	
(C) Draft Ready for Delivery	01/25/2021	
(C) Executive Director Final Review	01/25/2021	
(C) Draft Ready for Delivery	01/25/2021	
(C) Draft in Assembly	01/23/2021	
(C) Executive Director Review	01/23/2021	
(C) Bill Draft Text Available Electronically	01/22/2021	
(C) Draft in Final Drafter Review	01/22/2021	
(C) Draft in Input/Proofing	01/22/2021	
(C) Draft to Drafter - Edit Review [CMD]	01/22/2021	
(C) Draft in Edit	01/22/2021	
(C) Draft in Legal Review	01/22/2021	
(C) Draft Back for Redo	01/22/2021	
(C) Draft Ready for Delivery	01/21/2021	
(C) Executive Director Final Review	01/21/2021	
(C) Draft Ready for Delivery	01/21/2021	
(C) Draft in Assembly	01/21/2021	
(C) Executive Director Review	01/21/2021	
(C) Bill Draft Text Available Electronically	01/21/2021	
(C) Draft in Final Drafter Review	01/21/2021	
(C) Draft in Input/Proofing	01/21/2021	
(C) Draft to Drafter - Edit Review [CMD]	01/20/2021	
(C) Draft in Edit	01/20/2021	
(C) Draft in Legal Review	01/20/2021	
(C) Draft Request Received	11/27/2020	

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Stromswold	Mallerie
Drafter	Nowakowski	Sonja
Primary Sponsor	Cuffe	Mike

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Elections (see also: Ballot Issues)		Simple	ELEC

Additional Bill Information

Fiscal Note Probable: No

Preintroduction Required: N

Session Law Ch. Number: 254

DEADLINE

Category: General Bills

Transmittal Date: 03/02/2021

Return (with 2nd house amendments) Date: 04/20/2021

Section Effective Dates

Section(s)	Effective Date	Date Qualified
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All Sections	19-APR-21	
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Exhibit 9



AN ACT GENERALLY REVISING VOTER IDENTIFICATION LAWS; REVISING CERTAIN IDENTIFICATION REQUIREMENTS FOR VOTER REGISTRATION, VOTING, AND PROVISIONAL VOTING; AMENDING SECTIONS 13-2-110, 13-13-114, 13-13-602, AND 13-15-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-2-110, MCA, is amended to read:

"13-2-110. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes. (1) An individual may apply for voter registration in person or by mail, postage paid, by completing and signing the standard application form for voter registration provided for in 13-1-210 and providing the application to the election administrator in the county in which the elector resides.

(2) Each application for voter registration must be accepted and processed as provided in rules adopted under 13-2-109.

(3) Except as provided in subsection (4):

~~(a)~~ an applicant for voter registration shall provide the applicant's:

(a) Montana driver's license number; ~~or~~

(b) Montana state identification card number issued pursuant to 61-12-501; or

~~(c)(b) if the applicant does not have a Montana driver's license, the applicant shall provide the last four digits of the applicant's social security number~~ the last four digits of the applicant's social security number.

(4) ~~(a) If an applicant does not have a Montana driver's license or social security number~~ is unable to provide information in accordance with subsection (3), the applicant shall provide as an alternative form of identification:

(i) a military identification card, a tribal photo identification card, a United States passport, or a

Montana concealed carry permit; or

~~(i)(ii)~~ (A) ~~a current and valid any other form of photo identification, including but not limited to a school district or postsecondary education photo identification or a tribal photo identification, including but not limited to~~ a school district or postsecondary education photo identification with the individual's name; ~~or~~ and

~~(ii)(B)~~ a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(b) The alternative form of identification must be:

(i) an original version presented to the election administrator if the applicant is applying in person; or
(ii) a readable copy of any of the required documents, which must be enclosed with the application, if the applicant is applying by mail.

(5) (a) If information provided on an application for voter registration is sufficient to be accepted and processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall register the elector as a legally registered elector.

(b) If information provided on an application for voter registration was sufficient to be accepted but the applicant failed to provide the information required in subsection (3) or (4) or if the information provided was incorrect or insufficient to verify the individual's identity or eligibility to vote, the election administrator shall register the applicant as a provisionally registered elector.

(6) Each applicant for voter registration must be notified of the elector's registration status pursuant to rules adopted under 13-2-109.

(7) The secretary of state shall assign to each elector whose application was accepted a unique identification number for voting purposes and shall establish a statewide uniform method to allow the secretary of state and local election officials to distinguish legally registered electors from provisionally registered electors.

(8) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-221, 13-21-221, and 61-5-107 and as provided for in federal law."

Section 2. Section 13-13-114, MCA, is amended to read:

"13-13-114. Voter identification and marking precinct register book before elector votes --

provisional voting. (1) (a) ~~Before~~ Except as provided in subsection (2), before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge ~~a one of the following forms of current photo-identification showing the elector's name. If the elector does not present photo identification, including but not limited to:~~

(i) a valid Montana driver's license, Montana state identification card issued pursuant to 61-12-501, military identification card, tribal photo identification card-, United States passport, or Montana concealed carry permit; or

(ii) (A) a school district or postsecondary education photo identification, or a tribal photo identification, ~~the elector shall present a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address; and~~

(B) photo identification that shows the elector's name, including but not limited to a school district or postsecondary education photo identification.

~~(b)(b)~~ An elector who provides the information listed in subsection ~~(1)(a)~~ (1)(a) may sign the precinct register and must be provided with a regular ballot to vote.

~~(e)(c)~~ If the information provided in subsection ~~(1)(a)~~ (1)(a) differs from information in the precinct register but an election judge determines that the information provided is sufficient to verify the voter's identity and eligibility to vote pursuant to 13-2-512, the elector may sign the precinct register, complete a new registration form to correct the elector's voter registration information, and vote.

~~(d)(d)~~ An election judge shall write "registration form" beside the name of any elector submitting a form.

(2) If the elector is unable to present the information required by subsection (1) or if the information presented under subsection (1) is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register or appears in the register as provisionally registered and this provisional registration status cannot be resolved at the polling place, the elector may sign the precinct register and cast a provisional ballot as provided in 13-13-601.

(3) If the elector fails or refuses to sign the elector's name or if the elector is disabled and a fingerprint, an identifying mark, or a signature by a person authorized to sign for the elector pursuant to 13-1-

116 is not provided, the elector may cast a provisional ballot as provided in 13-13-601."

Section 3. Section 13-13-602, MCA, is amended to read:

"13-13-602. Fail-safe and provisional voting by mail. (1) To ensure the election administrator has information sufficient to determine the elector's eligibility to vote, an elector voting by mail may enclose in the outer signature envelope, together with the voted ballot in the secrecy envelope, ~~a copy of a current and valid photo identification with the elector's name or;~~

(a) a Montana driver's license number, Montana state identification card number issued pursuant to 61-12-501, or the last four digits of the applicant's social security number;

(b) a readable copy of a military identification card, a tribal photo identification card, a United States passport, a photo identification card issued by a Montana college or university, or a Montana concealed carry permit; or

(c) (i) any other form of readable photo identification with the individual's name; and

(ii) a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address ~~or other information necessary to determine the elector's eligibility to vote.~~

(2) The elector's ballot must be handled as a provisional ballot under 13-15-107 if:

(a) a provisionally registered elector voting by mail does not enclose with the ballot the information described in subsection (1);

(b) the information provided under subsection (1) is invalid or insufficient to verify the elector's eligibility; or

(c) the elector's name does not appear on the precinct register."

Section 4. Section 13-15-107, MCA, is amended to read:

"13-15-107. Handling and counting provisional and challenged ballots. (1) To verify eligibility to vote, a provisionally registered individual who casts a provisional ballot has until 5 p.m. on the day after the election to provide valid identification or eligibility information either in person, by facsimile, by electronic means, or by mail postmarked no later than the day after the election.

(2) ~~(a)~~—If a legally registered individual casts a provisional ballot because the individual failed to provide sufficient identification as required pursuant to 13-13-114(1)(a);

(a) the elector has until 5 p.m. on the day after the election to provide identification information pursuant to the requirements of 13-13-114 or as provided in subsection (3) of this section; and

(b) the election administrator shall compare the signature of the individual or the individual's agent designated pursuant to 13-1-116 on the affirmation required under 13-13-601 to the signature on the individual's voter registration form or the agent's designation form.

~~(b)~~—If the signatures match, the election administrator shall handle the ballot as provided in subsection ~~(5)~~ (7).

~~(c)~~—If the signatures do not match and the individual or the individual's agent fails to provide valid identification information by the deadline, the ballot must be rejected and handled as provided in 13-15-108.

(3) If a legally registered individual casts a provisional ballot but is unable provide the identification information pursuant to the requirements of 13-13-114, the elector may verify the elector's identity by:

(a) presenting a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address; and

(b) executing a declaration pursuant to subsection (4) that states that the elector has a reasonable impediment to meeting the identification requirements.

(4) The secretary of state shall prescribe the form of the declaration described in subsection (3). The form must include:

(a) a notice that the elector is subject to prosecution for false swearing under 45-7-202 for a false statement or false information on the declaration;

(b) a statement that the elector swears or affirms that the information contained in the declaration is true, that the person described in the declaration is the same person who is signing the declaration, and that the elector faces a reasonable impediment to procuring the identification required by 13-13-114;

(c) a place for an elector to indicate one of the following impediments:

(i) lack of transportation;

(ii) lack of birth certificate or other documents needed to obtain identification;

(iii) work schedule;

(iv) lost or stolen identification;
(v) disability or illness;
(vi) family responsibilities; or
(vii) photo identification has been applied for but not received;
(d) a place for the elector to sign and date the declaration;
(e) a place for the election administrator or an election judge to sign and date the declaration;
(f) a place to note the polling place at which the elector cast a provisional ballot; and
(g) a place for the election administrator or election judge to note which form of identification required by subsection (3)(a) the elector presented.

~~(3)(5)~~ A provisional ballot must be counted if the election administrator verifies the individual's identity or eligibility pursuant to rules adopted under 13-13-603. However, if the election administrator cannot verify the individual's identity or eligibility under the rules, the individual's provisional ballot must be rejected and handled as provided in 13-15-108. If the ballot is provisional because of a challenge and the challenge was made on the grounds that the individual is of unsound mind or serving a felony sentence in a penal institution, the individual's provisional ballot must be counted unless the challenger provides documentation by 5 p.m. on the day after the election that a court has established that the individual is of unsound mind or that the individual has been convicted and sentenced and is still serving a felony sentence in a penal institution.

~~(4)(6)~~ The election administrator shall provide an individual who cast a provisional ballot but whose ballot was or was not counted with the reasons why the ballot was or was not counted.

~~(5)(7)~~ A provisional ballot must be removed from its provisional envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other provisional ballot if the individual's voter information is:

- (a) verified before 5 p.m. on the day after the election; or
- (b) postmarked by 5 p.m. on the day after election day and received and verified by 3 p.m. on the sixth day after the election.

~~(6)(8)~~ Provisional ballots that are not resolved by the end of election day may not be counted until after 3 p.m. on the sixth day after the election."

Section 5. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 169, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE BILL NO. 169

INTRODUCED BY M. CUFFE, E. BUTTREY, D. SKEES, D. SALOMON, J. READ, S. FITZPATRICK, R. OSMUNDSON, D. KARY, T. MCGILLVRAY, D. HOWARD, K. REGIER, C. SMITH, G. VANCE, J. WELBORN, B. HOVEN, M. BLASDEL, D. ANKNEY, L. JONES, B. KEENAN, B. MOLNAR, C. GLIMM, G. HERTZ, M. LANG, D. LENZ, W. GALT, S. BERGLEE, B. BROWN, F. GARNER, J. HINKLE, K. HOLMLUND, T. MANZELLA, W. MCKAMEY, M. NOLAND, B. TSCHIDA, S. HINEBAUCH, S. GUNDERSON, M. REGIER, D. LOGE, R. FITZGERALD, F. ANDERSON, L. SHELDON-GALLOWAY, J. TREBAS, D. BARTEL, C. KNUDSEN, B. USHER, S. VINTON, W. SALES, T. WELCH, J. SMALL, T. GAUTHIER, M. HOPKINS, R. TEMPEL, F. FLEMING, J. ELLSWORTH, N. DURAM, J. FULLER, R. KNUDSEN, J. DOOLING, K. BOGNER, J. KASSMIER, B. MERCER, T. MOORE, D. BEDEY, S. GREEF, B. LER, B. PHALEN, F. NAVE, J. CARLSON, L. BREWSTER, K. ZOLNIKOV, B. MITCHELL, A. REGIER, L. REKSTEN, P. FIELDER, S. KERNS, S. GALLOWAY, S. GIST, E. HILL, J. SCHILLINGER, K. SEEKINS-CROWE, M. STROMSWOLD, M. MALONE, J. GILLETTE, C. HINKLE, K. WALSH, M. BERTOGLIO, G. FRAZER, M. BINKLEY, R. MARSHALL, K. WHITMAN

BY REQUEST OF THE SECRETARY OF STATE

AN ACT GENERALLY REVISING VOTER IDENTIFICATION LAWS; REVISING CERTAIN IDENTIFICATION REQUIREMENTS FOR VOTER REGISTRATION, VOTING, AND PROVISIONAL VOTING; AND AMENDING SECTIONS 13-2-110, 13-13-114, AND 13-13-602, AND 13-15-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Exhibit 10

Bill Draft Number: LC0316**Bill Type - Number:** HB 530**Short Title:** Require secretary of state to adopt rules governing election security**Primary Sponsor:** Wendy McKamey (R) HD 19**Chapter Number:** 534**Bill Actions - Current Bill Progress:** Became Law**Bill Action Count:** 71

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	05/14/2021			
(H) Signed by Governor	05/14/2021			
(H) Transmitted to Governor	05/04/2021			
(S) Signed by President	05/04/2021			
(H) Signed by Speaker	05/04/2021			
(C) Printed - Enrolled Version Available	05/03/2021			
(H) Returned from Enrolling	05/03/2021			
(H) Sent to Enrolling	04/27/2021			
(H) 3rd Reading Passed as Amended by Senate	04/27/2021	66	34	
(H) Scheduled for 3rd Reading	04/27/2021			
(H) 2nd Reading Senate Amendments Concurred	04/27/2021	66	34	
(H) Scheduled for 2nd Reading	04/27/2021			
(H) Rules Suspended to Accept Late Return of Amended Bill	04/27/2021	68	31	
(H) Motion Failed	04/27/2021	65	35	
(S) Returned to House with Amendments	04/26/2021			
(S) 3rd Reading Concurred	04/26/2021	31	19	
(C) Printed - New Version Available	04/26/2021			
(S) 2nd Reading Concurred as Amended	04/26/2021	28	22	
(S) 2nd Reading Motion to Amend Carried	04/26/2021	30	20	
(S) Scheduled for 2nd Reading	04/26/2021			
(S) Scheduled for 2nd Reading	04/26/2021			
(S) Taken from Committee; Placed on 2nd Reading	04/23/2021	26	24	(S) State Administration
(S) Committee Vote Failed; Remains in Committee	04/09/2021	4	4	(S) State Administration
(C) Amendments Available	04/09/2021			
(S) Hearing	03/31/2021			(S) State Administration
(S) Referred to Committee	03/08/2021			(S) State Administration
(S) First Reading	03/01/2021			
(H) Transmitted to Senate	03/01/2021			
(H) 3rd Reading Passed	03/01/2021	99	0	
(H) Scheduled for 3rd Reading	03/01/2021			
(H) 2nd Reading Passed	02/27/2021	100	0	
(H) Scheduled for 2nd Reading	02/27/2021			
(H) Committee Report--Bill Passed	02/25/2021			(H) State Administration
(H) Committee Executive Action--Bill Passed	02/25/2021	19	0	(H) State Administration
(H) Hearing	02/25/2021			(H) State Administration
(H) First Reading	02/22/2021			
(H) Referred to Committee	02/22/2021			(H) State Administration

(C) Introduced Bill Text Available Electronically	02/22/2021
(H) Introduced	02/19/2021
(C) Draft Delivered to Requester	02/18/2021
(C) Draft Ready for Delivery	02/18/2021
(C) Executive Director Final Review	02/17/2021
(C) Draft Ready for Delivery	02/17/2021
(C) Draft in Assembly	02/17/2021
(C) Executive Director Review	02/16/2021
(C) Bill Draft Text Available Electronically	02/16/2021
(C) Draft in Final Drafter Review	02/16/2021
(C) Draft in Input/Proofing	02/16/2021
(C) Draft to Drafter - Edit Review [CMD]	02/15/2021
(C) Draft in Edit	02/13/2021
(C) Draft in Legal Review	02/13/2021
(C) Draft to Requester for Review	02/12/2021
(C) Draft Back for Redo	02/12/2021
(C) Draft Delivered to Requester	02/11/2021
(C) Draft Back for Redo	02/11/2021
(C) Draft Ready for Delivery	02/10/2021
(C) Executive Director Final Review	02/10/2021
(C) Draft Ready for Delivery	02/10/2021
(C) Draft in Assembly	02/10/2021
(C) Executive Director Review	02/09/2021
(C) Bill Draft Text Available Electronically	02/09/2021
(C) Draft in Final Drafter Review	02/09/2021
(C) Draft in Input/Proofing	02/09/2021
(C) Draft to Drafter - Edit Review [CMD]	02/09/2021
(C) Draft in Edit	02/06/2021
(C) Draft in Legal Review	02/05/2021
(C) Draft Back for Redo	02/04/2021
(C) Draft in Edit	02/04/2021
(C) Draft in Legal Review	02/04/2021
(C) Draft to Requester for Review	02/03/2021
(C) Draft Request Received	08/27/2020

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Fitzpatrick	Steve	
Drafter	Nowakowski	Sonja	
Primary Sponsor	McKamey	Wendy	

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Elections (see also: Ballot Issues)		Simple	ELEC
Rule Making		Simple	RUL

Additional Bill Information

Fiscal Note Probable: No

Preintroduction Required: N

Session Law Ch. Number: 534

DEADLINE

Category: General Bills

Transmittal Date: 03/02/2021

Return (with 2nd house amendments) Date: 04/20/2021

Section Effective Dates

Section(s) **Effective Date** **Date Qualified**

All Sections 14-MAY-21

Exhibit 11



AN ACT REQUIRING THE SECRETARY OF STATE TO ADOPT RULES DEFINING AND GOVERNING ELECTION SECURITY; REQUIRING ELECTION SECURITY ASSESSMENTS BY THE SECRETARY OF STATE AND COUNTY ELECTION ADMINISTRATIONS; ESTABLISHING THAT SECURITY ASSESSMENTS ARE CONFIDENTIAL INFORMATION; ESTABLISHING REPORTING REQUIREMENTS; DIRECTING THE SECRETARY OF STATE TO ADOPT A RULE PROHIBITING CERTAIN PERSONS FROM RECEIVING PECUNIARY BENEFITS WITH RESPECT TO CERTAIN BALLOT ACTIVITIES; PROVIDING PENALTIES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Statewide elections infrastructure -- rulemaking. (1) (a) On or before July 1, 2022, the secretary of state shall adopt rules defining and governing election security.

(b) The secretary of state and county election administrators shall annually assess their compliance with election security rules established in accordance with subsection (1)(a). County election administrators shall provide the results of the assessments to the secretary of state in January of each year to ensure that all aspects of elections in the state are secure. Security assessments are considered confidential information as defined in 2-6-1002(1).

(2) Beginning January 1, 2023, and each year after, the secretary of state shall provide an annual summary report on statewide election security. The report must be provided to the state administration and veterans' affairs interim committee in accordance with 5-11-210.

Section 2. Direction to secretary of state -- penalty. (1) On or before July 1, 2022, the secretary of state shall adopt an administrative rule in substantially the following form:

(a) For the purposes of enhancing election security, a person may not provide or offer to provide, and

a person may not accept, a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots.

(b) "Person" does not include a government entity, a state agency as defined in 1-2-116, a local government as defined in 2-6-1002, an election administrator, an election judge, a person authorized by an election administrator to prepare or distribute ballots, or a public or private mail service or its employees acting in the course and scope of the mail service's duties to carry and deliver mail.

(2) A person violating the rule adopted by the secretary of state pursuant to subsection (1) is subject to a civil penalty. The civil penalty is a fine of \$100 for each ballot distributed, ordered, requested, collected, or delivered in violation of the rule.

Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 13, chapter 1, part 2, and the provisions of Title 13, chapter 1, part 2, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 13, and the provisions of Title 13 apply to [section 2].

Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 5. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 530, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 530

INTRODUCED BY W. MCKAMEY, D. ANKNEY, S. FITZPATRICK, B. GILLESPIE, C. GLIMM, G. HERTZ, D. HOWARD, C. SMITH, G. VANCE, J. WELBORN, B. BEARD, S. BERGLEE, M. BERTOGLIO, L. BREWSTER, E. BUTTREY, N. DURAM, G. FRAZER, J. FULLER, W. GALT, F. GARNER, S. GIST, S. GREEF, C. HINKLE, J. HINKLE, L. JONES, J. KASSMIER, C. KNUDSEN, D. LOGE, B. MERCER, L. REKSTEN, V. RICCI, J. SCHILLINGER, D. SKEES, M. STROMSWOLD, B. USHER, S. VINTON, K. WALSH, T. WELCH, K. ZOLNIKOV

BY REQUEST OF THE SECRETARY OF STATE

AN ACT REQUIRING THE SECRETARY OF STATE TO ADOPT RULES DEFINING AND GOVERNING ELECTION SECURITY; REQUIRING ELECTION SECURITY ASSESSMENTS BY THE SECRETARY OF STATE AND COUNTY ELECTION ADMINISTRATIONS; ESTABLISHING THAT SECURITY ASSESSMENTS ARE CONFIDENTIAL INFORMATION; ESTABLISHING REPORTING REQUIREMENTS; DIRECTING THE SECRETARY OF STATE TO ADOPT A RULE PROHIBITING CERTAIN PERSONS FROM RECEIVING PECUNIARY BENEFITS WITH RESPECT TO CERTAIN BALLOT ACTIVITIES; PROVIDING PENALTIES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Exhibit 12

Bill Draft Number: LC0375**Bill Type - Number:** SB 302**Short Title:** Generally revise election laws**Primary Sponsor:** Jon Ellingson (D) SD 49**Chapter Number:** 286**Bill Actions - Current Bill Progress:** Became Law**Bill Action Count:** 68

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/19/2005			
(S) Signed by Governor	04/18/2005			
(S) Transmitted to Governor	04/16/2005			
(H) Signed by Speaker	04/14/2005			
(S) Signed by President	04/14/2005			
(C) Printed - New Version Available	04/13/2005			
(S) Returned from Enrolling	04/12/2005			
(S) Sent to Enrolling	04/11/2005			
(S) 3rd Reading Passed as Amended by House	04/11/2005	42	8	
(S) Scheduled for 3rd Reading	04/11/2005			
(S) 2nd Reading House Amendments Concurred on Voice Vote	04/09/2005	50	0	
(S) Scheduled for 2nd Reading	04/09/2005			
(H) Returned to Senate with Amendments	04/08/2005			
(H) 3rd Reading Concurred	04/08/2005	89	8	
(H) Scheduled for 3rd Reading	04/08/2005			
(C) Printed - New Version Available	04/06/2005			
(H) 2nd Reading Concurred as Amended	04/06/2005	96	2	
(H) 2nd Reading Motion to Amend Carried	04/06/2005	99	1	
(H) Scheduled for 2nd Reading	04/06/2005			
(H) Committee Report--Bill Concurred	03/30/2005			(H) State Administration
(H) Committee Executive Action--Bill Concurred	03/30/2005	10	6	(H) State Administration
(H) Hearing	03/22/2005			(H) State Administration
(H) Referred to Committee	03/03/2005			(H) State Administration
(H) First Reading	03/03/2005			
(S) Transmitted to House	02/23/2005			
(S) 3rd Reading Passed	02/23/2005	46	4	
(S) Scheduled for 3rd Reading	02/23/2005			
(S) 2nd Reading Passed on Voice Vote	02/22/2005	50	0	
(S) Scheduled for 3rd Reading	02/22/2005			
(S) Scheduled for 2nd Reading	02/22/2005			
(C) Printed - New Version Available	02/21/2005			
(S) Committee Report--Bill Passed as Amended	02/19/2005			(S) State Administration
(S) Committee Executive Action--Bill Passed as Amended	02/19/2005	10	0	(S) State Administration
(S) Hearing	02/14/2005			(S) State Administration
(S) Fiscal Note Printed	02/01/2005			
(S) Fiscal Note Signed	02/01/2005			
(S) Fiscal Note Received	01/31/2005			

(C) Introduced Bill Text Available Electronically	01/26/2005	
(S) Fiscal Note Requested	01/26/2005	
(S) Referred to Committee	01/26/2005	(S) State Administration
(S) First Reading	01/26/2005	
(S) Introduced	01/26/2005	
(C) Draft Ready for Delivery	01/25/2005	
(C) Draft in Assembly/Executive Director Review	01/24/2005	
(C) Draft in Input/Proofing	01/22/2005	
(C) Draft to Drafter - Edit Review [JLN]	01/21/2005	
(C) Draft in Edit	01/21/2005	
(C) Draft to Drafter - Edit Review [JLN]	01/20/2005	
(C) Draft in Edit	01/20/2005	
(C) Draft in Legal Review	01/19/2005	
(C) Draft Back for Redo	01/15/2005	
(C) Draft Ready for Delivery	01/11/2005	
(C) Draft in Assembly/Executive Director Review	01/10/2005	
(C) Draft in Final Drafter Review	01/10/2005	
(C) Draft in Input/Proofing	01/10/2005	
(C) Draft to Drafter - Edit Review [JLN]	01/10/2005	
(C) Draft in Edit	01/10/2005	
(C) Draft in Final Drafter Review	01/03/2005	
(C) Bill Draft Text Available Electronically	12/30/2004	
(C) Draft in Input/Proofing	12/30/2004	
(C) Draft to Drafter - Edit Review [JLN]	12/30/2004	
(C) Draft in Edit	12/30/2004	
(C) Draft in Legal Review	12/29/2004	
(C) Draft Taken Off Hold	12/29/2004	
(C) Draft On Hold	12/29/2004	
(C) Draft to Requester for Review	12/15/2004	
(C) Draft to Requester for Review	12/07/2004	
(C) Draft Request Received	09/10/2004	

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Ellingson	Jon
Drafter	Heffelfinger	Sheri
Primary Sponsor	Ellingson	Jon

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Elections (see also: Ballot Issues)		Simple	ELEC
Revenue, Local	Revenue	Simple	REVL
Revenue, State	Revenue	Simple	REVS

Additional Bill Information

Fiscal Note Probable: Yes

Preintroduction Required: N

Session Law Ch. Number: 286

DEADLINE

Category: Revenue Bills

Transmittal Date: 04/04/2005

Return (with 2nd house amendments) Date: 04/16/2005

Section Effective Dates

Section(s)	Effective Date	Date Qualified
Sections 1 and 3-6	01-JUL-06	
Sections 2 and 7-21	01-JUL-05	

Exhibit 13

The Effects and Costs of Early Voting, Election Day Registration, and Same Day Registration in the 2008 Elections

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David T. Canon
Kenneth R. Mayer
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Report presented to the Pew Charitable Trusts
December 21, 2009

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Abstract

Election reforms are often designed with the goal of increasing voter turnout, and are implemented even when resisted by election administrators who may have other priorities. Advocates, journalists, and politicians frequently support particular election laws because they are believed to expand the share of the electorate that participates. Here we challenge the common view that any change making it easier to vote will increase turnout. We show that while some practices increase turnout, others have little effect, and the most popular single approach – early voting – actually decreases turnout. In addition, previous research has not fully considered the costs of reform, the effects of different types of reforms, and willingness of election officials to implement them. Our findings suggest that certain combinations of reforms can significantly increase turnout, but that these reforms create an administrative burden that will result in opposition from election officials.

Introduction

Election reforms are often designed around the goal of making voting more convenient for citizens, and increasing voter turnout. Adding greater convenience to the voting process is a worthwhile outcome in itself. But even as new laws generally achieve this goal, they have had quite varied effects on turnout. This report focuses on the turnout effects of election law reforms. Advocates, journalists, and politicians frequently argue in favor of particular election laws out of a belief that they make voting more convenient and will expand the share of the electorate that participates. Here we challenge the common assumption that reforms making it easier to vote will increase turnout. Using data from the 2008 presidential election we show that while some practices increase turnout, others have little effect, and the most popular single approach – early voting – actually *decreases* turnout. In addition, previous research has not devoted sufficient attention to the costs of reform and willingness of election officials to implement them. Our findings suggest that certain combinations of reforms can increase turnout, but at the expense of significant administrative burdens that will engender opposition from election officials.

This report examines the combination of two specific voting practices – non-precinct place early voting (NPPEV) and election day registration (EDR) – with the goal of understanding how these rules affect voter turnout, and how the rules are implemented by local election officials. The 2008 presidential election was the first in which this combination occurred in enough states to permit detailed analysis.

We ask two sets of questions. First, how do various combinations of NPPEV and EDR affect voter turnout? Second, how do local election officials view the administrative consequences and burdens of NPPEV? To answer the first question, we analyze county-level election data and the Current Population Survey, combined with state-level data on electoral practices. For the second, we conducted surveys and interviews with municipal clerks in Wisconsin, the local officials responsible conducting elections.

In part I, we provide background and discuss prior research. We argue that NPPEV must be disaggregated to distinguish absentee and early voting from same day registration (SDR) and that distinct combinations of EDR, SDR, and early voting need to be assessed. We also consider the interactions between the various rules. In part II, we show our empirical results, looking at the impact of reform on both aggregate turnout levels and on the probability that an individual votes. Our analysis demonstrates that reforms that include EDR increase turnout, and that early voting by itself actually lowers turnout. Early voting may increase turnout only when it is combined with EDR (or SDR). In part III, we present the results of our clerk survey and interviews showing that there is strong resistance to early voting. This resistance is philosophical, reflecting clerks' beliefs about the importance of election day as a civic ritual. Their resistance is not merely a reflection of insufficient resources. We conclude by discussing the broader implications of this research for future innovations and reforms in election administration.

I. Previous Research

Policymakers across the country have long been interested in reorganizing the voting process to foster higher turnout. One of the most common options is allowing individuals to register on the same day they vote.¹ In theory, this will increase turnout by eliminating the need for individuals to take two separate actions – registering days or weeks prior to voting, and then casting the ballot at a later date – to exercise their franchise. As Wolfinger and Rosenstone (1980, 61) summarized thirty years ago, “[r]egistration is usually more difficult than voting, often involving more obscure information and a longer journey at a less convenient time, to complete a more complicated procedure. Moreover, it must usually be done before interest in the campaign has reached its peak.” Indeed, a long stream of research shows that the registration closing date is the most consequential aspect of registration, in part because it disenfranchises recent movers (Squire, Wolfinger, and Glass 1987; Timpone 1998), and requires voters to take initial action as much as a month before election day.²

Election day registration permits people who wish to vote on election day, but who have not yet registered, to complete both steps in “one essentially continuous act” (Wolfinger, Highton, and Mullin 2005, 3). EDR thus appears to alleviate the barriers highlighted by Wolfinger and Rosenstone: it collapses two steps into one and permits voters to register at the last moment when interest is highest.³ Using the modified definition we employ below, 12 states had EDR in 2008.⁴

Research consistently shows that EDR boosts turnout. A sizeable number of voters take advantage of EDR when it is available: in 2008, 15.6% of voters in Minnesota, 16.5% in Wyoming, 13.5 % in Idaho, and 11.4% in Wisconsin registered to vote on election day (EAC 2009, Table 5). And this is not merely correlation. Careful analyses of the causal effects of EDR produce estimates that range from three to seven percentage points (Brians and Grofman 2001; Fenster 1994; Hanmer 2009; Knack 2001; Leighley and Nagler 2009). Highton (2009, 509) summarizes the impact of EDR on voter turnout as “about five percentage points.”

¹ This normally refers to registering on election day itself. We state the practice in more general terms to include rules that allow voters to submit ballots prior to election day, but register at the same time that they vote. As we note below, SDR is a variant of EDR that applies to early voting.

² See recent reviews by Highton (2004) and Hershey (2009) for further discussion of the importance of closing dates.

³ The EDR reform spread in three waves. See Hanmer’s (2009) comprehensive analysis of EDR for a review of the history and reasons for adoption.

⁴ The states commonly considered as having EDR are Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Wisconsin, and Wyoming. After carefully reading state statutes and consulting with state election officials, we modified this list for our analysis. In 2008 we include the usual suspects along with North Dakota (although it technically has no registration). We exclude North Carolina, because while it has same day registration and early voting, there is no registration permitted on election day itself. But we also include Alaska, Connecticut, and Rhode Island because they permitted election day registrants to vote for President. Breaking with the common practice, we suggest that these states should be treated as EDR states in a presidential election year. EDR states may still have closing dates for traditional registration, but nonetheless permit last-minute registrations on election day itself.

A second innovation is permitting voting outside of the normal election day polling place. Non-precinct-place and early voting (NPPEV) encompasses a variety of practices, including absentee voting, voting-by-mail, and in-person early voting. In 2008, 30% of all votes were cast via these methods, up from 20% in 2004 and 7% in 1992. In 2008, 21 states allowed early voting, either by mail or in person.⁵ Early voting may have been the most touted reform in the 2008 elections; long-time voting scholar John Fortier pointed to the practice in arguing that “United States is in the midst of a revolution in voting” (Fortier 2006, 1).

NPPEV takes on a variety of forms across the states (Fortier 2006; Gronke et al. 2008). On a spectrum from most restrictive to least restrictive, these include traditional absentee voting, no-excuse absentee, permanent absentee, in-person early voting, and voting by mail. There is additional variation in where people vote: in-person early voting may take place either at central election offices or at voting centers in locations such as shopping malls.

In contrast to the positive findings about EDR, most studies of NPPEV have found that it has no effect on voter turnout. For example, in a study of national elections from 1980-2004, Gronke et al. (2007) found that the availability of early voting does not influence turnout. Aside from the special case of voting by mail in presidential elections, none of the early or absentee voting laws they study affected turnout in either presidential or midterm elections.⁶ Several other studies have shown that none of the forms of NPPEV – other than perhaps Oregon’s unique vote-by-mail system – improves turnout (Fitzgerald 2005; Giammo and Brox Forthcoming; Gans 2008; Gronke et al. 2008; Oliver 1996; Primo, Jacobsmeier, and Milyo 2007; Scheele et al. 2008; cf. Wolfinger, Highton, and Mullin 2005).⁷

We argue that one aspect of NPPEV – same day registration (SDR) – is underappreciated. SDR combines EDR and NPPEV by permitting people to both register and vote in a single act prior to election day. It reduces the potential inconvenience of having to vote on a specific election day, eliminates the registration closing date, and permits “one-stop shopping.” As we define it, a dozen states permitted some form of SDR in 2008, permitting voters to register and vote as far in advance as one month prior to the election, up to voting on the day before. While popular wisdom suggests that the 8% increase in turnout in North Carolina between 2004 and 2008 was partly as a result

⁵ Michael MacDonald, “(Nearly) Final 2008 Early Voting Statistics,” updated January 11, 2009, <http://elections.gmu.edu/Early_Voting_2008_Final.html>. Also see Paul Gronke’s Early Voting Information Center at <<http://www.earlyvoting.net/blog/>>.

⁶ Previous research also shows a positive effect of vote-by-mail (Magleby, 1987; Southwell and Burchett, 2000; Karp and Banducci, 2000), but these studies have largely been confined to Oregon and Washington. Kousser and Mullin (2007) find that a shift to vote-by-mail in California would result in a three-point drop in turnout. We do not study vote-by-mail directly but effectively account for it with state fixed effects.

⁷ Stein and Vonnahme (2008) find a small positive effect of non-precinct voting centers on turnout among younger, infrequent voters and those who have not yet developed the voting habit.

of the close race there, and on greater minority turnout, the state also introduced SDR for the first time in 2008 (McDonald 2008).⁸

Nevertheless, despite its widespread use, we know of no studies that have analyzed SDR's specific direct effects on turnout. Indeed, one of our messages is to urge researchers to carefully distinguish EDR, SDR, and early voting. As we document below, it is possible for a state to have one, two, or all three of these features, in various permutations. By ignoring these different combinations, previous work may have mistakenly attributed the effects of any single practice to one of the others that exist simultaneously.

Election Laws and Turnout Mechanisms

Both EDR and early voting are designed to increase turnout by lowering the costs of voting. But upon further probing, we find that the mechanisms are quite different. EDR lowers costs by providing "one-stop shopping," eliminating one bureaucratic step in the voting process and providing voting opportunities to individuals who become interested late in the campaign. Early voting, in contrast, lowers costs by allowing balloting over an extended period rather than making the election a one-day event. SDR effectively combines these options by permitting "one-stop shopping" to occur before election day.

While any discussion of turnout must focus on the costs of voting, an exclusive focus on these costs may miss the importance of mobilization in encouraging potential voters to become actual voters.⁹ We expect EDR to be a particularly effective mechanism for raising turnout because it permits those who come late to the campaign to still become participants, even those who become engaged only in the days just before an election. In contrast, we expect early voting to matter less, because it may simply provide an outlet for those already likely to vote (and attentive enough to know that alternative voting processes even exist). The effects of SDR and one-stop shopping, we think, depend on the length and timing of the early voting window. On this point we agree with Highton, who argued:

People who are most interested in politics are very likely to make sure they are registered. Only rarely will they fail to register by the waning weeks of a national campaign. As a result, closing dates influence the turnout of these highly

⁸ McDonald (2008) suggests that while the close race argument appears persuasive, the "Obama effect" on minorities does not apply to North Carolina. He points out that this effect can really only be seen in non-battleground states. In states such as North Carolina the increase in African Americans was offset by the increases in whites.

⁹ A literal analysis of costs, for example, would show that voting is never a rational act, because the costs of voting – not only the practical costs of traveling to the voting location, waiting in line, and casting a vote, but also the opportunity costs of becoming informed enough about the issues and candidates to have preferences – are far greater than any possible concrete benefits such as determining the election outcome. See, for example, the majority opinion in *Crawford vs. Marion County Election Board* (2007), and Gelman, Edlin, Kaplan (2007), and Gelman; Silver and Edlin (Forthcoming). At the same time, intangible benefits of voting might include positive social interaction at the polling place or avoiding embarrassment for not voting (Gerber, Green, and Larimer 2008).

motivated people very little. Those least interested in politics are also unlikely to be influenced by closing dates. These citizens have virtually no motivation to vote; their voting benefits are nearly zero. They pay little, if any, attention to political campaigns and are therefore unlikely to be activated by them. Late closing dates, or even election day registration will not bring these people to register and vote. Between these extremes are individuals who take some interest in politics, and who may be spurred to register and vote by the increased campaign interest that attends the approach of election day. A late closing date allows for this possibility. If the deadline for registration is well before election day, however, it is unlikely that campaign interest will be translated into turnout. For this group of people, registration closing dates ought to matter more (2004, 509).

This view comports with Berinsky's (2005) distinction between reforms that *stimulate* new voters and those that merely *retain* existing voters. He contends that most voting reforms are better at retention than they are at stimulation.

We refine this argument by identifying the key differences between EDR and early voting. In particular, we expect early voting to enhance retention, and EDR to enhance stimulation.

A few studies have found tentative evidence that early voting actually *lowers* turnout.¹⁰ This is certainly counterintuitive, as it is hard to see how making voting more convenient will result in fewer voters (though we ultimately conclude that this is precisely what happens). One explanation for the apparent depressive effect of early voting is that it robs election day of the stimulating effect it would otherwise have on nonvoters. Early voting dilutes the concentrated activities of election day itself that would likely stimulate turnout, an effect not counterbalanced by the increased convenience of voting prior to the election (which, as we have noted, may only provide an alternative outlet for votes who would have voted in any case). Fortier (2006) suggests as much when he speculates that a loss of the "civic day of election" could lower turnout. At least one empirical study shows that election day social activities increase turnout (Addonizio, Green, and Glaser 2007). Traditional election day can be as much a social event as a political one. For at least some voters, it is the stimulation of the day's news, observation of activities at polling places, and conversations with friends and neighbors that gets them to the polls. When these activities are diluted, so is the stimulating effect.

Towards a Combination Model

We argue that it is crucial to isolate the independent effects of EDR, SDR, and early voting and to consider their various combinations. Because there is variation in how states design and implement each practice, there is also variation in whether states truly fall into one of the three categories we study. Studies of early voting have been careful to distinguish various forms of early, absentee, and mail balloting, but have ignored whether these features coincide with SDR. Any study of "one-stop shopping" and early voting

¹⁰ Smith and Comer (2005) find negative effects, but others (Gronke et al. 2008; Leighley and Nagler 2009; Tolbert et al. 2008) find negative effects only in particular specifications.

must consider direct effects, combinations of two features, and a three-way confluence when all options are available. These can be thought of interaction terms or different configurations of election laws. To this point the literature on election reform has largely ignored these combinations.

For example, one explanation for the relative failure of early voting policies to increase turnout is that it is the inconvenience of registration, rather than the difficulty of voting itself, that deters most citizens from participating (Erikson 1981). Early voting might make the act of voting more convenient, but without allowing registration and voting in a single step, it still requires an individual to register in advance, often several weeks before the vote is actually cast. In the absence of SDR, a person who encounters an early voting center in a shopping center or who visits an administrative building in the days preceding an election may not stop to vote because doing so demands not only an interest in voting prior to election day, but also advance registration. Early voting will not help a voter who failed to register before the closing date. In contrast, early voting with “one-stop shopping” may facilitate voting by citizens who would not have been traditional election day voters.

Before we categorize state election reforms, we need to offer some operational definitions. These classifications often rely on technical interpretations of election law and practices that, in some cases, differ from the conventional wisdom about how states run their elections.

First, EDR permits eligible voters to both register and vote on election day. Studies of EDR have generally identified nine states with the practice.¹¹ After carefully reading state statutes and consulting with state election officials, we modify this classification. In 2008 we include the usual suspects along with North Dakota (although it technically has no registration). We exclude North Carolina, because while it has same day registration and early voting, there is no registration permitted on election day itself. But we also include Alaska, Connecticut, and Rhode Island, all of which permitted election day registrants to vote for President. Breaking with the common practice, we suggest that these later two states should be treated as EDR states in a presidential election year. EDR states may still have closing dates for traditional registration, but nonetheless permit last-minute registrations on election day itself.

Second, our criterion for defining SDR is that the practice must be widely available to eligible voters without significant administrative barriers. We thus excluded states that allowed some form of “one-stop shopping” only to limited portions of the population. For example, Colorado permits SDR only for a small set of “emergency” registrants who moved across county lines after the closing date. Nationally, 17 states reported that 3.6 million same day registration applications were filed; of those, only 963,144 new voters

¹¹ The states commonly considered as having EDR are Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Wisconsin, and Wyoming. As noted earlier, we modified this list for our analysis.

were added to the registration rolls.¹² States also vary in how long the SDR window is, and when the closing date occurs.

Finally, early voting allows registrants to cast ballots without excuse before election day. Early voting does not by itself provide a registration mechanism; that would be captured by SDR. We do not distinguish between states that actually count the ballots ahead of the election, and states that merely accept the ballot for election-day tallying because the distinction is typically invisible to voters and because other research finds equivalent effects for both absentee and early voting (Leighley and Nagler 2009). For this analysis we include in-person early voting and in-person no-excuse absentee ballots, but exclude states that require voters to have an excuse to vote before traditional election day.¹³

Figure 1 is a Venn diagram that illustrates our coding for the 2008 election and shows the different combinations of voting rules. In practice, it is clear states have been experimenting with combinations of EDR, SDR, and early voting. There are 13 states that have none of the three practices (and which are excluded from the diagram). The most common approach, used by 18 states, is to allow early voting by itself, for voters who are already registered.¹⁴

Compared to states with none of these reforms, there are seven possible configurations of EDR, SDR, and early voting: (1) EDR alone, (2) SDR alone, (3) early voting alone, (4) EDR and SDR, (5) EDR and early voting, (6) SDR and early voting, (7) or all three. There are no states with just SDR, and none with the two-way combination of SDR and EDR. As a result, there are effectively five combinations relative to the baseline states that have none. In retrospect, this is obvious: “one-stop shopping” before election day is not possible if a state does not also allow early voting.

No previous study has investigated the potentially positive relationship between EDR and NPPEV because until recently no state had extensive use of both. The 2008 cycle was the first presidential election in which states that permitted EDR also had high rates of early voting.¹⁵ In the next section we investigate the effects of these different combinations using several data sources and methods to identify the precise effects of each configuration of election features.

¹² The EAC collected data on SDRs for the first time in 2008; the EAC defines SDR as “registering to vote on the same day in which a vote may be cast” (EAC 2009).

¹³ Codings are drawn from the National Conference of State Legislatures’s listing at <<http://www.ncsl.org/LegislaturesElections/ElectionsCampaigns/AbsenteeandEarlyVoting/tabid/16604/Default.aspx>> accessed in July 2009.

¹⁴ We treat Oregon and Washington separately because of those states’ heavy use of vote-by-mail.

¹⁵ In 2004 no state with EDR had over 30% of its votes cast early. By 2008 several EDR states were near or above that mark.

II. Empirical Results

Data and Methods

We use a variety of multivariate statistical techniques to determine how EDR, SDR, and early voting affect voter turnout. First, we analyze county-level turnout from the November 2008 presidential election. In this model we include county-level variables and also state fixed effects to ensure that unmeasured state-level characteristics such as state culture are not producing spurious findings. Second, we make use of the Current Population Survey's (CPS) November 2008 Voting and Registration Supplement to conduct an individual-level analysis. The large sample size permits careful comparisons among the states in each part of the Figure 1 and inclusion of wide range of individual-level control variables.

We believe our models improve upon earlier work by explicitly considering how the combinations of EDR, SDR, and early voting affect turnout. We are able to determine, for example, whether EDR's positive effects on turnout depend on the presence of early voting or are undermined by it.

Finally, we consider the question of what voting reform looks like from the perspective of election administrators. Reforms will only work if election officials are willing and able to implement them. In many states it is local election officials, not state leaders, who transform statutes into actual practices. To gain insight into how local election officials assess new voting reforms, we surveyed election clerks in Wisconsin. Wisconsin is an attractive state to study for several reasons. It has a long history of EDR but low levels of early voting (in the form of no-excuse absentee).¹⁶ It also has extremely decentralized election administration, with 1,923 local election officials (roughly one-fifth of the total number of all election officials nationwide).¹⁷ They represent a wide range of communities, ranging from a handful of residents and little racial or ethnic diversity to a heterogeneous voting age population of roughly 400,000 in Milwaukee. The large number of officials and diversity of their jurisdictions form an extraordinarily useful data source for assessing the administrative consequences of reform. In addition, the Wisconsin Government Accountability Board, the state's central election authority is currently considering proposals for true early voting.¹⁸ Thus, the results of our study are timely as the legislature considers changing state law to encourage NPPEV.

We asked local election administrators for their opinion on early voting reform. In particular, our goals were to (a) understand how they approached election administration, (b) measure their attitudes toward NPPEV, and (c) determine how their views of EDR

¹⁶ State officials are considering a move to early voting. The state election agency, the Government Accountability Board, has developed three early voting proposals. Feedback is being gathered from the public, clerks, and other interested parties. See the materials available at <http://elections.state.wi.us/section.asp?linkid=1583&locid=47>.

¹⁷ This encompasses the 1,851 municipal clerks and 72 county clerks in place for the 2008 elections.

¹⁸ See the GAB's study materials and proposals at <http://elections.state.wi.us/section.asp?linkid=1583&locid=47>.

might affect their views toward NPPEV. The response rate for the survey was excellent, with 72% of municipal clerks participating (1,386 of 1,851). We also interviewed 85 of these officials in person to gather qualitative feedback and allow clerks to speak on their own terms.

County Level Regression Analysis

We begin with aggregate analysis of turnout at the county level. The dependent variable is turnout in the November 2008 presidential elections as a percentage of the voting age population.¹⁹ The key explanatory variables are dichotomous indicators for each of the five possible election practices in Figure 1. The signs and significance levels of these coefficients will show the effect of each distinct combination on voter turnout. To avoid spurious findings, we include an array of control variables, and estimate multiple specifications to increase confidence in the robustness of the findings. We also adjust the standard errors to account for clustering of counties by state (Primo, Jacobsmeier, and Milyo 2007).

The control variables include state election laws, county demographic measures, and a measure of the competitiveness of the presidential campaign in each state. State election law variables include a measure of the closing date for voter registration, a dummy for whether votes are required to show any form of identification (photo or not) at the polls, and a dummy indicating whether ex-felons are barred from voting.²⁰ To the degree that these laws matter once our new variables are included, we expect all three to have negative effects as early closing dates, ID requirements, and felon disenfranchisement lower turnout. Demographic variables include the percent black, median income, percentage of the county with bachelor degrees, percentage 65 or older, population, and population density. Our measure of campaign intensity is the absolute value of difference between the final pollster.com survey estimates for McCain and Obama. The effect should be negative because a larger gap between the candidates ought to be reflected in lower turnout. We also include dummy variables for Oregon and Washington, whose reliance on mail-in surveys falls outside the three primary types of election laws we examine here.

Our simplest specification is model I in Table 1. Model II modifies this slightly by weighting the counties by population to minimize heteroskedasticity in the error terms. The models indicate that EDR alone or in combination with other laws has positive effects. EDR by itself has an effect of between six and seven points, just a bit larger than

¹⁹ The Voting Age Population (VAP) is an imperfect measure of the Voting Eligible Population (VEP), as Michael McDonald has demonstrated (e.g., McDonald and Popkin 2001). Unfortunately, VEP estimates are not available at the county level. To verify that this does not jeopardize our results, we calculated the gap between the VEP and VAP turnout measures on McDonald's web site and correlated it with the presence of EDR, SDR, and early voting at the state level. None of the correlations was statistically significant at $p < .05$, indicating that any disparity between the VAP measure and actual voter turnout is unlikely to produce spurious results for the key variables of interest.

²⁰ There are a variety of felon disenfranchisement and voter identification laws that cannot be fully explored here. Our dichotomous indicators are intended to capture the most basic differences between states that have provisions of these type and those that do not.

the typical estimate in the literature. In contrast, early voting on its own has a negative effect that ranges between 3.5 points to 5.6 points, and the combination of SDR and early voting has no effect. As expected, turnout is higher in counties with more African-Americans, higher incomes, more college graduates, smaller and less dense populations, and where the McCain-Obama campaign was close. We find no effects of voter ID or felon disenfranchisement laws.

The results of these county regression models suggest that voter turnout is indeed sharply influenced by state laws concerning registration and early voting. These findings are relatively robust across different specifications. Overall our two key results from the county data are that (1) early voting by itself has a negative effect and (2) EDR by itself has a positive effect. Combining early voting with SDR appears to have little effect while combining EDR with early voting results does result in a significant and positive outcome. States that have all three approaches have a significant and sizeable increase in turnout. Indeed, any combination that includes EDR increases turnout. Cumulatively, the results suggest that creating the opportunity for voters to “one-stop shop” offers a way to turn the negative of early voting into a net positive.

Figure 2 displays the key results graphically. The dots represent the five coefficient estimates for the weighted and unweighted models. Horizontal lines running through the dots show 95% confidence intervals. The divergent effects of EDR and early voting are clear.

One reason the SDR effects are insignificant may be that the models ignore the substantial variation in how SDR is implemented across the states. Particularly important is the length of time in which “one-stop shopping” is available. In 2008 this window ranged from just one day in New Mexico to over 40 days in three states. We can test whether this variation is correlated with turnout. To investigate this possibility we reestimate model II on states that have SDR. We include a new key variable: the length of time the SDR window is open. The results in Table 2 show that each additional day when voters can avail of “one-stop shopping” results in a 0.29 percentage point increase in turnout. Increasing the window length by 12 days (the standard deviation of the variable) thus increases turnout by 3.5 points. The control variables largely operate as expected. The window finding reinforces our expectation that it is not just important that states offer the ability to both register and vote early, but also demonstrates that it matters how these are implemented. Two states could both have SDR “on the books,” but the state that offers it with a longer window will see a greater positive effect.

Individual Level Regression Analysis

We now turn to estimating turnout effects at the individual level. Here we are interested in the covariates that make individuals more (or less) likely to cast a ballot. Most turnout analysis takes a standard form, using logit or probit regression with the vote (or reported vote) as the dependent variable, and a right-hand side consisting of various demographic and systemic independent variables that purport to capture the important causal factors.

Because our report includes both models of aggregate and individual turnout, we avoid the ecological fallacy (the assumption that the same factors that shape *aggregate* turnout, have a similar effect on *individual* outcomes, as measured by the estimated probability that an individual will vote).²¹ Our dual-track analysis is an effort to gain leverage on both elements of the modeling problem.

Our individual-level analysis uses the 2008 Voting and Registration Supplement File of the CPS. The CPS, a common data set in voting analysis, is a large-scale sample survey of the noninstitutionalized population normally used to collect labor force data. In November of election years, surveyors administer a short set of voting and registration items to a sample of about 130,000 people. Most questions have between 60,000 and 90,000 valid observations.

The voting item asks whether people voted in the 2008 presidential election, and has several response categories: respondents can answer “yes,” “no,” “don’t know,” refuse to answer, or have no response recorded. Following the common practice, we measure turnout by dividing the number of “yes” responses by the total number of individuals asked the question, counting as non voters those who refused to answer, did not know, or did not respond. Since the voting items are only asked of individuals 18 years or older, this gives us an estimate of turnout as a percentage of the voting age population.²² Using this method, 64.9% of respondents in the CPS reported voting in 2008 ($n = 92,360$).²³

We use a larger number of independent variables than most other models of turnout. Alvarez, Bailey, and Katz (2008, 8-9) describe the “canonical model of voter turnout using CPS data” as using age, residence in a Southern state, education, income, squared values of age and education, and non-White as independent variables (see Wolfinger and Rosenstone 1980). However, the CPS includes a wide range of other data that seem plausible and theoretically justifiable turnout covariates: questions provide information on length of residence, gender, marital status, multi-category racial identity, whether a

²¹ The effects need not match across the two levels of analysis. For example, a variable that significantly increases the likelihood of voting by a small amount could affect aggregate turnout even more strongly as these small individual probabilities cumulate. Kramer (1975) demonstrated that individual and aggregate effects can even run in opposite directions.

²² At the same time, the CPS excludes the institutionalized population, estimated at about four million in 2000. In other calculations of the voting age population, these individuals are counted.

²³ This is significantly higher than the actual turnout as a percentage of voting age population, estimated at 56.8% (McDonald 2009). This difference occurs for a variety of reasons. Part of the discrepancy is attributed to sampling bias (Burden 2000). Much of it is due to the desire to give socially desirable answers whereby some nonvoters falsely report that they did vote (Gerber, Green, and Larimer 2008). Some of these voters may *think* that they voted, possibly confusing the most recent election with earlier contests. Many studies have concluded that overreporting is most common among people otherwise most likely to vote; there is also evidence, however, that overreporting is also more likely among African Americans (Bernstein, Chadha, and Montjoy 2001). Highton (2005) found that the correlates of turnout were about the same among self-reported and proxy-reported turnout, despite the fact that self-reporters are more likely to overreport their own voting, suggesting that overreporting may not be a significant problem for inference. Unfortunately, there is no easy way to correct for overreporting or estimate the effect it might have on the inferences drawn from empirical models. Katz and Katz (2009) have developed one method, but it requires external information about the probabilities of misreporting.

respondent is a naturalized or natural born citizen, and if naturalized the year of entry into the U.S, and whether a respondent's voting status is self-reported or reported by proxy.²⁴ Given our interest in estimating the effects of different voting and registration systems, it makes sense to include this additional information about respondents. As in the aggregate model, we include variables describing the five possible combinations of early voting, SDR, and EDR.

The basic individual turnout model is reported in Table 3. The results are roughly consistent with the aggregate county-level model. EDR has a significant positive effect on the individual likelihood of voting, while early voting has a significant negative effect. The combination of EDR, SDR and early voting (which offers the maximum of voter convenience) has a small positive effect. Most of the control variables show expected effects. For example, voting is more likely among the highly educated, African-Americans, the married, higher income earners, and those in swing states. Although our primary interest is in the combinations of election laws and not these covariates, it is reassuring that most of them affect voter turnout in a fashion that fits with existing research. The key coefficient effects are plotted in Figure 3. Again, the divergent effects of EDR and early voting are evident. EDR alone raises the individual likelihood of voting by about three points whereas early voting lowers it by about four points.

The individual model produces one result that differs sharply from the aggregate results. At the aggregate level, the EDR and early voting combination significantly increases turnout while it has a significant negative effect on the likelihood of an individual voting. The most likely cause is the small subsample size of this category: in our classification, only Alaska and Idaho combine early voting with EDR, and Alaska is excluded from the aggregate analysis as it does not have county-level jurisdictions. As such, we are cautious about making inferences with so little data.

Robustness Checks

There are several ways in which the results here may be checked for robustness. One way in which we are already reassured is the consistency of findings between the aggregate and individual models, despite the fact that logic does not dictate that they be the same.

Matching techniques offer another way of testing the relationships we study. Matching permits sharper comparisons of treatment and control groups, in a manner that makes efficient use of the data and is less sensitive to specification error (Ho et al, 2007). In this case, the various voting administration practices are analogous to a "treatment" effect applied to counties (and individuals, below): for example, a county in a state with EDR experiences a treatment distinct from a county in a state without EDR (which we can consider as analogous to a control group). Matching in this case, roughly speaking,

²⁴ This latter information is an unusual feature of the CPS survey: respondents can self-report their vote, or have their vote status given by another member of the household (by proxy). Previous research has found that reported turnout among "self reporters" is consistently higher than reported turnout among proxy reporters, by about four percentage points (Highton 2005).

creates two balanced groups, one consisting of “treated” observations, the other of “control” observations.

There are three steps to the matching method. First, we separate the data into treatment and control groups for each of the five categories of voting and registration system types. In each case, the “treated” group consists of individuals in a state with EDR, early voting, or the different combinations of EDR, SDR, and early voting. For each treated group, we construct a control consisting of respondents in states that have none of the practices in the treatment group. The early voting/EDR group, for example, is matched with a control group of counties in states that do not have early voting, EDR, or the combination. Similarly, counties in early voting states are matched with counties in states without early voting. In this way, we are able to test for the specific effect of each individual practice, or combination of practices. Second, we use a propensity score matching process (Ho et al. 2009) to balance the treatment and control groups, insuring that each group is comprised of individuals with similar demographic characteristics.²⁵ Finally, we used the resulting pre-processed and balanced data set in a logistic regression model equivalent to the basic individual level model of voter turnout.

The result of the matched analyses produces almost identical results to the standard county and individual level analyses. We do not report the cumbersome matched models here, but note that the general findings about EDR and early voting hold with remarkable consistency.²⁶

Finally, it is notable that the negative effects of early voting on turnout are evident whether using traditional multivariate regression methods or using matching techniques, or aggregate versus individual level data. In fact, the connection between early voting and overall turnout is sufficiently strong that it is even appears in the raw data. In Figure 4, we present a scatter plot of early voting and total turnout by state.²⁷ The figure clearly shows that overall turnout is lower in states that permit early voting. This relationship holds whether we include all states (the dotted regression line) or we omit the vote-by-mail states of Oregon and Washington (the solid regression line).

We thus have several different approaches that produce a consistent result: early voting has a strong negative effect on turnout. If the motivation for election reform is increasing turnout, states should not look to early voting, especially on its own. EDR, in contrast, provides a substantial boost in turnout. In all three, the tripartite combination of EDR, SDR and early voting also increases turnout. Of course, turnout is not the only

²⁵ We used the “MatchIT” module written for the R statistical package (Ho, et al. 2009), using nearest-neighbor propensity score matching with replacement. We balanced on a subset of demographic variables, including education, income, sex, age categories, and political competitiveness. The efficiency of the matching process increases with better balance on these covariates between the treatment and control groups. The crucial element of preprocessing is that matching may not be conditioned on the treatment variables used in any subsequent analysis.

²⁶ These full results are available from the authors upon request.

²⁷ Early voting percentages are taken from the CPS while total turnout is taken from Michael McDonald’s data available at <<http://elections.gmu.edu>>. Using other sources for these data does not alter the fundamental relationship.

consideration when states consider changes to election practices. In particular, implementation of new laws requires consideration of both the costs and the ability and willingness of local election officials to comply.

III. Balancing Benefits with Costs: The Administrative Perspective

Election laws such as EDR, SDR, and early voting are a patchwork of different systems and combinations of systems across the states. Some states have them and others do not, and among those that do the implementation varies. We have already seen that variation in the length of the SDR window has a sharp effect on turnout. Whether a state adopts one of these practices is probably endogenous to some degree in that it may reflect or codify existing processes or norms. For example, EDR was first adopted in states that already exhibited high levels of voter participation (Hanmer 2009). Adoption can be endogenous in another way: state lawmakers might anticipate the degree to which local election officials are willing and able to implement innovations that they pass into law. Some state legislatures have been reluctant to adopt EDR, for example, because county and municipal officials expressed concern about that administrative burdens and security risks it would entail.

To accompany our analysis of the effects of various registration and voting policies in the states, we investigate in more depth how local election officials in one state have reacted to proposals for new reforms. As in other states, absentee voting has become increasingly popular in Wisconsin, rising from a mere 6% of the total vote in 2000 to 21% in 2008.²⁸ The majority of these absentee ballots were cast in-person in a municipal clerk's office. For many voters, this is effectively early voting. Because Wisconsinites may also register at the clerk's office, this combination allows for "one-stop shopping" before the election. But for clerks there are significant administrative differences between absentee votes, which are delivered to polling places and counted on election day, and early votes, which might need to be counted immediately after voters complete their ballots and could require additional expense for new voting equipment.

Little research has attempted to ascertain the preferences of election administration officials on the different approaches to voting we study here, and the possible costs and benefits of employing a combination of approaches, or even whether election officials see these reforms as competing or complementary. These views are important because such officials are the ones who must implement these approaches, are influential stakeholders in state election policy, and are likely to be best-placed to estimate the administrative costs that will be incurred to facilitate voter convenience. Adoption of policies should consider both direct effects and interactions. Early voting on its own might face financial and administrative hurdles that are too severe to overcome in a decentralized state such as Wisconsin, but combining it with EDR might provide a synergy that compensates for these challenges.

²⁸ See the Wisconsin Government Accountability Board's report, "An Examination of Early Voting in Wisconsin," at <<http://elections.state.wi.us/docview.asp?docid=16760&locid=47>>.

There is reason to believe that the administrative costs associated with early voting may be lower in states that permit SDR because election duties would be distributed over a longer period of time. The current practice in Wisconsin requires that EDR applications are hand-entered by staff on election day. With 400,000 to process for the 2004 presidential election (83,000 in Milwaukee County alone), this creates a tremendous administrative burden that often requires hiring additional staff just for this purpose. If SDRs could be submitted and processed during an extended early voting period, the additional staff resources required to support early voting might be offset by the administrative savings of receiving far fewer SDRs on election day itself, which would also increase the efficiency of the process for voters (lines would almost certainly be shorter if the process was combined with early voting). This would allow clerks, poll workers, and election board staff to focus on other tasks on election day. Because no state has combined SDR, significant levels of early voting, and EDR before 2008, these tradeoffs have yet to be examined. Wisconsin might well serve as a “difficult case” test for finding opposition to early voting. While clerks in many states without EDR may resist the adoption of early voting because of the time and resources needed to prepare earlier, hire poll workers for many days of work, clerks in EDR states may be more likely to support early voting with SDR by dispersing those duties over days or weeks. Thus, if Wisconsin clerks are opposed to adding early voting and SDR, it is unlikely that clerks in states without EDR would be supportive.

Previous literature has provided the basis for expecting both positive and negative responses from election administrators about the potential for combining SDR, EDR and early voting. Gronke (2008, 43) and co-authors write, “Convenience voting reduces the need to staff polling places on election days, provides more time to process ballots, and may give election administrators more time to respond to voter problems (such as an invalid or incorrect registration).” For these reasons, election officials might be expected to support some early voting reforms. At the same time, administrators are not likely to support the expansion of early voting if they see this as a burden. In a different context, Moynihan (2003) argues that there is often zero-sum battle between administrators and the public when it comes to citizen participation. Administrators are more sensitive to administrative burdens than to public benefits when considering new forms of participation. If administrators cannot see a benefit for themselves in presenting new opportunities to participate, they will be reluctant to offer them. Extending this argument to the electoral context, local election officials may see changes that offer greater convenience to voters in terms of costs. Moynihan and Silva (2008) suggest a related reason for expecting resistance to voter convenience: simple status quo bias. Election officials build up a capacity to operate a certain technology over time. Switching to a new approach creates transition costs that might be viewed as increasing long-term workload. The existence of a status quo bias has been found to explain election official attitudes toward voting technologies, as well as their perception of efforts to change the election system, in the form of the Help American Vote Act (HAVA) (Moynihan and Silva 2008). Proposals for NPPEV, SDR or EDR promise to further disrupt the status quo.

To determine the attitudes of election officials to changes in the *status quo*, we administered a comprehensive survey of all 1,850 municipal clerks and 72 county clerks in Wisconsin and achieved a 72% response rate. We also conducted personal interviews with 100 select municipal and county clerks. For the in-person interviews, we developed a semi-structured interview protocol. The material for this protocol came from the themes in the survey, discussions with clerks at GAB meetings, and an open-ended comments section at the end of the survey. A sampling procedure assured representation of the state's 15 largest municipalities and then randomly select the remaining 85 in a manner that mimics the distribution of the state's voting age population.

The two questions we will focus on here are those asking about the administrative burden of EDR and early voting. Clerks generally associated voter convenience with higher administrative burdens. Clerks were asked to agree or disagree (on a seven point scale) with the statement that "Election day registrations increases the administrative burden on election officials like me." Nearly 55% of clerks were above the neutral position in agreeing with the statement and 25% strongly agreed. Only 30% disagreed. An even larger proportion, nearly 85%, said that "early voting would make my job more difficult" and only 5% thought it would make their job easier when prompted with a two-sided question about the change in administrative burdens that would come if Wisconsin were to adopt early voting. In contrast, 67% thought that in-person absentee voting makes their job more difficult, while only 3% thought it made their job easier.

Despite the view that EDR increased administrative burdens, the survey revealed that clerks were quite supportive of the practice. Nearly 60% of clerks agreed that "the benefits of election day registration outweigh the costs," while only 20% disagreed. The interviews and open-ended survey responses provide some illuminating examples of how clerks think about voting procedures. One clerk said,

I don't think there is any question that it [the state's status as the second highest in the nation in terms of voter turnout] is attributable to the fact that the state offers election day registration.

Other clerks were more specific about the tradeoffs:

I think it's [EDR] a good thing for the voters because they don't have to plan ahead. And it probably does increase the number of people voting, coming out to vote. On the administrative side, it's difficult to manage hundreds and hundreds of registrations very close to an election day. Yeah it is a little time consuming, but it's all for a good cause, I understand that.

One was critical of fellow clerks who may not see positive benefits of EDR:

They can't see out of their roles as administrators into a philosophical democracy role. They see it very black and white. So if you ask them „should we do away with election day registration?“ they'll say „yes,“ because they think about how much easier it would make their jobs.

However, some clerks were critical of the practice. One noted the increased administrative burden caused by voters who wait until the last minute to register:

I believe EDR just adds so much stress to the election workers. Because even though people have known for four years that there's going to be another presidential election, if you give people to the last minute, they'll take to the last minute. And even if it was 60 days, they would wait until 5 o'clock on the 60th day.

With early voting, the responses were much more negative. While some clerks thought that early voting would be a manageable burden and even increase turnout, the following comments were much more typical:

Early voting could be a nightmare to find enough poll workers to handle the additional days/hours that would be required. There must be a lot of coordination of every aspect of the election process to handle early voting.

And another emphasized the competing demands on a clerk's time.

Early voting would be a hardship for the numerous part-time clerks that do not maintain regular office hours and work additional jobs. We neither have the manpower, resources, or security needed to do the job over multiple days/weeks.

Clerks in small municipalities are more likely to make the case that the burdens of early voting (in terms of costs, time, and personnel) are too onerous. These comments are often framed in the context of the growing burden that elections have created for administrators since the passage of HAVA. They often point out that election administration is only one of their duties, but that it takes up too much of their time and would take up even more with alternative forms of voting. Some clerks suggest that if this pattern continues, and in particular if there are additional requirements such as early voting, it will make it increasingly hard to find people to fill the clerk position. A few clerks were broad-ranging in their criticisms of EDR and in-person-absentee voting, such as the following emphatic response to an open-ended survey question:

Election Day registration should be STOPPED. There is no way to verify completely or through HAVA that this person is legal, felon, etc. Letting people vote absentee for no reason should be STOPPED!!!! It was originally meant for people who were disabled, etc. Go back to that!!!! Letting people come in for no reason was a nightmare for the municipalities up to the day of election. There was no way to have time to process the absentee apps, including registrations, before the day of election. That was ridiculous.

Others were specifically concerned about the potential administrative burden of early voting:

Early voting could be a nightmare to find enough poll workers to handle the additional days/hours that would be required. There must be a lot of coordination of every aspect of the election process to handle early voting.

A small-town clerk made a similar observation:

Early voting would be a hardship for the numerous part-time clerks that do not maintain regular office hours and work additional jobs. We neither have the manpower, resources, or security needed to do the job over multiple days/weeks.

Finally, quite a few clerks blame voters rather than the practice itself for the increased administrative burden:

I do not feel that early election, promoting absentee voting will increase voter turnout. If folks do not vote when the scheduled voting is set up they are not interested or perhaps they should not be voting. If a person is not responsible enough to be prepared and have the knowledge to know when or how or who to ask about the voting process how can they possibly have the knowledge to make a responsible decision to vote?

Another echoed that:

Election Day Registration is being abused by people who have begun to presume that it is their right. I think there should be a provision to allow for only certain limited EDR. There is no reason that the vast majority of the voters can not register at least 30 days prior to the election. I believe that voting is both a privilege and a right and more people need to act responsibly and try to be better prepared. There is enough information available that people can easily find out where to register and what proof of residency they need to bring with them.

One clerk was blunt about “lazy” voters:

It only takes 5 minutes every four years to walk into an election booth and cast a ballot so why do we have to make so many accommodations to make it easier? We have become very lazy if we can't do this once every 4 years! As far as absentee voting, I also believe that Wisconsin should make a person need a reason not to be able to vote in person on election day. Again, we are letting people take the lazy way out. The paperwork alone makes this type of voting a nightmare and I don't think these votes are as confidential since most people are using the machines now to vote, leaving their ballots the only ones in the ballot boxes.

This clerk expressed skepticism that early voting would increase turnout because of the type of voter who would be likely to take advantage of the practice:

I do not feel that early election, promoting absentee voting will increase voter turnout. If folks do not vote when the scheduled voting is set up they are not interested or perhaps they should not be voting. If a person is not responsible enough to be prepared and have the knowledge to know when or how or who to ask about the voting process how can they possibly have the knowledge to make a responsible decision to vote?

Finally, another clerk spoke for many of colleagues in small communities, contending that:

Absentee voting should only be allowed for those unable to come to the polls because of age or disability, or if they are gone the day of election or during election hours. Too many voted absentee because they did not want to stand in line at the last November election. This is your right. The elderly did not complain, only the younger ones.

One conclusion that could be drawn from the clerk interviews is that opposition to early voting is partly a resource problem. One clerk made this explicit:

My community is basically 2,000 in population, but I do NOT have a government office - everything is done out of my home. I would LOVE to have Early Voting, but I do not

see how I can do this. The security at the Hall would be very minimal and as it is now; in-person absentee voting is done in my home (which is horrific for presidential and big General Elections). People expect me to be available 24 hours a day for their convenience to vote. Early Voting then might require me to be available at my house 24/7. I currently pre-test and public test at the Hall and use all of the security measures for the equipment. If we went to Early Voting, I would have to drag the equipment back and forth between all of these events - a greater chance for equipment failure, security failure, etc. If there were funds available for an office, I would totally support Early Voting.

If clerks had more poll workers and more paid staff or even an office, then the concern that early voting would lead to a greater administrative burden might not be as strong. However, the survey reveals that large majorities of clerks still would not support early voting even with an increases in paid staff, funds to pay poll workers, security protections, office space, and funds for voter education. As shown in Table 4, only about a fifth of clerks said that increases in these resources would increase their support for early voting (and about another fifth said it would make them “somewhat more likely to support early voting”). For many clerks opposition to NPPEV is philosophical and not merely a matter of resource constraints.

Opposition to EDR, SDR, and early voting is sometimes based on concern about ballot security and voter fraud. Some clerks echoed this concern:

Election Day Registration creates such a large post election burden. If WI wants to make changes to elections in WI this should be eliminated. By doing so I think it could reduce voter fraud and potential errors by poll workers. The day before the election should be the last day to register in the clerk’s office.

Another said:

I do NOT agree with Election Day Registration because there is no way to catch voter fraud until weeks AFTER the fact. I also think registration requirements are too lax. Photo ID should always be required. The current rules were fine when we were not such a mobile society. Today a person could easily vote in multiple places just by traveling by car, let alone air travel. A responsible citizen can and should register at least 2 weeks prior to the election. It should be a requirement, along with photo ID and proof of address.

However, most clerks did not see ballot security as a serious issue for EDR or in-person absentee voting. Clerks were asked to agree or disagree (on a seven-point scale) whether “Election Day Registration makes it more difficult to protect the security of the voting process.” Only 26% agreed (11% strongly agreeing), while 60% disagreed (21% strongly disagreeing). Clerks were even more confident that in-person absentee voting did not undermine the security of the voting process, with 73% disagreeing (and 29% strongly disagreeing) and 14% agreeing (and 5% strongly agreeing).

One final observation is that clerks who are less likely to see EDR and early voting as an administrative burden are more likely to think that those practices increase turnout. Overall, 65% of clerks believe (as the empirical evidence shows) that EDR increases

turnout, while 20% think it decreases turnout and the rest are unsure. Of those who strongly disagree that EDR is an administrative burden, 81% think that EDR increases turnout compared to 51% of those who strongly agree that it is a burden. The differences are even more dramatic for early voting, where only 23% of clerks think it will increase turnout and 48% think turnout would fall if early voting were implemented. Of the relatively small group who thought that early voting would make their job easier by spreading out the administrative burden, 89% thought it would increase turnout compared to only 16% of those who thought it would make their job more difficult.

To explain the patterns in the clerks' views of their administrative burdens, we specified two multivariate models: an ordinal logistic regression model in which the dependent variable is the seven-level disagree/agree question about EDR, and a logit model in which the dependent variable is whether or not the clerk thinks that early voting will make his or her job more difficult. We included controls for the percentage of high school graduates, the percentage of African Americans, and the per capita income of the municipality. We also included the number of votes cast in the municipality to control for the actual burden on the clerk. The variables that are of more substantive interest are related to the clerk's job, their perceptions of their jobs, and their level of experience.

Table 5 reports the estimates of the model explaining clerks' attitudes about the administrative costs imposed by EDR. The percentage of a clerk's job that is related to election activities is positively related to perceived burden. More experienced clerks (as measured by the number of presidential elections in which they have worked) are also more likely to complain, as are full-time clerks relative to part-time clerks. These findings may suggest that the more specialized and experienced clerks, who are likely to have a more in-depth knowledge of the burden created by alternative forms of voting, are more likely to see EDR as a burden. The findings also suggest that elected officials are less likely than appointed officials to believe that popular voting alternatives that increase voter convenience represent an administrative burden. In addition, the results show that clerks who view EDR as a right are significantly less likely to see it as a burden.

The key variable examines the combination of NPPEV and EDR. Given that Wisconsin does not have true early voting, we attempted to assess the tradeoffs by asking the clerks about an expansion of in-person-absentee voting. Specifically we asked,

"Some people think that more in-person absentee voting would make it easier to process EDRs by spreading them out over a longer voting period. Other things it would only make processing them more difficult. How about you – do you think more in-person-absentee voting would make it easier to process EDRs, more difficult to process EDRs, or would there be no change?"

Overall, clerks were three times as likely to think it would make it harder to process EDRs (36% to 12%). Clerks who thought more in-person-absentees would make it more difficult to process EDRs also were much more likely to see EDRs as an administrative burden.

We also asked the clerks whether they thought a “bill to allow for early voting in Wisconsin” would make their job more difficult. As reported above, a large majority of clerks thought that it would. In seeking to explain the variation in attitudes across clerks, we included all of the same explanatory variables as in the model reported in Table 5 with one modification: we replaced the clerk’s view of whether or not EDR is a right with their opinion about whether “most voters should be required to vote at a polling place on election day.” This view was held by a plurality of clerks (45.3%), while 32.2% preferred that absentee voting should be allowed for “any voter who wants to use it,” if cost were not an issue (the other 22% did not have a strong opinion either way). Table 6 provides the results. As with the variable asking whether EDR is a right, perceptions concerning the sanctity of election day was highly significant. Unlike the previous model, the control variables for percent African-American and the percent of high school graduates in the municipality are not significant. Whether the clerk is appointed or elected or has experience in presidential elections are also unrelated to perceptions of early voting. However, full-time clerks and those who devote more time to election-related matters are less likely to see early voting as making their jobs more difficult. As in the previous model, the central variable of interest, the combination of in-person-absentee voting and EDRs is highly significant.

IV. Conclusion

We have argued that election reforms should not be considered in isolation, as is standard practice in the multivariate models estimated by researchers but also in the arguments made by advocates and policy makers. If reformers do want to improve turnout, the only consistent way to achieve this is to permit EDR. SDR itself can raise turnout if the window for registration and voting is sufficiently long. It appears that early voting on its own robs election day of its stimulating effects on marginal voters unless EDR provides a vehicle for their mobilization at the last moment. The most common practice in the states is to offer early voting in isolation. If the goal is higher turnout, our findings show that it should be supplemented with SDR or, even better, EDR. It is only by being combined with “one-stop shopping” that early voting yields positive effects. An important caveat is that our analysis focused only on the 2008 election. As with analysis anchored in a specific time, generalizations must be made with caution. That said, 2008 is the first election when the current combination array of election laws is in place, and offers the best basis upon which to guide policy for the future. We have applied a variety of methodological approaches that suggests the same basic results, and so we have high confidence in the validity of the findings for the 2008 presidential election.

At the same time, policymakers should be aware that convenience for voters imposes significant burdens on the election officials charged with administering new approaches, especially in smaller towns that have limited resources. Our study of Wisconsin election officials found strong opposition to the additional administrative responsibilities resulting from efforts to enhance voter convenience. Such reforms are not costless, and may even be counterproductive, if the effect is to encumber election officials while producing little real benefit to the electorate.

Figure 1: Combinations of EDR, SDR, and Early Voting in 2008

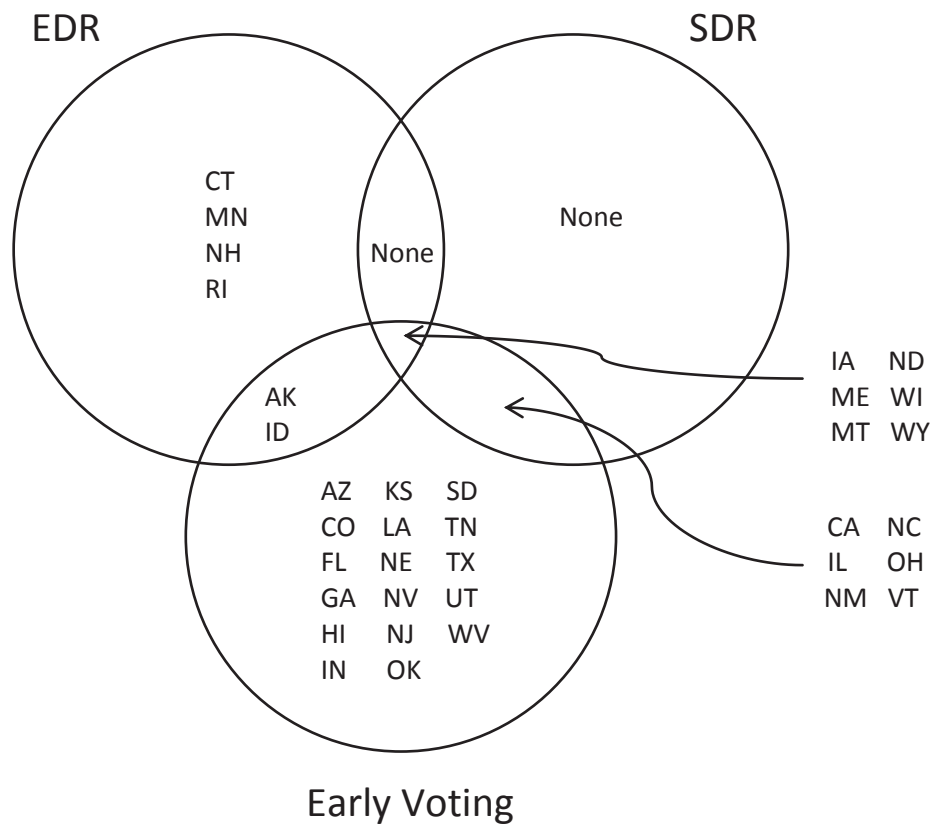
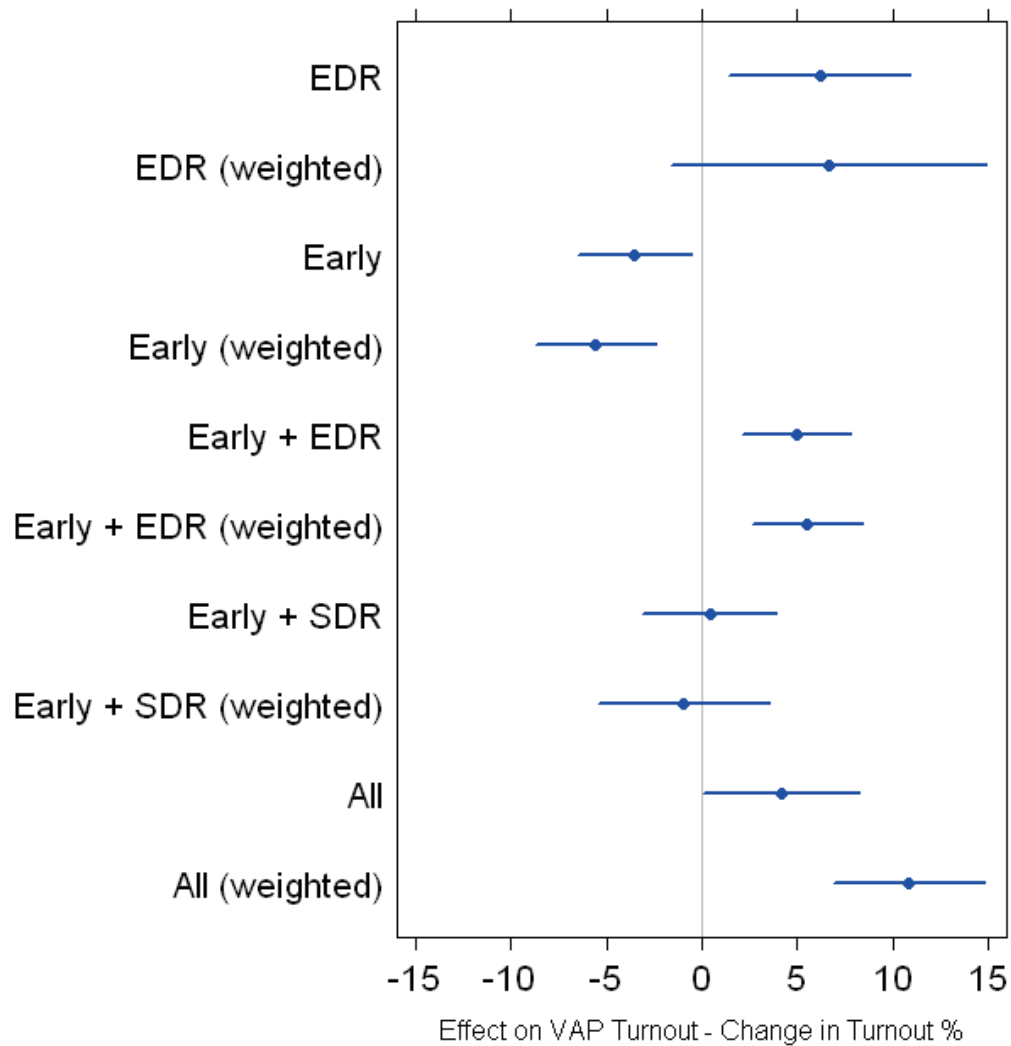
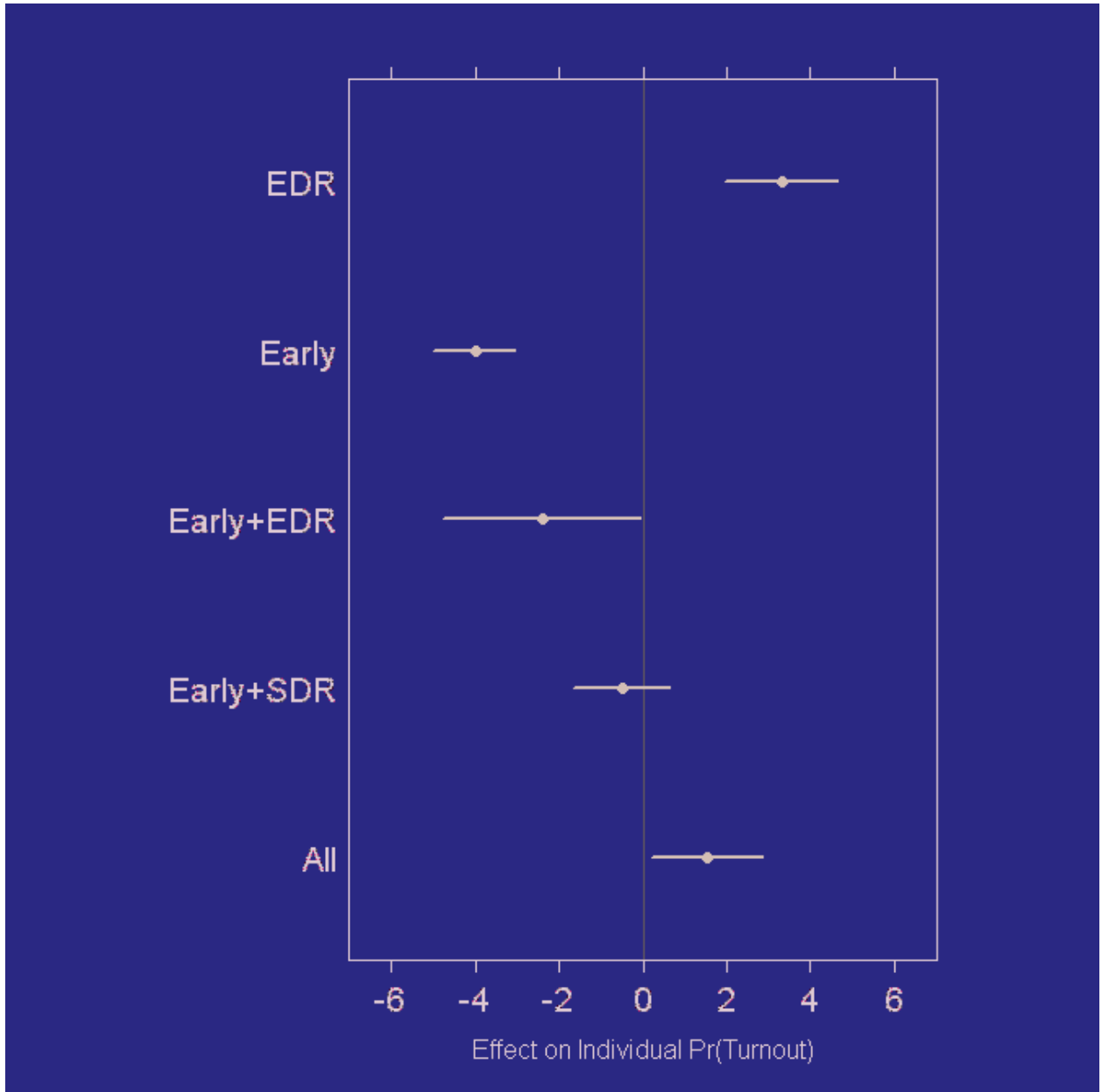


Figure 2: Effects on Aggregate Turnout



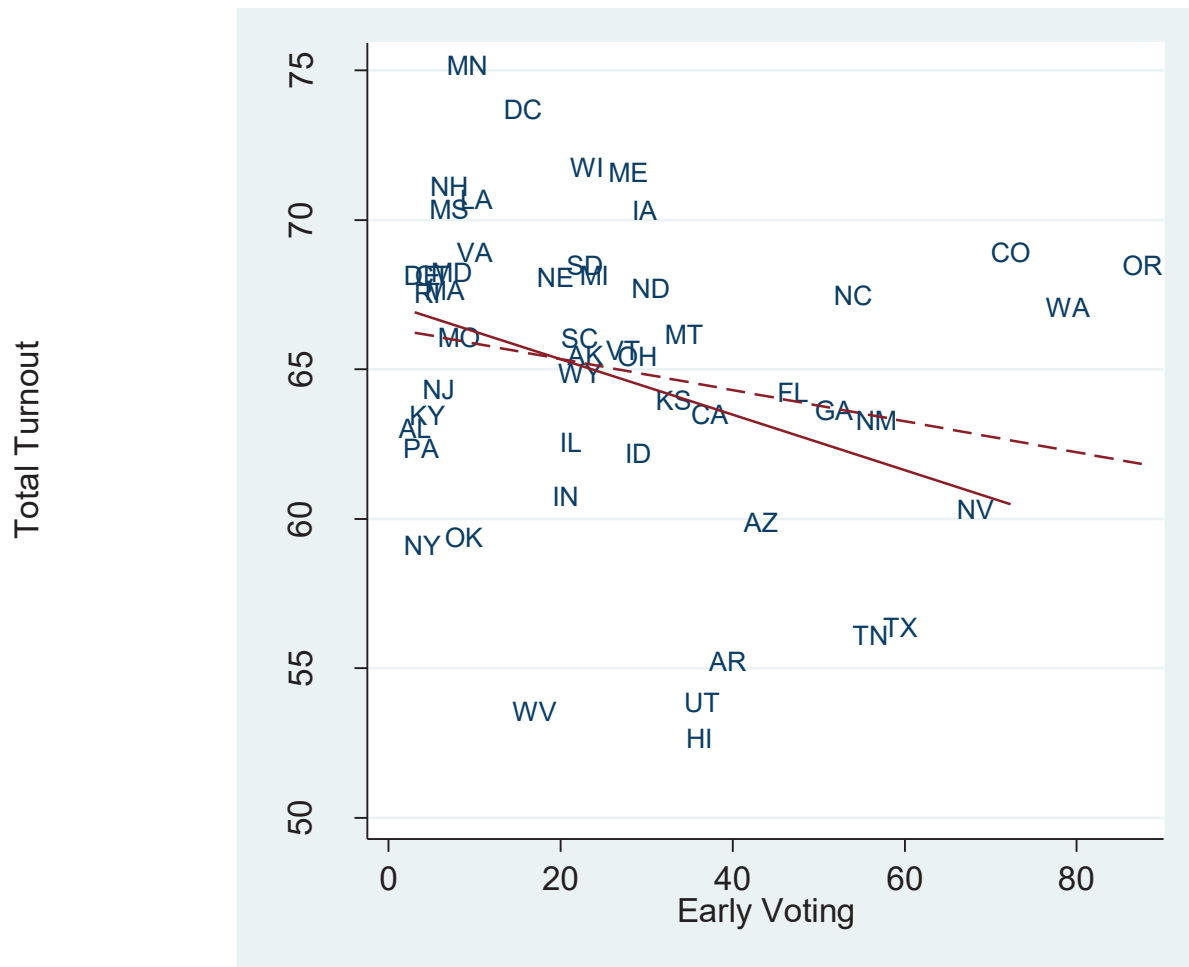
Notes: Dots are effect point estimates and lines represent the 95% confidence intervals.
Data are based on results in Table 1.

Figure 3: Effects on Individual Turnout



Notes: Dots are effect point estimates and lines represent the 95% confidence intervals.
Data are based on results in Table 3.

Figure 4: Early Voting and Turnout in the States



Note: Dotted regression line represents all states. Solid regression line omits OR and WA.

Table 1: Regression Estimates of EDR, SDR, & Early Voting Effects on County Turnout

	I	II
EDR	6.19** (2.42)	6.67* (4.20)
EDR + Early Voting	4.95**** (1.46)	5.54**** (1.47)
EDR + SDR + Early Voting	4.16** (2.07)	10.86**** (2.03)
Early Voting + SDR	.42 (1.79)	-.96 (2.29)
Early Voting	-3.51** (1.52)	-5.58**** (1.61)
Closing Date	-.10 (.10)	.07 (.13)
ID Requirement	.78 (1.32)	.05 (1.63)
Ex-Felons Barred	.09 (1.32)	1.19 (1.67)
Percent Black	.12*** (.04)	.12*** (.04)
Median Income	.0003**** (.00005)	.0002*** (.0001)
Percent College Graduates	.32**** (.07)	.30**** (.07)
Percent 65 or Older	.86**** (.09)	.68**** (.18)
Population (in 100,000s)	-.39**** (.08)	-.14*** (.05)
Population Density	-.0004*** (.0002)	-.0003**** (.00004)
Campaign Competitiveness	-.09 (.07)	-.25*** (.07)
Oregon	3.03** (1.13)	4.68**** (1.16)
Washington	.10 (2.17)	5.67** (2.14)
Constant	32.22**** (4.03)	36.00**** (4.50)
R^2	.417	.585
Weighted by Population	No	Yes

Notes: $N = 3109$. **** $p < .001$ *** $p < .01$, ** $p < .05$, * $p < .10$, one-tailed test.
Cell entries are OLS regression estimates with standard errors in parentheses.
Robust standard errors clustered at the state level.

Table 2: Effect of SDR Window Length on County Turnout

Length of Window (in Days)	.29*** (.03)
Closing Date	.03 (.04)
ID Requirement	.77 (.88)
Percent Black	.05* (.03)
Median Income	.0002* (.0001)
Percent with BA	.32*** (.05)
Percent 65 or Older	.67*** (.07)
Population (in 100,000s)	-.14** (.05)
Population Density	-.0003 (.0002)
Campaign Competitiveness	-.06** (.04)
Constant	34.05*** (2.88)
R^2	.464

Notes: $N = 713$. *** $p < .001$ ** $p < .01$, * $p < .05$, one-tailed test.

Cell entries are OLS regression estimates with standard errors in parentheses.

Analysis is limited to states with same day registration.

Robust standard errors clustered at the state level.

Dummies for individual states not reported.

Ex-felon disenfranchisement variable omitted because it does not vary in SDR states.

Table 3: Logit Estimates of EDR, SDR, & Early Voting Effects on Individual Turnout

EDR	.170*** (.037)
EDR + Early Voting	-.117* (.057)
EDR + SDR + Early Voting	.077* (.035)
SDR + Early Voting	-.029 (.029)
Early Voting	-.198*** (.024)
Education	.601*** (.010)
African-American	.735*** (.032)
Hispanic	-.057 (.033)
Self-Reported Vote	.828*** (.019)
Naturalized Citizen	-1.05*** (.102)
Naturalized 10+ years	.469*** (.108)
30-day Registration close	-.116*** (.021)
Married	.425*** (.020)
Residence 1 Year	.269*** (.026)
Income	.081*** (.003)
Gender	.148*** (.018)
Age	.025*** (.001)
Age 18-24	.421*** (.033)
Age over 75	-.116** (.042)
South	-.039 (.025)
Campaign Competitiveness	-.005*** (.001)
Oregon	.165* (.077)
Washington	-.045 (.069)
Constant	-3.85 (.068)
Pseudo- R^2	.145
Pct. Correct Predicted (null)	73.4% (68.8%)
N	74,327

Notes: *** $p < .001$ ** $p < .01$, * $p < .05$, one-tailed test.

Cell entries are logit regression estimates with standard errors in parentheses

Table 4: Resources and Clerk Support for Early Voting

	No more likely to support early voting	Somewhat more likely to support early voting	More likely to support early voting
Increase in paid staff (n=1,369)	61.1%	18.4%	20.5%
Increase in funds to pay poll workers (n=1,370)	57.2%	21.5%	20.4%
Increase in security protections (n=1,365)	65.6%	14.1%	20.4%
Increase in office space (n=1,367)	70.6%	13.0%	16.4%
Increase in funds for voter education (n=1,366)	62.6%	15.2%	22.2%

Table entries are responses to the question, “How much would increases in each of the following resources affect the likelihood that you would support Early Voting?”

Table 5: Factors Affecting the Perceived Administrative Burden of EDR

In-Person Absentee Voting Makes It Harder to Process EDRs	.288*** (.007)
Per Capita Income	-.000018** (.000007)
Number of Presidential Votes Cast in Municipality	.000039** (.000016)
Percent African-American	.047* (.027)
Percent High School Graduates	.015* (.006)
Percent of Clerk's Job Spent on Elections	.004* (.002)
EDR is a Right	-.19*** (.020)
Number of Presidential Elections Worked as a Clerk	.035** (.015)
Appointed Clerk	.181* (.089)
Full Time Clerk	.241** (.097)
Pseudo- R^2	.198
Log Likelihood	4450.7
Number of Cases	1,253

Notes: *** $p < .001$ ** $p < .01$, * $p < .05$, one-tailed test.

Dependent variable is a seven-level variable ranging from "strongly disagree" to "strongly agree" that EDR increases the administrative burden on clerks. Six threshold estimates are not reported.

Table 6: Early Voting and Perceived Difficulty of Clerk's Job

In-Person Absentee Voting Makes It Harder to Process EDRs	1.240*** (.228)
Most Voters Should Be Required to Vote on Election Day	.985*** (.193)
Per Capita Income	-.000027* (.00001)
Number of Presidential Votes Cast in Municipality	-.00005** (.00002)
Percent African-American	.039 (.054)
Percent High School Graduates	-.003 (.016)
Percent of Clerk's Job Spent on Elections	-.011** (.005)
Number of Presidential Elections Worked as a Clerk	.005 (.038)
Appointed Clerk	-.244 (.222)
Full Time Clerk	-.485* (.226)
Constant	2.477* (1.185)
Pseudo- R^2	.173
Log Likelihood	951.4
Number of Cases	1,252

Notes: *** $p < .001$ ** $p < .01$, * $p < .05$, one-tailed test.

Cell entries are logit estimates with standard errors in parentheses.

Dependent variable equals 1 if clerk believes that early voting would "make my job more difficult."

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Exhibit 14

Election Day Registration's Effect on U.S. Voter Turnout*

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Objective. Early voter registration deadlines make voting more difficult for many American citizens. In an attempt to facilitate voting, several U.S. states now permit registration on election day, at the height of the campaign. This article examines the turnout effects of adopting election day registration (EDR) and other smaller reductions in closing dates. *Methods.* Primarily using the Current Population Study (1972–1996), we estimate the turnout advantage of EDR for citizens having low, middle, and high socioeconomic status. *Results.* The elimination of closing dates, through EDR, is predicted to produce about a 7-percentage-point turnout boost in the average state. Those having a high school education and middle incomes are expected to see the largest turnout gains, with the less educated and poorer citizens doing almost as well. No evidence is found to link the implementation of EDR to subsequent changes in the electorate's partisan balance. *Conclusions.* Even the most dramatic easing of voter registration costs has a modest effect on the total number of voters and little impact on the long-standing skew toward greater representation of those having higher status in the voting electorate of the United States.

Among modern democracies, U.S. voter registration provisions require a nearly unique degree of individual citizen responsibility, encumbering Americans with greater turnout costs (e.g., Wolfinger, Glass, and Squire, 1990:562–63). In states having typical voter registration rules, for example, citizens must register to vote up to a month before election day. These institutional preregistration requirements are thought to particularly disadvantage America's voter participation vis-à-vis other industrialized democracies (Powell, 1986; Jackman, 1987).

*Direct all correspondence to Craig Leonard Brians, Department of Political Science, Virginia Tech, Blacksburg, VA 24061-0130 [e-mail: cbrians@vt.edu]. All coding and replication data details are available on his website at www.majbill.vt.edu/polisci/brians/. Although the authors take full responsibility for the coding choices, we are also deeply indebted to Christopher Wlezien and Glenn Mitchell for providing us access to their state-by-state coding of registration laws, to election officials in the states of Idaho, Maine, New Hampshire, Oregon, and Wyoming for helpful conversations about the provisions of their state's registration procedures and their changes over the last two decades, and to JoAnne Chasnow of Human SERVE for her assistance in classifying the implementation of state registration laws. We thank Ray Wolfinger, Ben Highton, Marty Wattenberg, Carole Uhlaner, and Michael Martinez for their feedback on previous versions of this work.

Since the 1970s, six states have adopted rules allowing residents to register on election day. Interest in reducing the lag time between registration deadlines and voting continues, with the California Assembly approving election day registration (EDR) in June 1999. Although EDR was threatened with a veto by the state's governor, interest in allowing registration at the height of a campaign remains high, typically tied to efforts to increase voter participation (Gledhill, 1999).

Although reducing potential voters' costs by easing voter registration rules seems like a reasonable way to increase turnout, earlier research has often lacked the data to address this relationship comprehensively. This article takes advantage of recent data offering twice as many EDR states to study, and we examine the characteristics of those more likely to vote when EDR is implemented. Our analysis finds promise in EDR's ability to increase turnout, with modest consequences for the composition of the voting electorate, and finds no evidence of changes to the preexisting partisan balance.

Cumbersome voter registration systems' association with nonvoting was noted early in the twentieth century by Merriam and Gosnell (1924) in their classic book *Non-Voting*. Wolfinger and Rosenstone's (1980) *Who Votes?* identifies closing date (i.e., the last day to register before an election) as the legal restriction having the single largest impact on voter turnout. Using cross-sectional Census Bureau survey data, Wolfinger and Rosenstone (1980:88) predict that U.S. presidential election turnout would be 9 percentage points higher if not for early closing dates. Because the first state (Minnesota) to adopt EDR did so in 1973 (Smolka, 1977) and Wolfinger and Rosenstone (1980) are relying primarily on 1972 data, they are not able to evaluate separately the impact of EDR on turnout. Three states (Maine, Minnesota, and Wisconsin) adopted EDR for all general elections between 1973 and 1976 and maintained it through the 1992 election. Addressing EDR's impact in a single election, Squire, Wolfinger, and Glass (1987) report that states that allowed citizens to register and vote on election day had higher aggregate turnout in the 1980 presidential election than did other states with more restrictive registration laws.¹

The intuition underlying the assumption that shorter closing dates (i.e., ability to register closer to the election day) should increase turnout is quite simple. Allowing voter registration closer to the climax of an electoral campaign should reduce peripheral voters' costs, thereby increasing turnout. The most extreme form of reduced closing date, EDR, entirely eliminates closing date restrictions and substantially reduces registration costs by allowing voter registration when the election becomes almost impossible to ignore. EDR, though, should be distinguished from simply a "zero days"

¹ Squire, Wolfinger, and Glass observe that in a highly mobile society such as ours, EDR facilitates registration for voters who have recently moved. Institutional costs, including individual voter registration, are the principal factors reducing turnout among movers (Brians, 1997a).

closing date. It hardly seems reasonable to posit that even allowing registration as late as *one* day in advance would equal the turnout effects of permitting citizens to register and vote in a single trip. We hesitate to follow several earlier works' assumption of linearity by implicitly treating the change from one-day advance registration to EDR as equal to a change from 30-day advance registration to a 29-day advance registration (e.g., Rosenstone and Hansen, 1993; Mitchell and Wlezien, 1995; Rhine, 1995).²

Although the turnout implications of EDR and closing date rules are the subject of a number of studies, these research findings have been constricted by the data and methodology employed. Earlier voter registration and turnout studies fall into three general categories. First, some studies utilize cross-sectional survey designs that may mask selection bias effects (e.g., Kelley, Ayres, and Bowen, 1967; Kim, Petrocik, and Enoksen, 1975; Rosenstone and Wolfinger, 1978; Wolfinger and Rosenstone, 1980; Glass, Squire, and Wolfinger, 1984; Squire, Wolfinger, and Glass, 1987; Teixeira, 1992; Highton, 1997; Timpone, 1998; Highton and Wolfinger, 1998). For example, if a state already has relatively high turnout before liberalizing its registration laws, then subsequent observations of its high turnout may be misattributed to easing the costs of registration. Second, other research uses pooled cross-sectional data that often does not specifically model state-level variation (e.g., Rosenstone and Hansen, 1993; Mitchell and Wlezien, 1995). When pooled cross-sections fail to (statistically) control for each state's unique history and qualities, this design also risks inadvertently ascribing preexisting state characteristics (e.g., high turnout) to other variables. Third, cross-sectional or longitudinal aggregate studies using aggregate data (e.g., Fleury, 1992; Fenster, 1994; Rhine, 1995; Knack, 1995; King and Wambeam, 1996; Franklin and Grier, 1997) are sharply limited in their capacity to control for citizens' individual characteristics known to influence turnout (e.g., education, income) without suffering from an ecological fallacy.

Research Design

In order to capitalize on the existing turnout and methods literature, this article will (1) employ a longitudinal research design, (2) simultaneously model several prominent competing voter registration provisions, (3) distinguish closing date reductions from EDR, and (4) use a multivariate model,

²Although Highton and Wolfinger (1998:88) acknowledge our finding regarding the discontinuity between EDR and a one-day closing date, they utilize a different approach. In lieu of modeling the two concepts separately within a single equation, they use a single "square root of closing date" measure. The theoretical justification of this single, new variable is unknown, but Highton and Wolfinger mention that they obtained the same empirical results using this combined variable or two separate dummies and that the combined variable preserves parsimony.

explicitly controlling for both election year and citizens' state of residence, to permit the analysis of *which* citizens benefit most from EDR. Not to overstate the expected benefits of easier registration, we assume that voters face multiple barriers to turnout: informational, motivational, and procedural. Thus, reducing the costs of registration should have only a modest impact on turnout if other costs (e.g., information or motivation) exceed the perceived benefit of voting. This reasoning is consistent with the expectations of a public choice model emphasizing the multiple sources of voters' costs (see Brians and Grofman, 1999). In sum, we expect a greater turnout increase from EDR than from reduced closing dates, but even with registration available on voting day, not all eligible voters will turn out.

To avoid mistaking preexisting turnout conditions with those produced by changes in particular voter registration laws, we propose a simple natural experiment (Cook and Campbell, 1979). Put simply, our pseudoexperimental analysis compares observed voter turnout before and after registration laws are changed. In contrast to most previous studies, this design explicitly models turnout *change* following a quasi-experimental treatment (i.e., registration law changes).³

Our natural experiment studying EDR is facilitated by the nearly simultaneous institution of EDR in several U.S. states at two points in time. Three states (Maine, Minnesota, and Wisconsin) adopted this reform between 1973 and 1976. Additionally, between 1992 and 1996 three more states implemented EDR (Idaho, New Hampshire, and Wyoming). Thus, a comparison of these two groups of states' turnout in presidential elections from 1972 to 1996 with that of states not having EDR should highlight EDR's turnout effects. A preliminary study comparing 1992 to 1996 turnout in the new EDR states (i.e., Idaho, New Hampshire, and Wyoming) found that these states maintained their turnout rank versus other states (Knack and White, 1998).⁴ North Dakota is omitted from all analyses because it neither had voter registration provisions during the time period we are examining nor in any way changed its registration laws.

Because this is a natural experiment, we were not able to independently manipulate which states would experience the treatment (i.e., EDR) and which states would constitute the control group. In this case, we find that the EDR states are somewhat more rural and less populous than many U.S. states. Judging from concerns about possible voter fraud associated with EDR raised in the recent debate in California, it seems likely that a large, urban state adopting EDR would include additional security provisions

³Although examining aggregate changes, Fenster (1994) and Rhine (1995) also model turnout change following the adoption of new voter registration regulations.

⁴Additionally, based on Current Population Survey data aggregated at the state level, Knack and White report smaller turnout declines in the new EDR states for those having lower socioeconomic status, younger citizens, and the more mobile than for their counterparts in a group of control states.

(e.g., requiring photo identification at the polls, etc.). Still, the group of states currently using EDR represents a variety of regions, with at least two states (Minnesota and Wisconsin) having sizable urban centers.

Turnout of people in every state in the presidential elections spanning 1972 to 1996 is well represented in the Current Population Survey (CPS), a high-quality survey sampling the voting and registration behavior of people from every state in the nation.⁵ State identifiers for the 1976 data are not available, but that year's absence is ameliorated by the presence of five subsequent elections. The CPS's very large sample size—ranging from about 90,000 to over 180,000 respondents per year—yields adequate cases to examine registration laws' impact on turnout in every state. Although the CPS is not permitted to query respondents' political behavior beyond voting and registration questions, the U.S. Census Bureau's *Current Population Survey: Voter Supplement* contains excellent data on several key turnout predictors gathered from respondents in each EDR state. The CPS reports respondents' educational attainment, income, age, employment, marital status, gender, and race—variables whose association with turnout has been long established (Wolfinger and Rosenstone, 1980). Unlike the National Election Study, which samples only a subset of U.S. states, the CPS conducts interviews in every U.S. state and, thus, every EDR state. The Appendix describes the variable coding in more detail.

We enhance these data by adding contextual data on state-level variables. A popular reform in recent years, motor voter registration, has been actively employed in several states for a number of years. It has particularly gained favor among voting rights advocacy groups, who see it as having the potential to reach many currently apolitical citizens administratively. Although explicitly studied elsewhere (Brians, 1998), motor voter's effects will be controlled in this analysis. Additionally, political competitiveness has long been theoretically associated with increased turnout (Downs, 1957). In light of some recently emerging empirical links (Hill and Leighley, 1993; Hanks and Grofman, 1998), changing levels of competition and electoral closeness could intervene in our model if the changes occur coincident to changes in registration laws. The well-known Ranney Index, which operationalizes state legislature dominance by a single party, is probably of less value when considering turnout in national elections (King, 1989). Therefore, this analysis employs a competitiveness measure derived from the Democratic Party vote share in each state for each of the presidential elections (1972–1996). The Appendix describes these computations in more detail.

⁵These six U.S. presidential elections spanning two decades are comparable, modern, high-salience presidential elections. Presidential elections are particularly useful to a study comparing states, since they are less susceptible to campaign-specific or state election-specific effects that might be displayed only in a certain state or region.

Data Analysis

Although previous studies (e.g., Fenster, 1994) found that subsequent turnout increases for states adopting EDR, this literature generally offers less insight as to which citizens benefit from EDR's implementation. We attempt to fill this gap, using logistic dummy variable regression to analyze the CPS survey data gathered from 1972 to 1996.⁶ Using this multivariate model employing individual-level Census Bureau survey data, we find that even after controlling for many variables associated with voting, EDR exerts a strong and positive influence on turnout.⁷ Closing date's negative coefficient indicates that by reducing the number of days to register before an election, states increased the probability that their citizens would vote. The other variables represented in Table 1 yield unsurprising results. As expected, the dummy variables for each election year following 1972 have negative coefficients, reflecting the U.S. turnout decline from 1972 to 1996. The demographic variables age, education, income, employment, marital status, race (black), and female gender are all significantly associated with higher turnout.⁸

⁶A variant of Least-Squares Dummy Variable regression, this estimation technique has been shown to perform well in comparison to other longitudinal multivariate approaches, with two limitations: it can consume tremendous degrees of freedom (i.e., a dummy variable for each state, except one), and it yields dummy variables of unknown substantive interpretation (Stimson, 1985, 922–23). Here, we merge several massive surveys, obviating the first concern. Additionally, since the year and state dummies are intended principally as control variables, the latter restriction poses a trivial concern. Although this technique's use is not wholly uncontroversial (e.g., Erikson, 1995a, 1995b; Radcliff, 1995), its use is well suited to this case. Stimson (1985:926) demonstrated that place (i.e., state) and time (i.e., year) control variables largely remove autocorrelation from the equation, provided that time does not dominate the data (see also Nagel and McNulty, 1996:782). This presents little danger here, as our data provide more than 500,000 valid cases across only six time points.

⁷Although this article examines voter registration laws' effects, we focus on effects measured in turnout percentages rather than registration percentages. Our rationale for focusing on turnout mirrors a broader interest in the operation of the political system. Just as citizens' responsibility to register themselves shoulders some of the blame for comparatively low U.S. voter turnout, politicians seek to remedy low turnout—not just low registration—through easing registration rules. If institutional rules change and no concomitant turnout increase occurs, then the registration or voting rule change may logically be deemed ineffective in its ultimate goal of enhancing turnout. Furthermore, the variables that empirically predict registration are largely the same factors predicting higher turnout (Erikson, 1981).

⁸In addition to the primary coefficients of interest reported in Table 1, we tested numerous interactions for registration laws, education, and income, as suggested by Nagler (1991). Separately capturing each interaction may help to guard against misinterpreting the logistic function's increased sensitivity to small changes near 0.5 (probability) as actual changes in voting probability. We present the noninteractive model in Table 1, because our experimental analyses including more than 100 additional variables failed to substantively alter the findings presented here. Home ownership, a factor typically associated with greater turnout, is not among the control variables because data on respondents' living quarters is not available in all of the surveys (1972–1996).

TABLE 1

Logistic Regression Predicting Election Day Registration's
Influence on U.S. Turnout: 1972 to 1996

	<i>b</i>	<i>SE</i>
Election day registration	.0924***	.0246
Closing date	-.0043***	.0013
Motor voter (active)	.0825***	.0144
Motor voter (passive)	.0605***	.0140
Age in years	.0783***	.0010
Age squared	-.0004***	.000001
Education (dummies)		
9–12 years	.7738***	.0108
13–14 years	1.5588***	.0132
15–16 years	2.0028***	.0147
17 and over	2.3610***	.0197
Income (dummies)		
2nd quartile	.2750***	.0087
3rd quartile	.5399***	.0092
Highest quartile	.8416***	.0103
Employed	.1657***	.0075
Marital status (married)	.3272***	.0070
Gender (male)	-.1496***	.0064
Race (black)	.2880***	.0102
Political competitiveness	.4405***	.0070
1980 (dummy)	-.3422***	.0127
1984 (dummy)	-.2529***	.0120
1988 (dummy)	-.5149***	.0136
1992 (dummy)	-.2702***	.0153
1996 (dummy)	-.6533***	.0181
Constant	-3.6209***	.0762
Correctly predicted	71.53%	
-2 log-likelihood	625,768	
Number of cases	522,747	

SOURCE: Data are from the 1972, 1980, 1984, 1988, 1992, and 1996 Current Population Surveys.

NOTE: Variable coding descriptions may be found in the Appendix, with additional detail available in Briens, 1997b. The dichotomous control variable coefficients for each state have been omitted from this table but are available at <www.majbill.vt.edu/polisci/briens>.

* $p < .05$, ** $p < .01$, *** $p < .001$, two-tailed significance.

Since all of the registration variables of interest examined in Table 1 are statistically significant, a more nuanced view of each law's contribution to overall turnout should help clarify their *relative* contributions. To present the turnout effect of EDR and changes in closing date more plainly, we computed turnout probabilities from the logistic regression coefficients. In Table 2 the average turnout under EDR is predicted at 59 percent, whereas it is only 53 percent with a typical 30-day closing date—a 6-percentage-

point advantage. These average turnout predictions are based on values for employed, married, white, median-age, male citizens living in average U.S. states. Although turnout inches higher as closing dates shorten, voter turnout still remains higher with the adoption of EDR than with even very short closing dates.

TABLE 2
Predicted Voter Turnout by Registration Deadline

	Overall Turnout	Low SES	Middle SES	High SES
Election day registration	59%	23%	50%	84%
Closing date before election:				
15 days	55%	21%	46%	82%
30 days	53%	20%	45%	81%

SOURCE: These figures were calculated from the logistic regression coefficients presented in Table 1 and are based on these laws' effects in the 1970s, 1980s, and 1990s as experienced by employed, married, male, median-age residents of an average state. Low socioeconomic status (SES) includes those having less than a high school education and the lowest quartile of income; middle SES is defined as having a high school education and middle income; high-SES individuals possess a college education (four years) and the highest quartile of income. The equation used to calculate predicted turnout was derived from an equation in Liao, 1994 (12).

$$\text{prob}(y = 1) = \frac{1}{1 + e^{-\left(\sum_{K=1}^K b_K x_K\right)}}$$

where y is voting, e is the natural log, and b and x are each of the K logistic coefficients and independent variable values, respectively.

The effect of EDR on individual turnout is not felt equally by those across the socioeconomic spectrum. By a small margin, EDR has its greatest impact on the turnout of middle-class voters. The three right-hand columns in Table 2 compare voting levels for citizens in low, medium, and high socioeconomic status (SES) groups. Those having medium SES, classified as having earned a high school education and middle income, report a turnout that is about 5 percentage points higher under EDR than under a 30-day closing date, and low-SES citizens experience a 3-percentage-point boost. The positive effects of EDR on those of middle SES should be proportionally stronger, since those having a high school education make up about one-third of the U.S. voting age population. High-SES citizens with a college education and top-quartile income realize only a 3-percentage-point turnout advantage under EDR. This smaller effect is hardly surprising, since a substantial majority within this group are already voters.

Does making voter registration easier with EDR influence the partisan balance? Unfortunately, individual-level party identification data from each

EDR state are not available, but an indirect way to address this question is to compare the proportion of a state's vote given to Democrats versus Republicans before and after EDR. In an analysis comparing the two-party vote share in presidential elections since 1972, we found that the 1980–1996 EDR states were about 5 percentage points more Democratic than other states before EDR, and this margin was maintained through 1996. There was virtually no partisan difference between the newer (1996) EDR states and the rest of the states, before or after changes in registration laws. Thus, these aggregate data yield no evidence that easier voter registration produces a Democratic or Republican electoral boon.

Conclusions and Discussion

Considering a commonsense cost-benefit analysis, it has long been hypothesized that easing voter registration requirements should increase turnout. We posit that statistically visible turnout increases should develop only when the registration procedure changes yield substantial enough cost reductions to move a significant number of people over all of the threshold barriers to voting. This research examines a natural experiment in which treatments (registration law changes) have been applied to voters in some states while those in other states experienced only minor changes in registration laws. Citizens were exposed to (1) modest changes in closing dates or (2) a virtual elimination of closing dates with EDR. Distinguishing EDR, which requires only a single trip for voting and registration, from other closing dates that still necessitate advance registration is supported both theoretically and empirically.

This article's three principal findings, although partly confirming previous research, also offer a challenge to some of the conventional wisdom on voter registration. First, in line with previous studies, we found that where EDR was adopted, average turnout increased (by about 4 percentage points) and has stayed higher than in the rest of the United States. Second, there is a weaker relationship between reduced closing dates and greater turnout, once the effects of EDR are clearly specified. Third, the middle class reaps the greatest turnout benefits from EDR.

In appraising the importance of the modest and enduring turnout boost produced by EDR, one must not forget that the states implementing EDR are not a random sample of U.S. states. They had higher than average turnout to begin with, and are often rural, smaller-population states. It is far from certain what turnout consequences EDR might produce in urban, large-population states. Additionally, turnout gains offered by EDR may be smaller today in light of the implementation of the National Voter Registration Act of 1993 (particularly, motor voter registration provisions) and the fact that by 1996 many states had already reduced their closing dates to fewer than 30 days. Still, many other states share a demographic composition similar to that of the states enacting EDR in the 1970s and 1990s, and

in 1996 18 states had 30-day or longer closing dates, whereas 38 states had 15-day or longer closing dates.

Although it is difficult to anticipate the consequences of drawing current nonvoters into the electorate, the socioeconomically differential turnout effects of EDR and the partisan balance data provide some clues. With the middle class accruing the greatest turnout benefits from EDR, coupled with this group's large size, there is little reason to expect a disproportional electoral gain for either political party or any particular policy agenda. Similarly, the insubstantial changes in partisan balance following the adoption of EDR suggest that both hopes and fears of a Democratic or Republican windfall from easier registration are misplaced.

Appendix: Variables and Data

Variable Coding (Current Population Survey)

Closing Date: Coded in days for each state for 1972 through 1996.

Election Day Registration: Represents a *change* in EDR, because no state requiring registration had this system in 1972. Maine, Minnesota, and Wisconsin coded 1 from 1976 to 1996, Oregon coded 1 for 1980 and 1984, and New Hampshire, Wyoming, and Idaho coded 1 for 1996. All other states and all other years were coded to 0.

Active Motor Voter/Passive Motor Voter: Based on interviews with voter registration activists and Mitchell and Wlezien (1996), states in each year between 1972 and 1996 were identified as having adopted active motor voter registration.

Age in Years: Respondent's reported age in years.

Age Squared: Respondent's reported age in years, squared.

Education: Years of education coded as a series of dummy variables:

<i>Label</i>	<i>Years of Education</i>
Grade school	1–8 years
High school	9–12 years
Some college	13 and 14 years
Four-year degree	15 and 16 years (including diploma)
Graduate work	17 or more years

Family Income (quartiles): To minimize the confounding effects of inflation or other possible time-dependent income covariates, family income was divided into national quartiles for each of the survey years.

Employed: A dummy variable coded 1 for currently employed and 0 for all others.

Marital Status: A dummy variable coded 1 for married and living together and 0 for living apart.

Gender (male): A dummy variable coded 1 for male and 0 for female.

Race (black): A dummy variable coded 1 for African American and 0 for other races.

Political Competitiveness: A variable ranging from 0 to 1 calculated from the percentage voting Democratic in each presidential election for each state. Please see the "Contextual Data" section below for coding details.

Current Population Survey

The Voter Supplement Files for 1972, 1980, 1984, 1988, 1992, and 1996 (ICPSR 0060, 7875, 8457, 9318, 6365, and 2205) were originally collected and prepared by the U.S. Dept. of Commerce, Bureau of the Census (1974, 1981, 1986, 1994, 1998). Neither the collector of the original data nor the Inter-university Consortium for Political and Social Research (ICPSR) bear any responsibility for the analyses or interpretations presented here.

Contextual Data

Information on EDR and registration laws' actual implementation was obtained from Smolka (1977), Mitchell and Wlezien's (1996) data set (i.e., ICPSR 01102), interviews with many election officials, and JoAnne Chasnoff of Human SERVE.

The competition variable for each state in each election year was computed using party voting data drawn from *Congressional Quarterly's Presidential Elections, 1789–1996* (1997). For each state and for each of the five elections, we divided the Democratic presidential candidate's vote by the total presidential vote in that state:

$$Competition(x) = (1 - (\frac{|(DempresVote) - .5|}{.5})), \quad (A.1)$$

where x is a given state and *DempresVote* is the Democratic Party candidate's share of the two-party vote in that state. Thus, 1.00 is perfectly competitive, whereas a score of 0 would indicate that either the Republican or Democratic candidate received all of the votes. This calculation was performed for each state and in each year.

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Exhibit 15

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">Montana House State Administrative Hearing House Bill 176 Audio Transcription January 21, 2021</p> <hr/> <p style="text-align: center;">DIGITAL EVIDENCE GROUP 1730 M Street, NW, Suite 812 Washington, D.C. 20036 (202) 232-0646</p>	<p style="text-align: right;">Page 3</p> <p>1 election. I am proud to be bringing the first in 2 election integrity bills, and I'm happy to support our 3 new Secretary of State, Christi Jacobsen, as she 4 assures election integrity in Montana. 5 We are blessed with the privilege of voting, 6 but we also must accept responsibility for that 7 privilege. Elections don't pop up out of the blue and 8 surprise us. If we are a responsible voter, we study 9 the ballot ahead of time, and we also note -- need to 10 know that we need to register to vote. 11 One of our state's election administrators 12 pointed out to me that we are only one of 11 states 13 that still allows same-day registration. That's less 14 than 25 percent of our states. Many states require an 15 average of 15 days prior to the election to register, 16 and she adds, changing the statute is a best practice 17 approach, to mitigate against voter fraud, and ensure 18 voter integrity. The changes proposed will make the 19 Montana voting system more robust, and ensures that 20 every legitimate vote by every legitimate voter, is 21 counted. 22 The intent of House Bill 176 is to provide a 23 solution for citizens discouraged from registering to 24 vote and casting a ballot due to long lines and 25 extended wait times by making the process more</p>
<p style="text-align: right;">Page 2</p> <p>1 (Recording begins) 2 CHAIRWOMAN MCKAMEY: This opens the hearing 3 on House Bill 176. Oh, excuse me, Representative 4 Heyman, I'm sorry? 5 REPRESENTATIVE HEYMAN: I'm sorry to 6 interrupt. I just thought you could share if we had 7 the EA today. 8 CHAIRWOMAN MCKAMEY: Oh, thank you. There 9 will be no executive action today. We'll have that on 10 Tuesday, Representative Heyman, thank you so much for 11 asking. 12 REPRESENTATIVE HEYMAN: Thank you. 13 CHAIRWOMAN MCKAMEY: Okay. I have to start 14 again. This opens the hearing on House Bill 176. 15 Welcome to the podium Representative Greef. 16 REPRESENTATIVE GREEF: Ty, Madam Chair. 17 Madam Chair and members of the committee, I am Sharon 18 Greef, and I represent House District 88, which is the 19 north end of the Bitterroot Valley, the towns of 20 Florence and Stevensville. 21 I am here today to bring to you House Bill 22 176. The purpose of this bill is to change 23 registration from the day of election until the Friday 24 before. There is a provision that allows military and 25 overseas electors to register on the day of the</p>	<p style="text-align: right;">Page 4</p> <p>1 efficient for the benefit of all Montanans, and it will 2 reduce the opportunity for mistakes. 3 Current law places election officials, in 4 between handling new voter registration, issuing 5 replacement ballots, accepting deposited ballots, and 6 even counting ballots, all at the same time. The focus 7 of House Bill 176 is not to burden. It is not to 8 disenfranchise, and it is not to provide a forum for a 9 historical debate. But it is important to administer 10 an election with complete fairness for all voters. 11 Madam Chair and members of the committee, I 12 urge you to consider the importance of this bill. 13 There are others here also to testify on it. Madam 14 Chair. 15 CHAIRWOMAN MCKAMEY: Thank you, 16 Representative. Are there proponents for House Bill 17 176? 18 SECRETARY JACOBSEN: Madam Chair and members 19 of the committee, I'm Christi Jacobsen. I'm the new 20 Secretary of State, and it's an absolute honor and 21 privilege to be here before all of you. I look forward 22 to our partnership during the legislature. And I want 23 to thank Representative Greef for bringing this very 24 important legislation forward to strengthen the 25 integrity of elections.</p>

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1 MR. SUNCHILD: Good morning, Madam Chair and
2 members of the committee. My name is Keaton Sunchild,
3 S-U-N-C-H-I-L-D. I am the political director for
4 Montana Native Vote.

5 I just want to talk about a couple of the
6 hurdles that the people that our organization has
7 members from, that they face when it comes to voting in
8 elections. We know that our reservations are very
9 large in terms of land area, and lots of these folks
10 are traveling great distances, and by closing off voter
11 registration earlier than needed, we're making it even
12 harder for them to vote. And part of the tradition on
13 a lot of our reservations is, they go to vote on
14 Election Day, and if you're a first-time voter, part of
15 that includes registering to vote, and so we need to
16 make sure that that's still an option for them. And we
17 heard today about how the people have spoken, and
18 Jordan just talked about it, too.

19 You know, they spoke when it came to L.R. 126
20 a number of years ago, that they didn't want to end
21 voter registration early. So we've seen a lot lately
22 that there's a small number of people that don't
23 necessarily think that the will of the people is
24 correct, but I think we need to get back to that
25 tradition, and the only thing I've heard today is that

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1 who has serious health conditions, whether it be a
2 nursing home, assisted living, another hospital
3 setting, nobody is thinking about voting.

4 And that's because there are other things to
5 think about. There are other emergency things that
6 have to be handled, but unfortunately what that means
7 is, direct care staff that work at these institutions
8 are left to be the ones to help people register to
9 vote, and they often have many, many other things that
10 they have to do instead, and so registration to vote is
11 really not considered when people are going into those
12 settings.

13 So we've been able to fill that gap, and
14 we're happy to do it. We've worked hard to get agency
15 into the law, and that's a reasonable accommodation for
16 people with disabilities that can have somebody else go
17 and get them registered, and help them get the ballot
18 and deliver the ballot. But if they can't register
19 late, we can't help them. And unfortunately, this
20 happens far more often than you might think. It's not
21 a huge number of people, but they're people that earned
22 their right to vote. They've lived long lives. They
23 happen to need some help right now, and they really
24 need the ability to exercise that right to vote, not
25 just because it's their constitutional right, but

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1 we don't need to end registering to vote early, we just
2 need to invest in more open and more free and more fair
3 elections. And for those reasons, I am urging you to
4 vote no on this bill, and I thank you guys for your
5 time.

6 CHAIRWOMAN MCKAMEY: Thank you, Mr. Sunchild.
7 Further opponents on site for House Bill 176?

8 MS. BRENNEMAN: Mr. Chairman -- oh. Madam
9 Chairwoman. I'm very sorry. Madam Chairwoman,
10 representatives. Beth Brenneman, B-R-E-N-N-E-M-A-N.
11 And I'm an attorney with Disability Rights Montana.
12 And back in 2005, when we originally adopted this
13 measure, we did it with many, many individuals, many,
14 many stakeholders, including the clerks, that were all
15 embracing making sure that everybody who's eligible to
16 vote can vote. And we were all excited. It was a
17 wonderful time, and we -- it's been a tremendous
18 success.

19 And one of the reasons I was involved -- and
20 just a bit about our organization. We were federally
21 created in the '70s to investigate abuse and neglect of
22 people with disabilities in institutional settings, and
23 that's what we still do. And one of the things that we
24 see all of the time is that with all of the work that
25 goes into finding an appropriate placement for somebody

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1 because it's normalcy.

2 And in a situation like that, where everyone
3 is placed in crisis, it's really important for people
4 to be able to have that, to be able to participate in
5 their community and to be able to vote.

6 This is similarly true for people in the
7 community with serious disabilities that have home
8 health care. Again, our rates are not good, and home
9 health care have a whole lot of things to worry about.
10 Helping people get dressed, making sure that they have
11 their catheter, making sure that they eat, as opposed
12 to making sure that they're registered to vote. That's
13 not a perfect system, it's not a perfect system, I wish
14 they had the time to really help people with those
15 issues, but they don't.

16 Please don't make it harder for these people
17 to vote. Late registration has been a godsend for
18 them, and we do all that we can to make sure that
19 people can exercise the franchise. Thank you.

20 CHAIRWOMAN MCKAMEY: Thank you very much,
21 Ms. Brenneman.

22 Next opponent -- excuse me, pro -- next
23 opponent on House Bill 176.

24 MS. STUTZER: Thank you. Good morning, Madam
25 Chair and members of the committee. My name is Katjana

5 (Pages 17 to 20)

Page 21

1 Stutzer. For the record, that's K-A-T-J-A-N-A, S-T-U-
2 T-Z-E-R. And I'm here on behalf of the Montana Public
3 Interest Research Group, or MontPIRG. We represent
4 students across the state of Montana.

5 And as you've been hearing from the other
6 opponents of this bill, this would impact lots of
7 different groups in unique ways, and particularly
8 students as well. Although it doesn't only affect
9 students. The average American -- one in eight of
10 average Americans move once a year. You can imagine
11 that that rate is a lot higher for students who are
12 often relocating from every county across Montana to
13 our colleges and universities, and as a recent student
14 myself, I can say that I moved every single year that I
15 attended the University of Montana.

16 So you can imagine that there are some really
17 good reasons, as other folks are telling you, that
18 folks might need to register late. If you change a
19 name, or if you move, and don't even realize that you
20 haven't updated your voter registration, show up on
21 Election Day to vote, and then realize that you no
22 longer can vote and need to re-register, that's a
23 situation that many people find themselves in.

24 We don't have data yet from the Secretary of
25 State available for 2020. But between 2006 and 2018,

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1 over 60,488 Montanans used same-day voter registration,
2 and as a former proponent of the bill pointed out, the
3 vast majority of people are registered before Election
4 Day, to keep in mind.

5 So although this is -- in the total
6 percentage of voters, a small amount, over 60,000
7 people using same-day voter registration clearly causes
8 harm to that group of people, and over 137,000 use late
9 registration as well.

10 And this is across the board. These aren't
11 all from the same place. Fifty-four out of fifty-six
12 of our counties had at least one Election Day
13 registrant in 2018, and every single county had an
14 Election Day registrant in 2016. And also note that in
15 2018, over 40 percent of those late registration users
16 were not new to the state, and were not new voters.
17 They simply showed up on Election Day, and their voter
18 registration was out of date. That's a large group of
19 our reliable voters who are just trying to participate
20 in our election system being disenfranchised by this
21 law.

22 So clearly, this bill causes harm. We're --
23 the United States is recognized as the leading
24 democracy in the world because of access to the ballot,
25 and we have a responsibility to protect that for all of

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1 our citizens no matter what the reason is that they
2 need to register on Election Day. But I would also ask
3 you to bear in mind that there are some very good
4 reasons, as folks have pointed out today, that people
5 may need to register late.

6 I would just close with further, I know that
7 we heard earlier that the people have spoken in saying
8 they're concerned about Election Day registration. But
9 the people also spoke in 2014, when they voted no on
10 L.R. 126. With the majority of the districts
11 represented by you, members of the committee in this
12 room, your districts voted no on L.R. 126, including
13 the district of the sponsor of this bill.

14 We've had same-day, Election Day registration
15 for over a decade that passed through these chambers
16 with bipartisan support, and it's been working for
17 elections offices and for the people since then. We
18 reviewed it in 2014. The people have spoken on this
19 issue, and I really encourage you to take that to heart
20 when you vote, and I urge you to vote no on this bill.
21 Thank you.

22 CHAIRWOMAN MCKAMEY: Thank you, Ms. Stutzer.
23 Are there further opponents to House Bill 176
24 on site?

25 MR. FORSTAG: Madam Chair, members of the

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1 committee. My name is Sam Forstag, and I'm here on --
2 that is F-O-R-S-T-A-G, and I am here on behalf of the
3 American Civil Liberties Union of Montana. We rise in
4 opposition to this bill.

5 Article 2, Section 13, of our state's
6 Constitution declares that all elections shall be free
7 and open, and that no power, civil or military, shall
8 prevent the free exercise of this right. We know that
9 thousands of Montanans use same-day registration and
10 late registration as a vital means of accessing that
11 right to vote, and that Montanans in every county,
12 every legislative district, Montanans that voted for
13 and are represented by each of you, voted
14 overwhelmingly to -- against these restrictions that
15 are proposed in House Bill 176 today.

16 Beyond the Montana State Constitution, the
17 United States Constitution instructs that -- instructs
18 us to afford citizens equal protection under the law,
19 with particular care to the fundamental right to vote.
20 And these constitutional imperatives are something we
21 ought to strive toward, not back away from.

22 With respect to the sponsor, to proponents of
23 this bill, we ask that you please provide Montanans
24 with consistency and with fidelity to the vote that
25 they all took in 2014, and vote no on this bill. Thank

6 (Pages 21 to 24)

<p style="text-align: right;">Page 29</p> <p>1 thousands of people that year, and I will not forget a 2 particular, but not uncommon conversation I had with a 3 gentleman who did not hold the same political 4 persuasion that I do.</p> <p>5 He told me that while we disagree on many 6 things, we agree that maintaining Election Day voter 7 registration protects all Montanans, that all 8 Democrats, all Republicans, all Independents, all of 9 our ability to exercise our constitutional right, not 10 privilege, our constitutional right to vote. So I urge 11 you, and so does Big Sky 55 Plus and our members, to 12 vote no on House Bill 176. Thank you.</p> <p>13 CHAIRWOMAN MCKAMEY: Thank you, Ms. Wulf. 14 MS. STREET: Ms. Chair?</p> <p>15 CHAIRWOMAN MCKAMEY: Thank you, Ms. Street, 16 yes?</p> <p>17 MS. STREET: Andy has not called in to 18 testify.</p> <p>19 CHAIRWOMAN MCKAMEY: Okay, thank you.</p> <p>20 MS. STREET: Next on the list is John 21 Elliston.</p> <p>22 CHAIRWOMAN MCKAMEY: Welcome, John Elliston. 23 MR. ELLISTON: Good morning, Madam Chair and 24 members of the committee. Thank you for giving me this 25 opportunity to register my opposition to House Bill</p>	<p style="text-align: right;">Page 31</p> <p>1 from their election office. If they are needing to 2 bring their registration up to date, it imposes upon 3 them, this bill would impose upon them, the necessity 4 of making two long distance trips to the election 5 office, one to register, and one to vote. This is 6 simply an increased burden upon the electorate, which 7 diminishes the likelihood that they will participate.</p> <p>8 Moreover, the people of the state have twice 9 reaffirmed the importance of this in rejecting L.R. 10 126, and once before this came before the legislature, 11 and it was killed. I would urge you to vote against 12 House Bill 176. Same-day voter registration for 13 Montana voters has made it easier for Montanans to vote 14 and participate in our democracy. This is a result 15 that we should all be able to support. Please vote no 16 on this bill. Thank you for giving me this opportunity 17 to express these opinions.</p> <p>18 CHAIRWOMAN MCKAMEY: Thank you very much, 19 Mr. Elliston.</p> <p>20 Is the next person Danielle Vazquez?</p> <p>21 MS. VAZQUEZ: Yeah, hi. Can you all hear me?</p> <p>22 CHAIRWOMAN MCKAMEY: Yes, we can.</p> <p>23 MS. VAZQUEZ: Cool. Good morning, Madam 24 Chair, members of the committee. My name is Danielle 25 Vazquez. That's D-A-N-I-E-L-L-E. Vazquez, V-A-Z-Q-U-</p>
<p style="text-align: right;">Page 30</p> <p>1 176.</p> <p>2 In 2005, when I was the Senate Majority 3 Leader, I sponsored Senate Bill 302, the act which 4 provided for same-day voter registration, and voting on 5 the same day. This bill passed with overwhelming 6 bipartisan support, including the endorsement of the 7 Republican Secretary of State, Brad Johnson. The votes 8 on third reading were 42 to 8 in the Senate, and 89 to 9 8 in the House.</p> <p>10 Over the last seven election cycles, same-day 11 voter registration has functioned well, and has allowed 12 for the increasingly high percentage of registered 13 voters who are actually voting in our elections. It 14 has not caused fraud. It has not caused errors. We 15 hear often about allegations of fraud or errors, but 16 very infrequently do we hear actual cases of that.</p> <p>17 Let's look at the evidence. And furthermore, 18 it has not caused significant administrative problems, 19 as our local elections administrators have implemented 20 the law.</p> <p>21 And moreover, voter turnout has risen to new 22 heights. This can be attributed, in part, to the fact 23 that voters may register on the same day that they 24 vote. I want to turn your attention specifically to 25 the difficulty of someone who lives a long way away</p>	<p style="text-align: right;">Page 32</p> <p>1 E-Z.</p> <p>2 And I am here today on behalf of the 3 Indigenous Organizers Collective of Montana, and we 4 rise up in opposition to this bill. This bill would 5 create unnecessary barriers to Montanans' 6 constitutional right to vote, and we believe that 7 access to the ballot shouldn't be conditional. Every 8 eligible Montanan has the right to register to vote and 9 cast a ballot, and working long hours or living in a 10 rural area should not be a disqualification for casting 11 a ballot. So again, we are asking you all to oppose 12 this bill. Thank you.</p> <p>13 CHAIRWOMAN MCKAMEY: Thank you, Ms. Vazquez. 14 Further opponents on Zoom?</p> <p>15 MS. STREET: Madam Chair, Kelly Lynch, who 16 registered to testify has not called in.</p> <p>17 CHAIRWOMAN MCKAMEY: Okay.</p> <p>18 MS. STREET: Guest will be Eleanor Smith, 19 also known as Ellie Smith.</p> <p>20 CHAIRWOMAN MCKAMEY: Okay. Thank you. If I 21 may ask a question, Ms. Street, at this time --</p> <p>22 MS. STREET: Sure.</p> <p>23 CHAIRWOMAN MCKAMEY: -- do we have -- just 24 for time management purposes, do we have -- how many do 25 we have left that have actually registered and shown up</p>

<p style="text-align: right;">Page 41</p> <p>1 long commute to their local elections office may be the 2 only possible day to register and cast a ballot as in 3 person or by mail voter registration is the only way to 4 register to vote in Montana, it's important that all 5 Montanans have every avenue open to them to register 6 and cast a ballot.</p> <p>7 This bill is directly harmful to Montana's 8 seniors, folks who live in rural areas, young people, 9 and indigenous people. Why change a process that has 10 not only been working to serve Montanans, but has shown 11 no negative effects on the efficacy and efficiency of 12 our elections?</p> <p>13 As you've heard, L.R. 126 was voted down in 14 2014 by the majority of Montana voters, who believe 15 that every resident of Montana should have the right to 16 register to vote on the day of the election. Please 17 honor the will of your constituents, who have already 18 spoken on this issue, and stand with the majority of 19 Montanans in voting no for House Bill 176. Thank you.</p> <p>20 CHAIRWOMAN MCKAMEY: Thank you, Ms. Barbour. 21 Next we have Delilah [sic] Killback. 22 Welcome.</p> <p>23 MS. KILLSBACK: Good morning, Madam Chair and 24 members of the committee. My name is Daliyah 25 Killback, spelled D-A-L-I-Y-A-H K-I-L-L-S-B-A-C-K.</p>	<p style="text-align: right;">Page 43</p> <p>1 the rights of Montana voters. Rights as a voter should 2 not end before Election Day begins, as clearly stated 3 in the -- in Montana's constitution. Our organization 4 urges this committee to vote against House Bill 176. 5 Thank you.</p> <p>6 CHAIRWOMAN MCKAMEY: Thank you, 7 Ms. Killback.</p> <p>8 I see the next person that is registered 9 here, Ms. Street, is Ms. Brenneman, but she has -- she 10 appeared on site, so we will go to Ms. Liefer or 11 Liefer?</p> <p>12 MS. LIEFER: Yes, thank you, Madam Chair. My 13 name is -- and members of the committee, my name is 14 Nancy Liefer and I am here today on behalf of the 15 League of Women Voters of Montana.</p> <p>16 For over 100 years, the League of Women 17 Voters has promoted citizens' rights to vote as the 18 hallmark of a strong democracy. The citizens who 19 drafted Montana's 1972 [sic] constitution, it was a 20 true bipartisan effort that included nine League of 21 Women Voters members, an addition of strong democracy 22 for Montana.</p> <p>23 House Bill 176 would weaken our democracy. 24 Montana completed two elections in 2020 flawlessly. A 25 lawsuit found no evidence of problems. Moreover,</p>
<p style="text-align: right;">Page 42</p> <p>1 And I represent Western Native Voice. Our organization 2 is in opposition to House Bill 176, because it would 3 impede access to democracy for many Montana citizens, 4 disproportionately, American Indians.</p> <p>5 The people of Montana have already spoken. 6 As you have already heard today, six years ago, the 7 majority of Montana voters voted against L.R. 126, a 8 ballot measure that would have done the same thing. 9 Many American Indians, especially those on rural 10 reservations, rely on Election Day voter registration 11 and late voter registration. American Indians face 12 disproportionate barriers to access -- to voting access 13 in Montana. The average voter turnout in reservation 14 precincts is 20 percentage points below the average 15 turnouts of precincts outside of reservation 16 boundaries. Distance to polling, registration 17 locations, and the cost of travel are all barriers to 18 voting. These issues have been brought against Montana 19 in litigation many times before.</p> <p>20 House Bill 176 would make it even more 21 difficult for American Indians to rightfully cast their 22 vote. Every citizen in Montana, including American 23 Indians, has the right to vote to ensure that their 24 voice is heard. 25 Elected officials should respect the will and</p>	<p style="text-align: right;">Page 44</p> <p>1 Montana had the largest turnout in decades, due in part 2 to voters who registered and voted on Election Day.</p> <p>3 Every vote is precious. The League of Women 4 Voters opposes House Bill 176, and encourages this 5 committee to reject this bill that prevents Montana 6 voters from registering and voting. Thank you.</p> <p>7 CHAIRWOMAN MCKAMEY: Thank you, Ms. Liefer. 8 Ms. Street, have any of those who were not on 9 at the assigned time shown?</p> <p>10 MS. STREET: Madam Chair, the answer is no. 11 CHAIRWOMAN MCKAMEY: Okay, thank you. 12 MS. STREET: (Indiscernible) the opponents. 13 CHAIRWOMAN MCKAMEY: Okay. 14 So that completes the testimony of opponents 15 online. Are there any further opponents on site, 16 Sergeant?</p> <p>17 SERGEANT: No. 18 CHAIRWOMAN MCKAMEY: Thank you very much. 19 With that, seeing none, we will proceed to 20 informational witnesses. We will take on site 21 testimony first, and we welcome any informational 22 witnesses that are on site at this time. Informational 23 witnesses on site. 24 Thank you, Sergeant. 25 Any informational witnesses on Zoom? Online?</p>

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1 MS. STREET: Madam Chair.

2 CHAIRWOMAN MCKAMEY: Welcome,
3 Ms. Plettenberg.

4 MS. PLETTENBERG: Madam Chair, members of the
5 committee, good morning, and I am Regina Plettenberg.
6 I am the Clerk and Recorder in Ravalli County, and I am
7 here on behalf of the Montana Association of Clerk and
8 Recorders. And although you may hear testimony from
9 individual Clerks or receive written testimony for or
10 against this bill, as an association, we are remaining
11 neutral, and I am here today to answer any questions
12 that you -- the committee may have. Thank you.

13 CHAIRWOMAN MCKAMEY: Thank you,
14 Ms. Plettenberg. Just double checking to make sure
15 there are no further informational witnesses on site,
16 in case they missed the announcement.

17 Seeing none, let's proceed to questions from
18 the committee. Questions from the committee?
19 Ms. Binkley.

20 REPRESENTATIVE BINKLEY: Thank you, Madam
21 Chair. I had a question for Mr. Dana Corson.

22 CHAIRWOMAN MCKAMEY: Mr. Corson, please.

23 MR. CORSON: Good morning.

24 REPRESENTATIVE BINKLEY: Good morning. Madam
25 Chair, Mr. Corson, I'm curious to know the process of

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1 resided in the county for 30 days. They also present
2 some form of ID. Typically we'll get like the last
3 four digits of their Social Security number, along with
4 their name, their date of birth, which can be checked
5 against the Social Security database, and then they can
6 do a Montana driver's license or Montana ID.

7 They could also do the supplemental forms of
8 that as well. Failing that, people will end up in what
9 we call a provisional voter until those things are
10 identified and cured, and identity can be assured of
11 the voter. Does that answer your question?

12 REPRESENTATIVE BINKLEY: Yes, and I have --
13 may I have follow up?

14 CHAIRWOMAN MCKAMEY: Follow up,
15 Representative Binkley.

16 REPRESENTATIVE BINKLEY: Thank you.
17 So what is the process on same-day voter
18 registration for verifying that information that you
19 just supplied me with?

20 MR. CORSON: So, Madam Chair and
21 Representative Binkley, the voter will come in. They
22 will either have their form filled out or not filled
23 out, so when they step up, they're probably working on
24 the form so that the clerk can take that information to
25 the form and get it into the Montana Votes database,

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1 verification when someone is registering to vote. What
2 type of -- do you go against a database? Are they
3 registered in another county? Are they registered in
4 another state? What is the time frame? I guess I just
5 would like some information regarding that, I'm sorry.

6 CHAIRWOMAN MCKAMEY: Representative, we
7 certainly welcome all of your questions.

8 REPRESENTATIVE BINKLEY: Thank you.

9 CHAIRWOMAN MCKAMEY: And just ask one
10 question at a time --

11 REPRESENTATIVE BINKLEY: Oh, I'm sorry. Yes,
12 thank you --

13 CHAIRWOMAN MCKAMEY: -- no, it's not --

14 REPRESENTATIVE BINKLEY: -- I apologize.

15 CHAIRWOMAN MCKAMEY: -- no, no problem. I
16 just want to get all of your questions answered.

17 REPRESENTATIVE BINKLEY: Thank you.

18 CHAIRWOMAN MCKAMEY: So one at a time,
19 please.

20 REPRESENTATIVE BINKLEY: Thank you. So
21 what's the verification process?

22 MR. CORSON: Okay, so Madam Chair and
23 Representative Binkley, so for new registration, it
24 requires the application, and the voter's affirmation
25 that they are 18 years old, a U.S. citizen, have

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1 the present-day voter registration system. And that's
2 when those checks are done in terms of new
3 registration. Other activities will occur if you're
4 there, maybe moving between precincts or county to
5 county. There's further checks that will need to be
6 done prior to a ballot being issued. But strictly --
7 and what I'm talking about is just brand new voter
8 registrations.

9 REPRESENTATIVE BINKLEY: May I have one more
10 follow up?

11 CHAIRWOMAN MCKAMEY: Follow up,
12 Representative Binkley.

13 REPRESENTATIVE BINKLEY: Thank you, Madam
14 Chair, Mr. Corson.

15 So what is the time frame on that
16 verification process, as far as being able to know that
17 they are not registered somewhere else?

18 MR. CORSON: And Madam Chair and
19 Representative Binkley, so this doesn't guarantee that
20 the person is registered somebody -- somewhere else.
21 That is on the applicant's own affirmation, and it's a
22 violation of election law in their own state or the
23 other state where they might be registered. It doesn't
24 do that. It only proves identity. It proves I'm Dana
25 Corson because I present myself with that name, with my

12 (Pages 45 to 48)

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1 date of birth, and my driver's license or Social
 2 Security number, I can validate who I am. So it only
 3 validates identity.
 4 The rest of it is, you know, is am I a U.S.
 5 citizen? Have I really been here for 30 days? That's
 6 all on the applicant's honor.
 7 REPRESENTATIVE BINKLEY: Thank you.
 8 CHAIRWOMAN MCKAMEY: Thank you, Mr. Corson
 9 and Representative Binkley. Further questions from the
 10 committee?
 11 Representative Putnam?
 12 REPRESENTATIVE PUTNAM: Madam Chair, this is
 13 for Mr. Corson.
 14 CHAIRWOMAN MCKAMEY: Mr. Corson, please.
 15 REPRESENTATIVE PUTNAM: Madam Chair,
 16 Mr. Corson. So if somebody's new to the state, and
 17 they're going to -- have been a resident at 30 days on
 18 Election Day, are they still able to vote, or able to
 19 register to vote ahead of time, before they hit that 30
 20 day mark?
 21 MR. CORSON: Madam Chair and Representative
 22 Putnam, so if I understand your question correctly,
 23 you've got somebody coming in who will have been a
 24 resident by Election Day?
 25 REPRESENTATIVE PUTNAM: Yes.

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1 Representative Putnam.
 2 Further questions from the committee?
 3 Representative Whitman.
 4 REPRESENTATIVE WHITMAN: Oh, I think we're
 5 running down the line here with our questions.
 6 CHAIRWOMAN MCKAMEY: Not quite.
 7 REPRESENTATIVE WHITMAN: And again a question
 8 for Mr. Corson. And I hope that this is the right
 9 direction. Can you tell me for registering to vote, is
 10 it just in person? Can people register to vote by
 11 mail, or by online? Are those acceptable methods to
 12 vote or are they only allowed to register in person?
 13 MR. CORSON: Madam Chair and Representative
 14 Whitman, so that's a good question, and a point of
 15 clarification after listening to some of the testimony
 16 today.
 17 So regular registration ends, you know,
 18 approximately 30 days before the election. Up to that
 19 point, there's a variety of ways for the voter to get
 20 that information to the Clerk's Office. It doesn't
 21 have to be in person. So with that being said, when
 22 late registration starts, it requires the person to
 23 appear in person anyway during the late registration
 24 period, to process that voter application.
 25 REPRESENTATIVE WHITMAN: Okay. Thank you.

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1 MR. CORSON: And meet all of the
 2 requirements? Yes, they'll be able to vote on -- at
 3 that time. Their ballot would be valid.
 4 REPRESENTATIVE PUTNAM: Clarification, Madam
 5 Chair.
 6 Would they be able --
 7 CHAIRWOMAN MCKAMEY: Follow up,
 8 Representative.
 9 REPRESENTATIVE PUTNAM: Would they be able to
 10 vote ahead of time? Or register ahead of time, prior
 11 to same day?
 12 MR. CORSON: And Madam Chair and
 13 Representative Putnam, say your question again, please?
 14 REPRESENTATIVE PUTNAM: So say they wanted --
 15 they get to town, they want to register right away, so
 16 they've been a resident for five days. Can they
 17 register?
 18 MR. CORSON: Madam Chair and Representative
 19 Putnam, so, in that declaration, it says you've been a
 20 resident for 30 days, so that would not be a true
 21 statement.
 22 REPRESENTATIVE PUTNAM: Okay.
 23 MR. CORSON: For the applicant to make.
 24 REPRESENTATIVE PUTNAM: Thank you.
 25 CHAIRWOMAN MCKAMEY: Thank you, Mr. Corson,

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1 MR. CORSON: So the idea behind it is, the --
 2 you'll have further checks, you'll have a face to face
 3 transaction, in conformance with Montana law.
 4 REPRESENTATIVE WHITMAN: Thank you.
 5 CHAIRWOMAN MCKAMEY: Representative Hayman?
 6 REPRESENTATIVE HAYMAN: Thank you, Madam
 7 Chair. I have a question for Mr. Corson.
 8 CHAIRWOMAN MCKAMEY: Mr. Corson.
 9 REPRESENTATIVE HAYMAN: Could you walk us
 10 through the number of --
 11 CHAIRWOMAN MCKAMEY: To the chair -- excuse
 12 me.
 13 REPRESENTATIVE HAYMAN: -- same day election
 14 restraints -- registrants over the last few cycles?
 15 How many have registered? Do you -- and as part of
 16 that, do you have the numbers for 2020?
 17 MR. CORSON: And Madam Chair and
 18 Representative Hayman, we're working on those 2020
 19 numbers. The previous years are on our website, so
 20 we'll have that updated as soon as we can. They've
 21 been working on that these past few weeks. Request
 22 permission to submit it to the committee?
 23 CHAIRWOMAN MCKAMEY: We would appreciate that
 24 submission, Director Corson.
 25 MR. CORSON: Okay, thank you.

13 (Pages 49 to 52)

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1 seen in the news, there has been no substantive
2 evidence as reviewed by courts and numerous cases just
3 this past election confirming any evidence of
4 widespread voter fraud. And from anything that has
5 been reviewed by courts, it does not seem to be a
6 substantive concern.

7 CHAIRPERSON MCKAMEY: Thank you, Mr. Kortum.

8 Thank you, Mr. Forstag.

9 MR. FORSTAG: Thank you.

10 CHAIRPERSON MCKAMEY: Representative Hayman.

11 REPRESENTATIVE HAYMAN: Thank you, Madam
12 Chair. I have a question for Ms. Plettenberg.

13 CHAIRPERSON MCKAMEY: Ms. Plettenberg,
14 please.

15 REPRESENTATIVE HAYMAN: Madam Chair,
16 Ms. Plettenberg, if voter registration is closed at
17 5 p.m. on Friday, will clerks need to work through the
18 weekend to process these voters' registration in time
19 for the following week? Or will people who register to
20 vote on that Friday be casting provisional ballots?

21 MS. PLETTENBERG: Madam Chair, Representative
22 Hayman, no. Well, yeah, I mean, we usually work the
23 weekend before the election. And normally, what we're
24 doing that weekend is printing precinct registers.

25 The Friday before -- the only day that if you

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1 please.

2 REPRESENTATIVE WEATHERWAX: Madam Chair,
3 Mr. Corson, I have a question for these -- I guess the
4 question is for 18-year-olds -- 17-year-olds, I mean.
5 I just saw in here it says 30 days before election.
6 Okay. No matter what area, no matter what county, no
7 matter where you are in the state of Montana, every
8 18-year-old -- not every 18-year-old, most 18-year-olds
9 are excited to be able to vote.

10 So in that 30 days, if they're not 18 before
11 that 30 days, they lose that milestone, I guess. And I
12 mean, I'm not talking just about tribal communities.
13 I'm talking about every community in the state. And we
14 say that all votes matter, and in 30 days, how many
15 18-year olds -- how many 17-year-olds are going to turn
16 18 and be able to vote? So can you address that?

17 MR. CORSON: Yes, Madam Chair and
18 Representative Weatherwax, so the -- we see
19 registrations in the voter system for people younger
20 than 18 years old. And, you know, some of that comes
21 from your driver's license. Some of it comes just from
22 the voter-initiated activity to the election office to
23 get registered in time. It's a proactive thing.

24 So the trick on the law is, and the law isn't
25 100 percent explicitly clear, but the idea is the

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1 cast a ballot, you know, with the late registration
2 process that you have to vote it -- that you may have
3 cast it provisionally is Election Day because we
4 already have those registers and the supplements
5 printed.

6 And so a voter could be in the register,
7 like, maybe out here at one of my Precinct 5, but
8 they've moved to Precinct 3. So if they come and late
9 register on election day, I still have them in the
10 register at Precinct 5.

11 And so to ensure that they don't get to vote
12 twice, we have them cast a provisional ballot when they
13 late register until we can confirm that they did not
14 vote in their old precinct at the polling place.

15 REPRESENTATIVE HAYMAN: Thank you.

16 CHAIRPERSON MCKAMEY: Thank you,
17 Ms. Plettenberg, Representative Hayman.

18 Further questions from the committee?

19 Representative -- oh, excuse me. I'm sorry.
20 I thought you were pointing to somebody else. I'm very
21 sorry, my error. Representative Weatherwax.

22 REPRESENTATIVE WEATHERWAX: Thank you, Madam
23 Chair. Nice to be visible again.

24 My question is for Mr. Corson.

25 CHAIRPERSON MCKAMEY: Director Corson,

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1 ballot for the voter wouldn't count until he's 18. So
2 the clerks have a variety of processes. We talked
3 about his last week with one of the technical
4 committees for our -- with our clerks, the METAC
5 (phonetic) Committee.

6 And we can -- the opportunity exists for
7 people to do that. The clerks will typically hold that
8 ballot until they turn the age of majority, 18, and
9 then allow that ballot to be counted. So there's a
10 process for it now. I think you'll see some
11 standardization in process come out across the counties
12 to make it more uniform.

13 REPRESENTATIVE WEATHERWAX: Thank you.

14 CHAIRPERSON MCKAMEY: Thank you, Mr. Corson.

15 And my apologies, again, Vice-Chair
16 Weatherwax. I thought you were trying to draw my
17 attention elsewhere.

18 And the next question from the committee will
19 be Representative Bertoglio.

20 REPRESENTATIVE BERTOGLIO: Madam Chair, this
21 is for Director Corson.

22 CHAIRPERSON MCKAMEY: Director Corson,
23 please.

24 REPRESENTATIVE BERTOGLIO: Thank you for
25 taking so many questions. So I registered a long, long

16 (Pages 61 to 64)

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1 currently have late voter registration of all the 50?
 2 MR. CORSON: Madam Chair and Representative
 3 Custer, I've got that on the computer. I think it was
 4 17 states. I can check my list again that did do the
 5 same-day registration. The others are some variety of
 6 prior to the day of election.
 7 REPRESENTATIVE CUSTER: Thank you.
 8 CHAIRPERSON MCKAMEY: Thank you, Mr. Corson.
 9 Further questions?
 10 Representative Hill.
 11 REPRESENTATIVE HILL: Madam Chair, a question
 12 for Ms. Plettenberg.
 13 CHAIRPERSON MCKAMEY: Ms. Plettenberg,
 14 please.
 15 MS. PLETTENBERG: All right. Madam Chair,
 16 Representative.
 17 REPRESENTATIVE HILL: Ms. Plettenberg,
 18 previously you'd talked about in the normal -- excuse
 19 me, the regular 30-day registration you talked about
 20 the ways to register. And the three ways you had
 21 mentioned were mail-in, fax, and email. Is that
 22 correct?
 23 MS. PLETTENBERG: Correct. That's up until
 24 the regular registration deadline.
 25 I'm sorry, Madam Chair and Representative,

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1 yes. Up until that 30-day, you have those other
 2 options. Once that 30-day has passed, it's just in
 3 person.
 4 REPRESENTATIVE HILL: Madam Chair --
 5 MS. PLETTENBERG: We don't have online in
 6 Montana.
 7 REPRESENTATIVE HILL: Madam Chair, follow-up.
 8 CHAIRPERSON MCKAMEY: Follow-up for
 9 Representative Hill.
 10 REPRESENTATIVE HILL: So Ms. Plettenberg, the
 11 advantage of the registration, 30-day that I see, and
 12 correct me if I'm wrong, would this help to eliminate
 13 errors and mistakes?
 14 MS. PLETTENBERG: I -- as has been talked
 15 about, there is a lot going on in our offices on that
 16 Monday and Tuesday before the election and the Tuesday
 17 of the election. However, I do think that -- I don't
 18 think we've had errors, but, you know, I do understand
 19 what, you know, my colleague is saying, you know, that
 20 there is -- there's a lot that we're juggling on that
 21 day.
 22 And I think that is the concern, but I also
 23 understand the other concern, which is there's a lot of
 24 people that do show up on those days. And I worked
 25 elections before late registration went into effect,

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1 and, you know, you also have to tell people they can't
 2 vote. So you know, there is two sides to this, and
 3 those are just the things to be aware of.
 4 Because we are going to then have to deal --
 5 you know, have to address those folks that, and like I
 6 was saying, in my county, that would be about 200
 7 people that I would have to tell they couldn't vote on
 8 Election Day, so just for the committee to be aware.
 9 REPRESENTATIVE HILL: Madam Chair,
 10 Ms. Plettenberg, thank you.
 11 CHAIRPERSON MCKAMEY: Thank you,
 12 Ms. Plettenberg.
 13 Further questions from the committee?
 14 Representative Custer.
 15 REPRESENTATIVE CUSTER: Madam Chair, for
 16 Ms. Plettenberg.
 17 CHAIRPERSON MCKAMEY: Ms. Plettenberg,
 18 please.
 19 REPRESENTATIVE CUSTER: Madam Chair,
 20 Ms. Plettenberg, in response to his question, I'm
 21 thinking, maybe to clarify, could you tell him how the
 22 cards are vetted, whether the 30 days before or on --
 23 between 30 days and the Election Day or on Election Day
 24 that all cards as are entered are vetted? And how
 25 they're verified, and maybe that would alleviate his

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1 question, maybe.
 2 MS. PLETTENBERG: Madam Chair, Representative
 3 Custer, of course. Yes. So just like any cards that
 4 we get up to the close of registration, any that come
 5 in person, we're also doing that. All the same checks
 6 and balances are going to be done for any registrants
 7 that we do.
 8 And, of course, you know, as was -- as
 9 someone said before ballots go out, you know, in that
 10 late registration period, 25 days before the election.
 11 And so we're also verifying that you know, we're not
 12 letting, you know, an accepted ballot -- once it's been
 13 accepted whether it's in our county or a prior county
 14 that, you know, we're not letting someone vote twice.
 15 So all of those same checks are in place.
 16 Is that what you were wondering,
 17 Representative Custer?
 18 REPRESENTATIVE CUSTER: Follow-up.
 19 CHAIRPERSON MCKAMEY: Follow-up for
 20 Representative Custer.
 21 REPRESENTATIVE CUSTER: Madam Chair,
 22 Ms. Plettenberg, what I was really getting at is when
 23 we get a registered voter in the -- either the Montana
 24 driver's license or Social Security number, I was going
 25 to have you tell him how that's run against something

22 (Pages 85 to 88)

<p style="text-align: right;">Page 93</p> <p>1 REPRESENTATIVE CUSTER: Okay. Thank you. 2 CHAIRPERSON MCKAMEY: Any further questions 3 from the committee? 4 Representative Hill. 5 REPRESENTATIVE HILL: Madam Chair, I have a 6 question for the sponsor. 7 CHAIRPERSON MCKAMEY: A question for the 8 sponsor. Representative Greef, please. 9 REPRESENTATIVE GREEF: I'm sitting back there 10 sleeping. Forgive me. 11 Representative Hill. 12 REPRESENTATIVE HILL: Madam Chair and 13 Representative Greef, my question is in reference to 14 your opening statement. You had mentioned that Montana 15 is 1 of 11 states that still allow same-day 16 registration as voting. Is that correct? 17 REPRESENTATIVE GREEF: Yes. It is. 18 REPRESENTATIVE HILL: What I am leading to, 19 it seems to me that we have got our state, a very large 20 state, seven reservations. Is there any correlation to 21 the other states and reservations? 22 REPRESENTATIVE GREEF: I have not looked into 23 that. No. 24 Madam Chair. 25 CHAIRPERSON MCKAMEY: Yes.</p>	<p style="text-align: right;">Page 95</p> <p>1 REPRESENTATIVE CUSTER: That's all right. 2 SENATOR CUFFE: I did not say there was a 3 train wreck. I said that I have been in conversations 4 previously with several clerk and recorders, and that 5 was a term that they used. That we are headed for a 6 train wreck if we continue to load all this work onto 7 these same people the same day. 8 And as he said, they're down there late. 9 They're trying to get it done. Here comes 10 registrations at eight o'clock. And certainly, there 11 are places that are -- I've been told that there have 12 been populated areas where they're still recording 13 people to vote much later than eight o'clock, and 14 returns are not -- you know, they're still trying to 15 verify signatures and things, like, midnight and later. 16 So that was the -- this was -- and this came 17 to me -- back a couple of years ago I considered 18 carrying a bill like this. And that's when those 19 conversations came to me. And there were at least 20 three. And I -- and when I decided not to carry the 21 bill, I received some harsh questions as to why not if 22 there were these people that felt it was needed. Thank 23 you, Representative Custer, Madam Chair. 24 REPRESENTATIVE CUSTER: Thank you for 25 clarifying that.</p>
<p style="text-align: right;">Page 94</p> <p>1 REPRESENTATIVE HILL: And Madam Chair, 2 Representative Greef, thank you. 3 CHAIRPERSON MCKAMEY: Okay. Thank you, 4 Representative. 5 And are there further questions from the 6 committee? 7 Representative Custer. 8 REPRESENTATIVE CUSTER: Thank you, Madam 9 Chair, for indulging me in so many questions. This is 10 for Senator Cuffe. 11 CHAIRPERSON MCKAMEY: Senator Cuffe, please. 12 SENATOR CUFFE: Representative and Madam 13 Chair. 14 REPRESENTATIVE CUSTER: Madam Chair, Senator 15 Cuffe, you mentioned in your testimony errors and a 16 train wreck. And I know you to be a journalist, so I 17 was wanting specifics because I read the papers, and I 18 didn't read of any errors in Montana and haven't for 19 years. So I was wondering if you could give us a 20 specific on that and then which was -- where was the 21 train wreck? 22 SENATOR CUFFE: I didn't say that it was a 23 train wreck. 24 REPRESENTATIVE CUSTER: It was what? 25 SENATOR CUFFE: I -- excuse me.</p>	<p style="text-align: right;">Page 96</p> <p>1 CHAIRPERSON MCKAMEY: Thank you, Senator. 2 I see a hand from a Ms. Street, but it may be 3 for Mister -- for Representative Running Wolf. 4 Representative Running Wolf, you have the 5 floor. 6 REPRESENTATIVE RUNNING WOLF: Thank you, 7 Madam Chair. This question is for Mrs. Plettenberg. 8 CHAIRPERSON MCKAMEY: Ms. Plettenberg, 9 please. 10 REPRESENTATIVE RUNNING WOLF: Okay. Kind of 11 following over the last couple that Custer asked, but, 12 you know, during this past election, was the election 13 successfully sued or challenged on the process in your 14 county due to the process for errors from in-person 15 registration? 16 MS. PLETTENBERG: Madam Chair, Representative 17 Running Wolf, no. We didn't have any challenges in my 18 county or in any county that I'm aware of around the 19 state. 20 REPRESENTATIVE RUNNING WOLF: Thank you, 21 Madam Chair. 22 CHAIRPERSON MCKAMEY: Thank you. 23 Are there further questions from the 24 committee? 25 If not, I do have a couple of questions for</p>

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">Montana Senate Committee on State Administration Meeting February 15, 2021</p> <hr/> <p style="text-align: center;">DIGITAL EVIDENCE GROUP 1730 M Street, NW, Suite 812 Washington, D.C. 20036 (202) 232-0646</p>	<p style="text-align: right;">Page 3</p> <p>1 ahead of an election to register. Changing the statute 2 is a best practices approach to mitigate against voter 3 fraud and ensure voter integrity. The changes proposed 4 will make the Montana voting system more robust and 5 ensures that every legitimate vote by every legitimate 6 voter is counted.</p> <p>7 The intent of House Bill 176 is to provide a 8 solution for citizens that are discouraged from 9 registering to vote and casting a ballot due to long 10 lines and extended wait times by making the process 11 more efficient for the benefit of all Montanans, and it 12 will reduce the opportunity for mistakes. Current law 13 places election officials in between handling new voter 14 registration, issuing replacement ballots, accepting 15 deposited ballots, and even counting ballots all at the 16 same time.</p> <p>17 The focus of House Bill 176 is not to burden. 18 It is not to disenfranchise, and it is not to provide a 19 forum for a historical debate, but it is to administer 20 an election with complete fairness to all voters.</p> <p>21 Mr. Chair, and members of the Committee, I 22 urge you to consider the importance of this bill as 23 others are also here to testify on it. Mr. Chair.</p> <p>24 CHAIRMAN KARY: Thank you, Representative 25 Greef.</p>
<p style="text-align: right;">Page 2</p> <p>1 (Recording begins) 2 CHAIRMAN KARY: Okay. We will open on House 3 Bill 176. 4 Representative Greef? 5 REPRESENTATIVE GREEF: Mr. Chair and members 6 of the State Administration Committee, I'm Sharon 7 Greef, and I represent House District 88 which is the 8 north end of the beautiful Bitterroot Valley, the towns 9 of Florence and Stevensville. 10 Today, I'm bringing you House Bill 176. The 11 purpose of this bill is to change the registration day 12 to the day before the election. There is a provision 13 that allows military and overseas voters to register on 14 the same day as the election. 15 We are blessed to have the right to vote, but 16 we also must accept responsibility for this right. 17 Elections don't just pop up out of the blue and 18 surprise us. If we are a responsible voter, we study 19 the ballot ahead of time, and we also know if we need 20 to register to vote. House Bill 176 isn't telling that 21 red -- excuse me, isn't telling voters they must 22 register on just that one day before the election. 23 They can register, they can cast their ballot a month 24 ahead of time. 25 Many states require an average of 15 days</p>	<p style="text-align: right;">Page 4</p> <p>1 Are there proponents in the room? 2 MR. CORSON: Good afternoon, Mr. Chair, 3 members of the committee. I'm Dana Corson, D-A-N-A, 4 C-O-R-S-O-N. I'm the director of Elections and Voter 5 Services, Montana Secretary of State. And thank you, 6 Representative Greef. Our office thanks you and Krista 7 Jacobson thanks you for addressing your concerns about 8 voter registration and the impact it has on operations 9 of the election office in the closing days of the 10 election. 11 It's a huge challenge to address and attend 12 all of the details and surprises that two days before 13 the election can bring to the county election offices, 14 and I think I can speak for everyone here that we 15 appreciate all their good work and efforts. But 16 despite all of those good effort and work, our office 17 continues to hear about the confusion and frustration 18 that voters have who are on line for considerable 19 periods of time, waiting to get their business done, 20 but actually ending up walking away from the right to 21 vote. 22 The stories aren't new. We hear about the 23 same stories, time and time again, election after 24 election. Some would want to put the blame on advocacy 25 groups and political parties that compel voters to vote</p>

<p style="text-align: right;">Page 5</p> <p>1 at the last minute. Others blame the local election 2 office for lack of resources. Others blame the 3 procrastination of the voter. But unless a change is 4 made, the problem will continue and the problem will 5 grow.</p> <p>6 The bill provides for brand-new voter 7 registrations to be completed, as it came out of the 8 Committee or out of the floor of the House, by noon on 9 Monday prior to the election. And to help support this 10 change, our office will provide outreach to voters for 11 the change. As a note, it's very common for election 12 administrators to inform the public about voting in 13 their county during the election, and I'm sure that all 14 of us working together can be effective on relaying 15 election information to the voters.</p> <p>16 In closing, Montanans deserve a better voting 17 experience, and this bill will reallocate and free up 18 the necessary resources of the county election office 19 to better address voters who are seeking to update 20 their registration, help voters that have moved either 21 precinct to precinct or county to county, help voters 22 who are requesting replacement ballots, and help voters 23 who are needing to drop their ballots off, and provide 24 help to voters with disabilities and that this bill 25 will be beneficial to the election offices, freeing up</p>	<p style="text-align: right;">Page 7</p> <p>1 CHAIRMAN KARY: Thank you, Mr. Halland. 2 Seeing no further opponent or proponents in 3 the hall, we'll go to online. 4 And Alex, if you could set for two minutes 5 and let them know approximately 30 seconds before, 6 we'll get started with online. 7 ALEX COLAFRANCESCO: All right, Mr. Chair. 8 CHAIRMAN KARY: Proponents. 9 ALEX COLAFRANCESCO: Mr. Chair, the only 10 registered proponent is Stefan Deocomitis (phonetic). 11 And he's not present. 12 CHAIRMAN KARY: Okay. We will then go to 13 opponents. Opponents in the room. 14 And Joel, we're allowing two minutes. 15 JOEL PEDEN: Two minutes? 16 CHAIRMAN KARY: For testimony. 17 JOEL PEDEN: All right. Thanks. Mr. Chair, 18 members of the committee, my name is Joel Peden. That's 19 P-E-D-E-N. And I'm the executive director of the 20 Montana Association of Centers for Independent Living. 21 Again, disability advocacy organizations that work 22 throughout the state of Montana on behalf of Montanans 23 with disabilities. 24 We are here to oppose this. People with 25 disabilities struggle with the ability to vote every</p>
<p style="text-align: right;">Page 6</p> <p>1 additional time and resources for other essential 2 activities like prepping ballots, answering email, 3 answer the phone, and provide help to their election 4 judges. And I recommend that the Committee please pass 5 House Bill 176.</p> <p>6 CHAIRMAN KARY: Thank you, Mr. Corson. I 7 failed to announce that we will hold -- that was your 8 time, two minutes. We will hold everyone to two 9 minutes due to the amount of individuals that want to 10 testify, both proponents and opponents.</p> <p>11 ED HALLAND: Mr. Chairman and members of the 12 Committee. My name is Ed Halland, H-A-L-L-A-N-D. I am 13 here representing myself and my family, and I might be 14 able to say, a good number of people in Carbon County.</p> <p>15 Election integrity is a big concern in our 16 area. We were 1, I think, of just 14 counties that had 17 in-person voting, and I would like to see the process 18 tightened up. I don't think it's unreasonable to say 19 that you are registered the day before Election Day.</p> <p>20 And I know it would help our election 21 administrator quite a bit. I was an election judge, 22 and things can get kind of hectic down there. So help 23 us out, and more basically, being able to have trust in 24 our elections is kind of a foundation of our republic. 25 So I'm asking you to vote for HB 176. Thank you.</p>	<p style="text-align: right;">Page 8</p> <p>1 election, whether it's transportation, whether it's to 2 make sure that there's accessible voting machines, to 3 make sure that when mail ballots happen that, you know, 4 people that don't have, let's say the use of their 5 hands or limited use of their arms, it -- just all the 6 things that people with disabilities deal with on a 7 daily basis. And we fight for our rights.</p> <p>8 And our opposition is just the fact that 9 you're making it just a little bit harder for us. 10 We're making it just a little bit harder. And where it 11 gets frustrating is that when you look at other 12 legislation that has to do with voting, so many times 13 it makes it easier for people.</p> <p>14 I would use the example of absentee ballots. 15 Right? If you go back to way back when, when we were 16 all a little bit younger, absentee ballots -- their 17 name said it all, right? On the day, if you couldn't 18 get to the -- to vote on that day because you were out 19 of town, you were able to do an absentee ballot. And 20 it's grown to be more convenient now where more people 21 vote absentee than they do -- is that my time? Okay. 22 I'll wrap up.</p> <p>23 Again, we are here to oppose strictly on the 24 grounds that it makes it more difficult for people with 25 disabilities to vote, and we are definitely against</p>

<p style="text-align: right;">Page 9</p> <p>1 that. And Mr. Chair, I have to run because my bus is 2 going to be here and it's not quite balmy enough for me 3 to roll home yet, so --</p> <p>4 CHAIRMAN KARY: Okay. Are there any 5 questions for Mr. Peden before --</p> <p>6 SENATOR CUFFE: Thank you. Mr. Chairman, if 7 I could just ask -- while you were just in the process 8 of talking about absentee ballots, and I think you were 9 saying it made it easier. Is that correct?</p> <p>10 MR. PEDEN: Well, it does for the general 11 public, right? Not necessarily in the form that it's 12 in for people with disabilities. It takes away a 13 little bit of the independence at times because there's 14 not the accessible voting machines for somebody that 15 needs that. And there are many, many people who need 16 assistance filling out their absentee ballots, so it 17 takes away that privacy. So -- but we're working on 18 making it better. Thank you, sir</p> <p>19 SENATOR CUFFE: Thank you.</p> <p>20 CHAIRMAN KARY: Thank you, Mr. Peden.</p> <p>21 Other opponents to House Bill 176?</p> <p>22 AUDREY MCCUE: Good afternoon, Senator Kary, 23 members of the Committee. My name is Audrey McCue. 24 That's A-U-D-R-E-Y M-C-C-U-E. And I'm the election 25 supervisor in Lewis and Clark County. I'm speaking on</p>	<p style="text-align: right;">Page 11</p> <p>1 would like to share the perspective of this not being 2 helpful administratively. To be clear on the context 3 of administering, Election Day registration is 4 certainly more work. There's no doubt about it. But 5 let's be realistic, any time someone registers and 6 vote, it's more work for us. That's the job.</p> <p>7 A presidential election is more work than a 8 city election because it's a higher turnout. We don't 9 address that by limiting who may vote in the election. 10 We address it by scaling to meet the demand.</p> <p>11 There have been some claims that this bill 12 will help with the integrity of the election because 13 Election Day's registration is a distraction. The 14 first thing to know is that we don't have problems with 15 the integrity of our elections and certainly none 16 caused by Election Day registration. The second thing 17 to keep in mind is it's not a novel service on Election 18 Day. It's a service we provide the month before the 19 election and continue to provide on Election Day. The 20 lines are long on Election Day because that's the last 21 day to do it.</p> <p>22 That's my time already? Okay. Can I say 23 really quickly? Moving those deadlines to Friday or 24 Monday with the amendment doesn't help us. There's 25 reasons that it will actually make it more difficult</p>
<p style="text-align: right;">Page 10</p> <p>1 behalf of myself today, and I had more than two minutes 2 prepared, so please bear with me as I try to traverse a 3 lot of ground very quickly to get everyone out of here.</p> <p>4 I do participate in our association's 5 legislative committee, and I agreed with our 6 professional stance to be neutral. But I personally am 7 against this bill. And because a lot of the proponents 8 of the bill are talking about this as helping election 9 administrators and election officials, I wanted to be 10 on the record saying that this will not help me. I 11 also want it on the record that whatever this body 12 decides, I will, of course uphold those laws. I'm just 13 hoping you decide against this bill.</p> <p>14 There are a lot of administrative, more, and 15 political arguments on House Bill 176. I know we're 16 all committed to the voters. And that's why I think 17 continuing this service to the voters is important, and 18 taking it away is a disservice to them. We know the 19 voters approved this bill on the ballot in 2014. We 20 know they use it, and we know it's grown in popularity 21 with 7,547 voters using Election Day registration in 22 2008 and 12,055 voters using it in 2016.</p> <p>23 To jump into the administrative reasons, 24 because that's really my area of expertise, let me 25 acknowledge not all of us counties agree on this, but I</p>	<p style="text-align: right;">Page 12</p> <p>1 that I don't have time, clearly, to get into. But if I 2 can submit that in writing later --</p> <p>3 CHAIRMAN KARY: You surely can.</p> <p>4 AUDREY MCCUE: Thank you.</p> <p>5 CHAIRMAN KARY: Thank you, Ms. McCue.</p> <p>6 Further opponents?</p> <p>7 SAM FORSTAG: Chairman Kary, members of the 8 Committee, Sam Forstag, F-O-R-S-T-A-G, here on behalf 9 of the American Civil Liberties Union.</p> <p>10 We oppose this bill, as we did on the House 11 side. And broadly speaking, I think most of the major 12 arguments have been made thus far. But our state 13 constitution guarantees access to free and fair 14 elections, and we should be striving towards better 15 fulfilling that constitutional goal that was set out in 16 1972. And this bill, cutting off access to a tool that 17 we know thousands of Montanans use every year to ensure 18 that they can cast a ballot if they haven't been able 19 to register under their new address, if they haven't 20 been able to get the time off work to register in 21 advance, is something that helps make sure that as many 22 Montanans as possible are exercising the franchise and 23 the right that is key to being an engaged member of 24 civil society. Our concerns most specifically are that 25 this bill has the potential to disproportionately</p>

<p style="text-align: right;">Page 13</p> <p>1 impact Native American voters in Montana, to 2 disproportionately impact young voters in Montana, and 3 rural voters in Montana.</p> <p>4 I -- I won't belabor the point too long 5 because I think that some subject matter experts have 6 already spoken on it. But I do appreciate all of your 7 time, and I would encourage you to vote no on House 8 Bill 176. Thank you.</p> <p>9 CHAIRMAN KARY: Thank you, Mr. Forstag. 10 Further opponents?</p> <p>11 KATJANA STUTZER: Good afternoon, Mr. Chair, 12 members of the committee. For the record, my name is 13 Katjana Stutzer. K-A-T-J-A-N-A S-T-U-T-Z-E-R. And I'm 14 here on behalf of the Montana Public Interest Research 15 Group, or MontPIRG. And we feel that certainly the 16 right to vote is a matter of interest for every member 17 of the public and that we should all be concerned about 18 any law that would make it harder for Montanans to 19 access the ballot. And this law would definitely do 20 just that.</p> <p>21 It would make it harder for some eligible 22 voters to cast a ballot. And we know that from the 23 numbers we have from the 2020 general election, that 24 3,352 voters used this service in 2020, which I think 25 is clear evidence that this would indeed cause harm.</p>	<p style="text-align: right;">Page 15</p> <p>1 with bipartisan support. And after numerous reviews by 2 this body and the people, the people spoke by voting no 3 on LR-126 with 57 percent of voters and 80 out of 100 4 legislative districts.</p> <p>5 Clearly, the people have spoken on this 6 issue, and I would urge you that we have the greatest 7 democracy in the world. It's our job to protect that 8 by making sure that every single person can vote, and I 9 would urge you to respect the will of Montanans by 10 voting no on House Bill 176.</p> <p>11 CHAIRMAN KARY: Thank you, Katjana. Could 12 you spell your last name one more time?</p> <p>13 KATJANA STUTZER: Yes, Mr. Chair. It's 14 S-T-U-T-Z-E-R.</p> <p>15 CHAIRMAN KARY: Thank you, Ms. Stutzer. 16 KATJANA STUTZER: Thank you.</p> <p>17 CHAIRMAN KARY: Further opponents?</p> <p>18 RACHEL SCHMIDT: Good afternoon, Chairman 19 Kary, members of this Committee. My name is Rachel 20 Schmidt. That's spelled S-C-H-M-I-D-T. And I'm here 21 representing the interests of the Associated Students 22 of Montana State University. Today, I rise in 23 opposition of this bill because it puts an undue burden 24 on student voters.</p> <p>25 Across the United States, we know that voter</p>
<p style="text-align: right;">Page 14</p> <p>1 And although there is no public data for how many 2 counties used this in 2020, we do know that 54 out of 3 56 counties had at least one Election Day registrant in 4 2018. And in 2016, every single county did. Montanans 5 across our state are using this service.</p> <p>6 And further, we know that 40 percent of those 7 were not new registrations, of those who used that 8 same-day registration. Many of those showed up to the 9 polls, who were already Montana voters, to find out 10 that there was an error in their registration and that 11 they had to fix on that same day.</p> <p>12 And to further that point, there are always 13 mistakes like miscommunications between transferring of 14 voter registration from the DMV to our election 15 offices, a simple error like not checking a box on our 16 registration form that the voter isn't aware of, maybe 17 it didn't get flagged, and then have to come in.</p> <p>18 This same-day registration is a fail-safe for 19 our responsible Montana voters who have done their due 20 diligence to try and be registered before Election Day 21 and find out there's still a problem. I can't imagine 22 that any of us want to turn those folks away.</p> <p>23 And I just want to finish by saying that LR- 24 126, I'm sure it's all on our minds. We've had 25 same-day voter registration for 15 years. It passed</p>	<p style="text-align: right;">Page 16</p> <p>1 turnout for young people is incredibly low, and we want 2 to change that, especially here in Montana. At MSU, 3 classes are not held on Election Day, and all offices 4 are actually closed. Because students don't have 5 classes on campus or work on campus on Election Day, 6 they don't have obligations outside of their normal 7 obligations. And so they have this new free time to go 8 and register and cast their ballot in person. As much 9 as we try to make sure that students do register early, 10 the reality is students do use this new free time to 11 make sure that they are updating their voter 12 registration and casting their ballot in person because 13 they don't have those other obligations.</p> <p>14 And while it's certainly troublesome that our 15 election officials are overworked, especially on -- 16 during busy election seasons, I'm concerned that this 17 bill addresses a problem with the wrong solution. And 18 I hope that the Committee considers the unintended 19 consequences of this bill, and I do urge a no vote on 20 this today. Thank you.</p> <p>21 CHAIRMAN KARY: Thank you, Ms. Schmidt. 22 Seeing no further opponents in house, we'll 23 go to Zoom. And again, two minutes.</p> <p>24 ALEX COLAFRANCESCO: Chair, we've got Tor 25 Gudmundsson.</p>

<p style="text-align: right;">Page 17</p> <p>1 CHAIRMAN KARY: Mr. Gunderson. Mr. Gunder? 2 Gudmundsson? You are muted. 3 If you're speaking, we cannot hear you. 4 We'll move to the next one, please. 5 ALEX COLAFRANCESCO: Mr. Chair, we have Nancy 6 Leifer. 7 NANCY LEIFER: Mr. Chair, members of the 8 Committee. My name is Nancy Leifer, spelled 9 L-E-I-F-E-R, and I'm here today on behalf of the League 10 of Women Voters of Montana. 11 For over 100 years, the League of Women 12 Voters has promoted citizens' right to vote as the 13 hallmark of a strong democracy. There are two 14 components for election integrity. One is an accurate 15 process and the other is access for all qualified 16 voters. 17 Montana already has a strong integrity in our 18 election process. This bill would weaken the integrity 19 of our elections by limiting access for citizens to 20 vote. I agree with the comments made by previous 21 opponents and ask you to please oppose House Bill 176. 22 Thank you for this opportunity to testify. 23 CHAIRMAN KARY: Thank you, Mrs. -- Ms. 24 Leifer. 25 Further opponents?</p>	<p style="text-align: right;">Page 19</p> <p>1 registration figures are available at the Secretary of 2 State, 60,488 Montanans used same-day voter 3 registration. In 2018 alone, over 8,000 used same-day 4 voter registration in 56 out of -- in 54 of our 56 5 counties, they had at least one Election Day 6 registrant. 7 And one thing that I really want to drive 8 home is that it's not uncommon that errors happen in 9 the processing -- 10 ALEX COLAFRANCESCO: Thirty seconds. 11 Did you say -- is my time up? 12 ALEX COLAFRANCESCO: No, 30 seconds. 13 LAUREN CALDWELL: It's not uncommon that 14 errors happen in the processing of voter registration 15 forms through the elections office, postal service, DMV 16 or other agencies that are involved with getting the 17 application from the voter to the office. The voter 18 would never know about those issues. So I want you to 19 consider the folks who do everything right, do it ahead 20 of time, and aren't able to cast their ballot because 21 of a clerical error. 22 This is a fail-safe for voters who have done 23 their part but suffered from that error, so. You're 24 all in a critical position. I appreciate you hearing 25 us. Thank you.</p>
<p style="text-align: right;">Page 18</p> <p>1 ALEX COLAFRANCESCO: Mr. Chair, we have 2 Lauren Caldwell. 3 LAUREN CALDWELL: Hello, Chair Kary and 4 members of the Committee. It's a busy committee you 5 have today. So my name is Lauren Caldwell. That's 6 L-A-U-R-E-N C-A-L-D-W-E-L-L. I am here on behalf of 7 the Montana Federation of Public Employees and the 8 public educators and public employee members that we 9 represent across Montana. I did submit written 10 testimony, so I will make it more brief here. 11 So as you've heard, this is not a new debate. 12 In 2005, nearly unanimous bipartisan majorities voted 13 to pass same-day voter registration in Senate Bill 302. 14 They passed 42 to 8 in the Senate and 89 to 8 in the 15 House. Then in 2013, your predecessors wanted to 16 review the question again. They decided to put it to a 17 vote of the people through LR-126. And in 2014, 18 Montanans voiced their opinion, loud and clear, 19 rejecting LR-126 in 80 out of 100 legislative 20 districts. 21 So a couple of other statistics that I think 22 it's important for you to know as you consider who's 23 going to be impacted by this. Between -- someone 24 provided a few different yearly statistics but in 25 total, between 2006 and 2018, which is where the late</p>	<p style="text-align: right;">Page 20</p> <p>1 CHAIRMAN KARY: Thank you, Ms. Caldwell. 2 Further opponents? 3 ALEX COLAFRANCESCO: Mr. Chair, we have 4 Lindsay Roosa. 5 LINDSEY ROOSA: Hello, Mr. Chair, members of 6 the committee. My name is Lindsey Roosa. That's 7 R-O-O-S-A. I'm a resident of Missoula, Montana and I 8 stand in opposition to House Bill 176. 9 As other opponents have already mentioned, 10 this bill disenfranchises thousands of Montana voters 11 for no legitimate reason. Let's uphold the right of 12 all Montanans to register and vote on Election Day as 13 you work to uphold all our constitutional rights. 14 Please vote no on House Bill 176. Thank you. 15 CHAIRMAN KARY: Thank you, Ms. Roosa. 16 Further opponents? 17 ALEX COLAFRANCESCO: Mr. Chair, we have 18 Jillian Richards. And I would like to ask everyone 19 who's registered to testify to raise their hands. 20 CHAIRMAN KARY: Ms. Richards. 21 MS. RICHARDS: Hi. (Audio interference) So 22 thank you, Senator Chair, members of the Committee. My 23 name is Jillian Richards, spelled R-I-C-H-A-R-D-S. I 24 am also here on behalf of the Montana Public Interest 25 Research Group, or MontPIRG.</p>

<p style="text-align: right;">Page 37</p> <p>1 building is closed for that government holiday, and 2 that allows us to take over the building and we have 3 more space to accommodate the lines and to assist the 4 higher number of voters.</p> <p>5 Before election day, we can't do that. We 6 don't have access to the entire building. There's a 7 lot of work we do in the days leading up to the 8 election. As you probably know, we have to print lists 9 over the weekend of the people who can vote at the 10 polling places. And those lists have to reflect who 11 already had a ballot because they're absentee or 12 because they late-registered.</p> <p>13 So after absentee closes Monday at noon, we 14 print updates to those lists to reflect those 15 additional ballots issued and late registration 16 changes. So we moved the line to Friday. That doesn't 17 save us work on that front. We still have to print 18 those lists over the weekend. We still have to print 19 the updates on Monday.</p> <p>20 Moving the line to Monday at noon I think 21 will make things worse. We have to wait until everyone 22 in line at noon is done being processed before we can 23 print the updates. And that's waiting for all counties 24 across the state to finish their lines, because one of 25 my Lewis and Clark County registered voters could be in</p>	<p style="text-align: right;">Page 39</p> <p>1 the people in charge of overseeing the most important 2 things.</p> <p>3 Also of concern to me are the people who fall 4 through the cracks and thought they registered ahead of 5 time but didn't, and them having no recourse. But I 6 caught some of what the other opponents said, and I 7 think that's been covered. So I won't address that 8 part. But I guess the issue just being that it takes 9 away that failsafe.</p> <p>10 CHAIRMAN KARY: Further questions from the 11 Committee?</p> <p>12 Senator Ellis. Oops, she just dropped her 13 hand.</p> <p>14 Vice Chair Bennett.</p> <p>15 VICE CHAIRMAN BENNETT: Thank you, Mr. Chair. 16 I've got a few for the sponsor.</p> <p>17 CHAIRMAN KARY: Representative Greef, Senator 18 Bennett.</p> <p>19 REPRESENTATIVE GREEF: Yes. Thank you, 20 Mr. Chair. Senator.</p> <p>21 VICE CHAIRMAN BENNETT: Mr. Chair and 22 Representative Greef.</p> <p>23 You talked about voter fraud in your opening, 24 and you said that somehow election day registration had 25 led to voter fraud. I would like to know, A, what</p>
<p style="text-align: right;">Page 38</p> <p>1 line in Gallatin County or in Yellowstone County or in 2 any other county to register there, and I need to know 3 that before I print my updated lists.</p> <p>4 Those long -- those bigger counties now 5 sometimes have four-hour-long lines. So if we're 6 waiting for those, we can finally finish -- print our 7 lists after that.</p> <p>8 But it doesn't stop there. We then have to 9 get the list to the polls by 6 a.m. the next day. That 10 means delivering lists across the county. So in my 11 county we'd be talking about driving from Helena to 12 Augusta or Helena to Lincoln. You can imagine going 13 from Bozeman to West Yellowstone. And that's waiting 14 to do the line, printing the list, and then driving it 15 out there.</p> <p>16 I don't think it helps because we'll still 17 see people show up on election day. Hopefully not as 18 many as now, but we'll have unregistered citizens or 19 registered people who forgot to update, and they'll be 20 at the polls or our office. When we tell them we can't 21 vote, some of them will leave and be done, but some of 22 them won't stop. They'll call their political party. 23 They'll call their U.S. Senator. They'll call their 24 attorney. And that is certainly going to take up staff 25 time on election day, probably management-level staff,</p>	<p style="text-align: right;">Page 40</p> <p>1 proof you have of that, and B, how much there must be 2 to want to disenfranchise 60,000 people who've used the 3 service before?</p> <p>4 REPRESENTATIVE GREEF: Thank you, Mr. Chair, 5 Senator.</p> <p>6 First of all, we're not setting out to 7 disenfranchise anyone. When I talked about voter 8 fraud, I wasn't talking about Montana specifically. I 9 think that we all realize that there was a huge amount 10 of distrust in our national election. We are trying to 11 change this just a bit so that we in Montana have the 12 protections so that we aren't one of the states that is 13 under scrutiny that some of the states are now.</p> <p>14 VICE CHAIRMAN BENNETT: Mr. Chair and 15 Representative Greef.</p> <p>16 I do agree with you that there is not a 17 problem here in Montana right now. But I do want to 18 ask you about the voter suppression element to this. I 19 mean, I hear you saying that this is not about 20 disenfranchising voters.</p> <p>21 REPRESENTATIVE GREEF: No.</p> <p>22 VICE CHAIRMAN BENNETT: But the reality is, 23 is that if you take away opportunities for people to 24 register to vote, there will be fewer people to 25 register to vote. How does that add up?</p>

Exhibit 16

MONTANA SECRETARY OF STATE LINDA McCULLOCH
2014 STATEWIDE GENERAL ELECTION CANVASS

LEGISLATIVE REFERENDUM NO. 126 - ENDING LATE VOTER REGISTRATION ON THE FRIDAY BEFORE ELECTION DAY		
	YES	NO
Beaverhead	1,770	2,110
Big Horn	1,354	2,254
Blaine	763	1,035
Broadwater	1,325	1,149
Carbon	2,016	2,551
Carter	352	240
Cascade	10,386	15,404
Chouteau	1,007	1,062
Custer	1,710	2,268
Daniels	435	354
Dawson	1,706	1,443
Deer Lodge	1,000	2,241
Fallon	560	463
Fergus	2,500	2,326
Flathead	15,140	15,977
Gallatin	14,514	20,298
Garfield	307	245
Glacier	1,058	2,063
Golden Valley	238	198
Granite	682	786
Hill	2,104	2,756
Jefferson	2,354	2,752
Judith Basin	474	519
Lake	4,151	5,638
Lewis & Clark	10,554	15,261
Liberty	449	397
Lincoln	3,532	3,598
Madison	1,659	1,901
McCone	469	357
Meagher	329	431
Mineral	683	835
Missoula	13,392	28,297
Musselshell	1,023	996
Park	2,814	3,982
Petroleum	132	101
Phillips	905	785
Pondera	1,114	1,024
Powder River	427	389
Powell	966	1,307
Prairie	361	219
Ravalli	7,321	9,170
Richland	1,591	1,608
Roosevelt	1,155	1,464
Rosebud	1,120	1,455
Sanders	2,146	2,321
Sheridan	674	643
Silver Bow	3,665	8,959
Stillwater	1,866	1,838
Sweet Grass	802	793
Teton	1,265	1,387
Toole	888	751
Treasure	171	178
Valley	1,441	1,799
Wheatland	350	370
Wibaux	204	224
Yellowstone	23,779	27,612
Total	155,153	206,584

Exhibit 17

Senate Bill 405
Audio Transcription
Senate State Administration Hearing
April 3, 2013

<p>1 (11:58:13 – 12:38:31)</p> <p>2 MALE VOICE 1: Chairman, Mr. Chairman, members of the</p> <p>3 committee, for the record, I'm Alan Olson, I represent Senate District</p> <p>4 23, and I have before you here today a bill proposing a referendum</p> <p>5 that would close voter registration at 5pm on the Friday before the</p> <p>6 election. Mr. Chairman, as the gist of the bill, and I will stand for</p> <p>7 questions and be prepared for a good, healthy close.</p> <p>8 MALE VOICE 2: [laughter] As soon as the people come out</p> <p>9 here, I think we need some proponents. Senator [unintelligible]</p> <p>10 [overlapping]</p> <p>11 MALE VOICE 3: Just for the record, I object to the consideration</p> <p>12 of the question, because this matter wasn't noticed up till this morning.</p> <p>13 There's been obviously no opportunity for public comment. It's a</p> <p>14 referendum. It was introduced on the 27th, and people who would want</p> <p>15 to testify for and against at it haven't had any time whatsoever to get</p> <p>16 [unintelligible] find out about this. It should have... I mean I don't</p> <p>17 know how long is not long enough... is it 2 hours? 3 hours? 1 hour? No</p> <p>18 hours?</p> <p>19 MALE VOICE 2: I think under special consideration, Senator</p> <p>20 [unintelligible], you can do this.</p> <p>21 MALE VOICE 3: What's the special consideration?</p> <p>22 MALE VOICE 2: Well, I think this is it. [laughter]</p> <p>23 MALE VOICE 3: The special consideration is it, that it has to</p> <p>24 be done today?</p> <p>25 MALE VOICE 2: Well, for this bill to advance, it had to be done</p> <p style="text-align: right;">Page 2</p>	<p>1 FEMALE VOICE 2: Mr. Chairman, Senator Brown, House Bill</p> <p>2 30 is very similar. It actually is the same as far as the 5pm on the Friday</p> <p>3 before, but it's not a referendum. And the two bills will have to be</p> <p>4 coordinated if we... if you do pass both.</p> <p>5 FEMALE VOICE 1: Alright, so it's similar only that this would</p> <p>6 refer to different people, and the other one would not; we'd have to</p> <p>7 take an upper down vote. Right?</p> <p>8 FEMALE VOICE 2: Mr. Chairman, Senator Brown, yes, we'd</p> <p>9 end up with a coordination instruction that basically would say, if this</p> <p>10 bill passes, House Bill 30 is void. Or we'd have to put a coordination</p> <p>11 in House Bill 30 that says if that bill passes, this one is void, and so</p> <p>12 you'd have to decide.</p> <p>13 FEMALE VOICE 1: Alright, thank you.</p> <p>14 MALE VOICE 2: Personally, I think we should advance this bill,</p> <p>15 and we'll throw it in the legals, but I think this is a circumstance that</p> <p>16 what... the time will help. I mean we have a lot of [unintelligible]</p> <p>17 opponents here just off-hand. But we have a pretty good chunk. Go</p> <p>18 ahead. But we have [unintelligible] most of our bills, actually. Go</p> <p>19 ahead, Senator [unintelligible]</p> <p>20 MALE VOICE 4: Well, Mr. Chair, I would just go on record on</p> <p>21 behalf of all three democrats on this committee to [unintelligible]</p> <p>22 object to holding this hearing, and given the incredibly important</p> <p>23 fundamental right that we're dealing with here today, depriving voters</p> <p>24 of the right to vote, and giving the public 3 hours of notice to weigh in</p> <p>25 on this issue of... it's central to our democracy. I just think that you as</p> <p style="text-align: right;">Page 4</p>
<p>1 today. But I'll refer to [unintelligible]. Do you have any...</p> <p>2 [overlapping]</p> <p>3 MALE VOICE 3: I have a citation to Mason's, too. I'm gonna</p> <p>4 find it. Senator [unintelligible].</p> <p>5 MALE VOICE 4: Mr. Chair, while Senator [unintelligible] digs</p> <p>6 to his pile of papers, I just want to say that the holding of this hearing,</p> <p>7 in my way, I'm thinking offends our fundamental notions of fairness</p> <p>8 and due process. I just think that our definition of necessity for</p> <p>9 holding this hearing with virtually no public notice given... I mean</p> <p>10 hopefully, the public did get some message in our... it looks like they</p> <p>11 are coming in, but... [laughter] as I speak, but I do think that if we</p> <p>12 gave a proper notice, we'd have this room full flooded, and there isn't</p> <p>13 much [unintelligible] in this room, and as I recall last time, it was</p> <p>14 very stuffy in here. And if we would have done this right, there would</p> <p>15 be the same number of people flowing out the door. And I just think</p> <p>16 that this institution demands that we give the public notice to come in</p> <p>17 on incredibly important issues of public policy, and we haven't done</p> <p>18 that.</p> <p>19 MALE VOICE 2: Senator [unintelligible]</p> <p>20 FEMALE VOICE 1: If I could ask, for clarification from Sherry,</p> <p>21 is this similar... is this Senate Bill 405 very similar to what we passed</p> <p>22 out of here as HB 30? That was the Friday before on registration. And</p> <p>23 this one now says 5pm, if I understand? So haven't we already passed</p> <p>24 this over? That's my question.</p> <p>25 MALE VOICE 5: Go ahead.</p> <p style="text-align: right;">Page 3</p>	<p>1 Chairman need to really weigh in on this, and consider the</p> <p>2 implications of what we're doing to the public with respect to our</p> <p>3 fundamental constitutional right by holding this hearing and</p> <p>4 considering this issue that goes to the guts of our democracy. And the</p> <p>5 three of us democrats believe that we shouldn't hold this hearing, and</p> <p>6 we would ask and urge you to join with us and cancel it.</p> <p>7 MALE VOICE 2: I insist that we hold the meeting, but if you</p> <p>8 want to bring a motion up, we can have a vote on this.</p> <p>9 [soft voice]</p> <p>10 MALE VOICE 3: We can have a motion. We can have a vote on</p> <p>11 it, and then we can, without waiving our objection, appeal the ruling</p> <p>12 on the motion to the rules committee. And...</p> <p>13 MALE VOICE 1: I think we should hold the meeting, cause we</p> <p>14 do have a lot of people here.</p> <p>15 MALE VOICE 2: Go ahead. Okay.</p> <p>16 MALE VOICE 3: Well, Ms. Chairman, I have objected, pursuant</p> <p>17 to chapter 29 of Mason's section 293 through 300, I object to the</p> <p>18 consideration of the question, cause it's not advisable to discuss a</p> <p>19 question on 3 hours' notice of such importance.</p> <p>20 MALE VOICE 2: Okay. Objections have been made. Want to</p> <p>21 vote on the objection?</p> <p>22 MALE VOICE 3: Yes, sir.</p> <p>23 MALE VOICE 2: Yes, okay. We'll have a roll call vote on the</p> <p>24 objection.</p> <p>25 FEMALE VOICE 3: Vice Chair Brown.</p> <p style="text-align: right;">Page 5</p>

1	FEMALE VOICE 1: Let me have Sherry restate that. If I vote	1	introduced, 13 remain active in the legislative process, and while
2	yes, I do what? and if I vote no, I do what? I agree with the objection,	2	asking the voters to approve proposed legislation is at your discretion,
3	you know, these negatives get you.	3	it's those 13 remaining LR's are to appear on the 2014 general election
4	FEMALE VOICE 2: Mr. Chairman and Senator Brown, I	4	ballot, you will effectively be sending county election offices an
5	understand that the motion is to override the chairman's decision to	5	unpaid a \$491,000 bill. Additionally, the next state-wide federal
6	go ahead with the hearing, and therefore, if you vote yes, then you	6	election will be held in 2014, which means that this issue would appear
7	would be voting to override the chairman. If you vote no, then you're	7	on a ballot in a non-precedential election year, when voter turnout is
8	voting with the chairman to continue with the hearing.	8	historically lower than average. 59% in 2010 general election,
9	FEMALE VOICE 1: Then I vote no.	9	compared to 79% in 2012, 67% in the 2006 general, compared to 81%
10	FEMALE VOICE 3: Senator [unintelligible].	10	in the 2008. The legislative referendum process works slightly
11	MALE VOICE 4: Yes.	11	different than citizen-proposed initiatives. For one, the title will be
12	FEMALE VOICE 3: Senator [unintelligible].	12	included on the ballot, as written in this bill, which could lead to voter
13	MALE VOICE 3: Yes.	13	confusion. Nowhere in the title does the bill address what it is trying
14	FEMALE VOICE 3: Senator [unintelligible].	14	to do. Instead of saying eliminate same-day voter registration, it says,
15	MALE VOICE 6: No.	15	protecting the integrity of Montana elections by ensuring compliance
16	FEMALE VOICE 3: Senator [unintelligible].	16	with the national voter registration act. Montana's voter registration
17	MALE VOICE 7: Yes.	17	forms are already [unintelligible] compliant. And therefore, the
18	FEMALE VOICE 3: Senator [unintelligible].	18	language is unnecessary. And I challenge that any bill which eliminates
19	FEMALE VOICE 1: No, by proxy.	19	people's right to vote protects the integrity of our elections. I ask this
20	FEMALE VOICE 3: And Chairman [unintelligible].	20	committee to carefully consider the language in this bill, including the
21	MALE VOICE 8: No.	21	title being proposed for that ballot. We must all remember that
22	FEMALE VOICE 3: And motion fails.	22	Montana elections are for the voters, and that they elected you to do
23	MALE VOICE 2: Alright. We'll move on. We'll move onto	23	your job during the 90 days you are at the capital, and not turn it over
24	proponents. Senate Bill 405.	24	to the voters. While I support efforts to streamline election
25	FEMALE VOICE 3: Proponents.	25	administration in Montana, I firmly believe that you don't shorten the
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1	MALE VOICE 2: Proponent. Well, I thought there might be one	1	lines on election day by denying people the right to vote, nor do you
2	[laughter] Okay, we'll go with opponents of Senate Bill 405.	2	shorten the lines by adding to or complicating the ballot. In 2012, 5
3	FEMALE VOICE 4: Good morning... good afternoon, Mr.	3	ballot issues were on the ballot. Montanans waited in line to give their
4	Chair, members. Maybe it's good night. [laughter] [overlapping]	4	neighbors a chance to vote that 2-page ballot. In 2014, we're
5	Members of the committee. For the record, I'm Linda McCulloch, M-	5	potentially looking at a ballot over twice the length, which will do
6	C-C-U-L-L-O-C-H, Montana Secretary of State... Senator Olson	6	nothing to shorten the lines on election day. Those ballots not only take
7	already opened on the bill... okay, I was running up the stairs.	7	longer to count; they will delay the election results. Thank you and
8	[overlapping] Right. I continue to strongly oppose eliminating	8	may I pass out the same hand [unintelligible] give you for House Bill
9	Montana's same day voter registration, as in would undoubtedly deny	9	30 just to remind you. Okay.
10	eligible Montanans the right to vote. You've heard my opposition to	10	MALE VOICE 2: More opponents? Senate Bill 405.
11	this bill before, when I came in to oppose House Bill 30. So I won't	11	FEMALE VOICE 5: Mr. Chair, members of the committee. For
12	repeat the testimony. It is important to note, however, that proposing	12	the record, I'm Joy Bruck, that's B-R-U-C-K. I'm State President of
13	to place this issue as a legislative referendum on the ballot will cost	13	AARP Montana. We're a non-partisan organization with
14	counties nearly \$38,000 to administer. This is a conservative number	14	approximately 155,000 members here in Montana, 15 older. And as we
15	that only includes the layout and printing of the ballot, and	15	did with House Bill 30, we oppose Senate Bill 405. We really believe
16	programming of the vote tabulating machines. It does not include the	16	that we all should want to make voting as easy as possible for the
17	additional time, money, energy expended on answering questions	17	voters and not more difficult as both this bill and the other has done.
18	related to the ballot issues, or on mailing the voter information	18	I've served as an election judge for many, many years, and there are
19	pamphlet, VIP, which is set in October to every household in Montana	19	good reasons as to why people should be able to register when they
20	with at least one registered voter. To put this in perspective, counties	20	find out that they're not and do it same day. Sometimes, well, it did
21	spend \$100,000 mailing the 2012 general election VIP. That doesn't	21	happen this year, that when they renewed their driver's license, they
22	include the expense to the SOS office spent on design and printing of	22	signed up to register in the... it was not turned in. Their names were
23	VIP, which in 2012, included 3 LR's and 2 citizen-proposed ballot	23	erroneously missing from the voting list. They may have been ill or
24	issues. This year, it will look like the [unintelligible] catalogue. So	24	incapacitated and not realize there was a problem with their
25	far, this session, an unprecedented 27 legislated referendums have been	25	registration until they got to the polls, or they moved into an assisted
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<p>1 living home in another county. And that's a traumatic move, and they 2 may not have even thought about updating their registration. So for 3 those reasons and others that we will hear today, we don't think voters 4 should be disenfranchised and we hope that you will oppose this bill 5 as well. Thank you.</p> <p>6 MALE VOICE 2: Thank you. More opponents, Senate Bill 405.</p> <p>7 FEMALE VOICE 6: Mr. Chairman, members of the committee, 8 good morning, good afternoon. I guess it's an afternoon. I'm Beth 9 Brenneman, B-R-E-N-N-E-M-A-N, with disability rights Montana, 10 and as I said, having hearing for House Bill 30, we are really very 11 proud to be involved in the initial passing of the late registration in 12 2005 because we knew about many different circumstances where 13 people with disabilities were really trying to get registered and trying to 14 do it in time, but it just didn't happen because of just life circumstances, 15 and when you've got a disability, health care issues take precedence 16 over everything, including the election calendar. I do wanna just 17 mention very quickly, and I should have said this before I started 18 [unintelligible] that I'm a lobbyist. I am a member of the public, but 19 I'm a lobbyist, and I barely found out about this hearing occurring 20 today, and as you know, when House Bill 30 was turned, it was 21 noticed for quite a long time, and you had crowds and many, many 22 people who came in, and I do think it's too bad that you don't see this 23 same sword of opposition here today. I think that you should presume 24 it, though given with what happened with House Bill 30, I do want to 25 mention just a couple of things. The first is, I think that people can have</p> <p style="text-align: right;">Page 10</p>	<p>1 are in DBHHS vocational rehabilitation, and various other entities are 2 required by federal law to register people, and they make mistakes, 3 too, and those individuals do not find out until election day. Please, 4 please, table this bill so we still have the ability to correct those 5 mistakes, which are made through no faults of the individual voter. 6 Thank you.</p> <p>7 MALE VOICE 2: Thank you, Beth. More opponents?</p> <p>8 MALE VOICE 9: Mr. Chair, members of the committee, my 9 name is Chris Cavazus, C-A-V-A-Z-U-S, political director for the 10 FLCIO. I'm gonna bring a different perspective to late registration. We 11 obviously represent 45,000 working Montanans. I want to tell you a 12 story about one of them. Say Mike, he works in the Department of 13 Corrections in Boulder, commutes 45 miles every single day. On the 14 Friday before election day, he found out that he was gonna have to 15 work double on election day. So he would be driving to work when the 16 polls open, and he'd be getting off work when the polls close. Like 17 many Montanans, Mike generally votes on election day. He called our 18 office, we're able to get him re-registered absentee on that Monday, 19 and he was able to cast his ballots. And it gets important that working 20 Montanans have the ability to vote when it's convenient for them. 21 People have busy lives. And sometimes, one day every 2 years doesn't 22 work for every single person. So we ask for a no for this bill. Thank 23 you.</p> <p>24 MALE VOICE 2: Thanks, Chris. More opponents? Senate Bill 25 405.</p> <p style="text-align: right;">Page 12</p>
<p>1 real misunderstandings about the use of absentee ballots and people 2 with disabilities. Certainly, absentee ballots are incredibly useful, but 3 if you're not registered already, you can't use your absentee ballot. 4 And we have found since 2005 that we've been able to help a lot of 5 people with disabilities who have had to get services in counties other 6 than the counties they're registered in right before the election. And 7 honestly, the only way for them to vote is to be registered in the 8 county where they're getting services. There is not enough time for 9 them to request an absentee ballot, get it in the mail, fill it out, and 10 get it back to their home area, where they are legitimately registered 11 for them to be able to vote. And I do know that being able to vote is 12 a critical, critical part of being able to get to the new normal for 13 people with disabilities. People that have just had traumatic events, 14 or people that, as [unintelligible] mentioned, have had to move to 15 assisted living settings or nursing homes. Voting like you've always 16 voted before is very important, and this particular measure, late-term 17 registration, is very, very important for us to help those people to 18 register. I do wanna make one more comment. You've heard about 19 the problems with people who are registered through DMV, because 20 of motor voter, and those people had not found out that they weren't 21 properly registered until they got there on election day, and the only 22 way to cure that was to have late registration, which this bill would 23 give the public an option to take away. I do wanna mention that a lot 24 of people with disabilities are registered through state agents 25 [unintelligible] through motor voter, as well, but those state agencies</p> <p style="text-align: right;">Page 11</p>	<p>1 FEMALE VOICE 7: Mr. Chairman, members of the committee, 2 my name is Jean Ray Souvigney, S-O-U-V-I-G-N-E-Y, from 3 Livingston, and I'm here representing Montana Conservation Ed 4 Fund. We testified against House Bill 30, as well, and I also served as 5 an election judge and can reiterate some of the points people made 6 about the people who legitimately come on election day don't know 7 they're not registered or on the wrong precinct or thought they had re- 8 registered or registered their DMV. We also want to reiterate our 9 concern about the shortness of the hearing, because we are the 10 lobbyists. We are the people that are in the house every single day, who 11 hear not seeing up here are the citizens that we're able to come up here 12 for House Bill 30. And the last thing I want to make is I'm concerned 13 about the title of the bill, because that's what the public is going to see 14 when they go to the polls in 2014, and that is not an accurate reflection 15 of what this bill actually does, and that is one of our bigger concerns. 16 This is not about the integrity of the election or compliance with the 17 NVRA, and because of that, we have a problem with that title or two. 18 Thank you.</p> <p>19 MALE VOICE 2: Thank you, Jean. More opponents?</p> <p>20 FEMALE VOICE 8: Good afternoon, Mr. Chairman, members of 21 the committee. My name is Sarah Howell, H-O-W-E-L-L. I'm the co- 22 director of Montana Women Votes. We also stood in opposition to 23 House Bill 30, and I won't reiterate my entire testimony, but I will 24 remind the committee that during our work over the last year with low- 25 income women across the state, I'm working to engage them in the</p> <p style="text-align: right;">Page 13</p>

<p>1 democratic process challenges. We talked to a lot of women who had 2 stories of challenges they faced, getting registered before the close of 3 regular registration. These included women who were living in 4 domestic violence shelters or transitional housing who legitimately 5 didn't know how to safely update their registration. Women who had 6 access to re-registration through the DMV and had troubles with that 7 at the polls, women with 2 jobs and 3 kids who just didn't find the 8 time. And all of these women came to us because they took their 9 responsibility to vote very seriously and wanted to be involved in the 10 democratic process. They wanted their voice heard. Same-day 11 registration is the safeguard that we have in place, both for the types 12 of errors and mistakes that can happen, not just at the DMV, but in 13 any number of circumstances, and also for those times when people's 14 life circumstances don't allow them to meet the regular registration 15 deadline. We also want to reiterate that while we do feel that the long 16 lines on election day can be challenging, this is not an adequate 17 solution. This is a solution that would serve not to make that process 18 easier and more accessible, but rather to disenfranchise thousands of 19 Montanans. Finally, I just wanna add my concern to the bill title, 20 particularly for folk who are new voters, who are first time voters, 21 who are voting for the first time in a long time. A referendum title that 22 doesn't accurately reflect the content of the bill can be a real 23 challenge. And oftentimes, the time and energy needed to do the 24 research and find out what you're really voting on isn't available for 25 working folks. So I would add my concern that this title does not give</p> <p style="text-align: right;">Page 14</p>	<p>1 of the committee. For the record, my name is Sheena Rice. Rice is 2 spelled like the food, and I represent the Montana Organizing Project. 3 Like many of the opponents we're hearing from, I am a lobbyist. With 4 a little bit more notice, you would have actually heard from our 5 members who are members of churches, labor unions, and community 6 organizations across the state, many of them who have utilized election 7 day registration in past elections. So, with more notice, you would 8 have heard from them. I do wanna echo the concerns about the title of 9 the bill. We need to be sure that the intent is clear of what we're trying 10 to do, and that when voters go into the polling booth and they fill out 11 their ballot, they know exactly what they're voting for, and this title is 12 very misleading. I actually didn't even really understand, took me a 13 couple of times to read it. And I want to talk a little bit about Billings. 14 I live and work in Billings 90% of the time. I'm only up here during 15 the session, and Billings was one of the eye source, I guess, of the 16 [unintelligible] election. We were compared to the floor of 2000 with 17 the long lines and the promise that we had in Billings. Those lines were 18 not the fault of the voters. This is not a voter problem; this is a resource 19 problem, and we need to be investing in our elections and actually 20 getting better locations and more staff to actually encourage people to 21 vote, not make it harder for Montanans to vote. Thank you.</p> <p>22 MALE VOICE 2: Thank you, Sheena. More opponents, Senate 23 Bill 405?</p> <p>24 FEMALE VOICE 11: Chairman [unintelligible], members of the 25 committee, Linda Gryzzan, for the League of Women Voters. It's G-</p> <p style="text-align: right;">Page 16</p>
<p>1 enough information to voters who may see it for the first time on their 2 ballot. So we urge you to oppose 405. Thank you very much.</p> <p>3 MALE VOICE 2: Thanks, Sarah. More opponents?</p> <p>4 FEMALE VOICE 9: Chairman [unintelligible], members of the 5 committee, my name is Rebecca Barger, B-A-R-G-E-R, and I 6 represent the [unintelligible] local 190 out of billings, and we rise in 7 opposition to Senate Bill 405. Our local represents workers from 8 many different trades throughout the state, public employees, UPS 9 drivers, PPL Montana are just some of the few organizations that 10 depend on us to represent them. While we work with them 11 specifically on labor issues, we also take notice to bills that infringe 12 on their right to vote. We believe this piece of legislation is focusing 13 on a problem that does not exist. While we understand the concern 14 that long lines discourage electors from voting, we believe that it is 15 an ill-conceived ideology that late registrants were the problem. 16 While we heard House Bill 30 and House State Administration, we 17 heard testimonies from the bill committee, the Yellowstone County 18 Commissioner, that blatantly said that in billings, the problem 19 consisted of the voting location and not enough staff. We should be 20 urging solutions to those problems, not attacking our citizens, your 21 constituents, their constitutional right to vote. Therefore, we, 22 [unintelligible] local 190 urge a no vote on Senate Bill 405.</p> <p>23 MALE VOICE 2: Thank you, Rebecca. More opponents, Senate 24 Bill 405?</p> <p>25 FEMALE VOICE 10: Good afternoon, Mr. Chairman, members</p> <p style="text-align: right;">Page 15</p>	<p>1 R-Y-Z-Z-A-N. Before the League speaks to a bill, ask me to speak to 2 a bill, the entire committee, steering committee, board of directors 3 looks at it very carefully. I have not heard back, except for what I know, 4 from what they believe on House Bill 30. The 3 hours is not enough. 5 The League of Women Voters of Montana believes that our voting 6 systems are some of the best in the nation, and have earned the 7 confidence of the voters. We should not be making it more difficult for 8 the eligible voters in Montana to participate in our democracy. We urge 9 you; we strongly urge you to vote no on Senate Bill 405.</p> <p>10 MALE VOICE 2: Thank you, Linda. More opponents, Senate Bill 11 405.</p> <p>12 MALE VOICE 10: Good afternoon, Mr. Chairman, members of 13 the committee. For the record, my name's Clayton Elliott, E-L-L-I-O- 14 T-T. I'm here today representing 2 organizations; one was unable to be 15 here because of the late notice. First, the Montana League of 16 [unintelligible] Voters, and second, Western Native Voice. It's an 17 organization based in Billings, both of them. Mr. Chairman, I wanted 18 to speak to add... we echo the concerns of previous opponents, one 19 additional dimension, particularly working with folks in rural 20 communities. Oftentimes, the distance to travel to make it to an 21 election, to make it to a polling place that is far, and for some people 22 who have driven, perhaps a 150-mile run to it. The inability then to 23 find out that there was a mistake with the registration and they're not 24 able to vote is a tremendous inconvenience for their fundamental right 25 to vote. So we also rise in opposition to Senate Bill 405.</p> <p style="text-align: right;">Page 17</p>

<p>1 MALE VOICE 2: Thanks, Clayton. More opponents?</p> <p>2 FEMALE VOICE 12: Mr. Chairman, members of the committee,</p> <p>3 my name is Terry Minow, M-I-N-O-W. I represent MEAMFT</p> <p>4 teachers and public employees working in every district in Montana.</p> <p>5 We rise in strong opposition to Senate Bill 405. In previous hearings,</p> <p>6 you have heard compelling testimony from those who have utilized</p> <p>7 election day registration. I would only add that our members who</p> <p>8 work in 24/7 facilities like Pine Hills, Montana State Prison, and</p> <p>9 Montana School for the Deaf and Blind, and those who work in public</p> <p>10 safety, like probation and parole officers, may need to utilize the</p> <p>11 current law due to work obligations. I urge you to vote against Senate</p> <p>12 Bill 405. Please maintain Montana's current law, which allows voters</p> <p>13 to register and vote right through election day. Thank you, Mr. Chair.</p> <p>14 MALE VOICE 2: Thank you, Terry. More opponents, Senate</p> <p>15 Bill 405.</p> <p>16 FEMALE VOICE 13: Good afternoon, Mr. Chair, members of</p> <p>17 the committee, my name is Nicki Zupanic, that's Z-U-P-A-N-I-C, I'm</p> <p>18 the public policy director for the American Civil Liberty</p> <p>19 [unintelligible] Union of Montana. And on behalf of nearly 2,000</p> <p>20 members state-wide, we strongly oppose Senate Bill 405. My</p> <p>21 apologies that I don't have a prepared written remarks to share with</p> <p>22 the committee. I usually try to distribute them, but given the</p> <p>23 incredibly short notice of the hearing, I was unable to have it. We</p> <p>24 reiterate the concerns that we already shared with this committee in</p> <p>25 our opposition to House Bill 30. Measures like these place blame on</p> <p style="text-align: right;">Page 18</p>	<p>1 [unintelligible], it's exactly the title of the bill, an act protecting the</p> <p>2 integrity of Montana elections by revising late voter registration and</p> <p>3 ensuring compliance with the national voter registration act.</p> <p>4 MALE VOICE 11: Mr. Chairman, follow-up.</p> <p>5 MALE VOICE 2: Sure.</p> <p>6 MALE VOICE 11: Does the actual thing in question, the voters</p> <p>7 vote on, say anything about, in its particular text, elimination of same-</p> <p>8 day voting?</p> <p>9 FEMALE VOICE 14: Mr. Chair and Senator [unintelligible] there's</p> <p>10 also a statement of implication that the AG will put on, but it will say</p> <p>11 to the electorate... this is not the [unintelligible]</p> <p>12 FEMALE VOICE 15: Page 4 on the last lines.</p> <p>13 FEMALE VOICE 14: House Bill 30 would have said an act revising</p> <p>14 the close of late voter registration. And that's what I prefer to see on this</p> <p>15 bill, so that the title accurately reflects what will be on the ballot.</p> <p>16 MALE VOICE 2: Senator [unintelligible]</p> <p>17 MALE VOICE 11: I'm just... I'm looking here. I don't see that</p> <p>18 on page 4. I just see a submission to the electorate that just says, by</p> <p>19 printing on the ballot the full title and the following... just looking at</p> <p>20 page 6, at the bottom of the page is where I'm at.</p> <p>21 FEMALE VOICE 15: Page 4, you mean?</p> <p>22 MALE VOICE 11: Page 4?</p> <p>23 MALE VOICE 2: Yeah, I see page 4.</p> <p>24 MALE VOICE 11: Right.</p> <p>25 [overlapping]</p> <p style="text-align: right;">Page 20</p>
<p>1 voters for the inconveniences that were experienced on election day,</p> <p>2 and it does so by restricting access to voting, restricting access to the</p> <p>3 foundation of a democratic process. That is not the solution to any</p> <p>4 inconveniences or any hiccups that might be experienced on election</p> <p>5 day, especially when this committee has been faced with the evidence</p> <p>6 that's been shared by other opponents regarding the very legitimate</p> <p>7 reasons why many voters utilize election day registration. And finally,</p> <p>8 this issue, on top of being a bad policy, is not appropriate for a</p> <p>9 legislative referendum when you do look at the title and the form</p> <p>10 against language; it's a poor choice for this body to endorse putting</p> <p>11 this measure before the voters, given the lack of detail that will be on</p> <p>12 the ballot, in the title, and in the form against language. For all of the</p> <p>13 reasons that have already been shared with you, we join in the other</p> <p>14 opponents in asking for a do not pass on this bill. Thank you.</p> <p>15 MALE VOICE 2: Thank you, Nikki. More opponents, Senate</p> <p>16 Bill 405. We're moving onto informational witnesses. We are going</p> <p>17 onto questions from the committee. Senator [unintelligible].</p> <p>18 MALE VOICE 11: Mr. Chairman, for the Secretary of State. Mr.</p> <p>19 Chairman, madam Secretary, I'm referring to the title of the bill. Do</p> <p>20 you have the bill in front of you?</p> <p>21 FEMALE VOICE 14: Yes.</p> <p>22 MALE VOICE 11: Okay. This is a bill for a referendum. Can</p> <p>23 you tell the committee what precisely goes on the ballot where you</p> <p>24 checked yes or no? Can you tell that from the title of the bill?</p> <p>25 FEMALE VOICE 14: It's an exact... Mr. Chair and Senator</p> <p style="text-align: right;">Page 19</p>	<p>1 MALE VOICE 11: Yeah.</p> <p>2 FEMALE VOICE 14: Mr. Chair, it's not on there. Senator</p> <p>3 [unintelligible] no.</p> <p>4 MALE VOICE 11: So Mr. Chairman, follow-up. Mr. Chairman,</p> <p>5 madam Secretary, so right now, the way this is written... it's gonna be</p> <p>6 submitted with the full title of the act that you read so moments ago,</p> <p>7 and a block that says yes on legislative referendum number blank, no</p> <p>8 on legislative referendum number blank, and nothing about this bill</p> <p>9 eliminates same-day voting.</p> <p>10 FEMALE VOICE 14: Mr. Chair, and Senator [unintelligible]</p> <p>11 that's correct. It will say an act protecting the integrity of Montana</p> <p>12 elections by revising late voter registration, ensuring compliance with</p> <p>13 the national voter registration act, rather than House Bill 30, which</p> <p>14 would say an act revising the close of late voter registration.</p> <p>15 MALE VOICE 11: Okay. Mr. Chairman, madam Secretary, thank</p> <p>16 you.</p> <p>17 MALE VOICE 2: Senator Brown? No questions?</p> <p>18 FEMALE VOICE 1: Actually, no. She clarified. Thank you.</p> <p>19 MALE VOICE 2: No more questions from the committee?</p> <p>20 Senator [unintelligible]</p> <p>21 MALE VOICE 12: Mr. Chairman, question for the sponsor.</p> <p>22 MALE VOICE 1: Mr. Chairman.</p> <p>23 MALE VOICE 12: Senator Olson, what was the inspiration for</p> <p>24 you bringing this bill as a referendum? We haven't heard much about</p> <p>25 that. Could you...</p> <p style="text-align: right;">Page 21</p>

1	MALE VOICE 1: Mr. Chairman, Senator [unintelligible] I think	1	counties... we don't have enough people to work elections, and when
2	as we've all been through this process numerous times, and you may	2	you got to take all your election staff out of the court house for
3	get a bill passed out of the legislature that may not make it across the	3	something like this, this really clogs up the process. It is a cumbersome
4	governor's desk.	4	process, and it shouldn't be a cumbersome process. But I think if we
5	MALE VOICE 2: Senator [unintelligible] follow-up.	5	move the voter registration day to the Friday before election day, that's
6	MALE VOICE 12: Mr. Chair, Senator Olson, have you talked to	6	definitely going to assist in the process and clean it up. Remember the
7	the governor about the other companion bill to this that's actually a	7	good old days when you... if you weren't registered 30 days before
8	statutory bill, not a referendum?	8	the election, you didn't vote. And Mr. Chairman, members of the
9	MALE VOICE 1: Mr. Chair and Senator [unintelligible] no I	9	committee, since I've been 18 years old, I have missed one election,
10	have not.	10	that was a school election. I've worked in the oil patch all my life,
11	MALE VOICE 12: Follow-up, Mr. Chairman.	11	never knowing from one day to the next where I'm going to be, but I
12	MALE VOICE 2: Follow-up.	12	have only missed one school election. My youngest daughter, when
13	MALE VOICE 12: Can you give us... I know you're gonna	13	she was going to college in Billings, we'd drive back to Roundup on
14	reserve some time for your closing, and I just... we haven't really	14	election day to vote. She took that very seriously. Not to mention I may
15	heard any reason from you as to why this is so necessary to put before	15	have needed that one vote to get elected. [laughter] My son works in a
16	the voters and why this is so necessary, why this is a good policy, to	16	coal mine, and he works 12-hour shifts, lives 10 miles out of town. He
17	strip these thousands of Montanans the right to vote on these last 2	17	has never missed an election. If he's scheduled to work on election
18	days, as we know a lot of folks utilize the time to cast their ballots.	18	day, he gets an absentee ballot. The company I work for, we employed
19	Could you let us know your thoughts on that?	19	a number of people in Montana, a lot of them have moved in from out
20	MALE VOICE 1: Mr. Chairman, Senator [unintelligible] I guess	20	of state, certain parts of that company are for those where their people
21	my thoughts on this and why this should be on the ballot is it does	21	are on-call 24/7. Some of the others worked 12-hour shifts, but they
22	affect voters, and voters need to make that decision.	22	recognize their right to vote, and they vote. I think as people are
23	MALE VOICE 2: Senator [unintelligible].	23	informed of the process and what we have, they will show up to vote,
24	MALE VOICE 12: One more follow-up.	24	but to have a mad rush on a polling place or the court house on election
25	MALE VOICE 2: Yeah.	25	day, that's ridiculous. People do have the right, but with that right comes
Page 22		Page 24	
1	MALE VOICE 12: Do you have concerns about the information	1	a responsibility, and if you're gonna be a responsible citizen, you know
2	asymmetries that might occur when you've got all of this referendum	2	when election day is. You know what you have to do to register to vote.
3	that I believe that the majority party intends to put on the ballot, to	3	You know if you need an absentee ballot or if you're moving from here
4	have this little fine print, additional referendum, which pertains to	4	to there or whatever. My mother, she was in failing health, she still
5	constitutional fundamental right under our state and federal	5	managed to vote. She got her absentee ballot. And it was mailed to her.
6	constitution, that you might be voting without all of the facts and	6	So Mr. Chairman, members of the committee, this is gonna help clean
7	without all of the consideration that might go into such an important	7	up the process at the court house, at the polling place. It won't
8	constitutional right?	8	disenfranchise voters. They'll still have the opportunity, and if they're
9	MALE VOICE 1: Mr. Senator, or Mr. Chairman, Senator	9	gonna take their voting rights seriously, they'll get it done. So thank
10	[unintelligible], I have that concern on every initiative, referendum	10	you, Mr. Chairman.
11	constitutional initiative that comes out on the ballot. It's been my	11	MALE VOICE 2: Thank you, Senator Olson, and this closes the
12	experience that when we put things on the ballot, they're generally	12	hearing on Senate Bill 405. [unintelligible] I was right on that.
13	voted on based off of emotion, and not necessarily the facts. But then	13	[voices overlapping]
14	again, Mr. Chairman, Senator [unintelligible] if we're going to be	14	FEMALE VOICE 1: Everybody knows how they're gonna vote,
15	tinkering with laws that pertain to the voters once again, I think the	15	anyway.
16	voters of the state of Montana should make that determination, and	16	MALE VOICE 1: They do?
17	not the legislature.	17	FEMALE VOICE 1: Yes. Yeah. Yeah. Yup.
18	MALE VOICE 2: Senator [unintelligible]? More questions from	18	MALE VOICE 1: Okay. I guess we'll move into executive action.
19	the committee? You may close, Senator Olson.	19	
20	MALE VOICE 1: Thank you, Mr. Chairman. Mr. Chairman,	20	
21	members of the committee, and for the record, a lot of the people that	21	
22	testified against this bill are people that I occasionally have cold beer	22	
23	with, really do enjoy their company. And I want to thank them for	23	
24	being so kind, and I'd like to thank the committee for being so kind.	24	
25	But you get out in [unintelligible] Montana and some of these rural	25	
Page 23		Page 25	

Senate Bill 405
Audio Transcription
House Administration Hearing
April 15, 2013

<p>1 (Recording begins)</p> <p>2 MALE VOICE 1: Thank you. Madam. Chairman, Madam</p> <p>3 chairman, members of the committee for the record. I'm Alan Olsen.</p> <p>4 I represent Senate District 23 in the first bill that I had before you here</p> <p>5 this morning is Senate Bill 405. Madam chairman, essentially what</p> <p>6 405 does is it moves, the close of late voter registration from election</p> <p>7 day to the Friday before at it would end at 5 p.m. on the Friday before</p> <p>8 election day. Sets the time and place for the...this referendum to</p> <p>9 appear on the ballot. I do have some amendments to go on this, but I</p> <p>10 will save them for my close. Madam chairman.</p> <p>11 FEMALE VOICE 1: Thank you. Okay, we will give 25 minutes</p> <p>12 to opponents and proponents. And we will begin with the proponents.</p> <p>13 So are there proponents for Senate Bill 405. Proponents. [laughs]</p> <p>14 okay, seeing no proponents. This will go a little...Are you a</p> <p>15 proponent? Oh, okay. Okay. Proponent.</p> <p>16 MALE VOICE 2: Okay. My name is Dan Stusek. S-T-U-S-E-K.</p> <p>17 And I am a student in Missoula. Currently a law student over the third</p> <p>18 year. Law student. Just about to graduate. I have a little bit of history</p> <p>19 with this bill. I tried well back in 2010. A friend of mine hadn't been</p> <p>20 hadn't been registered. Unfortunately, I couldn't get her here today to</p> <p>21 testify as well, but we went down to the Missoula County election</p> <p>22 registration and you know, she, that day. She said well, you know, I</p> <p>23 haven't registered to vote. I'm not registered. I'd like to vote and she</p> <p>24 got to the polling place and this is during an off-year election. She</p> <p>25 saw the lines that were accompanying, the registration that day and</p> <p style="text-align: right;">Page 2</p>	<p>1 compile all the necessary information, do checks on voters and have</p> <p>2 time to prepare for the necessary election, election day that we don't</p> <p>3 have instances like we had last election and basically every election</p> <p>4 since we've had same-day voter registration. And in regard that was a</p> <p>5 30-day. This bill only wants to take it back to the Friday before I see</p> <p>6 no reason to think that this is nothing but a reasonable non-</p> <p>7 discriminatory restriction upon those amendment to justify the state's</p> <p>8 regulatory interest. In regards to that interest, there were multiple</p> <p>9 places around Montana, Browning, Big Sky, other areas where they</p> <p>10 simply ran out of ballots. They didn't know what to expect. So there</p> <p>11 were long lines or people that were told to leave and come back</p> <p>12 because they simply didn't have enough ballots. It's obvious that you</p> <p>13 will not know how many people to expect and in some places, you'll</p> <p>14 have fewer or more people than is justifiable for County</p> <p>15 [unintelligible] Lines. Billings wasn't done till 1:00 or 2:00 in the in</p> <p>16 the, in the morning, you know, obviously lengthening the amount of</p> <p>17 time that a lot of candidates and outlets around the state had to wait for</p> <p>18 all your voter information and the votes to come in. Another quote</p> <p>19 from that, I'll know you're stressed on time here, but one this is from</p> <p>20 my paper as well. One must be registered to vote in a certain State and</p> <p>21 meet all the requirements of that states law. As a practical matter there</p> <p>22 should be must be substantial regulation of elections, if they had been</p> <p>23 fair and honest and some sort of order rather than chaos in</p> <p>24 accompanying the democratic process. To achieve these objectives,</p> <p>25 States have enacted in comprehensive and sometimes complex</p> <p style="text-align: right;">Page 4</p>
<p>1 said, man, I've got to work today. This is... I don't know if this is</p> <p>2 going to work. This is not. I don't have time for this. So we were there</p> <p>3 for five minutes and had to turn around. I... feel like there were quite</p> <p>4 a few people and talking to people who are on last election, who not</p> <p>5 everyone, who maybe wanted to vote or could vote was able to</p> <p>6 because of the chaos at the election, polling places in, especially</p> <p>7 Missoula in Bozeman my couple friends went to the Missoula</p> <p>8 location. And we're told that there was one student group in particular,</p> <p>9 that was using loudspeakers and providing coffee and pizza for those</p> <p>10 people who were waiting in line, you know, to try to get them to stay</p> <p>11 there. And in my opinion, that shouldn't be necessary. I actually wrote</p> <p>12 my advanced writing requirement paper on this subject and election</p> <p>13 law class with Johnstone last semester, you know, I... a lot of people</p> <p>14 think that this may pose restrictions upon voting or one's right to vote</p> <p>15 that are unduly authorized or shouldn't be there. I...in writing this</p> <p>16 paper. I did quite a bit of research in this subject and went back and</p> <p>17 found that Justice Thurgood Marshall and 1972 case done versus</p> <p>18 Bloom Stein wrote that when a state election provision includes is</p> <p>19 only reasonable non-discriminatory restrictions upon the First and</p> <p>20 Fourteenth Amendment rights of voters, the state's important</p> <p>21 regulatory, interests are generally sufficient to justify the restrictions.</p> <p>22 And that was in regards to a 30-day election registration period. This</p> <p>23 was a 1972 case where they struck down a year-long residency</p> <p>24 requirement in the state, but in his authority, in majority opinion.</p> <p>25 Justice Marshall said, we understand though that a state needs time to</p> <p style="text-align: right;">Page 3</p>	<p>1 election codes. As a result, election loss will invariably impose some</p> <p>2 burden upon individual voters. Registration is one of these burdens and</p> <p>3 a primary regulation and state election codes. Its various requirements</p> <p>4 in separate states, signify, significantly affect the electorate. You know,</p> <p>5 it's in getting trying to get people to come testify before this bill. Its</p> <p>6 tough. Because those who may be registered and election day aren't</p> <p>7 necessarily the type of folks who you could drag to a committee</p> <p>8 meeting and here to testify before that bill. You know, with the regard</p> <p>9 timing, I mean, there's timing with everything in life. Deadlines,</p> <p>10 registration deadlines. Voting is such a fundamental right that it seems</p> <p>11 like, if that's a right, you want to use, it's something you should be able</p> <p>12 to make sure that you have, look into, you know, with the absentee</p> <p>13 ballot process, 30 days beforehand, to get that absentee and send it out.</p> <p>14 Vote, basically vote on any one of those days. Is not an undue burden</p> <p>15 or discriminatory in any fashion, I would just like to testify on behalf</p> <p>16 of, you know, all those who obviously aren't here that have dealt with</p> <p>17 this issue in the past, that those voters, like my friend who showed up</p> <p>18 on that day and we're turned away, you know, but I didn't feel sorry for</p> <p>19 her. I told her I'm like, you know, you had a couple years. I mean you</p> <p>20 have since you're 18 to register to vote and to check on this and if you</p> <p>21 know, she ultimately said man, not a big deal and I know that's not that</p> <p>22 way for most people and it shouldn't be, but the Friday before hand is</p> <p>23 not a discriminatory deadline. It seems like if this is such a</p> <p>24 fundamental important right for you, it would help ease, the burden on</p> <p>25 election day. It would ensure that. Those who want to vote have the</p> <p style="text-align: right;">Page 5</p>

<p>1 opportunity to and you can check your register. I know there were 2 problems last time with the DMV and other issues like that, but we 3 know that now those can be fixed. That was ultimately an 4 administrative mix-up. And, you know, this suffrage is the basic 5 fundamental right. And I agree with Justice Marshall that, you know, 6 a 30 day, you know, wasn't if he thought 30-day wasn't restrictive. I 7 don't see why a two or three day registration requirement for hand. 8 Just to ensure that we don't have those problems with the long lines, 9 the chaos, the running out of the ballots, different partisan groups, 10 you know, basically running the show at election day, pulling 11 processes across the state. Doesn't happen. And that's the non- 12 discriminatory reason for us to, you know, simply put it off what two 13 or three days before is otherwise the case, so thank you very much.</p> <p>14 FEMALE VOICE 1: Thank you. Mr. Stusek. For any I've 15 something to mention that anybody who does testify please stay in 16 the room for questions at the appropriate time from the committee.</p> <p>17 MALE VOICE 3: Good morning, Madam, Chair, members of 18 the committee for the record, Jeff [unintelligible]. Normally, I appear 19 on behalf of the Montana Family Foundation. But this morning I'm 20 not. I'm just appearing on behalf of myself and maybe to give the 21 committee some perspective, back when I was a member of this body. 22 In the early 2000s. Montana went underwent a major change in all of 23 its election law across the board going to absentee voting, that was 30 24 days out, the changes in voting registration requirements and things 25 like that. And as normally happens when the legislature undertakes</p> <p style="text-align: right;">Page 6</p>	<p>1 system and the system should be reliable, that should be predictable 2 and it should be dependable. We need to protect at the bottom line, the 3 Integrity of the process, the Integrity of the voting process. And I think 4 that's what this bill does. I think it's a minor tweak. It puts some 5 integrity back in the process. It takes some of the chaos out of election 6 day. And I think that we should go ahead and move forward with this 7 policy. So I would encourage you to vote "Yes" on the bill. Thank you.</p> <p>8 FEMALE VOICE 1: Thank you. Mr. [unintelligible] are there 9 other proponents to Senate Bill 405, other proponents? Okay, seeing 10 none, are there any opponents and we will have till 8:45? For 11 opponents.</p> <p>12 FEMALE VOICE 2: Madam, Chair, members of the committee. 13 Lisa Kimmet K-I-M-M-E-T. I'm the elections in government services 14 deputy for the Secretary of State, Linda McCulloch, and I'm testifying 15 here today on her behalf. I thought we were done testifying in front of 16 this committee. But here we are back again. Secretary McCullough 17 continues to strongly oppose, eliminating Montana same-day voter 18 registration as it would undoubtedly deny eligible Montanans their 19 right to vote. You've heard her opposition to this bill before when she 20 came in to oppose House Bill 30 before this committee, and I'm not 21 going to repeat all of the testimony that she presented in opposition to 22 House Bill 30. A couple things that I do want to talk about is the cost 23 to pay to place a referendum on the ballot. And we've talked about this 24 in this committee before our office estimates that it costs about 38,000 25 dollars for the counties to place a legislative referendum on the ballot.</p> <p style="text-align: right;">Page 8</p>
<p>1 major changes in policy, there are unintended consequences. And so 2 what the legislature usually does, is passes the policy and then goes 3 back and once those unintended consequences make themselves 4 apparent, then you go back and you try to fix them and that's what I 5 see this. As I actually see this as just a fairly minor tweak to the to the 6 policy that was implemented in the last decade. All you're doing, is 7 you're saying, recognizing and I think that we should recognize 8 corporately as Montanans that we've got a problem on election day. 9 Now, we have masses of people showing up at the polls. We have 10 people that are showing up at the polls as an afterthought, or being 11 dragged there by somebody saying, hey, let's go vote now, or being 12 driven there by special interest groups. I've traveled all over the world 13 literally, in communist countries, former communist countries, 14 countries controlled by military dictatorships. And in those countries, 15 people cherish the right to vote and we have forgotten that as a nation. 16 We just think that we have this right to vote and that right should, you 17 know, extend right up until one minute before election time if I 18 happen to give it, no thought before that. And I think that's wrong. 19 And we've as a body, myself, included, exacerbated that problem. 20 When we basically told people you can use, you can treat elections as 21 an afterthought and voting as an afterthought. And so as the witness 22 before me just said, there's, you know, we bear some responsibility as 23 citizens, and you have a couple of years to register to vote. You know, 24 you don't need to wait until the very last hour and by waiting until the 25 last hour, we've created chaos, we've created uncertainty in the, in the</p> <p style="text-align: right;">Page 7</p>	<p>1 And this is a conservative number that includes the layout in the 2 printing of the ballot and the programming of the tabulating machines. 3 It doesn't include additional time money and energy spent on things 4 like mailing the voter information, pamphlet preparing, the voter 5 information pamphlet. Shipping the voter information pamphlet. 6 Those costs are costs that are shared by the counties and by the office 7 of the secretary of state. So far this session, there's been, I don't know 8 why. I think at last count there were, maybe 20, some 24 legislative 9 referendum that have been proposed and about 10, that are still active. 10 So, if all 10 of those legislative referendum, make it to the ballot, that'll 11 be about a 308,000 dollar bill to the counties. Additionally, when this 12 issue would be on the ballot, would be the federal election held in 13 2014, which is a non-presidential election year. And, of course, there's 14 always lower voter turnout. In the 2010, general election. The turnout 15 was 59% compared to 79% in the 2012 general election. There were 16 67% turnout in the 2006 general election compared to 81% in the 2008 17 General election. Another thing that we're concerned about with this 18 bill is the title of the bill. Nowhere in the title does the bill address 19 what the bill is attempting to do, which is to eliminate same-day voter 20 registration. The title, which is what will appear on the ballot. So it's 21 what the voters will see, says it is protecting the integrity of Montana 22 elections by compliance with the National Voter Registration Act. And 23 I just want to clear that up, this legislation as it's been proposed in other 24 states, has addressed the National Voter Registration Act because other 25 states who had election day registration, when the National Voter</p> <p style="text-align: right;">Page 9</p>

<p>1 Registration Act was passed in 1993, they were exempt from the</p> <p>2 National Voter Registration Act. Montana was not exempt from the</p> <p>3 National Voter Registration Act. We've never been exempt from it.</p> <p>4 Montana is in full compliance with the National Voter Registration</p> <p>5 Act as we're required to be. I think the title or I think that addressing</p> <p>6 the National Voter Registration Act. We initially address this with the</p> <p>7 drafters of House Bill 30, because it was mentioned in House Bill 30,</p> <p>8 but it was pretty nondescriptive, House Bill 30, it wasn't a big issue</p> <p>9 for our office. In retrospect, I wish we would have pressed that a little</p> <p>10 bit harder in House Bill 30, because now it appears in this bill in the</p> <p>11 title. And it, it sounds as if we're not in compliance with the National</p> <p>12 Voter Registration Act and we are. And we think that title, the</p> <p>13 inaccuracy of that title could be confusing to voters. And we have</p> <p>14 asked, we have also talked to the sponsor about this communicated</p> <p>15 with him, about our concerns with title, we ask that this committee</p> <p>16 carefully, consider the language in the bill, including the title being</p> <p>17 proposed for the ballot, the title that will appear on the ballot. Our</p> <p>18 office supports efforts to streamline election administration in</p> <p>19 Montana. We firmly believe that you don't shorten the lines on</p> <p>20 election day by denying people their right to vote. And I also want to</p> <p>21 remind you that the lines late registration does not happen at the</p> <p>22 polling places. It happens at the county elections, in office. I just want</p> <p>23 to clarify that the long lines at the polls, are not due to late registration</p> <p>24 because you can't late register at the polls. We also don't believe you</p> <p>25 shorten the lines by adding to our complicating an already</p> <p style="text-align: right;">Page 10</p>	<p>1 members that come before you to oppose Senate Bill 405. Senate Bill</p> <p>2 405 is proposed legislative reform that would end election day</p> <p>3 registration and roll back registration to end up 5 p.m. Friday before</p> <p>4 the election. I know I brought up that I've heard the Marshall Trilogy</p> <p>5 from. So I came up here, that was actually an act that made us Native</p> <p>6 Americans, not citizens. I don't know if a lot of people understand it,</p> <p>7 but that's one of the reasons we cannot vote. I kind of just want to say</p> <p>8 that out there. One of the things that we had to reverse Marshall Trilogy</p> <p>9 was a 1968 voter Rights Act and become citizens in 1924, all across</p> <p>10 the board for Native Americans who are some of the things that we</p> <p>11 have had to take decades. Also, I was up in Browning with the ballots</p> <p>12 and doing that same day, and running people all the way to</p> <p>13 [unintelligible] which is actually probably two-hour drive that just to</p> <p>14 convince people to get up there that that's how important the vote was</p> <p>15 for them was to make that two-hour drive. So these 119 people that</p> <p>16 you see on here, we probably ran. I don't know how many of them up</p> <p>17 there. Just to vote because they came and look for me. They walked</p> <p>18 from town. I don't know if you guys have ever seen a big Browning is</p> <p>19 but it's cold up there and they walked just so they could get to heart,</p> <p>20 you know, get the [unintelligible] to vote because that's where they had</p> <p>21 to go. That's how important this was wasn't because they were lazy or</p> <p>22 don't have any time. It's because they were single parents, mothers,</p> <p>23 elderly. Up in lane the story was, I asked the lady. I couldn't speak to</p> <p>24 her. I didn't know why she had never voted. She didn't vote, because it</p> <p>25 wasn't, she couldn't speak, can't read English. Her first language is not</p> <p style="text-align: right;">Page 12</p>
<p>1 complicated ballot. In 2012, 5 ballot issues were on the ballot.</p> <p>2 Montanans waited in line to give their neighbors to chance to vote</p> <p>3 that 2 page ballot. In 2014 we're potentially looking at a ballot over</p> <p>4 twice the length which will do nothing to shorten the lines on election</p> <p>5 day. These ballots will not only take longer to count, but they will</p> <p>6 also delay election results. And we ask that you vote "No" on House</p> <p>7 Bill 405. Thank you.</p> <p>8 FEMALE VOICE 1: Thank you.</p> <p>9 FEMALE VOICE 2: Madam, Chair. I also would like to give a</p> <p>10 copy of the testimony to the secretary. And I have a handout that</p> <p>11 shows election day registration by house district. We provided this</p> <p>12 hand out during our testimony on House Bill 30. And I just like to</p> <p>13 hand it out as a reminder. Thank you.</p> <p>14 FEMALE VOICE 1: Thank you. Okay, further opponents.</p> <p>15 MALE VOICE 4: Okay, we'll just hold it up, Madam, Chair and</p> <p>16 committee members. I come before you to oppose Senate Bill 405.</p> <p>17 Female Voice 1: Could you introduce yourself?</p> <p>18 Male Voice 4: Oh, I know. [unintelligible] my name is Dustin</p> <p>19 Monroe. I'm the executive director of a western native voice. We're</p> <p>20 an organization actually, is [unintelligible].</p> <p>21 Female Voice 1: Would you spell your last...</p> <p>22 MALE VOICE 4: Monroe is spelled M-O-N-R-O-E. Yes,</p> <p>23 ma'am. Okay. It's okay if I hand out my...</p> <p>24 FEMALE VOICE 1: Yes.</p> <p>25 MALE VOICE 4: So yes, Madam, Chair and committee</p> <p style="text-align: right;">Page 11</p>	<p>1 English. In Montana a lot of our first brew called the first people in our</p> <p>2 language. A lot of the elders, their first language is actually you know</p> <p>3 up there. It's Northern Cheyenne for me, my first is English, but for</p> <p>4 my elders it is their first language is of [unintelligible] the title of the</p> <p>5 bill is, you know, I'm going to go over that again. Yeah, it is fairly</p> <p>6 misleading. And it will affect the vote specially for people that get out</p> <p>7 there. They'll think they'll do. Doing the right thing. And actually, you</p> <p>8 know, depending on what your views are on that, where you're voting</p> <p>9 is very miscued, and I think anything that cost the taxpayers money</p> <p>10 should have a physical note on it. Just like we heard before from</p> <p>11 secretary of state is actually going to cost 37,000, 7 or 29 dollars. And</p> <p>12 if we have all these 13 referendums that go on it. We know it's like a</p> <p>13 Sears Catalog. So we're going to take your time and it's going to</p> <p>14 increase the weight, but that's also going to cost the state 491,000</p> <p>15 dollars. And we talked about, I heard another proponent come up here</p> <p>16 and talking about. I've also served my country and I've also been all</p> <p>17 around the world. I have been to dictatorships. And I fought</p> <p>18 dictatorships all around this world. I fought him for seven years. I keep</p> <p>19 fighting for 12 years. And if the Call Comes again, then I will go back</p> <p>20 and fight again. I'm so for the right to vote. It's very fundamental. I</p> <p>21 served as people like specialist Lori Piestewa, who was the first Native</p> <p>22 American woman to die over there. Died in Iraq. Sergeant Moses</p> <p>23 Roca. He was a Navajo man that died just a month ago. A Marine in</p> <p>24 Afghanistan. Sergeant, Antonio Burnside. He was a personal friend</p> <p>25 who was from Great Falls, we grew up together. He died last year by</p> <p style="text-align: right;">Page 13</p>

1 sniper fire in Afghanistan, but he was a Montana, Native American
 2 resident. For Native Americans is always popular being in the
 3 military because we say, why do we fight for people that don't, they
 4 know our rights and I lost that stood up and answered the call, we
 5 fought because we believe in our rights when we believe in how we're
 6 great this country is. And some of the rights that we actually fought
 7 for was the right to vote. He says it's a fundamental thing, but if you
 8 take it away, even one day, that is taking away a right for Native
 9 Americans, you know, we were the last ones to get the right to vote.
 10 We had so many discriminatory. Actually had to give up being Native
 11 American just to vote and some did just be to try to, it's called
 12 simulation just to go in and actually, that's how important this right is
 13 to us. And if you see how we've turned out 61% this year. That's the
 14 highest ever. But in the state of Montana 77%, I think pretty sure is
 15 the average for our state. We're still 16% below that, but we're turning
 16 out and certain elections, we voted as low as 32%, because they may
 17 because the in value it is because this the belief and what I'm asking
 18 you is it is just to give them the belief that actually, you know, I
 19 appreciate them all the time and I come up with how valuable It is.
 20 One of the [unintelligible] an army value. Says I am a freedom. I am
 21 a garden of the freedom and the American way of life. American way
 22 of life is not dictatorship, eliminating people who can and cannot
 23 vote. When I was in Iraq, some of the things that we did over there's
 24 the way the dictatorship ruled is, don't let people have a voice. Let
 25 few have a voice for the whole country and as things that I fought

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1 against and I will continue to fight against for rest of my life. The
 2 problem, like, relies in in significant resources and answer to provide
 3 those resources. They have people vote according to Billings Gazette.
 4 In 2008 Yellowstone County paid for about 400 general election
 5 judges. In 2012 The total was 225. Julia Stone County reduce their
 6 number election judges by 44% in 4 years, their problems along lies
 7 jobs, could have been addressed by restoring just a few of those over
 8 175 judges, thought they had no longer needed. I close with this.
 9 Native Americans were the last people to vote and have showed the
 10 system of same-day voter works because the record turnouts to the
 11 polls this year. I ask the committee members to do something heroic
 12 today, be the difference, be the people that made a difference in
 13 America. All the people that made a difference in America. Always
 14 remember this whenever the majority. So I ask you to please vote
 15 "No" on Senate Bill 405.

16 FEMALE VOICE 1: Thank you. I'm just a reminder. We have
 17 15 minutes left. So please try to keep your comments as close to short
 18 as you can. So everybody has a chance to voice their thoughts.

19 FEMALE VOICE 3: Madam chairman. members of the
 20 committee. My name is Jean Marie Souvigney. That's S-O-U-V-I-G-
 21 N-E-Y. With Montana conservation voters to speak against Senate
 22 Bill 405 as we did against House Bill 30. As you've heard a lot of
 23 Montanans, use this opportunity to register and vote on election day,
 24 28,000 people since we first established it in 2006. Montana's one of
 25 eight states, plus the District of Columbia that offers same-day voter

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1 registration and two other states that have authorized it. But it's not yet
 2 implemented. They do this for a lot of reasons. And one of the biggest
 3 ones that I work, as an election judge in per county, is that they've
 4 registered through the department of motor vehicles. And they don't
 5 show up on the voter lists. Sometimes their name are erroneously
 6 missing from the voting list. They recently moved and registered and
 7 show up at the polls and find out they're not registered at that location
 8 and have to go to the election office and re-register. They want to
 9 register and vote in one visit to the county election office and their
 10 schedule or other factors have prevented them from doing so sooner.
 11 This is particularly important for people in rural areas with difficult
 12 work, schedules with disabilities, with unexpected medical conditions
 13 and those without transportation. We don't think the public is in favor
 14 of this. And we think that major newspapers. We know that major
 15 newspapers across Montana have editorialized against ending election
 16 day registration that includes the Billings Gazette. The Great Falls
 17 Tribune, the Helena Independent Record and the Missoula. election
 18 day voters are not necessarily devanned for the long lines on election
 19 day. And as you just heard Billings is, sometimes used as an example
 20 of those long lines. The fact is many of the problems in billings were
 21 caused by malfunctioning machines. Poor parking, poor management
 22 of the voting location, and the impacts of eliminating polling places
 23 across the city. We are funneling more and more people to individual
 24 locations, large locations, which is naturally going to cause long lines
 25 when you funnel more and more thousands of people to single

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1 locations. They should not be blamed for the problems on election day.
 2 And as you see, if Billings had actually returned a few of those 175
 3 election judges that they did not use in 2012, some of those problems
 4 could have been avoided. We actually agree that the title doesn't reflect
 5 what the bill really does. And we hope that one of the Amendments
 6 that Senator Olsen is offering, is to fix that title. Montana is in full
 7 compliance with the NVRA and it's misleading and it doesn't tell the
 8 voters what they're really voting on, that is to end election day
 9 registration and roll it back to the Friday before. So we would urge you
 10 to adopt that Amendment if it's offered. Thank you.

11 FEMALE VOICE 1: Thank you. other opponents. And you might
 12 want to get in line because we, like I said, you've got 10 minutes now.

13 FEMALE VOICE 4: Madam, Chair, members of the committee.
 14 For the record. My name is Jolie Bruck. That's B-R-U-C-K. I'm State
 15 president of AARP Montana and AARP opposes Senate Bill 405.
 16 You've heard some of the reasons and we agree for opposition and we
 17 agree with those. We think voter participation should be maximized
 18 and not minimized. Serving as an election judge, I have seen that same-
 19 day registration is needed and it isn't because of voters' lack of
 20 responsibility. You, Jean Marie, just talked about the situation in
 21 Billings. We paid attention to that too. I've seen names erroneously,
 22 missing from voting list, possibly due to human error. And that is not
 23 a real lack of responsibility on the voters' part and people, 50 and older,
 24 which we represent, some of those people have had to move to assisted
 25 living or move in with their families and another County that's

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<p>1 traumatic it best. And the last thing, they're thinking about at the</p> <p>2 moment is to whether they're registered to vote, but they are very</p> <p>3 conscientious voters and do realize it on election day and should be</p> <p>4 allowed to register at that time. We also do not like the title of the bill,</p> <p>5 it does not reflect what is in the bill, and we hope that that will be</p> <p>6 amended. So we oppose its bill, and we do hope that you will do the</p> <p>7 same and I do have testimony to hand out if I may do that. Thank you.</p> <p>8 FEMALE VOICE 1: Thank you. Other opponents.</p> <p>9 MALE VOICE 5: For the record, my name is Bridger Bukantis.</p> <p>10 B-U-K-A-N-T-I-S. And I may be unusual on this, but I don't see bad</p> <p>11 lines or long lines on voting day as a bad thing. I see that as amazing.</p> <p>12 It makes shivers go down my spine. When I think that people are</p> <p>13 willing to wait for hours in line just to vote. And, you know, to me,</p> <p>14 that's a good thing. That means our democracy is working. Now, I'm</p> <p>15 not saying If we can't have those people vote without eliminating</p> <p>16 those lines, that isn't a good thing, but I am willing to bet that any of</p> <p>17 those people who have waited for hours in line, next year are going</p> <p>18 to think, hey, maybe I should get an absentee ballot. Now. I don't have</p> <p>19 an organization that I have to, you know, answer to after this</p> <p>20 testimony. So I'm just going to say this is a terrible idea. I mean, the</p> <p>21 fact that it's a referendum, doesn't change. You know, it just means it</p> <p>22 costs more. I testified against House Bill 30 for pretty much the</p> <p>23 same reasons. I mean, it's we live in a democracy and that depends</p> <p>24 upon people participating in politics. And the fact that this is limiting</p> <p>25 that is a bad thing. So, please vote against this.</p> <p style="text-align: right;">Page 18</p>	<p>1 does this mean, and you can't really tell them too much. So it's going</p> <p>2 to be a lot of confusion on election day in two years. Thank you.</p> <p>3 FEMALE VOICE 1: Other opponents. We have five minutes.</p> <p>4 FEMALE VOICE 5: Madam, Chair, members of the committee.</p> <p>5 My name is Sarah Howell. H-O-W-E-L-L. I'm the co-director of</p> <p>6 Montana women vote. Montana women vote is a statewide coalition</p> <p>7 that among other things works to register and engage low-income</p> <p>8 women as informed voters, and we're here today in opposition of</p> <p>9 Senate Bill 405. As with House Bill 30, we think that this bill is</p> <p>10 unnecessary and would actually serve to disenfranchise many of the</p> <p>11 low-income women that we work with. Last year. We registered a lot</p> <p>12 of women across the state and we heard lots of stories from low-</p> <p>13 income women about challenges they faced getting registered. These</p> <p>14 were women who lived in domestic violence shelters, or transition</p> <p>15 housing that honestly didn't know how to safely update their</p> <p>16 registration. Women who had two jobs in three kids and had their day</p> <p>17 is scheduled to within an inch of their lives and women who were</p> <p>18 removed from the roles for no apparent reason, including errors at the</p> <p>19 DMV. And I have a testimony from one of our members who had that</p> <p>20 experience at the DMV that I'd like to put that on the record if I may.</p> <p>21 FEMALE VOICE 1: Yes you may.</p> <p>22 FEMALE VOICE 5: Thank you. We know that there are</p> <p>23 thousands of Montanans. Many of them are members, who would be</p> <p>24 disenfranchised. And you know, no one would argue that these long</p> <p>25 lines and confusion exists on election day. But again, those challenges</p> <p style="text-align: right;">Page 20</p>
<p>1 FEMALE VOICE 1: Thank you. Other opponents?</p> <p>2 FEMALE VOICE 5: Hi, my name is Pam Walzer, W-A-L-Z-E-</p> <p>3 R, and I'm testifying behalf of myself. I'm a polling place manager in</p> <p>4 Missoula. And I during this last election, I worked at two different</p> <p>5 polling places one for the primary and one for the general. And</p> <p>6 likewise. I was just [unintelligible] judge during the previous two</p> <p>7 years. So I've seen two cycles of Elections and in both in 2010 and</p> <p>8 2012. There were significant number of people who thought they</p> <p>9 were registered to vote through the department of motor vehicles, and</p> <p>10 we're not registered. So there's, this is a systemic problem has been</p> <p>11 going on. It's not a new problem. It's not something appears that can</p> <p>12 be fixed easily because they knew there was a problem in 2010 and it</p> <p>13 wasn't fixed for 2012 in the 2012 General. There were at least 50</p> <p>14 people at my polling place, who I talked with who were not registered</p> <p>15 to vote, even though their spouse was, they had gone to the motor</p> <p>16 vehicle department, to register to vote, to get to register for their</p> <p>17 driver's license and vote at the same time. One spouse was registered</p> <p>18 and the other spouse, not these people thought they were registered.</p> <p>19 They were upset. They were upset that they had to go to another</p> <p>20 location to register and vote that day, but at least they got the</p> <p>21 opportunity to vote. They did everything in their power. They thought</p> <p>22 they were registered. They were not please do not put this on polling</p> <p>23 place managed to have to tell these people that you cannot vote. So</p> <p>24 and also the title is very misleading. It's something that as a polling</p> <p>25 place manager, people are going to be asking me what in the world</p> <p style="text-align: right;">Page 19</p>	<p>1 are implementation challenges, not policy challenges and we think that</p> <p>2 they can be addressed in ways that do not leave folks without the</p> <p>3 opportunity to vote. We feel that our democracy is at its best when</p> <p>4 everybody participates. election day registration is a safeguard that</p> <p>5 voters in Montana deserve and take advantage of when they have, in</p> <p>6 fact, done their due diligence to get registered and to vote finally. I'll</p> <p>7 just echo concerns about the title. We want to make sure that voters</p> <p>8 have as much clear and precise information about what they're voting</p> <p>9 on, and we feel like this title does not meet those standards. We urge</p> <p>10 you to oppose Senate Bill 405. Thank you.</p> <p>11 FEMALE VOICE 1: Thank you. Further opponents.</p> <p>12 FEMALE VOICE 6: Madam chair members of the committee,</p> <p>13 Linda Gryzzan for the League of Women Voters and that's G-R-Y-Z-</p> <p>14 Z-A-N. As I mentioned before in front of this committee. I served as</p> <p>15 an election judge, some of our other members served as an election</p> <p>16 judge. And people in this, all of us have had this experience of</p> <p>17 having people come, registering to vote was not an afterthought. As</p> <p>18 you've heard. It's not because they couldn't be bothered. It's because</p> <p>19 they registered to vote. They thought as they interacted with a</p> <p>20 government agency that said, here's your voter registration card that</p> <p>21 they had done it correctly and they had every reason to think that they</p> <p>22 were registered to vote and find out they couldn't. Fortunately, we had</p> <p>23 same-day registration and they were allowed to. Last time I testified, I</p> <p>24 came in with my aunt who has difficulty breathing and her health...just</p> <p>25 depends on the day. Depends on what she can do that day. She was</p> <p style="text-align: right;">Page 21</p>

1 challenged and that well, why didn't you call? And she said, well, next
 2 time, I will. I look back in my emails and said, well, I had email. I
 3 said, I'll take care of this. I'll contact them. I know they got the I said,
 4 where is the registers, her absentee ballot? When I know they got my
 5 email because they wrote back and said, well, we'll have you as an
 6 election judge. Here's your assignment, but there was nothing about
 7 the absentee ballot. So the day that she felt well enough was election
 8 day and we went down together and she was able to vote because of
 9 same-day registration. I hope those who believe we need to
 10 change election day registration, never have a disability that impacts
 11 your life and daily activities. I hope they never live 50 miles from a
 12 polling place or share a mailbox in town with other families, and I
 13 hope government agencies if they interact with, never make a
 14 mistake. Please vote "no".

15 FEMALE VOICE 7: Hello, good morning, Madam chairman,
 16 chairwoman, members of the committee. For the record. My name is
 17 Sheena rice. Rice is spelled just like the food. I'm here on behalf of
 18 the Montana organizing project. I'm not going to repeat any
 19 testimony. I was here. I also opposing House Bill 30. I do want you
 20 to think though that you're limiting testimony and which I understand,
 21 but this is the benefit of being in the legislature and making these hard
 22 decisions. You get to hear from the experts on both sides. That's not
 23 going to happen in a voting booth, voters are going to have maybe
 24 about 30 seconds when they make a decision like this. So, before you
 25 put something on the on the ballot as a referendum, I want you to

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1 really think about with, if this is the right avenue to make a decision
 2 like this and especially with a title so misleading you've heard
 3 reference about the title. That's what will appear on the ballot. That's
 4 what voters will be voting Yes or No on, so, please, reject Senate Bill
 5 405. Thank you.

6 FEMALE VOICE 1: Other opponents.

7 FEMALE VOICE 7: Madam, Chair and members of the
 8 committee. My name is Carolyn Peas Lopez representing house
 9 district 42 and I stand in opposition to this bill. I have a long history
 10 of wanting to vote since I was a preschooler. You see my story is not
 11 unlike many others. My grandfather served in the Navy before, he
 12 was a citizen of this country and he when he got the right to vote, I
 13 think it meant a lot to him. And around election day, we would march
 14 around the kitchen table because I think there must have been a
 15 campaign about that time about being illegal voter. And he, and I
 16 would march around the kitchen table. Chanting. I'm a legal voter.
 17 So, I really would beg this committee not to push back the clock, not
 18 to go back to where we were pre-Civil Rights era. Let's don't go back
 19 and I and I hear sometimes on the news, people bemoaning, the fact
 20 of low turnout voter turnout here. I just, I don't know. When voters
 21 turning out, became a big problem. It has never been substantiated.
 22 That we have a bunch of illegal voting going on a bunch of dead
 23 people voting, that isn't happening. So let's don't import this idea,
 24 which I don't believe is the Montana homegrown idea. Let's don't
 25 import this to our state. Let's don't even put it on the ballot. I would

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1 beg you. Please consider people have right to vote and it might not say
 2 so on the US Constitution, but it sure does in our state constitution. So,
 3 please, I beg you. Turn this down.

4 FEMALE VOICE 1 : Other opponents.

5 MALE VOICE 6 : Madam chair members of the committee. My
 6 name is Terry Minow. M-I-N-O-W. I represent MEAMFT teachers and
 7 public employees working in every district in the state of Montana. We
 8 rise in strong opposition to 405. You've heard very compelling
 9 testimony about this. I would only add that our members who work in
 10 24/7 facilities. And in public safety may especially need to utilize
 11 election day registration, due to their work obligations. We're also
 12 extremely concerned about the bill's misleading title. I hope that you
 13 will amend that title and I hope that you will vote "No" on Senate Bill
 14 405. Thank you.

15 FEMALE VOICE 1 : Other opponents.

16 MALE VOICE 7 : Madam chair members of the committee.
 17 Chris Cavazos, C-A-V-A-Z-O-S. Political director of the AFLCIO. I
 18 won't repeat any testimony. I've given before this committee before on
 19 this issue, but I will say that late registration provides working
 20 Montanans with the freedom to choose timeline to vote. That works
 21 best for them and their busy lives. So we will ask for a "No" vote.
 22 Thank you.

23 FEMALE VOICE 1 : Opponents.

24 MALE VOICE 8 : Good morning. Mr. Burt, Madam chairman,
 25 members of the committee for the record. My name is Clayton Elliott.

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1 E-L-L-I-O-T-T. I'm here. Today, representing the Montana League of
 2 Rural Voters. I won't repeat testimony. But again, I would provide
 3 context for the unique challenges. Facing rural voters who often have
 4 to travel a great distance, and for any circumstance that might happen
 5 with faulty registration. And therefore, being at the end of a hundred
 6 mile round trip, and being unregistered, the freedom to choose when
 7 they can vote is up. Particularly beneficial for them. So, and Madam
 8 chairman. I'm in the hall if anybody has any questions, I'd be happy
 9 to. Thank you.

10 FEMALE VOICE 1: Okay, thank you.

11 FEMALE VOICE 8: Madame chair, members of the committee.
 12 My name is Rebecca Barger, B-A-R-G-A-R, and I represent the
 13 Teamsters Local 190 out of Billings, and I don't want to repeat
 14 testimony, but I just want to remind everybody. When House Bill 30
 15 was up that Yellowstone County, Commissioner Bill Kennedy said that
 16 the lines were directly related to low staff. The polling location and the
 17 machinery, not the voters. So to blame this on the voters is, no offense
 18 to the senator, but bad government. So we are doing a "No" vote.

19 FEMALE VOICE 1: Further opponents.

20 MALE VOICE 9: Madam chairman, members of the committee.
 21 My name is Shawn McQuillan, M-C-Q-U-I-L-L-A-N. I represent the
 22 Montana Public Interest Research Group, which is a fee-paying body
 23 of 8,500 members from within the Montana University system. We
 24 stand against Senate Bill 405 for all the good reasons that has have
 25 been listed before me as we did with House Bill 30. And for the sake

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1 of expediency, I won't say much more. I ask for a "No" vote.
 2 FEMALE VOICE 1: Are there any other opponents? Seeing
 3 none. Any information or witnesses? Seeing none. Questions from
 4 the committee. Representative Vance.
 5 MALE VOICE 10: Thank you. Madam. Chairman. I'm sure I'd
 6 like to start with the sponsor. If I could. Please.
 7 FEMALE VOICE 1: Senator Olsen. Representative Vance.
 8 MALE VOICE 11: Madam chair, Senator Olsen. Are you
 9 proposing an amendment to clarify the title of your referendum?
 10 MALE VOICE 12: Mr. Chairman, our Madam chairman
 11 Representative Vance. I will read the proposed amendment: An act
 12 protecting the Integrity of Montana elections by ending late voter
 13 registration on the Friday before election day and eliminating election
 14 day registration, ensuring the compliance with the National Voter
 15 Registration Act providing that the proposed act be submitted to the
 16 qualified voters of Montana at a special election held, concurrently
 17 with the 2014 primary election.
 18 MALE VOICE 11: Thank you. And chairman, if I could ask a
 19 couple of questions of Miss Kimmet, please?
 20 FEMALE VOICE 1: Representative Vance, Miss Kimmet.
 21 FEMALE VOICE 2: Madam Chair. [unintelligible]
 22 MALE VOICE 11: Thank you. Madam Chair. Miss Kimmet.
 23 Can you tell me how long we've had same-day voter registration?
 24 FEMALE VOICE 2: I believe the first election that we had late
 25 registration, including same-day registration was the 2006 primary

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1 election.
 2 MALE VOICE 11: Thank you, follow-up. Madam chairman,
 3 Miss Kimmet. Can you tell me what the process was prior to that?
 4 FEMALE VOICE 2: Madam chair, Representative Vance, prior
 5 to the 2005 legislation that allowed late registration, voter registration
 6 closed the 30th day before election day.
 7 MALE VOICE 11: Follow-up, Madam chair, Miss Kimmet. To
 8 the best of your recollection, and I wouldn't expect you to know this,
 9 but could you just give me a ballpark as to how long we have that
 10 process in place?
 11 FEMALE VOICE 2: Madam chair. Representative Vance. is
 12 your question, how long voter registration closed 30 days before
 13 election day.
 14 MALE VOICE 11: Yes.
 15 FEMALE VOICE 2: I don't know the answer to that. I believe
 16 that in Montana voter registration closed 30 days before election day.
 17 I know, at least in the 70s. It... and up until 2005.
 18 MALE VOICE 11: Okay. One last follow-up. I promise.
 19 FEMALE VOICE 1: One last follow-up.
 20 MALE VOICE 11: Okay. Thank you. Madam chairman. Miss
 21 Kimmet. Would you then characterize that roughly 40 year period as
 22 being a time frame? When people's right to vote was denied because
 23 it was 30 days.
 24 FEMALE VOICE 2: Madam chair, Representative Vance. I
 25 mean, I would say what I know now, as a both, as an election

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1 administrator and the deputy for the elections division in the Secretary
 2 of State's office, I think there's much more opportunity under late
 3 registration and same-day registration for eligible, Montanans to
 4 register and to vote, utilizing election day registration.
 5 MALE VOICE 11: Thank you.
 6 FEMALE VOICE 1: Representative O'Hara.
 7 MALE VOICE 12: [unintelligible] Miss Kimmet. Please? Couple
 8 questions. Could you tell us Miss Kimmet, how many other states have
 9 same-day registration?
 10 FEMALE VOICE 2: Madam chair, Representative O'Hare, I
 11 believe right now there are 10 States and I don't have the information
 12 right in front of me. But when we looked for House Bill 30, I believe
 13 there were 45 states that were either considering legislation or had had
 14 recently passed legislation that had an implemented in.
 15 MALE VOICE 12: Follow-up, please.
 16 FEMALE VOICE 1: Follow-up.
 17 MALE VOICE 12: Miss Kimmet. Do you, are you familiar with
 18 how they vote? Vote in Great Falls, the polling situation and stuff
 19 FEMALE VOICE 2: Madam chair. Yes.
 20 MALE VOICE 12: Okay, and you stated that they did not register
 21 same-day registration and vote in the same place. I hear you say that.
 22 FEMALE VOICE 2: Madam chair, Representative O'Hare. Yes,
 23 late registration must can only take place at the county election office
 24 or the location designated by the election administrator. Some Election
 25 administrators including Cascade County, Missoula County,

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1 Yellowstone County have moved their election office to a larger
 2 location to accommodate election day registration. And that's what
 3 Cascade County does. Cascade County I believe is unique in that. They
 4 also have a centralized polling location at the same location as the
 5 election office, where they do late registration.
 6 MALE VOICE 12: Follow up. So, so that you've made a
 7 statement, there wasn't quite on them because we do in the same
 8 location, do both.
 9 FEMALE VOICE 2: Madam chair, Representative O'Hare. Yes,
 10 there are a handful of urban counties that have moved election day
 11 registration to a central location and a couple count at least one county,
 12 which is Cascade County does also have polling places at the same
 13 location. However, the lines are completely separate. They have lines
 14 that do the election day registration and then they have election judges,
 15 specifically, for the poll, polling place for voting on election day,
 16 Representative O'Hare.
 17 MALE VOICE 12: It's kind of chaotic, I know that.
 18 FEMALE VOICE 1: Representative O'Hara, okay.
 19 Representative Hurts.
 20 MALE VOICE 13: Madam chair. I have some questions for Miss
 21 Kimmet.
 22 FEMALE VOICE 1: Yes. Miss Kimmet. Representative Hurts.
 23 MALE VOICE 13: Madam chair. Miss Kimmet. It's nice to see
 24 you back in our committee. You testified about the cost of the
 25 referendum. And you said it was 38,000 approximately to put one on

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Exhibit 18

Details for Same Day and Election Day Registration States

State	Year Enacted	Timeframe	Locations	Verification Process
California CA Elec Code § 2170 Conditional Voter Registration	2012	“Conditional voter registration” (CVR) is 14 days before an election through Election Day.	County election official offices, satellite locations, and all polling places in the county.	An elections official may offer a nonprovisional ballot to a registrant if they first verify that the registrant is eligible, has not voted, and has not been included on a roster for that election in another county in the state. The election official must then update the voter's record to indicate that the voter has already voted. If these conditions do not apply then the voter is issued a provisional ballot. Checks are done through the statewide voter registration database (VoteCal) either through an e-poll book or by connecting to VoteCal back at the office. If CVR occurs on Election Day, wherever it takes place, the elections official will wait until all polling place ballots are logged before counting a CVR provisional ballot. An elections official has until the close of the canvass to count or reject a CVR provisional ballot.

Colorado C.R.S.A. § 1-2-217.7 Voter Registration FAQs	2013	Early voting period through Election Day.	Statewide vote centers. Any eligible voter can register or update voter registration from any county in the state. However, the voter's unique ballot style will only be available within his/her county. A registered voter from an outside county will only receive a ballot for statewide races.	Voters are required to show a Colorado state driver's license or ID card issued by the Department of Revenue, and complete and sign a self-affirmation and affidavit. Colorado developed its own e-poll book system that is networked to communicate with the statewide voter registration database in real time. All jurisdictions have access to the system to check that a new registrant has not registered or voted in a different county in the same election.
Connecticut C.G.S.A. § 9-19j Election Day Registration	2012	Election Day (not offered for primary elections)	Designated locations in each town (not at precinct polling places).	Proof of identity and residency is required. The applicant must appear in person at the location. Applicant must, under oath, declare they have not voted previously in the election. Registrars check the state-wide centralized voter registration system. The applicant will also sign the ballot envelope confirming they are eligible to vote in the election.

District of Columbia DC ST § 1-1001.07 DC Board of Elections Registration FAQ	2010	Election Day. Individuals may <i>register</i> after the 30 th day preceding an election including on Election Day. They may only register <i>and vote</i> on Election Day.	Any voting location during the early voting period, and precinct polling place on Election Day.	Applicant must appear in person at the Board of Elections' office. Applicant makes an oath and provides proof of residence and may provide any identification as required by federal, district, or board law/regulation including valid government ID, copy of current utility bill, bank statement, government check, pay check, or other documents specified by the board. E-poll books are networked and synchronized, and indicate if a voter has previously registered or voted. Voters who register on Election Day and cannot provide proof of residence must vote provisionally.
Hawaii HRS § 11-15.2 Registration in Hawaii	2014	Early voting period through Election Day.	Precinct polling place or absentee polling place established in the county associated with a voter's residence.	To register, applicants must provide their Hawaii Driver License, state I.D., last four digits of their social security number, or voter I.D., which will be confirmed when received by the clerk's office. Applicant makes a sworn affirmation that they have not voted and are qualified to vote. Any applicant providing false information may be guilty of a Class C felony pursuant to state law.

Idaho I.C. § 34-408A Voter Registration FAQ	1994	Election Day	Precinct polling place where voter resides.	Voters doing same day registration are required to show a photo ID and proof of residence, i.e. a bill, bank statement, check stub, or any other document with their name and residence address within the precinct printed on it. Voters also complete an oath as prescribed by the secretary of state.
Illinois 10 ILCS 5/5-50 Registering to Vote in Illinois	2005 and 2015	"Grace period registration" is from the 27 th day prior to the election through Election Day	Office of the election authority, at a permanent polling place, at any other early voting site beginning 15 days prior to the election, at a polling place on election day, or at a voter registration location specifically designated for this purpose by the election authority.	Two forms of identification with at least one showing current address. Driver's license and university or college ID can be one of the two, as can current utility bill, bank statement, pay check, government check, or other government document that shows name and address. Local election officials verify information of same-day registrants, usually after the election. If duplicate registrations and voting history are found, it would be up to each local official to provide that information to their local state's attorney. If a voter is unable to provide the required identification would vote provisionally.

Iowa Iowa Code Ann. §39A.2, §48A.7a Election Day Registration	2007	In-person absentee period through Election Day.	At the county auditor's office or satellite voting location during in- person absentee period, and precinct polling place where voter resides on Election Day.	In order to register and vote on election day voters must show a current photo ID as well as current proof of residency. The applicant also completes a written oath. Counties do use e-poll books, but they are not connected to the statewide voter registration database. If a voter did register and vote at more than one location on election day it would be caught when vote credit is applied through the statewide voter registration database. Voting more than once is election misconduct in the first degree.
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Maine 21-A M.R.S.A. §112-A, §121-A, §122 Voter Registration in Maine	1973	Election Day, however there is no registration deadline when registering to vote in person at the town office or city hall. The deadline for mail registrations and voter registration drives is the 21st day before the election.	In person at the town office or city hall prior to the election, and precinct polling place where voter resides on Election Day.	If a voter registers to vote on Election Day, and can show proof of identity and residency, then they vote a regular ballot. If they don't show satisfactory proof, then they vote a provisional ballot. Real-time registration is not available, but if a voter attempts to register and vote in more than one location, the local election official would be alerted when trying to enter voting history after the election in the statewide voter registration database. The voter would be referred for prosecution for dual voting if applicable (Note that Maine has had election day registration since 1975 and has only had four prosecutions for double voting).
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Maryland MD Code, Election Law, § 3- 305, 3-306 Voter Registration in Maryland	2013 and 2018	Early voting period through Election Day. (A legislatively referred constitutional amendment to authorize the legislature to enact election day registration was approved by voters in November 2018).	Early voting locations and precinct polling place on Election Day.	During the early voting period, Maryland partners with the Motor Vehicle Administration to obtain the drivers licenses of those who are eligible to register, but aren't in the statewide voter registration database. An individual would supply their driver's license to register and vote. If the individual doesn't have a driver's license they would vote via provisional ballot. E- poll books are networked together during the early voting period, but not on Election Day. Individuals appearing at a polling place on Election Day must provide proof of residency. If the voter is a resident of the precinct and is qualified to register, the voter is issued a regular ballot. If the voter is a resident of the county but not the precinct and is qualified to register to vote, the voter is issued a provisional ballot.
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Michigan M.C.L.A. §168.497 Ballot Proposal 3	2018	Early voting period through Election Day.	At the city or town clerk's office where the voter resides.	An individual who applies to register to vote during this period must provide proof of residency in the city or township to vote a regular ballot. If an individual cannot provide proof of residency, the ballot is considered a provisional ballot and will be counted unless determined otherwise.
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Minnesota M.S.A. §201.061 Register on Election Day	1974	Election Day.	Precinct polling place where voter resides, county offices, and in-person absentee voting centers.	Election Day registrants must provide proof of residence. Voting history and election day registrants are input simultaneously into the statewide voter registration database after the election. The system provides notifications if there is an indication that an individual voted before an election day registration, or if more than one Election Day registrations were input for the same individual. Data provided by an Election Day registrant is verified with the Division of Vehicle Services and/or the Social Security Administration, the Department of Corrections, and the Department of Public Safety.
Montana MCA 13-2-110 MCA 13-2-304 MCA 13-2-514 How to Register to Vote	2005; Election Day registration repealed in 2021	Late registration (after the registration deadline 30 days before an election) is available through noon the day before the election at county election offices.	County election office.	Local Election officials verify signatures and identification of voters.
Nevada AB 345 (2019)	2019	Early voting period through Election Day.	Any polling location in the county or city, as applicable, in which the elector is eligible to vote.	A voter must provide a current and valid driver's license or identification card issues by the Department of Vehciles which shows his or her physical address. If that card does not have the elector's

current residential address, other documents containing the elector's current residential address may be used to establish residency. During early voting, it must be verified that the elector is qualified to register to vote in order to cast a regular ballot, or the voter must cast a provisional ballot. Voters registering on election day are conditionally registered and must vote a provisional ballot. County and city clerks must establish procedures, approved by the Secretary of State, for carrying out final verification to determine whether a person who cast a provisional ballot was qualified to register cast the ballot in the election.

New Hampshire N.H. Rev. Stat. §654:7, §654:7-a Registration in New Hampshire	1996	Election Day.	Town or city ward where the voter resides.	Voters must provide sufficient identification and proof of residency in order to receive a ballot. Those who present insufficient photo identification to get their picture taken at the polls and sign an affidavit. New Hampshire sends letters with return post cards to all who sign affidavits on election day, and submits to the attorney general all who fail to return signed post cards or whose letters are returned marked “undeliverable.” After the election, New Hampshire runs a variety of checks to identify potential double voters. A check is conducted against the statewide voter registration database to identify those that may have voted elsewhere in the state, and the Interstate Crosscheck to identify those that may have voted out-of-state. If found, double voters are referred to the attorney general for enforcement.
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New Mexico	2019	28 days prior to the election through Election Day.	County election official offices and alternate locations designated by the county election official	<p>A voter looking to update their registration or register to vote and then during the same day registration period must provide either:</p> <ul style="list-style-type: none">■ A New Mexico driver's licenses or ID card issued by the DMV■ Any document that contains a county address with a photo identification card; or■ A current valid student ID from a post-secondary school in New Mexico and a current student fee statement that contains a county address <p>If an early voting site does not have real-time access to the statewide electronic voter file, the voter will be issued a provisional ballot.</p>
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North Carolina N.C.G.S.A. § 163-865 One-Stop Early Voting and Same Day Registration	2007	Early voting period only.	Early voting locations determined by county.	Voters must attest to their eligibility and provide proof of residences. Within two business days of the person's registration, the county board of elections will verify the registrant's driver license or social security number, update the voter registration database, search for possible duplicate registrations, and proceed to verify the registrant's address by mail. The registrant's vote will be counted unless the county board of elections determines that he or she is not qualified to vote.
Utah UCA 20A-2-207	2018	Early voting period and Election Day.	Early voting locations and polling places.	Voters may register to vote and vote via provisional ballot. Voters must provide valid voter identification and proof of residency, and the provisional ballot is counted at canvass if the voter has met the required qualifications. The ballot is not counted if the county clerk finds that the voter is not eligible for registration or not legally entitled to vote the ballot.

Vermont 17 V.S.A. §2144 Registration in Vermont	2015	Up to and including Election Day.	Town or city clerk's office before the election, and precinct polling place where voter resides on Election Day.	Vermont has the ability to conduct a post-election audit that would identify any individual who registered and voted in more than one town in the same election. The results of that report would be sent to the Attorney General's office for investigation and prosecution.
Washington RCW 29A.08.140	2018	Up to and including Election Day.	County auditor's office, a voting center, or other location designated by the county auditor	
Wisconsin Wis. Stat. §6.29 Voter Registration Guide	1975	Election Day.	Precinct polling place where voter resides.	All individuals must provide both a proof of residency document and proof of identification document to register on Election Day. The statewide voter registration system provides notification to local election officials to prevent duplicate registration records, although that process happens only after the registration is entered into the system which is usually after Election Day. Voting at two locations on Election Day is a felony offense.

Wyoming Wy. Stat. §22-3-104 Registering to Vote	1994	Election Day.	Polling place or vote center, if vote centers are available in the county, or other location designated by the county clerk.	Applicants may vote a regular ballot if they are able to provide proof of identity and residency. Otherwise they are required to cast a provisional ballot. Every county that utilizes vote centers has its e-pollbooks networked securely through a VPN and several layers of encryption. E-poll books are used to check whether or not a potential registrant has already voted elsewhere.
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Table Notes:

- The table above was compiled from information provided by State Election Directors or State Election Offices, and additional research conducted by NCSL staff.
- In [Rhode Island](#), voters who missed the voter registration deadline may vote on Election Day for the offices of President and Vice President only. This is done at the office of the Board of Canvassers, not at the polling place. Rhode Island is not included in the table above.

Exhibit 19

HOUSE BILL NO. 190

INTRODUCED BY YOUNKIN

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; CLARIFYING THE TIMES FOR HOLDING SPECIAL ELECTIONS; IMPLEMENTING THE PROVISIONS OF THE HELP AMERICA VOTE ACT CONCERNING A STATEWIDE VOTER REGISTRATION LIST, INFORMATION SHARING, AND PROVISIONAL VOTING; PROVIDING THAT ALL ELECTORS MUST PRESENT IDENTIFICATION BEFORE VOTING; PROVIDING THAT A CANDIDATE MAY NOT FILE FOR MORE THAN ONE OFFICE; REQUIRING THAT A DECLARATION OF INTENT FILED BY A WRITE-IN CANDIDATE IS NOT VALID UNTIL THE FILING FEE IS PAID; REVISING PROVISIONS REGARDING VOTER INSTRUCTIONS THAT MUST BE DISPLAYED; REVISING WHEN ABSENTEE BALLOTS MUST BE AVAILABLE; REQUIRING THAT AN APPLICATION FOR AN ABSENTEE BALLOT INCLUDE THE ELECTOR'S BIRTH DATE; CLARIFYING THAT HOW ABSENTEE BALLOT APPLICATIONS MUST BE ~~MADE DIRECTLY~~ PROVIDED TO THE ELECTION ADMINISTRATOR; PROVIDING THAT VOTING INSTRUCTIONS BE ENCLOSED WITH ABSENTEE BALLOT MAILINGS IRRESPECTIVE OF WHETHER THE ELECTOR IS OUT OF THE STATE; PROVIDING THAT STATE EMPLOYEE TIME MAY BE SPENT ON THE YOUTH VOTING PROGRAM; REVISING THE TIME WITHIN WHICH A CANVASSING BOARD IS REQUIRED TO MEET TO CANVASS THE RETURNS; PROVIDING THAT THE VOTER INFORMATION PAMPHLET MAY BE ADDRESSED TO THE CURRENT RESIDENT AT AN ADDRESS; REVISING THE TIME BY WHICH THE VOTER INFORMATION PAMPHLET MUST BE MAILED; ~~AND~~ ELIMINATING CERTAIN CHALLENGES TO AN ELECTOR'S ELIGIBILITY TO VOTE; AMENDING SECTIONS ~~13-1-104, 13-10-211, 13-13-212, 13-13-213, 13-13-214, 13-15-111, 13-22-107, AND 13-27-410,~~ 13-1-101, 13-1-104, 13-1-301, 13-2-115, 13-2-116, 13-2-122, 13-2-123, 13-2-205, 13-2-220, 13-2-402, 13-2-513, 13-2-514, 13-2-601, 13-10-201, 13-10-211, 13-13-112, 13-13-114, 13-13-201, 13-13-204, 13-13-205, 13-13-212, 13-13-213, 13-13-214, 13-13-232, 13-13-241, 13-13-301, 13-14-112, 13-14-113, 13-15-111, 13-15-401, 13-15-402, 13-19-313, 13-22-107, 13-27-410, AND 13-37-250, MCA; AND REPEALING SECTIONS ~~13-2-112, 13-2-114, 13-2-202, 13-2-203, 13-2-207, 13-2-219, 13-2-403, 13-2-404, 13-2-515, 13-2-603, 13-13-304, 13-13-305, 13-13-306, 13-13-307, 13-13-309, 13-13-310, AND 13-13-311, MCA; AND PROVIDING A DELAYED~~ EFFECTIVE DATE."

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

2 (Refer to Introduced Bill)

3 Strike everything after the enacting clause and insert:

4
5 **Section 1.** Section 13-1-101, MCA, is amended to read:

6 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
7 definitions apply:

8 (1) "Active elector" means ~~a qualified an~~ an elector who voted in the previous federal general election and
9 whose name is on the active list.

10 (2) "Active list" means a list of active electors maintained ~~by an election administrator~~ pursuant to
11 ~~13-2-219~~ 13-2-220.

12 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that
13 is ordinarily not given away free but is purchased.

14 (4) "Application for voter registration" means a ~~completed~~ completed voter registration card form prescribed by the
15 secretary of state that is completed and signed by an elector, submitted to the election administrator, and
16 contains voter registration information subject to ~~confirmation;~~ verification as provided in ~~13-2-207~~ by law.

17 (5) "Candidate" means:

18 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or
19 appointment as a candidate for public office as required by law;

20 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained
21 contributions, made expenditures, or given consent to an individual, organization, political party, or committee
22 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination
23 or election to any office at any time, whether or not the office for which the individual will seek nomination or
24 election is known when the:

25 (i) solicitation is made;

26 (ii) contribution is received and retained; or

27 (iii) expenditure is made; and

28 (c) an officeholder who is the subject of a recall election.

29 (6) (a) "Contribution" means:

30 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value

1 to influence an election;

2 (ii) a transfer of funds between political committees;

3 (iii) the payment by a person other than a candidate or political committee of compensation for the
4 personal services of another person that are rendered to a candidate or political committee.

5 (b) "Contribution" does not mean:

6 (i) services provided without compensation by individuals volunteering a portion or all of their time on
7 behalf of a candidate or political committee or meals and lodging provided by individuals in their private
8 ~~residence~~ residences for a candidate or other individual;

9 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
10 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

11 (iii) the cost of any communication by any membership organization or corporation to its members or
12 stockholders or employees; or

13 (iv) filing fees paid by the candidate.

14 (7) "Election" means a general, regular, special, or primary election held pursuant to the requirements
15 of state law, regardless of the time or purpose.

16 (8) "Election administrator" means the county clerk and recorder or the individual designated by a
17 county governing body to be responsible for all election administration duties, except that with regard to school
18 elections, the term means the school district clerk.

19 (9) "Elector" means an individual qualified ~~and registered~~ to vote under state law.

20 (10) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
21 of money or anything of value made for the purpose of influencing the results of an election.

22 (b) "Expenditure" does not mean:

23 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (6);

24 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
25 personal necessities for the candidate and the candidate's family;

26 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
27 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

28 (iv) the cost of any communication by any membership organization or corporation to its members or
29 stockholders or employees.

30 (11) "Federal election" means a general or primary election in which an elector may vote for individuals

for the office of president of the United States or for the United States congress.

(12) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(13) "Inactive elector" means an individual who failed to vote in the preceding federal general election and whose name is was placed on an inactive list pursuant to 13-2-220.

(14) "Inactive list" means a list of inactive electors maintained ~~by an election administrator pursuant to 13-2-219~~ 13-2-220.

(15) "Individual" means a human being.

(16) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon approval by the secretary of state of the form of the petition or referral.

(17) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

~~(17)(18)~~ (18) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (5).

~~(18)(19)~~ (19) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue;

or

(c) as an earmarked contribution.

~~(19)(20)~~ "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

~~(20)(21)~~ "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

(22) "Provisional ballot" means a ballot cast by an elector whose identity and eligibility to vote have not been verified as provided by law.

(23) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose eligibility has not yet been verified as provided by law.

~~(21)(24)~~ "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(22)(25)~~ "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(23)(26)~~ "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(27) "Statewide voter registration list" means the voter registration list established and maintained pursuant to [sections 4 and 5].

(28) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.

~~(24)(29)~~ "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Section 2. Section 13-1-104, MCA, is amended to read:

"13-1-104. Times for holding general elections. (1) (a) A Except as provided in subsection (1)(b), a general election must be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, ~~unless an earlier~~

1 ~~date is provided in a law authorizing a special election on an initiative or referendum pursuant to Article III,~~
2 ~~section 6,~~ and to elect federal officers, state or multicounty district officers, members of the legislature, judges
3 of the district court, and county officers when the terms of the offices will expire before the next scheduled
4 election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

5 (b) A special election may be held on an earlier date provided in a law authorizing a special statewide
6 election on an initiative or referendum pursuant to Article III, section 6, of the Montana constitution.

7 (2) A general election must be held throughout the state in every odd-numbered year on the first
8 Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly
9 within one county and not required to hold annual elections, and any other officers specified by law for election
10 in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices
11 or when one of the offices must be filled for an unexpired term as provided by law.

12 (3) The general election for any political subdivision, other than a municipality, required to hold elections
13 annually ~~shall~~ must be held on school election day, the first Tuesday after the first Monday of May of each year,
14 and is subject to the election procedures provided for in 13-1-401.

15 (4) The general election for a municipality required to hold elections annually may be held either on
16 school election day, as provided in subsection (3), or on the first Tuesday after the first Monday in November,
17 at the discretion of the governing body."

18
19 **Section 3.** Section 13-1-301, MCA, is amended to read:

20 **"13-1-301. Election administrator.** (1) The county clerk and recorder of each county is the election
21 administrator unless the governing body of the county designates another official or appoints an election
22 administrator.

23 (2) The election administrator is responsible for the administration of all procedures relating to
24 registration of electors and conduct of elections, ~~and~~ shall keep all county records relating to elector registration
25 and elections, and is the primary point of contact for the county with respect to the statewide voter registration
26 list and implementation of other provisions of applicable federal law governing elections.

27 (3) The election administrator may appoint a deputy election administrator for each political subdivision
28 required to hold annual elections under the provisions of 13-1-104(3). Each election administrator or deputy
29 election administrator is responsible for the conduct of the annual elections of ~~such~~ the political subdivision, as
30 provided by 13-1-401."

1
2 **NEW SECTION. Section 4. Statewide voter registration database -- information-sharing**
3 **agreements.** (1) The secretary of state shall establish, in a uniform and nondiscriminatory manner, a single
4 official, centralized, and interactive computerized statewide voter registration database that meets the
5 requirements of 42 U.S.C. 15483.

6 (2) (a) The statewide voter registration database must be used as the official list of registered electors
7 for the conduct of all elections subject to this title.

8 (b) The database must contain the name and registration information of each registered elector.

9 (c) Each election administrator must be provided with immediate electronic access to the database.

10 (d) The secretary of state shall provide the technical support required to assist election administrators
11 to enter, maintain, and access information in the statewide voter registration database.

12 (3) As provided in 42 U.S.C. 15483:

13 (a) the secretary of state and the attorney general shall enter into an agreement to match information
14 in the statewide voter registration list with information in the motor vehicle licensing database to the extent
15 required to verify voter registration information; and

16 (b) the attorney general shall enter into an agreement with the United States commissioner of social
17 security for the purpose of verifying voter registration information.

18
19 **NEW SECTION. Section 5. Rulemaking for statewide voter registration list.** (1) The secretary of
20 state shall adopt rules to implement the provisions of 42 U.S.C. 15483 and this chapter.

21 (2) The rules must include but are not limited to:

22 (a) a list of maintenance procedures, including new data entry, updates, registration transfers, and other
23 procedures for keeping information current and accurate;

24 (b) proper maintenance and use of active and inactive lists;

25 (c) proper maintenance and use of lists for legally registered electors and provisionally registered
26 electors;

27 (d) procedures and timelines to be used by election administrators when providing the information
28 required in 13-2-123;

29 (e) technical security of the statewide voter registration database;

30 (f) information security with respect to keeping from general public distribution driver's license numbers,

1 whole or partial social security numbers, and address information protected from general disclosure pursuant
2 to 13-2-115; and

3 (g) quality control measures for the system and system users.
4

5 **NEW SECTION. Section 6. Rulemaking on sufficiency and verification of voter registration**
6 **information.** (1) The secretary of state shall adopt rules:

7 (a) to implement the provisions of [section 7] and this section concerning how election administrators
8 determine whether the information provided by an elector on an application for voter registration is:

9 (i) sufficient to be accepted and processed; or

10 (ii) insufficient to be accepted and processed;

11 (b) establishing procedures for verifying the accuracy of voter registration information;

12 (c) establishing standards for determining whether an elector may be legally registered or provisionally
13 registered AND THE EFFECT OF THAT REGISTRATION ON IDENTIFICATION REQUIREMENTS; and

14 (d) establishing procedures for notifying electors about the status of their applications and registration.

15 (2) The rules may not conflict with 42 U.S.C. 15301, et seq., or 13-2-208.
16

17 **NEW SECTION. Section 7. Application for voter registration -- sufficiency and verification of**
18 **information -- identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in
19 person or by mail by completing and signing an application for voter registration and providing the application
20 to the election administrator in the county in which the elector resides before the close of registration as provided
21 in 13-2-301.

22 (2) An individual applying by mail shall send the application to the election administrator, postage paid,
23 no later than 15 days after the date it is signed. An application for voter registration properly executed and
24 postmarked on or before the day registration is closed must be accepted for 3 days after the close of registration.

25 (3) Each application for voter registration must be accepted and processed as provided in rules adopted
26 under [section 6].

27 (4) Except as provided in subsection (5):

28 (a) an applicant for voter registration shall provide the applicant's driver's license number; or

29 (b) if the applicant does not have a driver's license, the applicant shall provide the last four digits of the
30 applicant's social security number.

(5) If an applicant does not have a driver's license or social security number:

(a) an applicant appearing in person before the election administrator shall provide:

(i) current and valid photo identification, INCLUDING BUT NOT LIMITED TO A VALID DRIVER'S LICENSE, A SCHOOL DISTRICT OR POSTSECONDARY EDUCATION PHOTO IDENTIFICATION, OR A TRIBAL PHOTO IDENTIFICATION, with the individual's name ~~and current address~~; or

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(b) an applicant applying to register by mail shall also enclose a copy of:

(i) a current and valid photo identification, INCLUDING BUT NOT LIMITED TO A VALID DRIVER'S LICENSE, A SCHOOL DISTRICT OR POSTSECONDARY EDUCATION PHOTO IDENTIFICATION, OR A TRIBAL PHOTO IDENTIFICATION, with the individual's name ~~and current address~~; or

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(6) (a) If information provided on an application for voter registration is sufficient to be accepted and processed and is verified pursuant to rules adopted under [section 6], the election administrator shall register the elector as a legally registered elector.

(b) If information provided on an application for voter registration was sufficient to be accepted but the applicant failed to provide the information required in subsection (4) or (5) or if the information provided was incorrect or insufficient to verify the individual's eligibility to vote, the election administrator shall register the applicant as a provisionally registered elector.

(7) Each applicant for voter registration must be notified of the elector's registration status pursuant to rules adopted under [section 6].

(8) The secretary of state shall assign to each elector whose application was accepted a unique identification number for voting purposes and shall establish a statewide uniform method to allow the secretary of state and local election officials to distinguish legally registered electors from provisionally registered electors.

(9) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-212, 13-2-215, 13-2-221, and 61-5-107 and as provided for in federal law.

Section 8. Section 13-2-115, MCA, is amended to read:

"13-2-115. ~~Registration~~ Certification of statewide voter registration list -- local lists to be

1 ~~prepared.~~ (1) ~~Except as provided in subsections (6) and (7), immediately~~ Immediately after registration is closed,
2 the secretary of state shall certify the official statewide voter registration list.

3 (2) Each election administrator shall ~~prepare and~~ have printed from the certified statewide voter
4 registration database lists of all registered electors in each precinct in the county. ~~Names~~ Except as provided
5 in subsections (5) and (6), names of electors must be listed alphabetically, with their residence address or with
6 a mailing address if located where street numbers are not used. ~~A preliminary list of registered electors may be~~
7 ~~printed before the close of registration for an election. If a preliminary list is printed, a supplementary list must~~
8 ~~be printed after the close of registration.~~

9 ~~(2)(3)~~ A copy of the list of registered ~~voters~~ electors in a precinct must be displayed at the precinct's
10 polling place. Extra copies of the lists must be retained by the election administrator and furnished to an elector
11 upon request.

12 ~~(3)~~ The list of registered electors prepared for a primary election may be used for the general election
13 if a supplemental list giving the additions and deletions since the primary list was prepared is printed. The
14 election administrator may prepare lists for a special election, but lists are not required to be printed for special
15 elections.

16 (4) Lists of registered ~~voters~~ electors need not be printed if the election will not be held.

17 ~~(5)~~ The election administrator shall forward a list of all registered electors in the county to the secretary
18 of state, as provided in 13-2-123. The secretary of state shall use the lists submitted by election administrators
19 to compile and maintain a list of all registered electors in the state. Upon written request, the secretary of state
20 shall furnish to any elector, for noncommercial use, a current list of registered electors. Upon delivery of the list
21 to the elector, the secretary of state shall charge and collect a fee, which must be set and deposited in
22 accordance with 2-15-405.

23 ~~(6)(5)~~ If a law enforcement officer or reserve officer, as defined in 7-32-201, requests in writing that, for
24 security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's, not be
25 disclosed, the ~~registrar~~ secretary of state or an election administrator may not include the address on any
26 generally available list of registered ~~voters~~ electors but may list only the ~~name or~~ electors' names.

27 ~~(7)(6)~~ (a) Upon the request of an individual, the secretary of state or an election administrator may not
28 include the individual's residential address on any generally available list of registered ~~voters~~ electors but may
29 list only the elector's name ~~or names~~ if the individual:

30 (i) proves to the election administrator, as provided in subsection (6)(b), that the individual, or a minor

1 in the custody of the individual, has been the victim of partner or family member assault, stalking, custodial
2 interference, or other offense involving bodily harm or threat of bodily harm to the individual or minor; or

3 (ii) proves to the election administrator, as provided in subsection (6)(c), that a temporary restraining
4 order or injunction has been issued by a judge or magistrate to restrain another person's access to the individual
5 or minor.

6 (b) Proof of the victimization is conclusive upon exhibition to the election administrator of a criminal
7 judgment, information and judgment, or affidavit of a county attorney clearly indicating the conviction and the
8 identity of the victim.

9 (c) Proof of the issuance of a temporary restraining order or injunction is conclusive upon exhibition to
10 the election administrator of the temporary restraining order or injunction."
11

12 **Section 9.** Section 13-2-116, MCA, is amended to read:

13 **"13-2-116. Precinct register.** (1) Before each election, the election administrator shall prepare from
14 the certified statewide voter registration list a precinct register for each precinct in the county for use by the
15 election judges. The register must contain an alphabetical list of the names, with addresses, of the legally
16 registered electors and provisionally registered electors, a space for the signature of the elector, and ~~such~~ other
17 information as prescribed by the secretary of state.

18 (2) If some of the electors in a precinct are not eligible to receive all ballots at an election because of
19 a combination of the elections of more than one political subdivision, the election administrator shall distinguish
20 the names of those eligible for each ballot by whatever method will be clear and efficient.

21 (3) When several precincts have been combined at one polling place for an election, the election
22 administrator may combine the electors from all precincts into one register or may provide separate registers
23 for each precinct.

24 (4) Precinct registers need not be printed if the election will not be held."
25

26 **Section 10.** Section 13-2-122, MCA, is amended to read:

27 **"13-2-122. Charges for registers, elector lists, and mailing labels made available to public.** (1)
28 Except as provided in ~~subsections~~ subsection (2) and (3), upon written request, the ~~registrar~~ secretary of state
29 or a local election administrator shall furnish to any elector, for noncommercial use, a copy of the official precinct
30 registers, a current list of legally registered electors, or mailing labels for registered electors. Upon delivery, the

~~registrar~~ secretary of state or the local election administrator may collect a charge not to exceed the actual cost of the register, list, or mailing labels.

~~(2) If the registrar receives in writing from a law enforcement officer or reserve officer, as defined in 7-32-201, a request that, for security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's, not be disclosed, the registrar may not include the address on any register, list, or mailing labels disseminated pursuant to subsection (1).~~

~~(3)(2) An~~ For an elector whose address information is protected from general distribution under 13-2-115(5) or (6), the secretary of state or a local election administrator may not include an individual's the elector's residential address on any register, list, or mailing labels but shall may list only the elector's name or names if the individual requests that the individual's address not be used and the individual proves to the election administrator those matters described in 13-2-115(7)(a)(i) or (7)(a)(ii)."

Section 11. Section 13-2-123, MCA, is amended to read:

"13-2-123. Election administrator to provide list of electors to secretary of state. (1) The election administrator in each county shall provide to the secretary of state ~~a list by precinct of all registered electors in the county. The list must include~~ the following information, when possible, for each elector:

- (a) name;
 - (b) mailing address;
 - (c) precinct number;
 - ~~(d) registration number assigned by the county election administrator pursuant to 13-2-114;~~
 - ~~(e)~~(d) residence address;
 - ~~(f)~~(e) telephone number;
 - (f) driver's license number or last four digits of the elector's social security number;
 - (g) date of birth;
 - (h) gender;
 - (i) legislative house district;
 - (j) date of registration; ~~and~~
 - (k) whether the elector's name is on the active or inactive list of electors; and
 - (l) whether the elector is a legally registered elector or a provisionally registered elector.
- (2) The information must be provided in accordance with rules adopted under [section 5].

~~(2) (a) Except as provided in subsection (2)(b), the list provided pursuant to subsection (1) must be a paper copy:~~

~~—— (b) If the county election administrator also maintains the information in other media, such as on a computer disk or tape, and the secretary of state requests the information in that media, the county election administrator shall also provide the list in that media:~~

~~—— (3) In odd-numbered years, the list of electors required by subsection (1) must be delivered to the secretary of state by December 15:~~

~~—— (4) In even-numbered years, the list of electors required by subsection (1) must be delivered to the secretary of state:~~

~~—— (a) for a primary election, no later than July 1, and the list must indicate any changes made up to and including the date of the June primary; and~~

~~—— (b) for a general or special election, 30 days prior to the close of registration before the election:~~

~~—— (5) Each election administrator may provide the secretary of state with a supplemental list of electors in even-numbered years, giving the additions, deletions, and changes made between the time that the previous list was compiled and the close of registration."~~

Section 12. Section 13-2-205, MCA, is amended to read:

"13-2-205. Procedure when prospective elector not qualified at time of registration. An individual who is not eligible to register because of residence or age requirements but who will be eligible on or before election day may register if it appears that he will become qualified to vote by election day apply for voter registration pursuant to [section 7] and be registered subject to verification procedures established pursuant to [section 6]."

Section 13. Section 13-2-220, MCA, is amended to read:

"13-2-220. Maintenance of active and inactive voter registration rolls lists for elections -- rules by secretary of state. (1) The rules adopted by the secretary of state ~~shall adopt rules specifying a list of procedures from which an election administrator shall choose at least one procedure for the maintenance of accurate voter registration rolls for use in elections:~~

~~—— (2) The procedures specified by the secretary of state under [section 5] must include the following procedures, which an election administrator shall follow in every odd-numbered year:~~

(a) compare the entire list of registered electors against the national change of address files and provide appropriate confirmation notice to those individuals whose addresses have apparently changed;

(b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to all registered electors of each jurisdiction to confirm their addresses and provide the appropriate confirmation notice to those individuals who return the notices;

(c) mail a targeted mailing to electors who ~~have~~ failed to vote in the preceding federal general election by:

(i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable confirmation notice to those electors who appear to have moved from their addresses of record;

(ii) comparing the list of nonvoters against the national change of address files, followed by the appropriate confirmation notices to those electors who appear to have moved from their addresses of record;

(iii) sending forwardable confirmation notices; or

(iv) making a door-to-door canvass.

~~(3)~~(2) Any notices returned to the election administrator after using the procedures provided in subsection ~~(2)~~ (1) must be followed by an appropriate confirmation notice that is a forwardable, first-class, postage-paid, self-addressed, return notice. If the elector fails to respond within 30 days of the confirmation notice, the election administrator shall move the elector to the inactive list.

~~(4)~~(3) A procedure used by an election administrator pursuant to this section must be completed at least 90 days before a primary or general election for federal office."

Section 14. Section 13-2-402, MCA, is amended to read:

"13-2-402. Reasons for cancellation. The election administrator shall cancel the registration of an elector:

(1) at the written request of the registered elector;

(2) if a certificate of the death of the elector is filed or if the elector is reported as deceased by the department of public health and human services in the department's reports submitted to the county under 50-15-409;

(3) if the elector is of unsound mind as established by a court;

(4) if the incarceration of the elector in a penal institution for a felony conviction is legally established;

(5) if a certified copy of a court order directing the cancellation is filed with the election administrator;

(6) if the elector is successfully challenged and not allowed to vote at an election upon determination of an election judge;

(7) if a notice is received from the secretary of state or from another county or state that the elector has registered in ~~that~~ another county or state; or

(8) if the elector fails to respond to certain confirmation mailings and fails to vote in two consecutive federal general elections."

Section 15. Section 13-2-513, MCA, is amended to read:

"13-2-513. Procedure for transferring registration. ~~The~~ Subject to the rules adopted under [section 5], the election administrator shall make the necessary corrections in the registration records ~~in his office~~ when ~~he the election administrator~~ receives a transfer form or corrected registration form ~~if he is satisfied the form is valid. The original registration form may be fastened to the back of the new form, in which case the original and current forms must be retained, or the original registration form may be marked "canceled" and filed in a canceled file.~~

Section 16. Section 13-2-514, MCA, is amended to read:

"13-2-514. Change of residence to another county. (1) An elector who changes ~~his~~ residence to a different county within this state ~~must~~ shall register in ~~his~~ the new county of residence in order to vote in any election unless the change occurs less than 45 days before the election.

(2) An elector who changes ~~his~~ residence to a different county 45 days or less before an election may vote in person or by absentee ballot in the precinct and county where previously registered.

~~(3) The elector must state his correct name and residence address and date of residence change when offering to vote or when applying for an absentee ballot. The election administrator shall note the information on the elector's registration form if an absentee ballot application is received. The election judges shall note the change of address and date of residence change in the precinct register if the elector votes in person.~~

~~(4)(3)~~ The registration information of an elector who votes under the provisions of subsection (2) ~~of this section shall be canceled~~ must be updated in the statewide voter registration list after the election pursuant to rules adopted under [section 5]."

Section 17. Section 13-2-601, MCA, is amended to read:

1 **"13-2-601. Name on Special addendum to precinct register prima facie evidence of right to vote.**

2 ~~(1) An elector may not vote at an election mentioned in this title unless his name appears on election day in the~~
3 ~~copy of the official precinct register furnished by the election administrator to the election judges. The fact that~~
4 ~~his name appears in the copy of the precinct register is prima facie evidence of his right to vote.~~

5 (2) The name of an elector who has been assigned to vote in a precinct other than the precinct in which
6 he the person is registered, as provided in 13-3-213, must be printed on a special addendum to the precinct
7 register in a form prescribed by the secretary of state. ~~The fact that an elector's name appears on a special~~
8 ~~addendum to the precinct register is prima facie evidence of his right to vote in the precinct."~~

9
10 **Section 18.** Section 13-10-201, MCA, is amended to read:

11 **"13-10-201. Declaration for nomination.** (1) Each candidate in the primary election, except
12 nonpartisan candidates filing under the provisions of chapter 14, shall send a declaration for nomination to the
13 secretary of state or election administrator. A candidate may not file for more than one office. Each candidate
14 for governor shall send a joint declaration for nomination with a candidate for lieutenant governor.

15 (2) A declaration for nomination must be filed in the office of:

16 (a) the secretary of state for placement of a name on the ballot for the presidential preference primary,
17 a congressional office, a state or district office to be voted for in more than one county, a member of the
18 legislature, or a judge of the district court;

19 (b) the election administrator for a county, municipal, precinct, or district office (other than a member
20 of the legislature or judge of the district court) to be voted for in only one county.

21 (3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of
22 an indigent candidate, send with it the documents required by 13-10-203. The declaration for nomination must
23 be acknowledged by an officer empowered to acknowledge signatures or by the officer of the office at which the
24 filing is made.

25 (4) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by
26 the elector's party.

27 (5) (a) The declaration for nomination must be in the form and contain the information prescribed by
28 the secretary of state.

29 (b) A person seeking nomination to the legislature shall provide the secretary of state with a street
30 address, legal description, or road designation to indicate the person's place of residence. If a candidate for the

1 legislature changes residence, the candidate shall, within 15 days after the change, notify the secretary of state
2 on a form prescribed by the secretary of state.

3 (c) The secretary of state and election administrator shall furnish declaration for nomination forms to
4 individuals requesting them.

5 (6) Declarations for nomination must be filed no sooner than 135 days before the election in which the
6 office first appears on the ballot and no later than 5 p.m., 75 days before the date of the primary election.

7 (7) A declaration for nomination form may be sent by facsimile transmission, if a facsimile facility is
8 available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the
9 election administrator or to the secretary of state."
10

11 **Section 19.** Section 13-10-211, MCA, is amended to read:

12 **"13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection (5),
13 a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. The
14 declaration of intent must be filed with the secretary of state or election administrator, depending on where a
15 declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district
16 clerk for a school district office. Except as provided in subsections (2) and (3), the declaration must be filed no
17 later than 5 p.m. on the 15th day before the election and must contain:

18 (a) (i) the candidate's first and last names;

19 (ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the
20 candidate's last name;

21 (iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and

22 (iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;

23 (b) the candidate's mailing address;

24 (c) a statement declaring the candidate's intention to be a write-in candidate;

25 (d) the title of the office sought;

26 (e) the date of the election;

27 (f) the date of the declaration; and

28 (g) the candidate's signature.

29 (2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than
30 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office

1 that the write-in candidate is seeking:

2 (a) dies;

3 (b) withdraws from the election; or

4 (c) is charged with a felony offense.

5 (3) A person seeking to become a write-in candidate for a trustee position on a school board shall file
6 a declaration of intent no later than 5 p.m. on the 26th day before the election.

7 (4) The secretary of state shall notify each election administrator of the names of write-in candidates
8 who have filed a declaration of intent with the secretary of state. Each election administrator and school district
9 clerk shall notify the election judges in the county or district of the names of write-in candidates who have filed
10 a declaration of intent.

11 (5) The requirements in subsection (1) do not apply to a write-in candidate seeking election to an office
12 for which a candidate has not filed a declaration or petition for nomination or a declaration of intent.

13 (6) A declaration of intent may be sent by facsimile transmission, if a facsimile facility is available for
14 use by the election administrator or by the secretary of state, delivered in person, or mailed to the election
15 administrator or to the secretary of state.

16 (7) A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the
17 secretary of state or the election administrator."

18
19 **Section 20.** Section 13-13-112, MCA, is amended to read:

20 **"13-13-112. Display of instructions for electors.** (1) Instructions for electors on how to prepare their
21 ballots or use machines or devices must be posted in each compartment provided for the preparation of ballots
22 and elsewhere in the polling place.

23 (2) The instructions must be in easily read type, 18 point or larger, and explain ~~how to~~:

24 (a) how to obtain ballots for voting;

25 (b) how to prepare ballots for deposit in the ballot box; ~~and~~

26 (c) how to obtain a new ballot in place of one spoiled by accident;

27 (d) how to vote provisionally pursuant to [section 22];

28 (e) the election date and the hours the polls are open; and

29 (f) instructions for first-time voters who registered by mail.

30 (3) If the instructions for use of the machine or device are printed on the machine or device or are part

of a ballot package given to each elector, separate instructions need not be posted in the compartment.

(4) Official ballots for the precinct, clearly marked "sample" across the face, ~~shall~~ must be posted in each booth or compartment and in conspicuous places about the polling place in all precincts where paper ballots are used. Diagrams showing the arrangement of the ballot for that precinct ~~shall~~ must be posted in conspicuous places ~~about~~ in the polling place in all precincts using machines or devices."

Section 21. Section 13-13-114, MCA, is amended to read:

"13-13-114. Marking Voter identification and marking precinct register book before elector votes

-- provisional voting. (1) (a) Before an elector is permitted to receive a ballot or vote, ~~he shall sign his name on the place designated in the precinct register. Before signing the register, the elector shall state his~~ the elector shall present to an election judge a current photo identification showing the elector's name and current address. If the elector does not present photo identification or if the name or address shown on the identification is not the same as listed in the precinct register, INCLUDING BUT NOT LIMITED TO A VALID DRIVER'S LICENSE, A SCHOOL DISTRICT OR POSTSECONDARY EDUCATION PHOTO IDENTIFICATION, OR A TRIBAL PHOTO IDENTIFICATION, the elector shall present a current utility bill, bank statement, paycheck, NOTICE OF CONFIRMATION OF VOTER REGISTRATION ISSUED PURSUANT TO 13-2-207, government check, or other government document that shows the elector's name and current address.

(B) AN ELECTOR WHO PROVIDES THE INFORMATION LISTED IN SUBSECTION (1)(A) MAY SIGN THE PRECINCT REGISTER AND MUST BE PROVIDED WITH A REGULAR BALLOT TO VOTE.

~~(b)(C)~~ If THE INFORMATION PROVIDED IN SUBSECTION (1)(A) DIFFERS FROM INFORMATION IN THE PRECINCT REGISTER BUT an election judge determines the information provided is sufficient to verify the voter's identity and eligibility to vote PURSUANT TO 13-2-512, the elector must may sign the precinct register, complete a transfer form or new registration form to correct the elector's voter registration information, and vote.

~~(e)(D)~~ The An election judges judge shall write "transfer form" or "registration form" beside the name of any elector submitting a form. No elector may sign the precinct register unless his name and address are the same as shown in the register or the proper corrections have been made.

(2) If the information presented under subsection (1) is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot as provided in [section 22].

~~(2)(3)~~ If the elector is not able to sign his the elector's name to the precinct register, a fingerprint or other

1 identifying mark may be used.

2 ~~(3)(4)~~ If the elector fails or refuses to sign his the elector's name or, if unable to write, fails to provide
3 a fingerprint or other identifying mark, ~~he the elector~~ may ~~not vote~~ cast a provisional ballot as provided in [section
4 22]."

5
6 **NEW SECTION. Section 22. Provisional voting in person.** (1) Before being given a ballot, an elector
7 casting a provisional ballot:

8 (a) must be given information, in a form prescribed by the secretary of state, explaining how to vote
9 provisionally, what information must be provided by the elector to verify the elector's eligibility, and how to
10 determine whether the elector's provisional ballot is or is not counted and, if not, the reasons why;

11 (b) shall sign an affirmation in a form prescribed by the secretary of state swearing that, to the best of
12 the elector's knowledge, the elector is eligible to vote in the election and precinct and is aware of the penalty for
13 false swearing; and

14 (c) shall cast and return the provisional ballot to an election judge, who shall place the ballot into an
15 envelope prescribed by the secretary of state for provisional ballots.

16 (2) A provisional ballot must be handled as provided in [section ~~35~~ 36].

17 (3) An elector making a false affirmation under this section is subject to the penalty for false swearing
18 provided in 45-7-202.

19
20 **NEW SECTION. Section 23. Fail-safe and provisional voting by mail.** (1) To ensure the election
21 administrator has information sufficient to determine the elector's eligibility to vote, an elector voting by mail may
22 enclose in the outer return envelope, together with the voted ballot in the secrecy envelope, a copy of a current
23 and valid photo identification with the elector's name ~~and current address. If the elector's name or address on~~
24 ~~the photo identification is not current, the elector shall also enclose~~ OR a copy of a current utility bill, bank
25 statement, paycheck, NOTICE OF CONFIRMATION OF VOTER REGISTRATION ISSUED PURSUANT TO 13-2-207,
26 government check, or other government document that shows the elector's name and current address.

27 (2) If a provisionally registered elector voting by mail does not enclose with the ballot the information
28 described in subsection (1), if the information provided under subsection (1) is invalid or insufficient to verify the
29 elector's eligibility, or if the elector's name does not appear on the precinct register, the elector's ballot must be
30 handled as a provisional ballot under [section ~~35~~ 36].

1
2 **NEW SECTION. Section 24. Rulemaking on provisional voting, absentee ballots, and challenged**
3 **ballots.** (1) The secretary of state shall adopt rules to:

4 (a) implement the provisions of 13-13-114 and [sections 22 through 24] concerning verification of voter
5 identification and eligibility;

6 (b) establish standards for determining the sufficiency of information provided on absentee ballot return
7 envelopes pursuant to 13-13-241;

8 (c) implement the provisions of [section ~~35~~ 36] on the handling and counting of provisional and
9 challenged ballots, including the establishment of procedures for verifying voter registration and eligibility
10 information with respect to the ballots.

11 (2) The rules may not conflict with rules established under [section 6].
12

13 **Section 25.** Section 13-13-201, MCA, is amended to read:

14 **"13-13-201. Voting by absentee ballot -- procedures.** (1) A ~~qualified~~ legally registered elector or
15 provisionally registered elector is entitled to vote by absentee ballot as provided for in this part.

16 (2) The elector may vote the absentee ballot by:

17 (a) marking the ballot in the manner specified;

18 (b) placing the marked ballot in the secrecy envelope, free of any identifying marks;

19 (c) placing the secrecy envelope containing one ballot for each election being held in the return and
20 verification envelope;

21 (d) executing the affidavit printed on the return and verification envelope; and

22 (e) returning the return and verification envelope with the secrecy envelope containing the ballot or
23 ballots enclosed, as provided in 13-13-221.

24 (3) (a) The elector may also enclose in the outer return envelope a copy of the elector's photo
25 identification showing the elector's name and address, INCLUDING BUT NOT LIMITED TO A VALID DRIVER'S LICENSE,
26 A SCHOOL DISTRICT OR POSTSECONDARY EDUCATION PHOTO IDENTIFICATION, OR A TRIBAL PHOTO IDENTIFICATION. If the
27 elector does not enclose a photo identification or if the elector's name or address on the photo identification is
28 not current, the elector shall also enclose a copy of a current utility bill, bank statement, paycheck, NOTICE OF
29 CONFIRMATION OF VOTER REGISTRATION ISSUED PURSUANT TO 13-2-207, government check, or other government
30 document that shows the elector's name and current address.

1 (b) If the elector fails to provide the information required under subsection (3)(a) or the information
2 provided is insufficient to verify the elector's identity and eligibility, the elector's ballot must be handled as a
3 provisional ballot."

4
5 **Section 26.** Section 13-13-204, MCA, is amended to read:

6 **"13-13-204. Authority to vote in person -- printing error or ballot destroyed -- failure to receive**
7 **ballot -- effect of absentee elector's death.** (1) If an elector has voted by absentee ballot but the absentee
8 ballot contains printing errors or omissions, except that the name of a candidate who has died since the printing
9 of the ballot and that appears on the ballot does not constitute an error or omission, the elector may vote in
10 person in any manner at the elector's polling place.

11 (2) If an elector does not receive an absentee ballot or if the absentee ballot was destroyed, the elector
12 may appear at the appropriate polling place on election day and vote in person after signing an affidavit, in the
13 form prescribed by the secretary of state, swearing that the elector's ballot has not been received or was
14 destroyed. ~~Before the ballot is given to the elector, the election judge shall write upon the back of the ballot the~~
15 ~~number of the ballot. The ballot may be cast out if it appears to the court to have been wrongfully or illegally~~
16 ~~voted. The ballot must be handled as a provisional ballot under [section 35 36].~~

17 (3) If an elector votes by absentee ballot and dies between the time of balloting and election day, the
18 deceased elector's ballot does not count."

19
20 **Section 27.** Section 13-13-205, MCA, is amended to read:

21 **"13-13-205. When ballots to be available.** (1) The election administrator shall ensure that ballots are
22 printed and available for absentee voting at least ~~45~~ 30 days prior to an election for those elections held in
23 compliance with 13-1-104(1) and 13-1-107(1).

24 (2) For elections held in compliance with 13-1-104(2) and (3) and 13-1-107(2), the election administrator
25 shall ensure that ballots are printed and available for absentee voting at least 20 days prior to an election.

26 (3) IF BALLOTS ARE SENT MORE THAN 30 DAYS BEFORE AN ELECTION, THE ELECTION ADMINISTRATOR SHALL
27 INCLUDE A NOTICE THAT THE VOTER INFORMATION PAMPHLET, WHEN REQUIRED TO BE DISTRIBUTED, WILL BE PROVIDED
28 PURSUANT TO 13-27-410."

29
30 **Section 28.** Section 13-13-212, MCA, is amended to read:

1 **"13-13-212. Application for absentee ballot -- special provisions.** (1) An elector may apply for an
2 absentee ballot, USING ONLY A STANDARDIZED FORM PROVIDED BY RULE BY THE SECRETARY OF STATE, by making a
3 written request, which must include the applicant's birth date and must be signed by the applicant; The request
4 must be submitted to the election administrator of the applicant's county of residence within the time period
5 specified in 13-13-211.

6 (2) An elector in the United States service absent from the state and county in which the elector is
7 registered may apply for an absentee ballot as follows:

8 (a) as provided in subsection (1);

9 (b) by using the federal postcard application signed by the applicant and made within the time period
10 specified in 13-13-211; or

11 (c) if eligible, by using the federal write-in ballot as provided in 13-13-271(3).

12 (3) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the
13 application for an absentee ballot may be made by written request signed by the elector at the time that the ballot
14 is delivered in person by the special absentee election board provided for in 13-13-225.

15 (b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and
16 application personally delivered by the special absentee election board at the elector's place of confinement,
17 hospitalization, or residence within the county.

18 (c) A request under this subsection (3) must be received by the election administrator by noon on
19 election day.

20 (4) An elector who has made a request for an absentee ballot by one of the methods provided in this
21 section may, in the event of the death of a candidate after the primary election but before the general election,
22 make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election
23 administrator."

24
25 **Section 29.** Section 13-13-213, MCA, is amended to read:

26 **"13-13-213. Transmission of application to election administrator -- delivery of ballot.** (1) Except
27 as provided in subsection ~~(2)~~ (3), the elector shall:

28 (A) forward the application by mail the application directly to the election administrator; or

29 (B) deliver it the application in person to the election administrator; OR

30 (C) HAND THE APPLICATION TO A THIRD PARTY FOR DELIVERY TO THE ELECTION ADMINISTRATOR, IF THE PERSON

1 RECEIVING THE BALLOT APPLICATION PROVIDES TO THE ELECTOR A RECEIPT IN A FORM DESIGNATED BY THE SECRETARY
2 OF STATE.

3 (2) The election administrator shall compare the signature on the application with the applicant's
4 signature on the registration card. If convinced the individual making the application is the same as the one
5 whose name appears on the registration card, the election administrator shall deliver the ballot to the elector in
6 person or as otherwise provided in 13-13-214.

7 (2)(3) In lieu of the requirement provided in subsection (1), an elector who requests an absentee ballot
8 pursuant to 13-13-212(3) may return the application to the special absentee election board. Upon receipt of the
9 application, the special absentee election board shall examine the signatures on the application and a copy of
10 the voting registration card to be provided by the election administrator. If the special absentee election board
11 believes that the applicant is the same person as the one whose name appears on the registration card, the
12 special absentee election board shall provide a ballot to the elector."

13
14 **Section 30.** Section 13-13-214, MCA, is amended to read:

15 **"13-13-214. Mailing ballot to elector.** (1) (a) Except as provided in 13-13-213 and in subsection (1)(b)
16 of this section, as soon as the official ballots are printed, the election administrator shall send by mail, postage
17 prepaid, to each legally registered elector and provisionally registered elector from whom the election
18 administrator has received a valid absentee ballot application whatever official ballots are necessary. Ballots
19 must be sent immediately ~~to electors submitting valid requests~~ after the official ballots are printed.

20 (b) The election administrator may deliver a ballot in person to an individual other than the elector if:

21 (i) the elector has designated the individual, either by a signed letter or by making the designation on
22 the application form in a manner prescribed by the secretary of state;

23 (ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the
24 ballot;

25 (iii) the election administrator believes that the individual receiving the ballot is the designated person;
26 and

27 (iv) the designated person has not previously picked up ballots for four other electors.

28 (2) The election administrator shall enclose with the ballots:

29 (a) a secrecy envelope, free of any marks that would identify the voter; and

30 (b) a self-addressed envelope for the return of the ballots. An affirmation in the form prescribed by the

1 secretary of state must be printed on the back of the envelope.

2 (3) The election administrator shall stamp the ballots provided to an absentee elector, as provided in
3 13-13-116, and remove the stubs from the ballots, attaching the stubs to the elector's absentee ballot application.

4 (4) Both the envelope in which the ballot is mailed to an elector in the United States service and the
5 return envelope must have printed across the face the information and graphics and be of the color prescribed
6 by the secretary of state consistent with the regulations established by the federal election commission, the U.S.
7 postal service, or other federal agency.

8 (5) If the ballots sent to the elector are for a primary election, the election administrator shall enclose
9 an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any
10 way so that it can be identified as being used by any one elector.

11 (6) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must
12 include use of the envelope for unvoted ballots. The instructions must include information concerning the type
13 or types of writing instruments that may be used to mark the absentee ballot. The instructions must include
14 information regarding use of the secrecy envelope and use of the return and verification envelope. The election
15 administrator shall include a voter information pamphlet with the instructions if:

16 (a) a statewide ballot issue appears on the ballot mailed to the elector; and

17 (b) ~~the elector is out of the state or will be out of the state at the time of the election; and~~

18 (c) the elector requests a voter information pamphlet.

19 (7) The return envelope must be self-addressed to the election administrator."
20

21 **SECTION 31. SECTION 13-13-232, MCA, IS AMENDED TO READ:**

22 **"13-13-232. Delivery of ballots, secrecy envelopes, and return envelopes to election judges --**
23 **ballots to be rejected.** (1) If ~~the~~ AN absentee ballot is received prior to delivery of the official ballots to the
24 election judges, the election administrator shall ~~compare signatures on the return envelope for validity, open the~~
25 ~~outer return envelope to determine whether proof of identity is included,~~ process it according to 13-13-241; and
26 ~~then~~ deliver the unopened return secrecy envelope to the judges at the same time that the ballots are delivered.
27 ~~The return envelopes must be opened and the ballots processed according to the procedures described in~~
28 ~~13-13-241.~~

29 (2) If AN absentee ~~ballots are~~ BALLOT IS received after the OFFICIAL ballots are delivered to the election
30 judges but prior to the close of the polls, the election administrator shall process the return envelopes ~~IT~~

1 ~~according to subsection (1) 13-13-241 and shall then immediately deliver the unopened return envelopes~~
2 ~~SECRECY ENVELOPE to the judges. The return envelopes must be opened and the ballots processed according~~
3 ~~to the procedures described in 13-13-241.~~

4 (3) If the election administrator receives an absentee ballot for which an application or request was not
5 made or received as required by this part, the election administrator shall endorse upon the elector's envelope
6 the date and exact time of receipt and the words "to be rejected". Absentee ballots endorsed in this manner must
7 be retained by the election administrator and placed with the proper records when they are returned to the
8 election administrator HANDLED IN THE SAME MANNER AS PROVIDED IN 13-13-243."

9
10 **Section 32.** Section 13-13-241, MCA, is amended to read:

11 **"13-13-241. Examination of absentee ballot return envelopes and affirmations while polls open**
12 **-- deposit of absentee and unvoted ballots.** (1) (a) While the polls are open, the election judges may AS SOON
13 AS AN ABSENTEE BALLOT IS RECEIVED, AN ELECTION ADMINISTRATOR SHALL compare the signature of the elector on
14 the absentee ballot request and affirmation with the signature on the absentee ballot return envelope. If they find
15 that the signatures correspond, that the affirmation is sufficient, and that the absentee elector is qualified, they
16 may open the absentee ballot return envelope Except as provided in subsection (2), after comparing the
17 signatures, the election judges shall ADMINISTRATOR OR AN ELECTION JUDGE SHALL OPEN THE OUTER RETURN
18 ENVELOPE AND determine whether the elector's voter identification information enclosed pursuant to 13-13-201
19 is sufficient pursuant to rules adopted under [section 6]. If A VOTED ABSENTEE BALLOT HAS NOT BEEN PLACED IN A
20 SECRECY ENVELOPE, THE ELECTION ADMINISTRATOR SHALL PLACE THE BALLOT IN A SECRECY ENVELOPE WITHOUT
21 EXAMINING THE BALLOT.

22 (B) IN A PRIMARY ELECTION, UNVOTED PARTY BALLOTS MUST BE SEPARATED FROM THE SECRECY ENVELOPES
23 AND HANDLED WITHOUT BEING REMOVED FROM THEIR ENCLOSURE ENVELOPES.

24 (b)(c) A ballot cast by an elector who provided sufficient information must be handled as provided in
25 subsections SUBSECTION (3) and (4). A ballot cast by an elector whose voter information is insufficient or whose
26 name does not appear on the precinct register must be handled as a provisional ballot under [section 35 36].
27 THE ELECTION ADMINISTRATOR SHALL NOTIFY THE ABSENTEE ELECTOR BY MAIL OR BY THE MOST EXPEDIENT METHOD
28 AVAILABLE UNDER RULES ADOPTED BY THE SECRETARY OF STATE THAT THE ELECTOR'S IDENTIFICATION INFORMATION WAS
29 INSUFFICIENT AND THAT THE ELECTOR'S BALLOT WILL BE TREATED AS A PROVISIONAL BALLOT UNTIL THE ELECTOR
30 PROVIDES SUFFICIENT INFORMATION, PURSUANT TO RULES ADOPTED BY THE SECRETARY OF STATE. THE IF THE ELECTOR

1 IS NOTIFIED BY MAIL, THE ELECTION ADMINISTRATOR SHALL PROVIDE A SELF-ADDRESSED RETURN ENVELOPE ALONG WITH
 2 A DESCRIPTION OF THE INFORMATION NECESSARY FOR THE ABSENTEE ELECTOR TO RECLASSIFY THE PROVISIONAL BALLOT
 3 AS A REGULAR BALLOT.

4 (2) If the ~~absentee ballot does not meet the requirements specified in subsection (1)~~ signature on the
 5 ~~absentee ballot return envelope does not match the signature on the absentee ballot request form, if the~~
 6 ~~absentee ballot~~ must be rejected. ~~The ONELECTION DAY, THE~~ THE election judges ADMINISTRATOR, without opening
 7 the absentee ballot return ~~SECRECY~~ RETURN envelope, shall mark across it the reason for rejection and a majority
 8 of the judges shall sign their initials. Unopened rejected absentee ballot return envelopes must be handled in
 9 the same manner as provided for rejected ballots in 13-13-243.

10 (3) After opening the RECEIVING AN absentee ballot return ~~SECRECY~~ envelope and, without opening the
 11 secrecy envelope, ~~they~~ THE ELECTION JUDGES shall ON ELECTION DAY place the secrecy envelope in the proper
 12 ballot box. ~~In a primary election, the unvoted ballots must be deposited in the unvoted ballot box without being~~
 13 ~~removed from their enclosure envelopes.~~

14 ~~—— (4) After opening the absentee ballot return envelope and if the ballot has not been placed in the~~
 15 ~~secrecy envelope, without unfolding the ballot or permitting it to be examined, the election judges shall place~~
 16 ~~the ballot in the secrecy envelope and place the secrecy envelope in the proper ballot box."~~

17
 18 **Section 33.** Section 13-13-301, MCA, is amended to read:

19 **"13-13-301. Challenges on election day.** (1) An elector's right to vote may be challenged on election
 20 day by any registered elector by orally stating to the election judges the grounds of the challenge.

21 (2) An individual offering to vote may be orally challenged by any elector of the county upon the
 22 following grounds:

23 (a) ~~that he is not the individual whose name appears on the register;~~

24 (b) ~~that he does not reside at the residence listed unless the elector is voting under the provisions of~~
 25 ~~13-2-512 and 13-2-514;~~

26 (e) that ~~he~~ the elector is of unsound mind, as determined by a court;

27 (d)(b) that ~~he~~ the elector has voted before in that election; or

28 (e)(c) that ~~he~~ the elector has been convicted of a felony and is serving a sentence in a penal institution.

29 (3) An elector challenged under this section may cast a provisional ballot, which must be handled as
 30 a provisional ballot under [section 35 36]."

1
2 **Section 34.** Section 13-14-112, MCA, is amended to read:

3 **"13-14-112. Declarations for nomination -- fee.** (1) Nonpartisan candidates shall file declarations for
4 nomination as required by the primary election laws in a form prescribed by the secretary of state except as
5 provided in 13-14-113. A candidate may not file for more than one office.

6 (2) Declarations may not indicate political affiliation. The candidate may not state in ~~his~~ the declaration
7 any principles or measures ~~he~~ that the candidate advocates or any slogans.

8 (3) Each individual filing a declaration shall pay the fee prescribed by law for the position ~~he~~ that the
9 individual seeks.

10 (4) Declarations ~~shall~~ must be filed in the office of the secretary of state or the appropriate election
11 administrator as provided in 13-10-201. Time of filing ~~shall~~ must be the same as provided in 13-10-201."

12
13 **Section 35.** Section 13-14-113, MCA, is amended to read:

14 **"13-14-113. Filing for offices without salary or fees.** (1) Candidates for nonpartisan offices for which
15 ~~no~~ a salary or fees are not paid shall file with the appropriate official a petition for nomination containing the
16 same information and the oath of the candidate required for a declaration of nomination in a form prescribed by
17 the secretary of state.

18 (2) The petition must contain the signatures of registered electors of the election district in which the
19 office will be on the ballot. The number of signatures must be equal to 5% of the total vote cast for the successful
20 candidate for that office at the last general election, but ~~in no case~~ may it not be less than five signatures.

21 (3) The number of signatures necessary for a petition for nomination for an office not previously on the
22 ballot or for which the election district boundaries have changed since the last general election ~~shall~~ must be
23 determined by the secretary of state.

24 (4) Petitions for nomination ~~shall~~ must be filed at the same time provided in 13-10-201 for other
25 candidates and offices.

26 (5) A candidate may not file for more than one office."

27
28 NEW SECTION. Section 36. Handling and counting provisional and challenged ballots. ~~(1) Before~~
29 ~~5 p.m. on the day after an election, an elector who cast a provisional ballot may provide information to the~~
30 ~~election administrator to verify the elector's eligibility to vote.~~ (1) TO VERIFY ELIGIBILITY TO VOTE, AN ELECTOR WHO

1 CASTS A PROVISIONAL BALLOT IN PERSON SHALL PROVIDE INFORMATION TO THE ELECTION ADMINISTRATOR AS LISTED
2 BELOW:

3 (A) PRESENT IN PERSON AT THE OFFICE OF THE ELECTION ADMINISTRATOR BY 5 P.M. ON THE DAY AFTER THE
4 ELECTION A PHOTO IDENTIFICATION OR OTHER IDENTIFYING DOCUMENT AS DESCRIBED IN 13-13-114(1)(A);

5 (B) SEND BY FACSIMILE OR ELECTRONIC MAIL BY 5 P.M. ON THE DAY AFTER THE ELECTION A COPY OR SCANNED
6 DOCUMENT THAT MEETS THE IDENTIFICATION REQUIREMENTS OF 13-13-114(1)(A); OR

7 (C) MAIL A COPY OR NONRETURNABLE ORIGINAL DOCUMENT DESCRIBED IN 13-13-114(1)(A) IN A
8 SELF-ADDRESSED RETURN ENVELOPE PROVIDED BY THE ELECTION ADMINISTRATOR. IF THE ELECTOR MAILES A DOCUMENT,
9 THE POSTMARK ON THE ENVELOPE MUST BE FOR THE DAY OF THE ELECTION OR THE DAY FOLLOWING THE ELECTION.

10 (2) THE ELECTION ADMINISTRATOR SHALL DETERMINE PRIOR TO AN ELECTION WHETHER AN ABSENTEE VOTER
11 HAS PROVIDED SUFFICIENT IDENTIFICATION TO ALLOW A BALLOT TO BE COUNTED. IF THE INFORMATION IS INSUFFICIENT,
12 THE ELECTION ADMINISTRATOR SHALL FOLLOW PROCEDURES DESCRIBED IN 13-13-241 TO ALLOW AN ABSENTEE ELECTOR
13 WHO FAILED TO PROVIDE PROPER IDENTIFYING INFORMATION IN THE OUTER RETURN ENVELOPE TO VERIFY ELIGIBILITY TO
14 VOTE. AN ABSENTEE ELECTOR WHOSE BALLOT IS DETERMINED TO BE PROVISIONAL HAS UNTIL 5 P.M. ON THE DAY AFTER
15 THE ELECTION TO PROVIDE VALID IDENTIFICATION INFORMATION EITHER IN PERSON, BY FACSIMILE, BY ELECTRONIC MAIL,
16 OR BY MAIL POSTMARKED ON THE DAY OF THE ELECTION OR THE DAY AFTER THE ELECTION.

17 ~~(2)~~(3) A provisional ballot must be counted if the election administrator verifies the elector's eligibility
18 pursuant to rules adopted under [section 23 24]. However, a provisional ballot may not be counted if the election
19 administrator cannot verify the elector's eligibility under the rules.

20 ~~(3)~~(4) The election administrator shall provide an elector who cast a provisional ballot but whose ballot
21 was not counted with the reasons why the ballot was not counted.

22 ~~(4)~~(5) A provisional ballot cast by an elector whose voter information is verified before 5 p.m. on the day
23 after the election must be removed from its provisional envelope, grouped with other ballots in a manner that
24 allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot.

25
26 **Section 37.** Section 13-15-111, MCA, is amended to read:

27 **"13-15-111. Write-in elections -- general election.** (1) An individual elected by having ~~his~~ the
28 individual's name written in at the general election and receiving the largest number of votes shall:

29 (a) file with the secretary of state or election administrator, not later than 10 days after the official
30 canvass, a written declaration indicating ~~his~~ the individual's acceptance of the position for which ~~he was~~ elected;

1 (b) comply with the provisions of 13-37-225; and

2 (c) pay the required filing fee or, if indigent, comply with 13-10-203.

3 (2) If an individual fails to ~~file the declaration as required under~~ comply with the requirements in
4 subsection (1)(a), ~~he~~ the individual may not assume the position for which ~~he was~~ elected."

5
6 **Section 38.** Section 13-15-401, MCA, is amended to read:

7 **"13-15-401. Governing body as board of county canvassers.** (1) The governing body of a county
8 or consolidated local government is ex officio a board of county canvassers and shall meet as the board of
9 county canvassers at the usual place of meeting of the governing body within 3 to 7 days after each election,
10 at a time determined by the board, to canvass the returns.

11 (2) If one or more of the members of the governing body cannot attend the meeting, the member's place
12 must be filled by one or more county officers chosen by the remaining members of the governing body so that
13 the board of county canvassers' membership equals the membership of the governing body.

14 (3) The governing body of any political subdivision in the county that participated in the election may
15 join with the governing body of the county or consolidated local government in canvassing the votes cast at the
16 election.

17 (4) The election administrator is secretary of the board of county canvassers and shall keep minutes
18 of the meeting of the board and file them in the official records of the administrator's office."

19
20 **Section 39.** Section 13-15-402, MCA, is amended to read:

21 **"13-15-402. Canvass of votes by board -- procedures if all returns not received by time of**
22 **canvass.** (1) If all returns are in at the time of the meeting, the board of county canvassers shall immediately
23 canvass the returns.

24 (2) If all returns are not received, the board shall postpone the canvass from day to day until all returns
25 are received.

26 (3) If the returns from an election precinct have not been received by the election administrator within
27 3 to 7 days after an election, ~~he~~ the election administrator shall immediately advise the chief election judge.

28 (4) If it appears to the board that the polls were not open in a precinct, the board shall certify this to the
29 election administrator. The election administrator shall enter the certification in the minutes and in the record
30 required by 13-15-404."

1
2 **Section 40.** Section 13-19-313, MCA, is amended to read:

3 **"13-19-313. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after
4 receipt of an elector's return/verification envelope, the election administrator shall give notice to the elector,
5 either by telephone or by first-class mail, if the election administrator:

6 (a) is unable to verify the elector's signature under 13-19-310; or

7 (b) has discovered a procedural mistake made by the elector that would invalidate the elector's ballot
8 under 13-19-311.

9 (2) The election administrator shall inform the elector that the elector may appear in person at the
10 election administrator's office prior to 8 p.m. on election day and verify the signature or correct the mistake.

11 (3) Any elector appearing pursuant to subsection (2) must be permitted to:

12 (a) verify the elector's signature, after proof of identification, by affirming that the signature is in fact the
13 elector's or by completing a new registration card containing the elector's current signature;

14 (b) correct any minor mistake if the correction would render the ballot valid; or

15 (c) if necessary, request and receive a replacement ballot and vote it at that time.

16 (4) If a mail ballot is returned, the election administrator shall investigate the reason for the return and
17 mail a confirmation notice ~~provided for in 13-2-207. However, the~~ The notice must be sent by forwardable,
18 first-class mail with a postage-paid, return-addressed notice. If the confirmation notice is returned to the election
19 administrator, the elector must be placed on an inactive list until that elector becomes a qualified elector."

20
21 **Section 41.** Section 13-22-107, MCA, is amended to read:

22 **"13-22-107. Funding.** (1) ~~Public~~ Except for compensation for time spent by employees of the secretary
23 of state and the superintendent of public instruction, public money may not be used to support or fund the youth
24 voting program established in this chapter.

25 (2) A nonprofit corporation may be formed subject to the provisions of Title 35, chapter 2, to solicit
26 donations from private sources. Money solicited under this subsection must be used only for the youth voting
27 program."

28
29 **Section 42.** Section 13-27-410, MCA, is amended to read:

30 **"13-27-410. Printing and distribution of voter information pamphlet.** (1) The secretary of state shall

1 arrange with the department of administration by requisition for the printing and delivery of a voter information
2 pamphlet for all ballot issues to be submitted to the people at least 110 days before the election at which they
3 will be submitted. The requisition must include a delivery list providing for shipment of the required number of
4 pamphlets to each county and to the secretary of state.

5 (2) The secretary of state shall estimate the number of copies necessary to furnish one copy to each
6 voter in each county, except that two or more voters with the same mailing address and the same last name may
7 be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining
8 the number of voter pamphlets to be ordered in the requisition.

9 (3) The department of administration shall call for bids and contract with the lowest bidder for the
10 printing and delivery of the voter information pamphlet. The contract must require completion of printing and
11 shipment, as specified on the delivery list, of the voter information pamphlets by not later than 45 days before
12 the election at which the ballot issues will be voted on by the people.

13 (4) The county official responsible for voter registration in each county shall mail one copy of the voter
14 information pamphlet to each registered voter in the county who is on the active voter list, except that two or
15 more voters with the same mailing address and the same last name may be counted as one voter. The mailing
16 label may include an address line that addresses the voter or the current resident. The mailing must take place
17 no later than ~~2 weeks~~ 30 days before the election.

18 (5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter
19 wishing to read the explanatory information and complete text before voting on the ballot issues."
20

21 **Section 43.** Section 13-37-250, MCA, is amended to read:

22 **"13-37-250. Voluntary spending limits.** (1) (a) The following statement may be used in printed matter
23 and in broadcast advertisements and may appear in the voter information pamphlet prepared by the secretary
24 of state: "According to the Office of the Commissioner of Political Practices, is in compliance with the
25 voluntary expenditure limits established under Montana law."

26 (b) The treasurer of each political committee, as defined in 13-1-101~~(18)(b)~~(19)(b), who files a
27 certification on a ballot issue pursuant to 13-37-201 may also file with the commissioner a sworn statement that
28 the committee will not exceed the voluntary expenditure limits of this section. If a sworn statement is made, it
29 must be filed with the commissioner within 30 days of the certification of the political committee.

30 (c) A political committee that has not filed a sworn statement with the commissioner may not distribute

any printed matter or pay for any broadcast claiming to be in compliance with the voluntary expenditure limits of this section.

(d) A political committee may not use evidence of compliance with the voluntary expenditure limits of this section to imply to the public that the committee has received endorsement or approval by the state of Montana.

(2) For the purposes of this section, the expenditures made by a political committee consist of the aggregate total of the following during the calendar year:

(a) all committee loans or expenditures made by check or cash; and

(b) the dollar value of all in-kind contributions made or received by the committee.

(3) In order to be identified as a political committee in compliance with the voluntary expenditure limits of this section, the committee's expenditures, as described in subsection (2), may not exceed \$150,000.

(4) A political committee that files with the commissioner a sworn statement to abide by the voluntary expenditure limits of this section but that exceeds those limits shall pay a fine of \$5,000 to the commissioner. This money must be deposited in a separate fund to be used to support the enforcement programs of the office of the commissioner."

NEW SECTION. Section 44. Repealer. Sections ~~13-2-112~~, 13-2-114, 13-2-202, 13-2-203, ~~13-2-207~~, 13-2-219, 13-2-403, 13-2-404, 13-2-515, 13-2-603, 13-13-304, 13-13-305, 13-13-306, 13-13-307, 13-13-309, 13-13-310, and 13-13-311, MCA, are repealed.

NEW SECTION. Section 45. Codification instruction. (1) [Sections 4 through 7] are intended to be codified as an integral part of Title 13, chapter 2, part 1, and the provisions of Title 13, chapter 2, part 1, apply to [sections 4 through 7].

(2) [Sections 22 through 24] are intended to be codified as an integral part of Title 13, chapter 13, and the provisions of Title 13, chapter 13, apply to [sections 22 through 24].

(3) [Section ~~35~~ 36] is intended to be codified as an integral part of Title 13, chapter 15, part 1, and the provisions of Title 13, chapter 15, part 1, apply to [section ~~35~~ 36].

NEW SECTION. SECTION 46. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JANUARY 1, 2004.

- END -

Exhibit 20

Senate Bill 169
Audio Transcription
Senate State Administration Hearing
February 3, 2021

<p>1 me come and speak today, Mr. Chairman and members of the</p> <p>2 committee. My name's Dana Fraly, and that's built F-R-A-L-Y. And I</p> <p>3 urge in the community to vote yes for SB 169, because I believe that</p> <p>4 we should have a complete integrity of voting in our elections. This</p> <p>5 promotes trust in our political system. And that our votes will not be</p> <p>6 compromised by any fraudulent voting, and this will set a precedence</p> <p>7 for our state and for possibly other states. So thank you for letting me</p> <p>8 speak and, that's all I'm going to say, so thank you.</p> <p>9 MALE VOICE 1: Thank you, Ms. Fraly. Further proponents</p> <p>10 online.</p> <p>11 MALE VOICE 3: Erin Pratt, you're not registered for either SB</p> <p>12 169 or SR 22. If you just [unintelligible] yourself and you'd like to</p> <p>13 speak on SB 169, please raise your hand. He's not raising his hand,</p> <p>14 so I will [unintelligible] Mr. Chair that we don't have any.</p> <p>15 MALE VOICE 1: See no proponents, further proponents online.</p> <p>16 Opponents. And we'll take the opponents online first.</p> <p>17 MALE VOICE 3: Nancy Leifer, you're going to speak?</p> <p>18 FEMALE VOICE 8: Hello, Chairman Kary, members of the</p> <p>19 committee, my name is Nancy Leifer, and I'm here speaking today on</p> <p>20 behalf of the League of Women Voters. League women Voters of</p> <p>21 Montana was founded over one hundred years ago as a nonpartisan,</p> <p>22 nonprofit volunteer organization. We do not endorse candidates for</p> <p>23 political parties. We do strengthen democracy by advocating for the</p> <p>24 best practices in guaranteeing the integrity of our elections. The</p> <p>25 integrity of our elections depends on two criteria. An election process</p> <p style="text-align: right;">Page 10</p>	<p>1 online for Senate Bill 169.</p> <p>2 MALE VOICE 3: Mr. Chair, Ruthy Barbour.</p> <p>3 FEMALE VOICE 9: Hello, Mr. Chair, members of the</p> <p>4 committee, my name is Ruthy Barbour, spelled B-A-R-B-O-U-R, and</p> <p>5 I'm here on behalf of Forward Montana. We'd like to urge you to vote</p> <p>6 no on the Senate Bill 169. In both 2017 and 2020 both the Clerk and</p> <p>7 Recorder Association and a Montana judge found that Montana's</p> <p>8 elections are safe, secure and free of voter fraud. Requiring a photo ID</p> <p>9 to register a boat would add unnecessary restrictions to a system that</p> <p>10 has been proven to work. Election after election for Montana has</p> <p>11 supported all voters across the state in casting a ballot. Through these</p> <p>12 experiences, we know that young people are less likely to have a</p> <p>13 driver's license due to financial limitations. Or the proximity to</p> <p>14 campus, making it unnecessary. Young folks also may not have a</p> <p>15 school ID if they were home schooled or did not attend high school. In</p> <p>16 these instances, people who are legally allowed to vote in Montana</p> <p>17 would be turned away, restricting the constitutional right of all</p> <p>18 Montana residents. We heard from proponents that photo ID is already</p> <p>19 required to fly a plane or cash a check. But it's important to note that</p> <p>20 those activities are choices, and voting is a right. Montana's voter ID</p> <p>21 system has been working well, and our election system continues to be</p> <p>22 safe, secure and efficient. We should be proud of Montana's elections,</p> <p>23 not working to create more barriers to participation in our democracy.</p> <p>24 For these reasons, I ask you to please vote no on Senate Bill 169.</p> <p>25 Thank you.</p> <p style="text-align: right;">Page 12</p>
<p>1 that is accurate, and also an election process that enables every citizen</p> <p>2 to vote. Repeated studies and lawsuits have shown that there is no</p> <p>3 significant problems with voters abusing the right to vote. And as</p> <p>4 other speakers have already noted, Montana's voting system already</p> <p>5 has very high integrity. Senate Bill 169 is unnecessary to provide</p> <p>6 election integrity in the process of our elections. But more</p> <p>7 importantly, Senate Bill is detrimental to election integrity on the</p> <p>8 second criteria by preventing some citizens from being able to vote.</p> <p>9 Senate Bill 169 would prevent those who don't have the wherewithal</p> <p>10 to have a valid photo ID or a photocopy from registering and voting.</p> <p>11 And who are these voters? Well, there are voters who do not have a</p> <p>12 current photo id. For example, there are Native Americans whose</p> <p>13 tribal ID cards do not have photos. There are non-driving seniors or</p> <p>14 those with disabilities who are unable to travel to obtain a state ID</p> <p>15 card. There are voters who may not own a copy machine or have</p> <p>16 access to one, and therefore, aren't able to register in person. Excuse</p> <p>17 me, may not have access to one and are unable to register in person</p> <p>18 at their county election office. The burden is that this Amendment</p> <p>19 places on Montana voters and on election office workers would not</p> <p>20 be outweighed by any improvements in the election integrity. By</p> <p>21 preventing citizens from voting, Senate Bill 169 actually reduces</p> <p>22 election integrity and therefore, is harmful to our democracy. The</p> <p>23 League of Women Voters urges that the State Administration</p> <p>24 committee rejects, Senate Bill 169, thank you very much.</p> <p>25 MALE VOICE 1: Thank you, Ms. Leifer. Further opponents</p> <p style="text-align: right;">Page 11</p>	<p>1 MALE VOICE 1: Thank you, Ms. Barbour. Further proponents</p> <p>2 online for Senate Bill 169.</p> <p>3 MALE VOICE 3: I'm seeing none online, Mr. Chair.</p> <p>4 MALE VOICE 1: Thank you, Alex. Opponents for 169 in the</p> <p>5 building.</p> <p>6 FEMALE VOICE 10: Good afternoon, Mr. Chair members of the</p> <p>7 committee, my name for the record, is Katjana Stutzer, K-A-T-J-A-N-</p> <p>8 A-S-T-U-T-Z-E-R, and I'm here on behalf of the Montana Public</p> <p>9 Interest Research Group, or MontPIRG. We're an organization that</p> <p>10 represents student interests across the state. So I won't go too far up</p> <p>11 with this because you've already heard this from numerous opponents,</p> <p>12 but I'd like to point out that we already have ID requirements in the</p> <p>13 state of Montana to both register and vote, and there are sixteen states</p> <p>14 in the United States that do not have any voter... any ID requirements</p> <p>15 to cast a ballot. And these ID requirements have been working for our</p> <p>16 state. There are no reports of fraud coming from our election's offices,</p> <p>17 and in 2020, our courts found that there's no fraud, so we should</p> <p>18 certainly listen to those that we have entrusted to keep our elections</p> <p>19 safe and secure when they tell us that no fraud is occurring. Further,</p> <p>20 we think that making it...there'll be more stringent requirements for</p> <p>21 IDs for casting ballots is I'm going to create more work for our</p> <p>22 elections offices and be more costly. This will certainly produce the</p> <p>23 need for reeducation both of the public to tell them now that they need</p> <p>24 different IDs, or they need to bring two different documents, because</p> <p>25 a photo ID that they used to use like a student ID no longer is sufficient</p> <p style="text-align: right;">Page 13</p>

<p>1 to cast their ballot. And also, this will be a new verification process</p> <p>2 for our election clerk to have to go through when they're processing</p> <p>3 those applications and those ballots, which obviously takes</p> <p>4 retraining, even if the changes are slight. For example, when Texas</p> <p>5 passed similar bill to create higher ID restrictions were voting, they</p> <p>6 spent two million dollars on reeducation and communications in</p> <p>7 order to successfully implement that change. And this is because this</p> <p>8 creates more work for clerks when folks show up on election day,</p> <p>9 thinking that they can use the ID that they've always used to use to</p> <p>10 cast their ballot, like their student ID, and they're told, "But no, that's</p> <p>11 insufficient.", and they have to go home and pick up either a</p> <p>12 secondary piece of identification to make that now disqualified photo</p> <p>13 ID acceptable, or that they have to go get a totally different form of</p> <p>14 ID that maybe they don't have. This creates problems for our clerks</p> <p>15 and our election offices on election day, and I want to highlight one</p> <p>16 more thing. I was specifically using the example of a student ID, and</p> <p>17 I think that both... these are the folks that we represent, and I think</p> <p>18 this creates a particular barrier to students who are used to being able</p> <p>19 to cast a ballot with their student ID, which has their picture and their</p> <p>20 name on it. Now they would either have to bring additional</p> <p>21 documentation that they would have to find, which creates another</p> <p>22 burden. To have to like, take the time to track down that stuff. And</p> <p>23 also, most... not all students have a Montana driver's license or ID</p> <p>24 card, either because they don't drive, or it's costly to obtain that</p> <p>25 identification and we know that students don't tend to have a lot of</p> <p style="text-align: right;">Page 14</p>	<p>1 MALE VOICE 5: Good afternoon, Mr. Chair, members of the</p> <p>2 committee, my name is Keaton Sunchild, S-U-N-C-H-I-L-D., political</p> <p>3 director for Montana Native Vote, I am here today to urge you to vote</p> <p>4 no on Senate Bill 169 for a lot of the reasons that Katjana just laid out</p> <p>5 before me, but specifically when it's related to Native Americans, a lot</p> <p>6 of them can't afford the cost of getting an ID card, and a lot of them</p> <p>7 have to travel a great distance. I know I've spent a lot of this session</p> <p>8 talking about the burdensome distances that our Native American</p> <p>9 communities have to travel to get some of the basic things that are</p> <p>10 needed to vote. And so when you add in the cost to get to the DMV or</p> <p>11 even a tribal office in addition to the actual cost of beating those IDs,</p> <p>12 they can start to add up pretty quickly. And the last couple of days,</p> <p>13 we've seen Bills in place trying to ease the burden on our clerks on</p> <p>14 election day and lead up to election, this will do the opposite. You</p> <p>15 know, we've heard just a minute ago how this is just one more thing</p> <p>16 that clerks and election officials have to deal with, so we don't want to</p> <p>17 have one more thing to the to their plate. And there's been no evidence</p> <p>18 of a fraud or misconduct in our elections, and the system has been in</p> <p>19 place for well over a decade now. And it seems that the only time we</p> <p>20 want changes is when the national narrative seems to change, and I</p> <p>21 think we all in here know that Montana is unique. We have our own</p> <p>22 kind of way that we do things when it comes to politics. And I think</p> <p>23 that this goes is a direct contrast of how we like to operate. But I don't</p> <p>24 think that we should give in to some of the national fears that are being</p> <p>25 thrown around our country right now, because the system we have in</p> <p style="text-align: right;">Page 16</p>
<p>1 money, or I think a lot of our out of state students who live here for</p> <p>2 most of the year have been here for thirty days and want to participate</p> <p>3 in our elections. They're not getting Montana driver's licenses, they're</p> <p>4 going to have, unless it expires, they're going to have license that they</p> <p>5 brought with them from home. And I think that the U.S. Census</p> <p>6 Bureau recommends that students be counted in the communities that</p> <p>7 they reside in for their schools, because there are members of that</p> <p>8 community that spend money there that rely on the services in that</p> <p>9 area. And I think that that means that they should also be able to vote</p> <p>10 without extra burdens placed upon them by having to go get other</p> <p>11 IDs. I think those are valid members of our community. So overall, I</p> <p>12 think we already have ID requirements, this would just create more</p> <p>13 work and more money needed to be spent on our elections, and this</p> <p>14 creates particular barriers to certain populations, like students. Thank</p> <p>15 you very much. I urge you to vote no on Senate Bill 169.</p> <p>16 MALE VOICE 1: Thank you very much, and I would try to</p> <p>17 pronounce your last name, but can you tell me what it is again?</p> <p>18 FEMALE VOICE 10: Yeah, it's Stutzer.</p> <p>19 MALE VOICE 1: Say again?</p> <p>20 FEMALE VOICE 10: Stutzer.</p> <p>21 MALE VOICE 1: Spitzer, ok. It's your first name I can't</p> <p>22 pronounce.</p> <p>23 FEMALE VOICE 10: I know they're toughies. Thank you very</p> <p>24 much.</p> <p>25 MALE VOICE 1: Thank you, Mr. Spitzer. Further opponents.</p> <p style="text-align: right;">Page 15</p>	<p>1 place is working right now, and I would just urge that you guys vote</p> <p>2 no on Senate Bill 169. Thank you.</p> <p>3 MALE VOICE 1: Thank you, Mr. Sunchild. Further opponents.</p> <p>4 MALE VOICE 6: Chairman Kary, members of the committee,</p> <p>5 Sam Forstag, F-O-R-S-T-A-G, here on behalf of the American Civil</p> <p>6 Liberties Union of Montana, I'll keep it brief. As you know, Montana's</p> <p>7 right to vote is enshrined in Article 2, Section 13 of our state</p> <p>8 Constitution. And it is our concern that this Bill, though well</p> <p>9 intentioned, would have the effect of disenfranchising voters who have</p> <p>10 grown accustomed to using the system as it currently exists, and have</p> <p>11 been able to do so without creating any substantial claims, any</p> <p>12 widespread evidence whatsoever a voter fraud. Once the state has</p> <p>13 extended the franchise to more of its voters, the Montana Supreme</p> <p>14 Court has found that there should be a compelling state interest if we</p> <p>15 are going to pull that franchise back. With no evidence of fraud, taking</p> <p>16 the franchise of voting away from folks does not reinforce faith in the</p> <p>17 system, if anything undermines it. And it is our hope that you will see</p> <p>18 fit to vote no on House Bill 16... Senate Bill 169. Thank you for your</p> <p>19 time, and I do stand ready for questions.</p> <p>20 MALE VOICE 1: Thank you, Mr. Forstag. Further</p> <p>21 proponent...opponents excuse me, further opponents. Seeing no</p> <p>22 further opponents, are there informational witnesses? Informational</p> <p>23 witnesses in the building.</p> <p>24 MALE VOICE 7: Good morning, Mr. Chair, members of the</p> <p>25 committee, Dana Corson for Montana Secretary of State's office, C-O-</p> <p style="text-align: right;">Page 17</p>

Senate Bill 169
Audio Transcription
House State Administration Hearing
February 22, 2021

1	for the senate bill 169. Any opponents for 169? We are taking onsite	1	of folks waiting to get their IDs and we anticipate they are still going
2	first and then online. Welcome.	2	to be crowding to obtain those ID cards into next year. So when we
3	MALE VOICE 2: Madam Chair and members of the committee.	3	have this new classes of freshmen come into their dorms, its not going
4	Sam Forestag that is (F-O-R-S-T-A-G), here on behalf of the	4	to be easy for them, right when they arrive to get registered to vote and
5	American Civil Liberties Union of Montana, we rise an opposition to	5	then have a short window to obtain their state ID. And then I would
6	this bill. Broadly speaking, this bill will have effects that decrease	6	also say that out of state students who have a government issued ID,
7	voters' turnout and the provisions of this bill make it more	7	it's just not a Montana state issued ID will not be allowed to vote with
8	complicated between registering the vote and showing up at the polls	8	that ID even though many of them have lived in our state for 30 days
9	knowing what exactly voters will need when they arrive. As	9	and are qualified to vote and are in our state and are excited to be
10	distressing as any of the provisions of this bill, its just the fact that	10	members of this community and cast their very first ballots in
11	this is included in a slay of bills being offered from the office that is	11	Montana. They will have to go and obtain a different ID and as I have
12	tasked with its own duty to ensure that Montanans have access to free	12	already said, there are some barriers to be able to do that. Then, I'd
13	and fair elections. And in the absence of any evidence whatsoever of	13	like to say that the substitute available to these folks are a voter ID card
14	voter fraud occurring here in Montana, our only ask is that we make	14	which we know in many cases arrive months later. So, if you have just
15	decisions when it comes to that solemn duty, when it comes to that	15	moved into the dorms at your new address, gotten registered to vote
16	fundamental right based in facts and data and if we have not data that	16	on campus in the next elections, that fall is a couple of months away
17	voter fraud is occurring under the current laws, we ask that you do	17	and in many cases, students don't receive that voter ID in the mail after
18	not make them more complicated. Thank you for your time. Madam	18	registering in time, to use them to vote in the election. Em... and in
19	Chair there is a hearing occurring just downstairs, where I am	19	addition, you say they can use their student ID, which is a photo ID,
20	expected to testify, with your permission, I would like to run down	20	but it is not a Montana government issued photo ID card, that wouldn't
21	there.	21	qualify. Then they have to bring an additional documents. So a
22	FEMALE VOICE 1: Certainly, you have that permission.	22	paystubs seem simple, I think to everyone in this room, but if you have
23	Further opponents for senate bill 169?	23	just moved into a new town at a new college and are still looking for a
24	FEMALE VOICE 5: Good morning, Madam Chair, members of	24	job many folks don't find employment even in the first semester that
25	the committee, for the record, my name is Katiana Katjanastutzer and	25	they are in the dorms, living on campus so they do not have pay stubs
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1	I am here on behalf of the Montana public interest research group	1	that reflect the address they are living at in their dorms. Utility
2	(MontPIRG) and we rise an opposition to senate bill 169 because it	2	statements – many of these students who have just moved to campus
3	will certainly make it harder for many people to vote especially	3	and are excited about their first election but how would you tell these
4	students. I'd like to stress that this law does not just require photo ID	4	students because they are living in the dorms? Bank statements, they
5	but this law requires state issued photo ID which is very different and	5	have just moved, many of them have banks in their hometown that
6	many folks do not have immediate access to get a Montana issued ID	6	they have moved from, it does not reflect the addresses that they are
7	and they do not qualify for a military or tribal ID which is the primary	7	registered at to vote in their new dorm room. And many students are
8	ID this law wants folks to bring to the polls. Especially students,	8	not receiving government checks and they are not registered in
9	many folks on their first semester, they have just moved into the	9	government programs where they would have those documents. You
10	dorms at their colleges, and they are just out of high school lots of	10	can see how this would create a lot of barriers to first time voters who
11	them do not drive because they have not been able to have a car and	11	have just moved to our college town and just want to participate in
12	they have not had a need to have a state issued ID, and so they have	12	their very first elections simply because they do not have a state issued
13	just been using their student IDs. Which do have a photo on them and	13	photo ID. I will just also add that this will absolutely create extra work
14	lets them do most of the things they need to do in their lives at 18.	14	and cost money to our election officers. New verification and new ID
15	And are really excited to register and vote for the first time. And they	15	requirements mean that even if it is a small tweak, they will have to
16	don't just have the ID in hand, and I know it seems simple to many	16	change their internal processes, retrain staff to know what they are
17	of you who have had these identification cards for a very long time	17	looking for and certainly we know that this is going to cost confusion
18	but for a lot of folks it isn't as simple as just hoping in the car and	18	and complaints on election day when folks show up to the polls with
19	driving down to the MVD to get that identification. Lots of folks like	19	the photo ID that they have always been able to vote with. Their
20	I said don't have cars, like this is a transportation issue and it also cost	20	student ID, their employer ID that has their name and picture on it.
21	money. And these are 18-year old's that do not have a lot of extra	21	And they have signed the voter rolls, so you have their signatures but
22	money to go get an ID when things have been going fine without one.	22	still say, well it's not a Montana state ID so are not able to cast a ballot
23	And in addition, we all know that the MVD is incredibly backed up	23	even though you always have in the past and you are registered and
24	right now. They are months wait times to get those IDs, to go into	24	eligible to vote in the state of Montana. That is certainly going to cause
25	effect, that problem isn't going to be solve right away. There are backlog	25	complaints on the day of election. And just for reference, if we know
Page 11		Page 13	

<p>1 that our election officers are going to have to spend time and money</p> <p>2 also communicating these changes and educating the public about</p> <p>3 these changes, and in Texas when they passed almost a very similar</p> <p>4 law, they spent 2 million dollars on that program and using election</p> <p>5 staff time to educate the public. Em... so overall, just to sum up, the</p> <p>6 cost we believe are too high to implement this law, when our election</p> <p>7 officials and courts are telling us that Montana elections are safe and</p> <p>8 secure. And we already have ID requirements. There are 16 states that</p> <p>9 have no ID requirements to vote, Montana does, and by making those</p> <p>10 unnecessarily more strict we are absolutely... and more complicated,</p> <p>11 em... this won't necessarily prevent in-person fraud, which is the</p> <p>12 only type of fraud that this will prevent. We have seen 0 cases of that</p> <p>13 in Montana. And overall the cost to election officers and turning away</p> <p>14 eligible voters just isn't worth it. And I em... please urge no vote on</p> <p>15 169.</p> <p>16 FEMALE VOICE 1: Thank you Ms Katjanastutzer further</p> <p>17 opponents onsite</p> <p>18 MALE VOICE 3: Good morning, Madam Chair, members of the</p> <p>19 committee, my name is Kitten Sunchild, I am a political director for</p> <p>20 western native voice. We are here today in opposition of this bill we</p> <p>21 believe contrary to what some folks said earlier that voting is a right</p> <p>22 not a privilege and there was a lot of talk of comparing showing an</p> <p>23 ID to getting on a plane to voting. Getting on a plane is a privilege, I</p> <p>24 just got off a plane a couple of days ago to law school fully was ready</p> <p>25 to show my ID but I also paid for the plane ticket so that's where the</p> <p style="text-align: right;">Page 14</p>	<p>1 there Danielle Vazquez</p> <p>2 FEMALE VOICE 6: Yeah... Hi, Good morning, Madam Chair,</p> <p>3 members of the committee, thank you for allowing me to speak today.</p> <p>4 My name Danielle Vazquez and today I speak on behalf of both myself</p> <p>5 and the indigenous organizers collective of Montana. A group of</p> <p>6 dedicated, independent, and organizationally affiliated indigenous</p> <p>7 organizers across the state of Montana who work to amplify indigenous</p> <p>8 voices and attract policies that greatly impact the reservations, rural and</p> <p>9 urban natives in Montana. We rise an opposition to senate bill 169, we</p> <p>10 believe this will create unnecessary, barriers to folks wanting to cast their</p> <p>11 vote as people said before, you know ID cards aren't always accessible</p> <p>12 to everyone, em... IDs themselves can be costly, and even when they are</p> <p>13 free, people must incur other expenses to obtain the underlying</p> <p>14 documents needed to get an ID. An this can be a significant burden on</p> <p>15 people in low income communities and further the travel required to get</p> <p>16 an ID can also be an obstacle specifically for people with disabilities,</p> <p>17 elderly people, and people living in rural areas. And on a personal note,</p> <p>18 you know we have heard folks talk about "election integrity" and I am</p> <p>19 curious how voter suppression upholds election integrity again, we are</p> <p>20 asking you vote no on this bill. Thank you.</p> <p>21 FEMALE VOICE 1: Thank you very much Ms Vazquez, our next</p> <p>22 opponent online, I believe is Madison Morgan.</p> <p>23 FEMALE VOICE 7: Good morning, Madam Chair, members of</p> <p>24 the committee, For the record my name is Madison Morgan, I am here</p> <p>25 representing myself, thank you for your time today. I am opposing the</p> <p style="text-align: right;">Page 16</p>
<p>1 difference is. We do not pay to vote. The United States has said that</p> <p>2 poll taxes are unconstitutional and as people before have said, getting</p> <p>3 and ID cost. There is financial barriers to it and especially on our</p> <p>4 reservations. Lots of folks just can't afford them and when it comes</p> <p>5 down to spending money to get food and an ID, they are going to</p> <p>6 choose food every time. We don't think that you should have to</p> <p>7 choose between those two and when you forget your ID at the polls,</p> <p>8 you can't just pull up a picture on your phone and say oh this is me...</p> <p>9 let me vote. So that doesn't work. You are sending these people back,</p> <p>10 sometimes 90 miles and asking them to come back the next day to</p> <p>11 show and ID and so now you have wasted more time. Maybe they</p> <p>12 take more time off their hourly job, so they are losing money there</p> <p>13 and losing even more money paying for gas to drive to the county</p> <p>14 election office which like I said could be a full day's trip away</p> <p>15 because as we know a lot of our reservations are a big number of</p> <p>16 miles away from county election sites but you know, this is one ore</p> <p>17 barrier to getting a more holistic view of our democracy here in</p> <p>18 Montana. For far too long the native vote has been suppressed and</p> <p>19 this is just another attempt to continue that... continue pushing them</p> <p>20 down in the system and continue making them walk even more uphill,</p> <p>21 so for those reasons we ask you to oppose this bill and I thank you</p> <p>22 for your time.</p> <p>23 FEMALE VOICE 1: Thank you for your testimony, Mr</p> <p>24 Sunchild. Are there further opponents onsite? I don't believe there</p> <p>25 are, so we would go online to opponents for senate bill 169 online. Is</p> <p style="text-align: right;">Page 15</p>	<p>1 bill 169 because it will make it harder for people like me to vote. I was</p> <p>2 so excited to exercise my civic duties and registered to vote here in</p> <p>3 Montana in 2019 but lacked the primary ID that would be necessary to</p> <p>4 vote if this bill passed. We've talked about those other documents will</p> <p>5 we need to require obtaining Montana ID. One of those things that I</p> <p>6 am lacking currently is an up to date today birth certificate due to my</p> <p>7 father's military service in Puerto Rico, this is a struggle for me. I have</p> <p>8 the birth certificate I was issued when I was born but since it is a Puerto</p> <p>9 Rican birth certificate issued before 2009, its considered invalid</p> <p>10 because in 2009 the US government decided these birth certificates</p> <p>11 will no longer be usable because people had been creating fraudulent</p> <p>12 ones making these to enter the US without citizenship. (unintelligible)</p> <p>13 and I have lived on the mainland all of my life pretty much. So for</p> <p>14 years since I learnt of this specific issue, I have been trying to get a</p> <p>15 new one. Birth certificates are required to receive the Montan's drivers</p> <p>16 license, which is why I still don't have one and the other required</p> <p>17 options would also be hard for me to obtain at the time. Though I had</p> <p>18 a student ID, its not government issued, I was living in dorms on</p> <p>19 campus and if I had my utility bill and it did not reflect my current</p> <p>20 address after moving into the dorm, nor did I have a job immediately</p> <p>21 upon moving to college where I would receive stubs, nor do I receive</p> <p>22 government checks or other documents would work in lieu of these</p> <p>23 items. However, I am one of the lucky ones that have been able to vote</p> <p>24 since I turned 18 and that is because this bill was not in place then. I</p> <p>25 am yet to miss an election year, I even helped to educate Montanans</p> <p style="text-align: right;">Page 17</p>

<p>1 on how to make voting easier for them during the general elections. I 2 take pride in casting my ballot and I am grateful I have been able to 3 do so. Unfortunately, this bill would have kept me from doing that. 4 Like I said, I voted since 2019 but like others have mentioned, it takes 5 a long time to get your voters registration card. I didn't receive my 6 voters registration card until 3 days ago and I have been voting here 7 since 2019. So not only would this bill have affected me in the past, 8 but if it took even longer to receive my voters registration card, it 9 would affect my ability to vote in the future. Many students face 10 barriers to obtain the Montana State ID and are often left with very 11 few options to come up with the other required documents especially 12 when they are new to campus and are only a few months until their 13 first elections. Please protect the rights of young voters, I urge you to 14 vote no on senate bill 169.</p> <p>15 FEMALE VOICE 1: Thank you very much Ms Morgan, further 16 opponents to senate bill 169? Do we have a Ruthie Barbour?</p> <p>17 FEMALE VOICE 8: Yes, thank you Chairman Carmin, members 18 of the committee, my name is Ruthie Barbour, I am here on behalf of 19 forward Montana. We strongly oppose senate bill 196. Um... In 2017 20 and 2020, it's been established that from the clerk and recorder 21 association and the Montana judge that Montana elections are safe and 22 secure and free of Voter fraud. Required photo ID to register to vote 23 and cast a ballot on election day would add unnecessary restrictions 24 to a system that has proven to work. Since 2004, forward Montana 25 has supported voters across the state in casting a ballot. Through our</p> <p style="text-align: right;">Page 18</p>	<p>1 requiring voters to produce a photo ID in order to vote produces 2 (reduces?) participation and I know that we have heard from some 3 proponents that this has been debunked, however it has not, there is 4 substantial research showing it ultimately reduces participation 5 especially for Americans that are low income, elders, black indigenous 6 and people of color and people with disabilities. This bill will stand in 7 opposition to including more Americans in the democratic process as 8 many citizens do not have one of these forms of identification. Some 9 voters may have difficulty obtaining an ID because they cannot afford 10 it, or they do not have access to some documents required to obtain it. 11 Obtaining an ID costs money, obtaining the documents needed on top 12 of that, also adds up. Transportation to a DMV or tribal ID office 13 especially for rural folks and those on reservations can also be an 14 economic burden along with finding childcare and time-off to do so. 15 The travel required is often a major burden on people with disabilities, 16 the elderly and those in rural areas without access to a car or public 17 transportation. And there is nothing in the Montana or US constitution 18 that reserves the right to vote to those who can afford it and yet this 19 bill will in practice do just that. For American Indians due to subtle 20 colonialism and the resulting social economic reality, many face 21 obstacles to making choices about feeding their families or expending 22 resources that might affect their right to vote. This could include 23 renewing their P.O. Box, replacing their ID to updating their residential 24 address or driving a considerable distance to register to vote or just to 25 vote. So ability to pay should not be a barrier to the right to vote for many</p> <p style="text-align: right;">Page 20</p>
<p>1 field work, we know that young voters are less likely to have a drivers 2 license whether it is due to financial limitations, proximity to campus, 3 making it unnecessary if a young person was home schooled or did not 4 attend high school, they might not have a school ID. In these instances, 5 senate bill 169 will make it harder to cast a ballot. And people who are 6 legally allowed to vote would be turned away. On a personal note, I 7 came to Montana as an out of state student, I had an out of state ID, I 8 did not yet have a job and was living in a dorm. Therefore, I had none 9 of the documentation necessary to receive the ballot under the 10 requirements of senate bill 169. Despite passing the 30 days residency 11 required here in the Montana constitution. If my first year of college 12 had been an election year, I wouldn't have been eligible – I would have 13 been eligible yet unable to vote. This situation can be applied to other 14 students and in the testimony you've heard. Um... who wishes to exercise 15 their right to vote. But do not have access to the documentation 16 necessary to be in compliance with the bill. Um... Montana's voter ID 17 system has worked well, and our election systems continue to be safe, 18 secure, and efficient. For these reasons and the reasons stated by this 19 opponent testimony, I ask you to vote no on senate bill 169. Thank you</p> <p>20 FEMALE VOICE 1: Thank you for your testimony. Further and 21 our next opponent, is Daliyah KILLSBACK.</p> <p>22 FEMALE VOICE 9: Good morning, Madam Chair, members of 23 the committee. My name is Daliyah KILLSBACK, and I am the deputy 24 political director for western native voice. My last name is spelt K- 25 I-L-L-B-A-C-K. Our organization opposes senate bill 169 because</p> <p style="text-align: right;">Page 19</p>	<p>1 American citizens. Again, our organization urges this committee to 2 vote no on senate bill 169. Thank you.</p> <p>3 FEMALE VOICE 1: Thank you, Ms. KILLSBACK, our next opponent 4 online is Nanci Lifer.</p> <p>5 FEMALE VOICE 4: Madam Chair, Ms Lifer did not call in, but 6 she did provide a written testimony.</p> <p>7 FEMALE VOICE 1: Thank you, Ms. Street, we will just go with 8 the written testimony then, thank you very much. Are there further 9 opponents to senate bill 169? Ms. Street do you see any?</p> <p>10 FEMALE VOICE 4: No, Madam Chair, there are no further 11 opponents online.</p> <p>12 FEMALE VOICE 1: Thank you very much, Ms. Street. Okay, 13 seeing non informational witnesses onsite first, are there informational 14 witnesses to senate bill 169 onsite? Welcome Director Dan Corson</p> <p>15 MALE VOICE 4: Good morning, Madam Chair, members of 16 committee Dan Corson, Montana secretary of state's office.</p> <p>17 FEMALE VOICE 1: Thank you, Director Corson, are there any 18 further informational witnesses? Um... I believe we have one online. 19 Welcome Ms Plettenberg</p> <p>20 FEMALE VOICE 10: Madam Chair, Members of committee. My name 21 is Regina Plettenberg, and I am here on behalf of Montana's association of 22 clerk recorder election administrators to answer any questions.</p> <p>23 FEMALE VOICE 1: Thank you very much Ms Plettenberg. 24 Seeing no other informational witnesses, welcoming now, questions 25 from the committee. Representative Coachella</p> <p style="text-align: right;">Page 21</p>

<p>1 FEMALE VOICE 10: Thank you, Madam Chair, Um... a 2 question for Director Corson, 3 FEMALE VOICE 1: Director Corson, 4 MALE VOICE 4: Umm... Madam Chair... 5 FEMALE VOICE 10: Thank you, Madam Chair, Director 6 Corson can you tell me if you know if there are any documented cases 7 of voter fraud in Montana related directly to the use of student photo 8 IDs? 9 MALE VOICE 4: Umm... during the national... Madam Chair 10 and Representative Coachella... the national narrative is that very 11 few documented cases and Montana has good record of that. 12 FEMALE VOICE 10: Thank you, Madam Chair follow up 13 question please 14 FEMALE VOICE 1: Um... Follow up representative Coachella 15 FEMALE VOICE 10: Madam Chair, Director Corson so are 16 there any documented cases of voter fraud in Montana directly related 17 to the use of government documents, for example paystubs or utility 18 statements? 19 MALE VOICE 4: Umm... Madam Chair and representative 20 Coachella... So... there are gaps there ... To the best of my 21 knowledge, none that have come to our attention in a direct manner. 22 I will clarify a little bit for... At our office, we do receive questions 23 about that from time to time, but these violations can also be reported 24 outside of our body of knowledge, possibly to the commissioner of 25 political practices, law enforcement, sheriff's office, county attorney,</p> <p style="text-align: right;">Page 22</p>	<p>1 committee during the interim, to get that tribal information as a valid 2 form on the voter registration form. This bill elevates a tribal ID to the 3 same level as the social security number, Montana ID card, Montana 4 driver's license. Um... it's considered a primary form. Hopefully these 5 will be things that will assist and better the registration process. Thank you. 6 FEMALE VOICE 1: Thank you, Mr. Corson, Um... Director 7 Corson, let's see, further questions from the committee? Representative 8 Hayman? 9 FEMALE VOICE 11: Thank you, Madam Chair. This is a question 10 for the sponsor. 11 FEMALE VOICE 1: Senator Cuffe please. Thank you ... Madam 12 Chair, Director Corson um 13 FEMALE VOICE 11: Madam Chair, Senator Cuffe, um... in 14 looking at the bill, do I understand this correctly? So a mail-in ballot, 15 amongst other IDs have to have a valid Montana drivers license, 16 inserted in the ballot and sent to the election's office? 17 MALE VOICE 1: And where are you looking at in the bill? 18 Representative, Madam Chair. 19 FEMALE VOICE 11: Page 4 20 MALE VOICE 1: Section 3, - Fail safe provisional voting by 21 mail. ensure the eligible information 22 FEMALE VOICE 11: Right 23 MALE VOICE 1: Um... they may enclose in the outer signature 24 envelope together with the voting ballot in the inside a copy of a 25 current and voter ID with the elector's name and the following list:</p> <p style="text-align: right;">Page 24</p>
<p>1 police, they don't always come our way nor are they always 2 prosecuted there. So that is probably a better way to capture the 3 answers to these questions. 4 FEMALE VOICE 1: Thank you, Director. 5 FEMALE VOICE 10: Madam Chair one more follow up question 6 FEMALE VOICE 1: I will allow one more follow up question, 7 representative Coachella 8 FEMALE VOICE 10: Thank you ... Madam Chair, Director 9 Corson um... Given that there are no documented cases of fraud 10 related to these documents, um... it seems that these changes are 11 unnecessary, so it seems that our current election laws are working, 12 why are we asking for these changes? Or should I refer back to the 13 bill sponsor? 14 MALE VOICE 4: Umm... Madam Chair and representative 15 Coachella... I think the bill sponsor will be happy to answer those too 16 but like Secretary Jacobson had mentioned earlier, you know, we are 17 always looking for improvement. You know as I listened to the 18 opponents, you know, I heard a lot of you know we don't have a 19 drivers license, we don't have a military card, we don't have valid 20 tribal card and we don't have the last four of our social security 21 number, um... I think for students, if you think about that to get into 22 college, whether one that it out of state or within state, that is required 23 to get in there too. So, simply the bill's primary levels are available 24 pretty much everywhere. The other thing I would like to add is that 25 back in 2019, state tribal affairs, there was requests to work with the</p> <p style="text-align: right;">Page 23</p>	<p>1 1. A valid Montana driver's license 2 2. Valid state ID card 3 3. Valid military ID card 4 4. Valid tribal 5 If the elector does not include a valid photo from this list, they 6 may, a copy of current utility, bank statement, pay cheque, etcetera and 7 a current photo ID that shows the electors name including but not 8 limited to a district or post-secondary. 9 FEMALE VOICE 11: So yes, that is a yes senator, correct? 10 MALE VOICE 1: That's what it says 11 FEMALE VOICE 11: Alright, Um so... 12 FEMALE VOICE 1: Um... follow up Excuse me representative, ... 13 Excuse me representative ... Excuse me representative ... Excuse me 14 representative... Follow up representative, Follow up representative. 15 FEMALE VOICE 11: Sorry Madam Chair, follow up question. 16 Um... We have a proponent talk about identity theft. Can you explain 17 to me how, if someone inserts a photocopy of their driver's license, 18 how there will be protection for that ballot um...? I just you know 19 thinking of the worst possible outcome, people know that there is 20 going to be ID information in ballots, and if I wanted to pursue identity 21 theft, boy that's where I would go. Can you explain that to me senator? 22 Would we protect their identity inserted into the ballot? 23 MALE VOICE 1: Madam chair, I am not going to speculate any 24 of that, you know I think you've outlined the premise pretty well. I 25 have outlined the law for you pretty well, so madam chair I think that</p> <p style="text-align: right;">Page 25</p>

Exhibit 21

IDHE REPORT

Data Brief: Out-of-State College Students and Voting

Many college students attend college outside of their home state and have the option of voting in either locale. Where do they choose to vote?

BY INGER BERGOM & PRABHAT GAUTAM

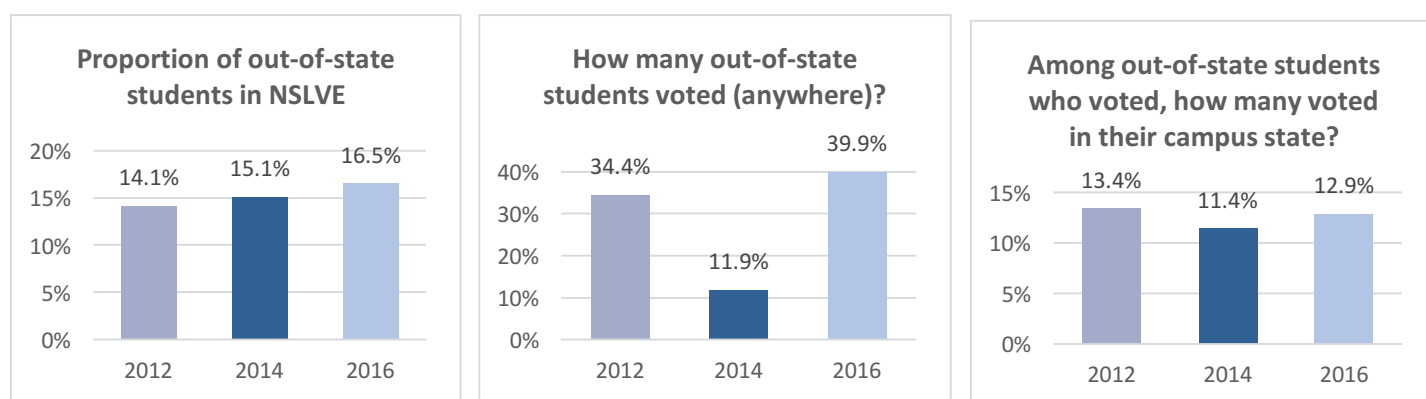
The Institute for Democracy & Higher Education is dedicated to shifting institutional priorities, practices, and culture to increase student political learning, equity, and engagement in democracy. The Institute's signature initiative, the National Study of Learning, Voting, and Engagement (NSLVE) is both a service to colleges and universities —providing more than 1,000 colleges and universities nationwide with tailored reports containing their students' voter registration and voting rates — and a database of 30 million student records, which is used for research on college student political learning and engagement. The Institute also conducts other research, including studies of institutions with high (and low) levels of student political engagement. These reports stem from that research to bridge theory and practice.

IDHE is a part of Tufts University's Jonathan M. Tisch College of Civic Life, a national leader in civic education whose model and research are setting the standard for higher education's role in civic engagement.

Data Brief: Out-of-State College Students and Voting

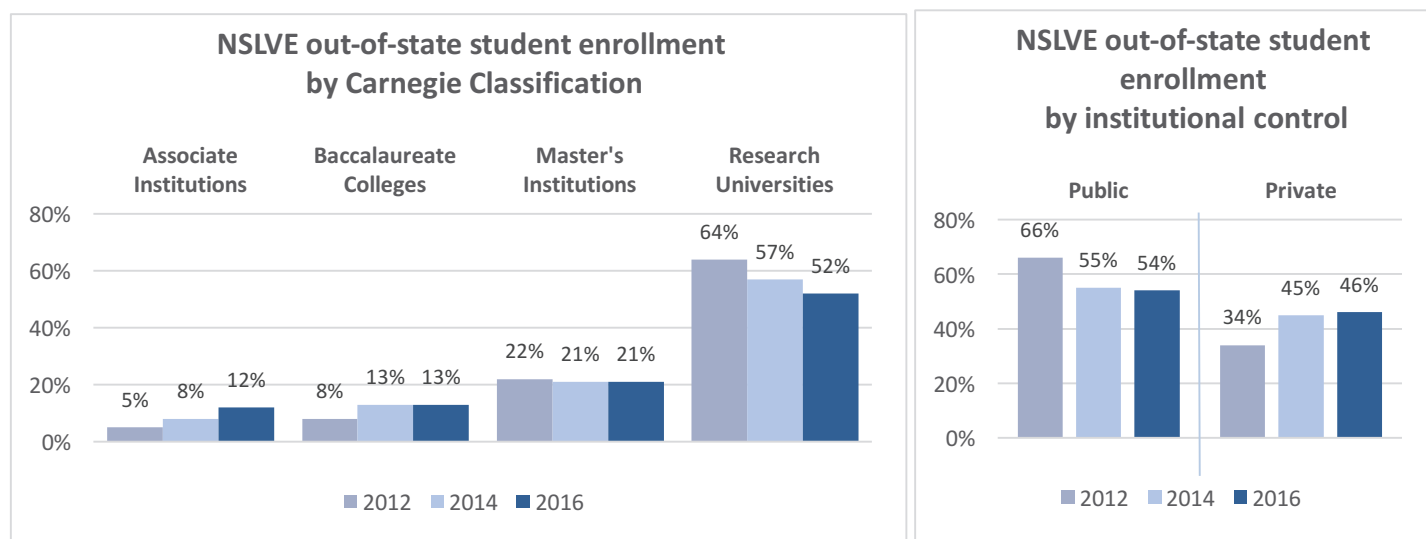
About the Dataset

The National Study of Learning, Voting, and Engagement is a study of U.S. college and university student voting. Currently, the database consists of nearly 10 million deidentified student enrollment and voting records for each of the 2012, 2014, and 2016 elections. These students attended over 1,000 higher education institutions in the U.S. across all 50 states. Participating institutions give NSLVE permission for their student enrollment records to be matched with public voting records, yielding voting rate estimates of students' turnout. The demographics of the nearly 10 million students per election year in NSLVE resemble those of the approximately 20 million college students in the U.S.



At which types of institutions are out-of-state students enrolled?

Out-of-state students are disproportionately enrolled at research institutions, relative to NSLVE students overall. About 43% of NSLVE students are enrolled at research institutions, but among out-of-state students over half are enrolled at research institutions. Two-thirds of out-of-state students in NSLVE are enrolled at public institutions, but among all NSLVE students, about 84% are enrolled at public institutions.



Which states enroll high or low proportions of out-of-state students, and where do these students tend to vote?

In several states, including Vermont, New Hampshire, North Dakota, and Rhode Island, a majority of NSLVE students enrolled in these states are out-of-state students. Texas, Florida, California are among the states enrolling the lowest proportion of out-of-state students in NSLVE.

Proportion of NSLVE students enrolled outside home state					
2012		2014		2016	
States with highest proportion of out-of-state students					
VT	67%	VT	68%	NH	71%
ND	57%	NH	62%	VT	71%
DE	57%	ND	60%	ID	60%
RI	56%	RI	58%	RI	60%
ID	51%	DE	56%	ND	59%
States with lowest proportion of out-of-state students					
UT	7%	NM	8%	GA	9%
NM	7%	GA	8%	FL	9%
CA	7%	CA	8%	CA	8%
FL	6%	FL	7%	AK	8%
TX	5%	TX	6%	TX	6%

Proportion of out-of-state NSLVE students who voted in their campus state (versus home state)					
2012		2014		2016	
States with highest proportion out-of-state students voting in campus state					
NJ	47%	AK	51%	FL	46%
FL	47%	FL	46%	MT	34%
CA	32%	WI	31%	IA	33%
IA	31%	MT	31%	AK	31%
OH	30%	CA	30%	WI	31%
States with lowest proportion out-of-state students voting in campus state					
WV	6%	NH	5%	NH	6%
ID	6%	ID	4%	WV	5%
MS	5%	AL	4%	VT	5%
DC	3%	DC	4%	DC	3%
DE	2%	DE	3%	DE	2%

**note: 2012 registration data for AK students in NSLVE is not complete, so AK was excluded from the 2012 analyses for this table.*

Registration requirements vary by state, and states have changed laws over time regarding residency and domicile requirements for registering to vote.¹ The New Hampshire legislature recently struck down a bill that would have required out-of-state college students to provide proof that they are "domiciled" in New Hampshire—such as a vehicle registration or payment of state or local taxes—before being permitted to vote.² Online resources³ provide state-specific ID requirements, voting method options, and registration deadlines.

¹ For an historical perspective on the legal landscape around college student voting, see Richard Niemi et al.'s (2009) article Where Can College Students Vote? A Legal and Empirical Perspective. Available at <https://www.liebertpub.com/doi/abs/10.1089/elj.2008.0029>

² <https://www.lfda.org/issues/student-vote>

³ For instance, see <http://campusvoteproject.org/studentguides/>

Exhibit 22

CatCard Office

Students

Faculty/Staff

Other Services

Participating Locations

Care for your CatCard

FAQs

Terms & Conditions

Campus Access Request Form

Your CatCard Account

Log In

Help with Log In

Making Deposits

Upload Your Own Photo

CatCash Withdrawal Request

Report Your CatCard Lost



CatCard Office

Montana State University
P.O. Box 174130
Bozeman, MT 59717-4130

Location: Hedges Complex Rm 31
(below Miller Dining Commons)

Tel: (406) 994-CARD (2273)
Email: catcard@montana.edu

Office Hours

(except student breaks & summer)

Monday - Friday: 8:30am-4:30pm

Student Breaks & Summer Hours

Monday - Friday: 9:00am-3:00pm

CatCard Manager

Dylan Cummings



MSU CatCard Office Students

Students



Get Your CatCard

New students will receive their first CatCard after arrival to campus their first semester. New undergraduate or graduate students will be charged a \$20.00 fee on their first semester student bill. All others will be charged at the time of card production. Please bring a valid government-issued photo ID with you to the CatCard office. A CatCard cannot be issued without identity verification.

The same undergraduate or graduate CatCard is used during your entire stay as an MSU undergraduate or graduate student. MSU undergraduates that continue in the MSU graduate program will need to get a new graduate card in order to access graduate-level research material in the library.

University privileges are not available for students until all fees are paid and attendance is confirmed.

Interlink students and students attending Gallatin College will need to pay the \$20.00 CatCard fee at time of production.

A \$20.00 fee will be charged for all replacement cards regardless of reason for re-issuance.

Visiting students and research scholars need to bring a letter from their sponsoring department along with a valid government-issued photo ID. A CatCard cannot be issued without identity verification. The CatCard fee is \$20.00.

Using Your CatCard

The CatCard is your identification card for Montana State University-Bozeman. The CatCard is used as your meal card, library card and laundry card. Your CatCard can also get you in to residence halls and academic buildings after-hours, student activities, the Rec. Sports & Fitness Center, computer and math labs, student health service and much more. The locations page lists all of the places where you can use your CatCard.

CatCash

By depositing money at the CatCard office or online, your CatCard can be used as a debit card at various campus vendor locations.

Residence Halls

Students living on campus can use their CatCards to gain entrance to the residence halls. Also, the laundry machines in residence halls only use the CatCard. You must have money (CatCash) deposited on to your CatCard in order to use the laundry machines. Laundry costs \$2.00/load for washers and \$2.00/load for dryers.

Meal Pass

Both dining halls on campus use the CatCard to gain entrance. For more information about the dining halls and meal plans, visit the MSU Culinary Services website.

Student Ticket Info

MSU students taking at least 7 credits or more receive one free ticket to all MSU games. All student tickets are paperless. Football game tickets must be downloaded to the student's CatCard via msustudenttickets.com. For all other games, students just need a valid CatCard to gain entrance to the game. For more information on tickets please visit msubobcats.com or call 406-994-CATS. Students attending Gallatin College will have to pay an additional fee to be eligible for student tickets. Please go to the MSU Student Accounts Office in Montana Hall to pay this fee.

Champ Change (Undergraduates Only)

Take your CatCard to designated Champ Change events to earn points. For more information, please visit the [Champ Change website](#).

Student Printing Funds (Student Computer Labs & Library)

As a registered student, you will receive \$7.50 per semester via your CatCard for printing. The printing money is only good on black/white printers, not photocopies or color printers. Once this money is depleted you can deposit money onto your CatCard to continue printing.

Recreational Sports and Fitness Center

The Rec. Sports and Fitness Center uses either the CatCard to gain entrance to the center. Gym privileges are not available until all fees are paid and attendance is confirmed. Students attending Gallatin College will have to pay an additional fee for gym access. Student Accounts Please go to the MSU Office in Montana Hall to pay this fee.

Exhibit 23



AN ACT REVISING VITAL STATISTICS LAWS REGARDING THE AMENDMENT OF BIRTH CERTIFICATE SEX DESIGNATIONS AND THE ISSUANCE OF REPLACEMENT BIRTH CERTIFICATES; PROVIDING THAT THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MAY AMEND A BIRTH CERTIFICATE SEX DESIGNATION ONLY ON RECEIPT OF A COURT ORDER INDICATING THAT THE SEX OF A PERSON HAS BEEN CHANGED BY SURGICAL PROCEDURE; DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND ADMINISTRATIVE RULES IN CONFORMITY WITH THIS ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

WHEREAS, in December 2017, the Department of Public Health and Human Services (DPHHS) adopted MAR Notice No. 37-807, which amended ARM 37.8.102 and 37.8.311 to allow an individual to correct the gender designation on the individual's birth certificate by providing to DPHHS a correction affidavit accompanied by: (1) a completed gender designation form certifying that the individual has undergone gender transition or has an intersex condition; (2) a government-issued identification displaying the correct gender designation; or (3) a certified copy of a court order indicating that the gender of the individual born in Montana has been changed; and

WHEREAS, prior to the adoption of MAR Notice No. 37-807, the sex designation on a birth certificate could only be amended if DPHHS received a certified copy of an order from a court indicating that the sex of an individual born in Montana had been changed by surgical procedure; and

WHEREAS, accurate vital statistics play an important role in society, and the rulemaking adopted in MAR Notice No. 37-807 should have been contemplated in the Legislature rather than through DPHHS rulemaking; and

WHEREAS, the Legislature intends to repeal the rulemaking adopted in MAR Notice No. 37-807 and enact into law the substance of the administrative rule existing prior to the adoption of MAR Notice No. 37-807.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Sex change designation on birth certificate. (1) The sex of a person designated on a birth certificate may be amended only if the department receives a certified copy of an order from a court with appropriate jurisdiction indicating that the sex of the person born in Montana has been changed by surgical procedure.

(2) The order must contain sufficient information for the department to locate the original birth certificate. If the person's name is to be changed, the order must indicate the person's full name as it appears on the original birth certificate and the full name to which it is to be amended.

(3) If the order directs the issuance of a new birth certificate that does not show amendments, the new birth certificate may not indicate on its face that it was amended.

(4) This section does not apply if the sex of a person was designated incorrectly on the original birth certificate due to a data entry error.

Section 2. Direction to department of public health and human services. The department of public health and human services shall amend ARM 37.8.102 and 37.8.311 in conformity with this act.

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 50, chapter 15, part 2, and the provisions of Title 50, chapter 15, part 2, apply to [section 1].

Section 4. Effective date -- applicability. [This act] is effective on passage and approval and applies to amendments to sex designations in birth certificates that are received by the department of public health and human services on or after [the effective date of this act].

- END -

I hereby certify that the within bill,
SB 280, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE BILL NO. 280

INTRODUCED BY C. GLIMM, K. BOGNER, B. BROWN, J. ELLSWORTH, C. FRIEDEL, G. HERTZ, S. HINEBAUCH, B. HOVEN, B. KEENAN, M. LANG, T. MANZELLA, T. MCGILLVRAY, R. OSMUNDSON, D. SALOMON, J. SMALL, C. SMITH, G. VANCE, D. BARTEL, J. FULLER, S. GALLOWAY, D. LOGE, T. MOORE, M. NOLAND, B. TSCHIDA, B. USHER

AN ACT REVISING VITAL STATISTICS LAWS REGARDING THE AMENDMENT OF BIRTH CERTIFICATE SEX DESIGNATIONS AND THE ISSUANCE OF REPLACEMENT BIRTH CERTIFICATES; PROVIDING THAT THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MAY AMEND A BIRTH CERTIFICATE SEX DESIGNATION ONLY ON RECEIPT OF A COURT ORDER INDICATING THAT THE SEX OF A PERSON HAS BEEN CHANGED BY SURGICAL PROCEDURE; DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND ADMINISTRATIVE RULES IN CONFORMITY WITH THIS ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Exhibit 24

State-by-State 2020 Youth Voter Turnout: West and Southwest

March 24, 2021

Electoral participation ranged from 39% to 63% in this region, where many states tried to facilitate voting by mail in 2020.

Shortly after the 2020 presidential election, CIRCLE used the immediately available exit polls and AP VoteCast survey data to estimate that turnout of young voters (ages 18-29) was between 53-56%

(<https://circle.tufts.edu/latest-research/election-week-2020#youth-voter-turnout-increased-in-2020>)

, a major increase from 2016 and a likely historic level of youth or voter participation. Now that the states are updating their voter rolls, we are able to get a more granular, state-by-state view of youth turnout based on official election data. This is important: each state has its own election laws and policies, community conditions, and potential barriers that shape whether youth vote; seeing where turnout is high or low can point to what is or isn't working to expand the youth electorate.

We're starting our analysis with a look at the West and Southwest, including key 2020 battleground states like Arizona and Nevada, and we'll release data on additional regions in the coming days and weeks.

Our key takeaways on youth voter turnout in nine Western and Southwestern states:

Turnout of young people in the western and southwestern states ranged from 39% in New Mexico to 63% in Colorado.

Turnout of people aged 18-29 in all states in this region for which we have data rose compared to 2016. Increases ranged from 8 percentage points in New Mexico to 18 points in Arizona.

In California and Nevada, the voter turnout of youth aged 18-19 exceeded that of all voters under 30. In Nevada's case, it was the second straight election (2018) in which the turnout of newly eligible voters was higher than that of youth ages 18-29, which is usually not the case.

Many Western states have laws that facilitate access to voting, such as universal vote-by-mail, online voter registration, and automatic voter registration. That may explain the relatively high voter turnout in much of the region and highlight how these policies can increase youth voting.

As we think about state-by-state youth turnout, it's important to keep in mind the national context. According to the United States Elections Project, nationally, among all voters, turnout increased 7 percentage points between 2016 and 2020

(<http://www.electproject.org/home>)

and was at its highest level since 1900. By that metric, in all nine states in this region, the turnout increases among youth outpaced that national turnout increase among the entire electorate. This follows a trend of larger turnout increases among youngest voters: in 2016,

voters under the age of 30 were the only age group to improve their voter turnout

(https://www.census.gov/newsroom/blogs/random-samplings/2017/05/voting_in_america.html)

over 2012; and in 2018, when turnout also surged, it increased the most among youth

(<https://www.washingtonpost.com/politics/2019/04/23/young-people-actually-rocked-vote-new-census-data-find/>)

Youth Voter Turnout Was High in Most Western States, Especially Those With Strong Mail-In Voting and Automatic Voter Registration



State	2020 Voter Turnout (ages 18-29) ▼	2016 Voter Turnout (ages 18-29)	Change in Youth Voter Turnout 2016-2020	Vote by Mail Policy	Automatic Voter Registration?
Colorado	63%	52%	+11	Automatically sent ballots	Yes
Oregon	59%	46%	+13	Automatically sent ballots	Yes
Washington	58%	41%	+17	Automatically sent ballots	Yes
Montana	56%	41%	+15	Sent ballot applications	No
California	54%	37%	+17	Automatically sent ballots	Yes
Nevada	53%	39%	+14	Automatically sent ballots	Yes
Arizona	51%	33%	+18	Voters had to request ballots	No
Idaho	48%	38%	+10	Voters had to request ballots	No
New Mexico	39%	31%	+8	Sent ballot applications	No

Notes: "Automatically sent ballots" means that the state mailed a ballot to every registered voter whether or not they requested it. "Sent ballot applications" means the state automatically sent an application to request a mail-in ballot to every registered voter. "Voters had to request ballots" means that registered voters had to request a mail-in ballot.

CIRCLE Tufts University Tisch College · CIRCLE

Source: Voter turnout data from CIRCLE analysis of 2020 Catalist voter files. Vote by mail and automatic voter registration information from the National Conference of

As mentioned above, another important layer of context involves election laws and administration. In several Western states, even before the COVID-19 pandemic forced many jurisdictions to adopt or expand vote-by-mail (VBM), elections have been conducted using primarily VBM, with all registered voters automatically sent a ballot. In the states where that's the case (CA, CO, NV, WA, OR), turnout among 18- to 29-year-olds was 53% or higher. Additionally, many of these states also automatically register voters through government agencies like the Department of Motor Vehicles, including California and Nevada, where turnout of 18- and 19-year-olds (many of whom will have recently gotten their driver's licenses) exceeded that of 18- to 29-year-olds.

Policies and Turnout: A Closer Look

A more detailed look at youth voter turnout in several states:

Colorado, which had the highest youth voter turnout in the region (63%), [has ranked near the top in youth voter participation in recent elections](https://circle.tufts.edu/index.php/latest-research/youth-turnout-among-teens-shows-need-growing-voters)

<https://circle.tufts.edu/index.php/latest-research/youth-turnout-among-teens-shows-need-growing-voters>

. Even from an already high level, its youth turnout increased 11 percentage points from 2016 to 2020. The state has implemented many of the policies we highlight and recommend as part of our [Growing Voters framework](https://circle.tufts.edu/latest-research/growing-voters-engaging-youth-they-reach-voting-age-strengthen-democracy)

<https://circle.tufts.edu/latest-research/growing-voters-engaging-youth-they-reach-voting-age-strengthen-democracy>

, including automatic voter registration, pre-registration, online registration, allowing teens to serve as poll workers, and a [state code that supports voter registration in schools](https://circle.tufts.edu/latest-research/state-statutes-support-growing-voters)

<https://circle.tufts.edu/latest-research/state-statutes-support-growing-voters>

Arizona saw a tremendous amount of electoral activity in 2020, thanks to a hotly contested presidential election and the U.S. Senate race in which Democratic challenger Mark Kelly defeated the incumbent, Martha McSally. That's likely one reason why, among all states in this region, youth turnout increased the most (18 percentage points): 33% in 2016 and 51% in 2020. Remarkably, youth turnout in this diverse state—where people of color make up 51% of the population under age 30—was relatively high despite voters having to request absentee ballots by joining the Permanent Early Vote List (PEVL), unlike most of the other states in the region which sent ballots or ballot applications automatically to all registered voters.

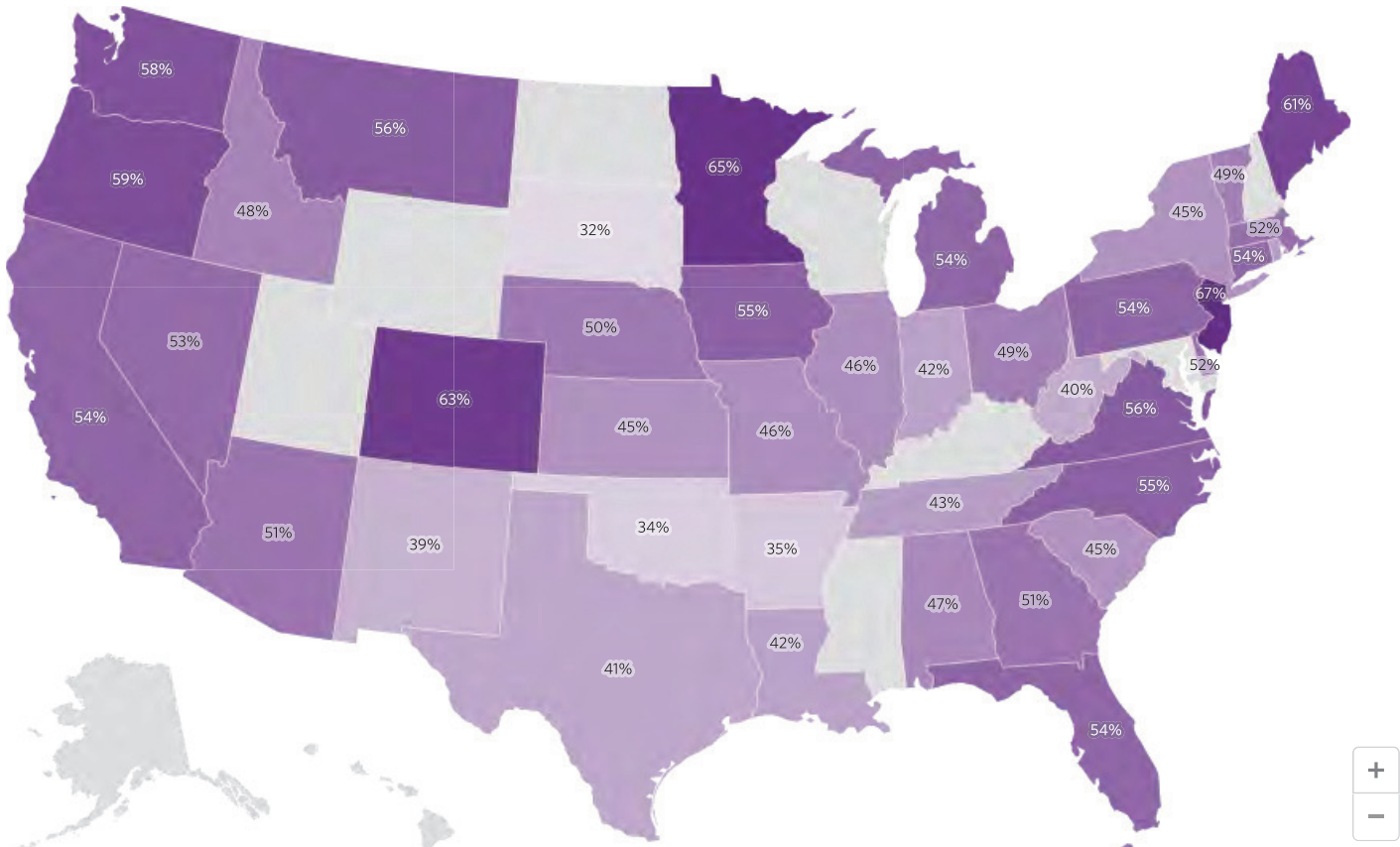
New Mexico's youth voter turnout was the lowest in the region: 39%. New Mexico did not automatically send ballots to all registered individuals, though counties did have the option to mail absentee ballot applications to voters. Beyond election administration, CIRCLE's research has also highlighted the importance of youth having adequate access and opportunities for civic engagement. New Mexico has received low marks for indicators of childhood well-being (<https://www.lcsun-news.com/story/news/local/2019/06/17/new-mexico-ranks-last-childhood-well-being-kids-count-data-book/1482579001/>) that include educational and community outcomes, which may place young people at a disadvantage as they begin their civic life.

Lastly, it is noteworthy that **California's** youth voter turnout was nearly 54%, and even higher for the youngest voters aged 18-19 (57%). That compares to 37% among youth (ages 18-29) in 2016. California also has the smallest gap between turnout of youth and people aged 30+ of the states in the region. Unlike an electorally competitive state like Arizona, California does not see a lot of campaign outreach during presidential elections, and voter turnout there has been relatively low compared to other states. However, in 2020 the state dramatically expanded mail-in voting (<https://calmatters.org/explainers/california-all-mail-election-explained-november-2020/>), which again points to the impact of facilitative electoral laws in expanding the electorate.

Methods and Data Sources

CIRCLE uses a number of sources to estimate voter turnout. For youth turnout, CIRCLE uses national aggregated voter file from Catalist, LLC, to get data on the number of votes cast by people who are ages 18-29 on Election Day. We derive citizen population estimates from the American Community Survey 1-year state estimate. As with any turnout calculation method, a number of factors can result in slight variations in the turnout estimate.

Alaska, Hawaii, Utah, and Wyoming were not included in this regional analysis due to a lack of reliable age data on the voter file.



CIRCLE Tufts University Tisch College · CIRCLE
Source: CIRCLE analysis of 2020 Catalyst voter files and population estimates from the Census 2019 American Community Survey
[Get the data](#)

- Youth Turnout in the South
(<https://circle.tufts.edu/latest-research/state-state-2020-youth-voter-turnout-south>)
- Youth Turnout in the Midwest
(<https://circle.tufts.edu/latest-research/state-state-2020-youth-voter-turnout-midwest>)
- Youth Turnout in the Northeast

[\(/latest-research/state-state-2020-youth-voter-turnout-northeast\)](https://circle.tufts.edu/latest-research/state-state-2020-youth-voter-turnout-northeast)

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<https://www.tufts.edu>

Exhibit 25



UNDERGRADUATE

application

MONTANA
STATE UNIVERSITY

— BOZEMAN · MONTANA —



MONTANA
STATE UNIVERSITY
Mountains & Minds

Become a Montana State University student in 5 easy steps

GET STARTED WITH THIS CAT CHECK CHECKLIST

www.montana.edu/admissions/catcheck.shtml

1

APPLY FOR ADMISSION

(406) 994-2452 • (888) MSU-CATS (678-2287)

admissions@montana.edu • montana.edu/admissions

New students may apply for admission at any time without all the necessary required materials. Applicants will be notified of missing or incomplete documents needed to complete the admissions process.

- Once you have completed your application for admission (pages 5–9 for freshmen and pages 5–8 for transfer students), return it along with your \$30 check for the nonrefundable application fee. Make check or money order payable to Montana State University (Please note the \$30 application fee cannot be waived). Mail application form and fee to:

MSU Office of Admissions • P.O. Box 172190 • Bozeman, MT 59717-2190

- OR apply online. See this link: www.montana.edu/admissions/apply.html
Online application fee is \$38.
- Request that your official ACT or SAT test scores be sent directly to the MSU Office of Admissions from ACT (MSU school code is 2420) or SAT (MSU school code is 4488) testing company (required for freshman applicants).
 - *Request ACT scores at: www.actstudent.org/scores/send/index.html
 - *Request SAT scores at: <http://sat.collegeboard.org/scores/send-sat-scores>
- Request that your final, official transcript posting final grades, and graduation date be sent directly to the Office of Admissions from your high school (high school transcripts are not required for transfer students).
- Request that all of your final, official college transcript(s), Advanced Placement score report, and/or International Baccalaureate transcript be sent directly to the Office of Admissions.
- Before or after you have applied for admission, MSU encourages you to visit the Montana State University campus or attend an MSU Friday (open to all students and family members).
- After you have applied, track your admissions status online at “MyInfo.” Go to www.montana.edu/myinfo. Log into MyInfo using either your MSU Student ID or your Social Security Number and click on “Admissions Checklist.” If you need help signing into MyInfo, please see our **instruction page** at www.montana.edu/admissions/myinfo.html.

2

APPLY FOR FINANCIAL AID & SCHOLARSHIPS

(406) 994-2845 • finaid@montana.edu • montana.edu/wwwfa

- As soon as possible after October 1, submit the Free Application for Federal Student Aid (FAFSA), available online at www.fafsa.ed.gov. Include MSU in Bozeman as one of your college choices on the FAFSA. MSU’s FAFSA Federal school code is 002532. See the scholarship and financial aid section in your Viewbook for more information about applying for financial aid. If you do not have a Viewbook, please contact the Office of Admissions.
- Montana State University awards millions of dollars in scholarships and waiver awards to new students who enter in the fall of each year. You might qualify for some of this money based on your academic record, financial need, group affiliation or a combination of the three. If you qualify, some scholarships are automatically awarded when you are offered admission to Montana State University.

Check out all the details at: www.montana.edu/admissions/scholarships/.

- Inquire about College and Departmental New Freshman and Transfer Scholarship opportunities within each MSU College and Department.
- If eligible, apply for Veterans Affairs educational benefits by contacting the Veteran Services Office at (406) 994-3661 or at www.montana.edu/wwwres/veteran/.

3

APPLY FOR HOUSING

(406) 994-2661 • housing@montana.edu • montana.edu/reslife

- Housing applications can be submitted online at www.montana.edu/reslife/applications.html. Paper applications are available upon request.
- If you have less than 30 semester credits and will be attending Montana State as a full-time student, you are required to live in the residence halls, unless you are a single parent, a married student or complete the exemption process for another reason.
- Graduate students, students with dependent children and married students can learn about Family and Graduate Housing opportunities at www.montana.edu/fgh or (406) 994-3730.

4

SUBMIT IMMUNIZATION RECORDS

(406) 994-2311 • fax (406) 994-2504 • immune@montana.edu • montana.edu/wwwhs

- Required Immunizations Form and the Tuberculosis Screening Form can be submitted online or printed at www.montana.edu/health/immunization.html.
- You must send proof of required immunizations and Tuberculosis Screening Form to the MSU Student Health Service at least three weeks before your Orientation session. These documents are required to register for classes.

5

SUBMIT ORIENTATION/REGISTRATION MATERIALS

(406) 994-2827 • orientation@montana.edu • montana.edu/admissions/orientation

- Information on orientation/registration is sent after students are accepted for admission.
- Attend New Student Orientation: Information and the session dates can be found at www.montana.edu/admissions/orientation/.
- Registration for classes will occur during your Orientation session.

Log on to your Admissions Checklist to check the status of your financial aid, housing application, immunization records and orientation registration.

WWW.MONTANA.EDU/MYINFO

Montana State University's campuses are committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran's status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at our University. Acts of discrimination, harassment, sexual misconduct, dating violence, domestic violence, stalking, and retaliation will be addressed consistent with this policy.

Crime Statistics: Campus crime statistics for the most recent three-year period can be found online at: www.montana.edu/wwwmsupd/ or may be requested by contacting MSU Admissions.

APPLYING FOR MSU ADMISSION

PRIORITY PROCESSING DATES

Students are encouraged to apply early to ensure a smooth transition to MSU. If you have any questions about the admission requirements or application process, please visit our website at www.montana.edu/admissions or contact the Office of Admissions at (406) 994-2452, 1-888-MSU-CATS or admissions@montana.edu.

Students who have submitted an admission application and all required documents by the following dates will receive priority in admission processing:

**Fall Semester · July 1; Spring Semester · December 1;
Summer Semester · May 1**

Students can expect to receive information regarding their admission status promptly following receipt of their application.

FRESHMAN ADMISSION REQUIREMENTS

If you are a first-time college student, or have attempted fewer than 12 college-level credits after graduating from high school, you must meet the following admission requirements and college preparatory classes.

Students who do not meet all of the freshman admission requirements are still encouraged to apply for admission and submit the necessary credentials. Montana State is allowed a number of exemptions to the stated requirements and will examine each student's credentials on an individual basis for admissibility.

Academic requirements

- An ACT composite score of 22; or
- SAT of 1540 (prior to March 2016); or
- SAT of 1120 (after March 2016); or
- A 2.5 cumulative grade point average; or
- Rank in the upper half of your high school graduating class.

In order to begin a University Academic Plan at Montana State University, students must demonstrate readiness in areas of mathematics and writing. Typically, students demonstrate through scores earned on standardized examinations:

- Math: ACT Math of 22+ or SAT Math of 520+ (prior to March 2016) or SAT Math Test of 27.5+ (after March 2016).
- Writing: ACT English/Writing or ELA of 18+ or a minimum score of 7 on the Writing Subscore (prior to September 2015) or 19+ on the Writing Subject Score (effective September 2015). SAT Writing of 440+ or 7 on the Essay Subscore (prior to March 2016) or SAT Writing/Language Test of 25+ (after March 2016).

For more information on admissions requirements, please visit Admissions website: www.montana.edu/admissions/apply.html.

College preparatory program

- Four years of English.
- Three years of math, including Algebra I, Geometry and Algebra II, or sequential equivalent. Students are encouraged to take a math class their senior year of high school.
- Three years of social studies, including one year of global studies, one year of American history, and one year of government or another third-year course (e.g. economics, psychology, sociology).
- Two years of laboratory science. One must be in earth science, biology, chemistry or physics. The second year may be one of those sciences or another approved college preparatory laboratory science.
- Two years chosen from the following: foreign language, computer science, visual and performing arts, or vocational education.

APPLICATION CHECKLIST

Complete this application or apply online at www.montana.edu. In addition, the following documents in each category must be submitted:

Incoming freshmen

- High School Self-Report Form (for students still in high school or graduated less than 3 years ago) or High School Equivalency Test results
- \$30 nonrefundable application fee
- ACT or SAT scores sent electronically from the testing agency (ACT Code: 2420 and SAT Code: 4488)
- Final official high school transcripts mailed after final grades and graduation date have been posted.
- Official transcripts from each college (including AP and/or IB), if applicable

Nontraditional freshmen

(out of high school for 3 or more years)

- Official high school transcript or High School Equivalency Test results
- \$30 nonrefundable application fee
- Official transcripts from each college attended (including AP and/or IB), if applicable

Early admission freshmen

(concurrent high school/university attendance)

- Official high school transcripts
- ACT or SAT scores sent electronically from the testing agency (ACT Code: 2420 and SAT Code: 4488)
- Letter of recommendation from high school principal or guidance counselor
- University professor recommendation, giving permission to attend specific class
- Interview with Asst. Director of Admissions, call Office of Admissions for appointment.

New Transfer students

(attempted 12 or more college level credits after graduating from high school)

- \$30 nonrefundable application fee
- Official transcripts from each college or university attended

Canadian students

- Documents as noted per category above
- Financial certificate guaranteeing minimum funds required
- Proof of English proficiency if native language is not English

Nondegree students

- \$30 nonrefundable application fee

International students

You are an International Student if you are not a U.S. citizen, permanent resident (green card), refugee, on political asylum in the U.S., a Jay Treaty beneficiary or you are living in the United States under an F, B, H, J, L, or M visa. If any is true, please fill out an International Student Application for Admission available at:

www.montana.edu/international/admissions/apply.html



PLEASE PRINT CLEARLY.

Term of Enrollment: ☐ Fall ☐ Spring ☐ Summer Year _____ Nonrefundable application fee \$30

MAIL TO: OFFICE OF ADMISSIONS • MONTANA STATE UNIVERSITY • P.O. BOX 172190 • BOZEMAN, MT 59717-2190

PERSONAL INFORMATIONFull legal name _____
Last First Middle

Previous name (s) _____

Social Security Number _____

We ask that you voluntarily provide this number which permits MSU to distinguish between individuals of the same or similar names. This is especially important should you request a transcript at a later date or wish to be considered for financial aid.

Mailing Address* _____

City State Zip

**Note: this is where all mail will go, so please let the Office of Admissions know if this changes.*

Telephone () _____ Student Cell () _____

E-mail _____

Birthdate (mo/day/yr) and Birthplace _____ Country of citizenship _____

If not U.S., are you a permanent resident of the U.S.? ☐ Yes ☐ No**PARENT INFORMATION** (Optional)Name _____
Last FirstRelationship (check one): ☐ Father ☐ Mother ☐ Guardian ☐ Grandparent

Address _____

City State Zip

Telephone () _____ E-mail _____

EDUCATIONAL INFORMATIONHave you previously attended Montana State University–Bozeman? ☐ Yes ☐ NoIf Yes: ☐ Early High School Admit student Dates: _____☐ Continuing Education student Dates: _____☐ Nondegree undergraduate or graduate student Dates: _____☐ Degree seeking undergraduate or graduate student Dates: _____

Please indicate your educational goal:

☐ Bachelor degree (indicate field of study or undecided) _____☐ Second bachelor degree (indicate field of study) _____☐ Nondegree undergraduate* (only available to people who do not have a bachelor's degree and are not pursuing a degree at MSU.) _____

**Not eligible for financial aid*

ACADEMIC HISTORY All applicants must complete this section.

A. High School

1. ☐ I will be graduating or ☐ I have graduated Graduation date _____
Complete name of your high school _____
City/State _____

2. Is this high school accredited by your state department/office of education or by a regional association? ☐ Yes ☐ No

B. If you have received or will receive the GED or HiSET equivalency instead of a high school diploma, please indicate:

☐ GED ☐ HiSET

Date taken (mo/year) _____ City/State _____

C. College/University All applicants who have attended or are attending a college or university are required to submit official undergraduate transcripts (regardless of GPA or academic standing).

COLLEGE/UNIVERSITY (COMPLETE NAME)	CITY/STATE	DATES ATTENDED (TO/FROM)	TOTAL COLLEGE LEVEL CREDITS ATTEMPTED	DEGREE EARNED (IF APPLICABLE)

Were you ever suspended or dismissed for academic reasons from any of the colleges/universities listed above? ☐ Yes ☐ No

If yes, please describe _____

SAFETY AND SECURITY INFORMATION All applicants must complete this section.

1. Have you ever been convicted of a **felony** (please include instances of deferred sentencing)? ☐ Yes ☐ No
A felony in Montana State law is defined as a crime for which more than one year in prison may be imposed.
2. Have you ever been subjected to court-ordered confinement for threatening or causing physical or emotional injury to persons or property? ☐ Yes ☐ No
3. Have you ever been disciplined by, suspended from, or placed on probation at any educational institution for nonacademic reasons? ☐ Yes ☐ No
Suspension is defined as a sanction imposed for disciplinary reasons that results in a student leaving school for a specified time period. Dismissal from a college for disciplinary reasons is defined as permanent separation from an institution of higher education on the basis of conduct or behavior.
4. Have you ever been required to register as a sexual or violent offender? ☐ Yes ☐ No

An affirmative response to any of these questions will not automatically prevent admission, but you will be asked by the college to provide additional information. This information will be reviewed by a campus committee to ensure campus safety. Any falsification or omission of data may result in a denial of admission or dismissal.

RESIDENCY INFORMATION

Are you claiming in-state tuition classification as a Montana resident? ☐ Yes ☐ No

I will or I have graduated from an accredited Montana high school **within the past three years**, and I attended that high school for my **entire** senior year. ☐ Yes ☐ No *(If no, complete the following questions. If yes, skip to p.8)*

- A. Does your parent or legal guardian claim you as a federal income tax exemption? ☐ Yes ☐ No If no, skip to Section B.

If yes, please complete the following about your parent/guardian.

1. Who claims you as a federal tax exemption?

Name _____ Relationship _____

2. Date he/she began living in Montana (mo/day/yr) _____

3. Date of extended absences from Montana (mo/day/yr) _____ to _____
Reason for absence _____
4. Has he/she filed a Montana state income tax return? ☐ Yes ☐ No
☐ as a part-year resident ☐ as a full-year resident
List the last three years Montana income taxes have been filed (4-digit year): _____
5. Date of his/her Montana voter registration (mo/day/yr) _____
6. Does he/she have a current Montana driver's license? ☐ Yes ☐ No
Current issue date (mo/day/yr) _____ Is this a renewal? ☐ Yes ☐ No
7. Date of his/her current Montana vehicle registration (mo/day/yr) _____
8. What is his/her employment status? (check all that apply) _____
☐ full-time ☐ part-time ☐ retired ☐ unemployed ☐ seasonal ☐ permanent
Name and address of employer _____

Date of start of employment _____

B. If your parent or legal guardian does not claim you as an income tax exemption, please complete the following.

1. Date you began living in Montana (mo/day/yr) _____
2. Dates of extended absences from Montana (mo/day/yr) _____ to _____
Reason for absence _____
3. Have you filed a Montana state income tax return? ☐ No ☐ Yes → ☐ as a part-year resident ☐ as a full-year resident
List the last three years Montana income taxes have been filed (4-digit year): _____
4. Date of your Montana voter registration (mo/day/yr) _____
5. Do you have a current Montana driver's license? ☐ Yes ☐ No Issue date (mo/day/yr) _____
Is this a renewal? ☐ Yes ☐ No
6. Date of your current Montana vehicle registration (mo/day/yr) _____
7. What is your employment status? (check all that apply)
☐ full-time ☐ part-time ☐ retired ☐ unemployed ☐ seasonal ☐ permanent
Name and address of employer _____

Date of start of employment _____
8. What is your spouse's employment status? (check all that apply)
☐ full-time ☐ part-time ☐ retired ☐ unemployed ☐ seasonal ☐ permanent
Name and address of employer _____

Date of start of employment _____

C. Dates of military service, if applicable (mo/day/yr) _____ to _____
City and state from which you entered the service _____

D. Please fill in table below with information about yourself for the past two years:

FROM	TO	PLACE OF RESIDENCE	EMPLOYMENT	SCHOOLS ATTENDED

VOLUNTARY STATISTICAL INFORMATION

Gender: ☐ Male ☐ Female

Have either of your parents or guardian(s) with whom you reside completed a bachelor's degree? ☐ Yes ☐ No ☐ Unsure

If so, is this a degree from Montana State University in Bozeman? ☐ Yes ☐ No

Please indicate if you are:

☐ Hispanic or Latino (specify country of origin) _____

☐ Not Hispanic or Latino

Please indicate all races that apply among the following:

☐ Black or African American _____

☐ American Indian or Alaska Native (specify primary tribal affiliation and reservation) _____

☐ Asian (specify country of origin) _____

☐ Native Hawaiian or other Pacific Islander (please specify) _____

☐ White

☐ Race/Ethnicity unknown _____

☐ Other (please specify) _____

Have you served in the military for a period of *active duty* longer than 180 days? ☐ Yes ☐ No

If you have a disability for which accommodations may be necessary, please submit a confidential written request for disability accommodations to the Montana State University Disability Services Office, SUB 180, Montana State University, Bozeman, MT 59717-3960 Fax: (406) 994-3943. Written documentation of disability is usually required. A brochure detailing documentation requirements may be obtained from Disability Services.

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any MSU program or activity.

What do you consider to be the most significant factor in your decision to apply to MSU? _____

SIGNATURE (required)

I hereby certify that to the best of my knowledge the foregoing information is true and complete without evasion or misrepresentation. I understand that if found otherwise, it is sufficient cause for rejection or dismissal. If my application for admission is approved, I agree to abide by the present and future rules and regulations, both academic and nonacademic, and the scholastic standards of Montana State University, its colleges, schools, departments and institutes including but not limited to those rules, regulations and standards stated in the undergraduate/graduate catalog. I further acknowledge that if I fail to adhere to these regulations or meet these requirements, my registration may be canceled.

If I enroll at Montana State University, I agree to pay all tuition, fees, fines, and debts to the university that may be incurred by me. I understand that MSU will take action against me to collect any unpaid debts, including withholding of registration, transcripts and assignment of the debt for collection and I will be responsible to pay any costs incurred to collect the debt.

If I fail to pay any tuition or fees when due, I understand the university will treat any unpaid amount as an educational loan extended to finance my education.

Applicant's complete legal signature: _____

Name

Date

NEW FRESHMAN HIGH SCHOOL SELF-REPORT FORM*

*Only required for new freshman applicants who have been out of high school less than three years.

1. New freshmen applicants may apply at any time without all the necessary required materials. Applicants will be notified of missing or incomplete documents needed for the admissions process.
2. **Official high school transcripts should be sent only after graduation.**

Name _____

Graduation date ____/____/____ Complete name of your high school _____

City/State _____ H.S. phone (____) _____

High school class rank ____ out of (how many) ____ Cumulative high school grade point average on a 4.0 scale ____

Complete Test scores (official ACT or SAT scores required to complete application)

ACT _____
ENG MATH READ SCI English/Language Arts Writing Composite Test Date(s)

SAT _____
Evid. Based Reading & Writing Math Total Writing & Language Test Math Test Test Dates

If you have not taken the ACT or SAT, please specify your intended test date _____

By my signature on this application, I understand that this information may be used as a preliminary basis for admission to Montana State University. It is complete and correct as of this date. If this information changes, I will notify MSU Admissions of the changes and understand that my admission status will be reevaluated.

MONTANA STATE UNIVERSITY

Office of Admissions, (406) 994-2452

Toll free, 888-MSU-CATS

admissions@montana.edu montana.edu/admissions

CAMPUS PHONE NUMBERS AREA CODE (406)

Bookstore at MSU	994-2811	Financial Aid Services	994-2845
		finaid@montana.edu	
Career Services	994-4353	Gallatin College	994-5536
College of Agriculture	994-3681	Graduate School	994-4145
agdean@montana.edu		gradschool@montana.edu	
College of Arts and Architecture	994-4405	Honors College	994-4110
Architecture	architect@montana.edu	Information Desk	994-INFO
Art	art@montana.edu		
Film and Photography	sfp@montana.edu		
Music	music@montana.edu		
General	caa@montana.edu		
College of Business	994-4421	Intercollegiate Athletics	994-4221
business@montana.edu		info@msubobcats.com	
College of Education, Health and Human Development	994-4133	International Programs	994-4031
ehhddean@montana.edu		international@montana.edu	
College of Engineering	994-2272	MSU Libraries	994-3139
Chemical Engn.	chbe@coe.montana.edu	Orientation	994-2827
Civil Engn.	cedept@ce.montana.edu	orientation@montana.edu	
Construction Engn.Tech.	cedept@ce.montana.edu	President's Office	994-2341
Computer Science	soc-info@montana.edu	Recreational Sports and Fitness	994-5000
Electrical & Computer Engn.	ecedept@ece.montana.edu	Registrar's Office	994-2601
Industrial Engn.	mieinfo@coe.montana.edu	Residence Life/University Food Service	994-2661
Mechanical Engn.	mieinfo@coe.montana.edu	housing@montana.edu	
Mech. Engn. Tech.	mieinfo@coe.montana.edu	ResNet	994-1929
General Engn.	engrinfo@coe.montana.edu	Student Health Service	994-2311
Bio Engn.	chbe@coe.montana.edu	immune@montana.edu	
College of Letters and Science	994-4288	University Student Accounts	994-1991
lands@montana.edu		University Studies/Academic Advising ...	994-3532
College of Nursing	994-3783	advising@montana.edu	
nursing@montana.edu		Veteran's Services	994-3661
Activities and Engagement	994-2933	josephschumacher@montana.edu	
Dean of Students Office	994-2826		
Directory Assistance	994-0211		
Disability Services	994-2824		
Family & Graduate Housing	994-3730		
fgho@montana.edu			

Exhibit 26

GRIZ CARD CENTER

[Home](#)
[Passport Photos and Other Services](#)
[Get Your Griz Card](#)
[Replacement Cards](#)
[Use Your Griz Card](#)
[UMoney](#)
[About Our Operations](#)
[Departments](#)

GET YOUR GRIZ CARD

[Online Griz Card Photo Submission](#)
[Pick Up Your Griz Card](#)
[Replacement Cards and Temporary Cards](#)
[Griz Card Terms & Conditions](#)
[Damaged Griz Card Policy](#)

PICK UP YOUR GRIZ CARD

Please select the campus, program and/or status that best fits to see more details on where to pick up your card and what you need to bring to get your Griz Card.

HOW TO PICK UP YOUR CARD

— UNIVERSITY OF MONTANA OR MISSOULA COLLEGE - FIRST CARD

New students should submit a photo for the Griz Card [online](#) prior to arriving on campus and/or visiting the Griz Card Center. Once you have submitted your photo and received a confirmation email that your photo was approved, you may pick up your Griz Card.

The Griz Card Center will preprint Griz Cards as photos are approved. There is a [\\$20 fee](#)* for all new or replacement Griz Cards, you will need to show photo ID. Acceptable forms of photo ID include: a Federal or State Government issued identification (ex: driver's license), a passport, military ID, or other government issued photo ID.

**Your Griz Card is required to access campus services associated with mandatory fees; we have automatically assessed the Griz Card Admin Fee to new students accounts for your convenience. Students may opt-out of this fee in person at the Griz Card Center.*

Exhibit 27



**2018 Federal General: Number of Absentee Ballots Sent,
Accepted, Percentage of Votes Cast, Percentage of Registered Voters**
Montana Secretary of State
sosmt.gov • soselections@mt.gov

	Registered Voters	All Absentees Sent	All Absentees Accepted	Percentage Absentees Accepted of Number Sent	Total of All Votes Cast	Percentage of Absentees Accepted of Total Votes Cast	Percentage of Absentees Accepted of Total Registered Voters
Beaverhead	6,823	3,556	3,133	88.10%	4,957	63.20%	45.92%
Big Horn	7,973	3,157	2,461	77.95%	4,713	52.22%	30.87%
Blaine	4,192	2,337	1,983	84.85%	3,042	65.19%	47.30%
Broadwater	4,365	2,194	1,959	89.29%	3,284	59.65%	44.88%
Carbon	8,014	4,484	3,933	87.71%	6,115	64.32%	49.08%
Carter	1,005	362	311	85.91%	779	39.92%	30.95%
Cascade	49,571	34,174	29,839	87.31%	34,297	87.00%	60.19%
Chouteau	3,544	1,833	1,633	89.09%	2,689	60.73%	46.08%
Custer	7,072	3,272	2,948	90.10%	4,945	59.62%	41.69%
Daniels	1,231	479	429	89.56%	958	44.78%	34.85%
Dawson	5,924	3,292	2,912	88.46%	4,111	70.83%	49.16%
Deer Lodge	5,531	3,011	2,652	88.08%	4,238	62.58%	47.95%
Fallon	1,831	980	808	82.45%	1,309	61.73%	44.13%
Fergus	7,866	3,998	3,609	90.27%	5,843	61.77%	45.88%
Flathead	69,658	37,391	31,578	84.45%	48,656	64.90%	45.33%
Gallatin	79,960	55,435	46,421	83.74%	56,336	82.40%	58.06%
Garfield	877	399	367	91.98%	700	52.43%	41.85%
Glacier	8,318	4,466	3,493	78.21%	5,024	69.53%	41.99%
Golden Valley	594	336	310	92.26%	468	66.24%	52.19%
Granite	2,343	1,091	1,012	92.76%	1,818	55.67%	43.19%
Hill	9,313	5,471	4,784	87.44%	6,448	74.19%	51.37%
Jefferson	8,842	4,877	4,396	90.14%	6,896	63.75%	49.72%
Judith Basin	1,473	758	702	92.61%	1,200	58.50%	47.66%
Lake	19,286	10,272	8,813	85.80%	13,875	63.52%	45.70%
Lewis and Clark	47,509	29,808	25,940	87.02%	35,818	72.42%	54.60%
Liberty	1,189	687	631	91.85%	992	63.61%	53.07%
Lincoln	13,475	6,549	5,697	86.99%	9,398	60.62%	42.28%
Madison	6,613	3,256	2,900	89.07%	5,011	57.87%	43.85%
McCone	1,263	551	513	93.10%	1,042	49.23%	40.62%
Meagher	1,297	835	744	89.10%	985	75.53%	57.36%
Mineral	3,281	1,455	1,250	85.91%	2,092	59.75%	38.10%
Missoula	86,357	58,796	49,664	84.47%	62,054	80.03%	57.51%
Musselshell	3,278	1,677	1,501	89.51%	2,458	61.07%	45.79%
Park	13,491	6,860	6,031	87.92%	9,804	61.52%	44.70%
Petroleum	422	207	186	89.86%	315	59.05%	44.08%
Phillips	2,755	1,987	1,782	89.68%	2,108	84.54%	64.68%
Pondera	3,659	2,196	1,905	86.75%	2,719	70.06%	52.06%
Powder River	1,297	486	415	85.39%	984	42.17%	32.00%
Powell	3,647	1,600	1,434	89.63%	2,789	51.42%	39.32%
Prairie	874	450	370	82.22%	666	55.56%	42.33%
Ravalli	31,287	17,110	15,201	88.84%	23,571	64.49%	48.59%
Richland	7,270	2,394	1,927	80.49%	4,379	44.01%	26.51%
Roosevelt	5,974	2,101	1,617	76.96%	3,474	46.55%	27.07%
Rosebud	5,018	2,122	1,819	85.72%	3,402	53.47%	36.25%
Sanders	8,624	4,920	4,296	87.32%	6,203	69.26%	49.81%
Sheridan	2,459	1,402	1,249	89.09%	1,850	67.51%	50.79%
Silver Bow	22,931	12,311	10,645	86.47%	16,447	64.72%	46.42%
Stillwater	6,342	3,258	2,878	88.34%	4,911	58.60%	45.38%
Sweet Grass	2,798	1,369	1,230	89.85%	2,167	56.76%	43.96%
Teton	4,033	2,296	2,083	90.72%	3,179	65.52%	51.65%
Toole	2,614	1,274	1,122	88.07%	1,921	58.41%	42.92%
Treasure	557	236	219	92.80%	419	52.27%	39.32%
Valley	4,921	3,433	3,176	92.51%	3,925	80.92%	64.54%
Wheatland	1,356	613	511	83.36%	946	54.02%	37.68%
Wibaux	725	275	261	94.91%	558	46.77%	36.00%
Yellowstone	98,922	73,770	62,717	85.02%	69,925	89.69%	63.40%
TOTALS:	711,844	433,909	372,400	85.82%	509,213	73.13%	52.31%
	Registered Voters	All Absentees Sent	All Absentees Accepted	Percentage Absentees Accepted of Number Sent	Total of All Votes Cast	Percentage of Absentees Accepted of Total Votes Cast	Percentage of Absentees Accepted of Total Registered Voters

Updated March 12, 2019



**2018 Federal Primary: Number of Absentee Ballots Sent,
Accepted, Percentage of Votes Cast, Percentage of Registered Voters**
Montana Secretary of State
sosmt.gov • soselections@mt.gov

	Registered Voters	All Absentees Sent	All Absentees Accepted	Percentage Absentees Accepted of Number Sent	Total of All Votes Cast	Percentage of Absentees Accepted of Total Votes Cast	Percentage of Absentees Accepted of Total Registered Voters
Beaverhead	6,488	2,648	1,770	66.84%	2,620	67.56%	27.28%
Big Horn	7,582	2,340	1,281	54.74%	2,561	50.02%	16.90%
Blaine	3,872	1,422	908	63.85%	1,347	67.41%	23.45%
Broadwater	4,160	1,771	1,195	67.48%	1,850	64.59%	28.73%
Carbon	7,668	3,642	2,433	66.80%	3,689	65.95%	31.73%
Carter	978	308	200	64.94%	519	38.54%	20.45%
Cascade	47,544	30,180	19,541	64.75%	20,220	96.64%	41.10%
Chouteau	3,369	1,470	1,072	72.93%	1,693	63.32%	31.82%
Custer	6,881	2,290	1,669	72.88%	2,887	57.81%	24.26%
Daniels	1,192	341	218	63.93%	493	44.22%	18.29%
Dawson	5,780	2,765	2,003	72.44%	2,583	77.55%	34.65%
Deer Lodge	5,272	2,361	1,719	72.81%	2,577	66.71%	32.61%
Fallon	1,809	873	545	62.43%	708	76.98%	30.13%
Fergus	7,673	3,082	2,245	72.84%	3,299	68.05%	29.26%
Flathead	66,532	30,089	18,755	62.33%	27,548	68.08%	28.19%
Gallatin	74,666	47,759	24,159	50.59%	25,598	94.38%	32.36%
Garfield	853	306	241	78.76%	490	49.18%	28.25%
Glacier	7,967	3,375	1,890	56.00%	2,873	65.78%	23.72%
Golden Valley	591	310	239	77.10%	385	62.08%	40.44%
Granite	2,263	824	592	71.84%	1,107	53.48%	26.16%
Hill	8,865	4,488	3,091	68.87%	3,582	86.29%	34.87%
Jefferson	8,476	4,024	2,660	66.10%	3,841	69.25%	31.38%
Judith Basin	1,436	639	445	69.64%	715	62.24%	30.99%
Lake	18,217	7,529	5,031	66.82%	7,954	63.25%	27.62%
Lewis and Clark	45,332	24,462	15,671	64.06%	19,947	78.56%	34.57%
Liberty	1,176	586	516	88.05%	880	58.64%	43.88%
Lincoln	12,942	5,200	3,768	72.46%	6,086	61.91%	29.11%
Madison	6,310	2,505	1,553	62.00%	2,492	62.32%	24.61%
McCone	1,241	431	356	82.60%	834	42.69%	28.69%
Meagher	1,261	743	615	82.77%	820	75.00%	48.77%
Mineral	3,177	1,158	764	65.98%	1,161	65.81%	24.05%
Missoula	81,541	47,829	26,422	55.24%	29,672	89.05%	32.40%
Musselshell	3,168	1,375	1,030	74.91%	1,775	58.03%	32.51%
Park	12,897	5,267	3,435	65.22%	5,290	64.93%	26.63%
Petroleum	422	180	115	63.89%	187	61.50%	27.25%
Phillips	2,705	1,848	1,479	80.03%	1,682	87.93%	54.68%
Pondera	3,589	1,853	1,345	72.58%	1,942	69.26%	37.48%
Powder River	1,272	388	299	77.06%	780	38.33%	23.51%
Powell	3,512	1,190	782	65.71%	1,457	53.67%	22.27%
Prairie	858	389	319	82.01%	639	49.92%	37.18%
Ravalli	29,944	14,025	9,015	64.28%	12,435	72.50%	30.11%
Richland	7,084	1,710	1,042	60.94%	2,490	41.85%	14.71%
Roosevelt	5,693	1,367	715	52.30%	1,434	49.86%	12.56%
Rosebud	4,851	1,567	983	62.73%	1,676	58.65%	20.26%
Sanders	8,314	4,120	2,875	69.78%	3,774	76.18%	34.58%
Sheridan	2,387	1,196	788	65.89%	1,082	72.83%	33.01%
Silver Bow	22,007	9,795	6,582	67.20%	9,830	66.96%	29.91%
Stillwater	6,112	2,620	1,853	70.73%	3,184	58.20%	30.32%
Sweet Grass	2,709	1,059	790	74.60%	1,606	49.19%	29.16%
Teton	3,925	1,906	1,388	72.82%	2,007	69.16%	35.36%
Toole	2,560	1,021	753	73.75%	1,283	58.69%	29.41%
Treasure	557	185	118	63.78%	253	46.64%	21.18%
Valley	4,767	2,998	2,293	76.48%	2,655	86.37%	48.10%
Wheatland	1,329	500	417	83.40%	845	49.35%	31.38%
Wibaux	711	200	173	86.50%	422	41.00%	24.33%
Yellowstone	94,846	66,021	40,034	60.64%	40,945	97.78%	42.21%
TOTALS:	679,333	360,530	222,190	61.63%	282,704	78.59%	32.71%
	Registered Voters	All Absentees Sent	All Absentees Accepted	Percentage Absentees Accepted of Number Sent	Total of All Votes Cast	Percentage of Absentees Accepted of Total Votes Cast	Percentage of Absentees Accepted of Total Registered Voters

Updated March 12, 2019



**2017 Federal Special Election: Number of Absentee Ballots Sent,
Received, Percentage of Votes Cast, Percentage of Registered Voters**
Montana Secretary of State
sosmt.gov • soselections@mt.gov

	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,716	2,702	2,260	83.64%	3,621	62.41%	33.65%
Big Horn	7,996	2,156	1,402	65.03%	2,743	51.11%	17.53%
Blaine	3,973	1,360	1,052	77.35%	1,969	53.43%	26.48%
Broadwater	4,264	1,713	1,389	81.09%	2,282	60.87%	32.58%
Carbon	7,595	3,457	2,908	84.12%	4,845	60.02%	38.29%
Carter	973	287	215	74.91%	532	40.41%	22.10%
Cascade	54,077	31,300	24,229	77.41%	27,143	89.26%	44.80%
Chouteau	3,506	1,481	1,258	84.94%	2,149	58.54%	35.88%
Custer	7,179	2,240	1,910	85.27%	3,629	52.63%	26.61%
Daniels	1,221	350	284	81.14%	680	41.76%	23.26%
Dawson	5,921	2,782	2,210	79.44%	3,035	72.82%	37.32%
Deer Lodge	5,463	2,462	2,034	82.62%	3,313	61.39%	37.23%
Fallon	1,975	778	550	70.69%	868	63.36%	27.85%
Fergus	7,758	3,249	2,721	83.75%	4,557	59.71%	35.07%
Flathead	68,390	28,354	22,613	79.75%	35,462	63.77%	33.06%
Gallatin	76,631	47,043	35,681	75.85%	41,909	85.14%	46.56%
Garfield	919	314	268	85.35%	540	49.63%	29.16%
Glacier	7,879	3,332	2,169	65.10%	3,111	69.72%	27.53%
Golden Valley	608	323	279	86.38%	397	70.28%	45.89%
Granite	2,348	821	701	85.38%	1,399	50.11%	29.86%
Hill	9,516	4,573	3,725	81.46%	4,782	77.90%	39.14%
Jefferson	8,517	3,988	3,318	83.20%	5,322	62.34%	38.96%
Judith Basin	1,441	651	544	83.56%	975	55.79%	37.75%
Lake	19,084	7,174	5,901	82.26%	10,133	58.24%	30.92%
Lewis and Clark	45,860	24,041	19,780	82.28%	27,957	70.75%	43.13%
Liberty	1,183	539	488	90.54%	842	57.96%	41.25%
Lincoln	13,703	4,982	4,025	80.79%	6,855	58.72%	29.37%
Madison	6,277	2,327	1,894	81.39%	3,741	50.63%	30.17%
McCone	1,238	405	347	85.68%	830	41.81%	28.03%
Meagher	1,307	673	565	83.95%	780	72.44%	43.23%
Mineral	3,133	1,138	927	81.46%	1,548	59.88%	29.59%
Missoula	84,348	48,136	37,144	77.16%	47,357	78.43%	44.04%
Musselshell	3,037	1,304	1,069	81.98%	1,779	60.09%	35.20%
Park	12,803	5,264	4,374	83.09%	7,401	59.10%	34.16%
Petroleum	425	161	123	76.40%	256	48.05%	28.94%
Phillips	2,745	1,735	1,494	86.11%	1,824	81.91%	54.43%
Pondera	3,520	1,781	1,455	81.70%	2,182	66.68%	41.34%
Powder River	1,286	387	313	80.88%	732	42.76%	24.34%
Powell	3,549	1,188	983	82.74%	2,138	45.98%	27.70%
Prairie	871	363	301	82.92%	546	55.13%	34.56%
Ravalli	30,476	13,493	11,189	82.92%	17,660	63.36%	36.71%
Richland	7,190	1,467	1,080	73.62%	2,662	40.57%	15.02%
Roosevelt	5,886	1,558	1,152	73.94%	2,087	55.20%	19.57%
Rosebud	5,031	1,564	1,193	76.28%	2,435	48.99%	23.71%
Sanders	8,407	3,961	3,206	80.94%	4,572	70.12%	38.13%
Sheridan	2,433	1,183	904	76.42%	1,276	70.85%	37.16%
Silver Bow	22,062	10,068	7,930	78.76%	12,490	63.49%	35.94%
Stillwater	6,139	2,470	1,993	80.69%	3,617	55.10%	32.46%
Sweet Grass	2,644	983	817	83.11%	1,553	52.61%	30.90%
Teton	4,059	1,940	1,672	86.19%	2,646	63.19%	41.19%
Toole	2,666	1,028	852	82.88%	1,613	52.82%	31.96%
Treasure	561	188	155	82.45%	332	46.69%	27.63%
Valley	4,477	2,994	2,505	83.67%	3,035	82.54%	55.95%
Wheatland	1,333	450	378	84.00%	745	50.74%	28.36%
Wibaux	741	184	145	78.80%	348	41.67%	19.57%
Yellowstone	97,061	65,507	50,195	76.63%	54,066	92.84%	51.71%
TOTALS:	700,401	356,352	280,269	78.65%	383,301	73.12%	40.02%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters

Updated October 27, 2017



**2016 Federal General Election: Number of Absentee Ballots Sent,
Received, Percentage of Votes Cast, Percentage of Registered Voters**
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	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,733	3,019	2,906	96.26%	5,088	57.11%	43.16%
Big Horn	7,994	2,103	1,892	89.97%	4,434	42.67%	23.67%
Blaine	3,937	1,694	1,607	94.86%	2,818	57.03%	40.82%
Broadwater	4,216	1,835	1,742	94.93%	3,265	53.35%	41.32%
Carbon	7,723	3,513	3,379	96.19%	6,140	55.03%	43.75%
Carter	962	313	299	95.53%	812	36.82%	31.08%
Cascade	53,867	31,224	29,505	94.49%	35,999	81.96%	54.77%
Chouteau	3,509	1,517	1,453	95.78%	2,715	53.52%	41.41%
Custer	7,134	2,691	2,633	97.84%	5,386	48.89%	36.91%
Daniels	1,214	411	398	96.84%	993	40.08%	32.78%
Dawson	5,890	2,976	2,867	96.34%	4,498	63.74%	48.68%
Deer Lodge	5,411	2,556	2,465	96.44%	4,425	55.71%	45.56%
Fallon	1,980	761	739	97.11%	1,533	48.21%	37.32%
Fergus	7,727	3,526	3,369	95.55%	6,082	55.39%	43.60%
Flathead	67,112	28,503	27,038	94.86%	48,290	55.99%	40.29%
Gallatin	75,481	44,363	41,760	94.13%	55,974	74.61%	55.33%
Garfield	914	320	312	97.50%	735	42.45%	34.14%
Glacier	7,782	3,640	3,287	90.30%	5,334	61.62%	42.24%
Golden Valley	598	309	299	96.76%	503	59.44%	50.00%
Granite	2,352	939	914	97.34%	1,860	49.14%	38.86%
Hill	9,521	4,759	4,591	96.47%	6,727	68.25%	48.22%
Jefferson	8,377	4,073	3,936	96.64%	6,971	56.46%	46.99%
Judith Basin	1,441	668	646	96.71%	1,248	51.76%	44.83%
Lake	18,799	7,682	7,292	94.92%	13,626	53.52%	38.79%
Lewis and Clark	45,342	23,909	22,934	95.92%	35,974	63.75%	50.58%
Liberty	1,171	542	532	98.15%	992	53.63%	45.43%
Lincoln	13,472	5,247	4,992	95.14%	9,639	51.79%	37.05%
Madison	6,176	2,435	2,348	96.43%	4,935	47.58%	38.02%
McCone	1,256	496	488	98.39%	1,085	44.98%	38.85%
Meagher	1,305	701	683	97.43%	1,011	67.56%	52.34%
Mineral	3,101	1,182	1,114	94.25%	2,096	53.15%	35.92%
Missoula	83,745	47,297	44,165	93.38%	61,761	71.51%	52.74%
Musselshell	3,031	1,409	1,359	96.45%	2,491	54.56%	44.84%
Park	12,622	5,582	5,372	96.24%	9,726	55.23%	42.56%
Petroleum	426	163	153	93.87%	338	45.27%	35.92%
Phillips	2,749	1,464	1,412	96.45%	2,248	62.81%	51.36%
Pondera	3,529	1,855	1,777	95.80%	2,831	62.77%	50.35%
Powder River	1,299	459	434	94.55%	1,102	39.38%	33.41%
Powell	3,538	1,295	1,248	96.37%	2,898	43.06%	35.27%
Prairie	879	375	357	95.20%	709	50.35%	40.61%
Ravalli	30,119	13,654	13,110	96.02%	23,355	56.13%	43.53%
Richland	7,048	2,001	1,894	94.65%	4,988	37.97%	26.87%
Roosevelt	5,813	1,707	1,529	89.57%	3,825	39.97%	26.30%
Rosebud	4,982	1,770	1,658	93.67%	3,593	46.15%	33.28%
Sanders	8,290	3,929	3,729	94.91%	6,140	60.73%	44.98%
Sheridan	2,422	1,236	1,184	95.79%	1,942	60.97%	48.89%
Silver Bow	21,950	10,518	10,028	95.34%	17,251	58.13%	45.69%
Stillwater	6,104	2,620	2,536	96.79%	5,006	50.66%	41.55%
Sweet Grass	2,664	1,117	1,080	96.69%	2,176	49.63%	40.54%
Teton	4,060	1,977	1,910	96.61%	3,331	57.34%	47.04%
Toole	2,654	1,065	1,024	96.15%	2,094	48.90%	38.58%
Treasure	560	191	187	97.91%	461	40.56%	33.39%
Valley	4,845	2,879	2,793	97.01%	4,029	69.32%	57.65%
Wheatland	1,333	498	480	96.39%	983	48.83%	36.01%
Wibaux	746	226	218	96.46%	564	38.65%	29.22%
Yellowstone	96,465	63,389	59,869	94.45%	71,871	83.30%	62.06%
TOTALS:	694,370	356,583	337,926	94.77%	516,901	65.38%	48.67%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters

Updated February 2, 2017



**2016 Federal Primary Election: Number of Absentee Ballots Sent,
Received, Percentage of Votes Cast, Percentage of Registered Voters**

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	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,356	2,120	1,885	88.92%	3,268	57.68%	29.66%
Big Horn	7,656	985	787	79.90%	1,842	42.73%	10.28%
Blaine	3,709	928	814	87.72%	1,445	56.33%	21.95%
Broadwater	3,950	1,258	1,065	84.66%	1,901	56.02%	26.96%
Carbon	7,226	2,281	1,932	84.70%	3,357	57.55%	26.74%
Carter	926	232	192	82.76%	581	33.05%	20.73%
Cascade	50,250	23,224	19,376	83.43%	21,475	90.23%	38.56%
Chouteau	3,315	1,056	964	91.29%	1,762	54.71%	29.08%
Custer	6,831	1,400	1,244	88.86%	2,753	45.19%	18.21%
Daniels	1,135	218	200	91.74%	587	34.07%	17.62%
Dawson	5,564	2,188	1,955	89.35%	2,896	67.51%	35.14%
Deer Lodge	5,081	1,663	1,499	90.14%	2,954	50.74%	29.50%
Fallon	1,883	530	487	91.89%	1,095	44.47%	25.86%
Fergus	7,403	2,337	2,061	88.19%	3,687	55.90%	27.84%
Flathead	62,794	18,107	14,508	80.12%	23,844	60.85%	23.10%
Gallatin	68,742	33,642	24,817	73.77%	28,155	88.14%	36.10%
Garfield	894	224	208	92.86%	671	31.00%	23.27%
Glacier	6,927	1,826	1,527	83.63%	3,007	50.78%	22.04%
Golden Valley	573	241	221	91.70%	344	64.24%	38.57%
Granite	2,201	556	478	85.97%	1,072	44.59%	21.72%
Hill	9,037	3,489	2,988	85.64%	3,794	78.76%	33.06%
Jefferson	7,899	3,002	2,451	81.65%	3,882	63.14%	31.03%
Judith Basin	1,390	454	386	85.02%	826	46.73%	27.77%
Lake	17,654	4,348	3,743	86.09%	7,062	53.00%	21.20%
Lewis and Clark	42,610	16,613	13,987	84.19%	20,935	66.81%	32.83%
Liberty	1,137	390	358	91.79%	735	48.71%	31.49%
Lincoln	12,654	3,458	2,953	85.40%	5,403	54.85%	23.34%
Madison	5,818	1,394	1,186	85.08%	2,778	42.69%	20.39%
McCone	1,182	270	238	88.15%	653	36.45%	20.14%
Meagher	1,212	538	480	89.22%	665	72.18%	39.60%
Mineral	2,944	796	692	86.93%	1,348	51.34%	23.51%
Missoula	77,329	33,251	26,317	79.15%	33,837	77.78%	34.03%
Musselshell	2,820	992	869	87.60%	1,609	54.01%	30.82%
Park	11,748	2,996	2,560	85.45%	5,165	49.56%	21.79%
Petroleum	412	111	98	88.29%	242	40.50%	23.79%
Phillips	2,660	1,129	1,037	91.85%	1,679	61.76%	38.98%
Pondera	3,296	1,244	1,096	88.10%	1,899	57.71%	33.25%
Powder River	1,229	288	245	85.07%	768	31.90%	19.93%
Powell	3,311	751	651	86.68%	1,617	40.26%	19.66%
Prairie	857	262	216	82.44%	481	44.91%	25.20%
Ravalli	28,464	9,674	8,185	84.61%	13,648	59.97%	28.76%
Richland	6,491	958	817	85.28%	2,353	34.72%	12.59%
Roosevelt	5,310	704	602	85.51%	1,700	35.41%	11.34%
Rosebud	4,598	1,015	861	84.83%	1,895	45.44%	18.73%
Sanders	7,868	2,942	2,522	85.72%	3,756	67.15%	32.05%
Sheridan	2,282	842	677	80.40%	1,107	61.16%	29.67%
Silver Bow	20,579	6,892	6,254	90.74%	12,126	51.58%	30.39%
Stillwater	5,668	1,579	1,409	89.23%	2,922	48.22%	24.86%
Sweet Grass	2,475	673	577	85.74%	1,232	46.83%	23.31%
Teton	3,901	1,350	1,189	88.07%	2,234	53.22%	30.48%
Toole	2,537	718	653	90.95%	1,537	42.49%	25.74%
Treasure	541	117	99	84.62%	285	34.74%	18.30%
Valley	4,569	2,121	1,846	87.03%	2,542	72.62%	40.40%
Wheatland	1,264	331	296	89.43%	671	44.11%	23.42%
Wibaux	712	139	132	94.96%	385	34.29%	18.54%
Yellowstone	90,890	49,778	40,334	81.03%	43,081	93.62%	44.38%
TOTALS:	648,764	250,625	205,224	81.88%	293,548	69.91%	31.63%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters



**2014 Federal General Election: Number of Absentee Ballots Sent,
Received, Percentage of Votes Cast, Percentage of Registered Voters**

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	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,588	2,405	2,166	90.06%	4,073	53.18%	32.88%
Big Horn	8,024	1,594	1,378	86.45%	3,832	35.96%	17.17%
Blaine	3,903	820	701	85.49%	1,903	36.84%	17.96%
Broadwater	4,073	1,405	1,274	90.68%	2,582	49.34%	31.28%
Carbon	7,329	2,437	2,241	91.96%	4,727	47.41%	30.58%
Carter	1,002	207	177	85.51%	644	27.48%	17.66%
Cascade	51,887	23,534	21,068	89.52%	26,426	79.72%	40.60%
Chouteau	3,595	1,151	1,060	92.09%	2,170	48.85%	29.49%
Custer	7,200	1,761	1,628	92.45%	4,116	39.55%	22.61%
Daniels	1,224	251	237	94.42%	852	27.82%	19.36%
Dawson	5,499	2,116	1,976	93.38%	3,313	59.64%	35.93%
Deer Lodge	4,998	1,524	1,440	94.49%	3,373	42.69%	28.81%
Fallon	1,940	488	442	90.57%	1,206	36.65%	22.78%
Fergus	8,013	2,657	2,460	92.59%	5,015	49.05%	30.70%
Flathead	61,863	18,849	16,893	89.62%	32,274	52.34%	27.31%
Gallatin	71,030	30,156	25,507	84.58%	35,863	71.12%	35.91%
Garfield	924	237	225	94.94%	603	37.31%	24.35%
Glacier	7,320	2,021	1,736	85.90%	3,271	53.07%	23.72%
Golden Valley	612	248	243	97.98%	453	53.64%	39.71%
Granite	2,189	715	665	93.01%	1,543	43.10%	30.38%
Hill	9,487	2,889	2,616	90.55%	5,093	51.36%	27.57%
Jefferson	8,005	3,382	2,998	88.65%	5,353	56.01%	37.45%
Judith Basin	1,486	435	399	91.72%	1,029	38.78%	26.85%
Lake	18,686	5,315	4,858	91.40%	10,058	48.30%	26.00%
Lewis and Clark	42,929	15,623	14,399	92.17%	26,466	54.41%	33.54%
Liberty	1,194	436	408	93.58%	883	46.21%	34.17%
Lincoln	13,103	3,936	3,587	91.13%	7,474	47.99%	27.38%
Madison	5,861	1,448	1,339	92.47%	3,664	36.54%	22.85%
McCone	1,166	341	317	92.96%	874	36.27%	27.19%
Meagher	1,372	548	516	94.16%	792	65.15%	37.61%
Mineral	3,104	863	756	87.60%	1,562	48.40%	24.36%
Missoula	86,316	31,987	27,580	86.22%	42,607	64.73%	31.95%
Musselshell	3,047	993	911	91.74%	2,083	43.73%	29.90%
Park	11,932	3,406	3,094	90.84%	7,056	43.85%	25.93%
Petroleum	409	85	70	82.35%	241	29.05%	17.11%
Phillips	2,619	1,028	971	94.46%	1,799	53.97%	37.08%
Pondera	3,479	1,344	1,215	90.40%	2,202	55.18%	34.92%
Powder River	1,272	325	303	93.23%	900	33.67%	23.82%
Powell	3,491	793	747	94.20%	2,350	31.79%	21.40%
Prairie	859	273	248	90.84%	622	39.87%	28.87%
Ravalli	29,287	9,106	8,241	90.50%	17,030	48.39%	28.14%
Richland	6,648	1,144	1,053	92.05%	3,397	31.00%	15.84%
Roosevelt	5,738	1,018	848	83.30%	2,753	30.80%	14.78%
Rosebud	4,821	1,068	971	90.92%	2,642	36.75%	20.14%
Sanders	8,154	3,070	2,805	91.37%	4,657	60.23%	34.40%
Sheridan	2,348	871	790	90.70%	1,456	54.26%	33.65%
Silver Bow	19,930	7,111	6,380	89.72%	12,859	49.62%	32.01%
Stillwater	5,867	1,640	1,537	93.72%	3,779	40.67%	26.20%
Sweet Grass	2,555	676	625	92.46%	1,652	37.83%	24.46%
Teton	4,013	1,473	1,385	94.03%	2,757	50.24%	34.51%
Toole	2,609	709	657	92.67%	1,685	38.99%	25.18%
Treasure	570	123	117	95.12%	388	30.15%	20.53%
Valley	4,720	2,336	2,196	94.01%	3,417	64.27%	46.53%
Wheatland	1,271	332	308	92.77%	778	39.59%	24.23%
Wibaux	732	142	136	95.77%	493	27.59%	18.58%
Yellowstone	95,971	52,955	46,238	87.32%	52,741	87.67%	48.18%
TOTALS:	674,264	253,800	225,136	88.71%	373,831	60.22%	33.39%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered



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	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,377	1,850	1,583	85.57%	2,814	56.25%	24.82%
Big Horn	7,881	871	699	80.25%	2,617	26.71%	8.87%
Blaine	3,827	617	482	78.12%	982	49.08%	12.59%
Broadwater	4,002	1,121	906	80.82%	1,762	51.42%	22.64%
Carbon	7,214	1,629	1,299	79.74%	2,370	54.81%	18.01%
Carter	996	181	146	80.66%	555	26.31%	14.66%
Cascade	50,970	20,261	15,222	75.13%	16,356	93.07%	29.86%
Chouteau	3,587	941	788	83.74%	1,401	56.25%	21.97%
Custer	7,064	1,035	872	84.25%	2,077	41.98%	12.34%
Daniels	1,220	161	129	80.12%	381	33.86%	10.57%
Dawson	5,442	1,851	1,655	89.41%	2,527	65.49%	30.41%
Deer Lodge	4,901	1,051	914	86.96%	2,022	45.20%	18.65%
Fallon	1,907	436	403	92.43%	1,133	35.57%	21.13%
Fergus	7,896	1,986	1,677	84.44%	3,119	53.77%	21.24%
Flathead	60,587	13,443	10,118	75.27%	17,500	57.82%	16.70%
Gallatin	68,440	24,599	14,832	60.30%	16,476	90.02%	21.67%
Garfield	906	137	119	86.86%	402	29.60%	13.13%
Glacier	7,129	1,386	1,075	77.56%	2,414	44.53%	15.08%
Golden Valley	598	205	189	92.20%	326	57.98%	31.61%
Granite	2,106	518	460	88.80%	1,153	39.90%	21.84%
Hill	9,359	1,919	1,488	77.54%	2,372	62.73%	15.90%
Jefferson	7,837	2,944	2,088	70.92%	3,089	67.59%	26.64%
Judith Basin	1,480	332	281	84.64%	690	40.72%	18.99%
Lake	18,384	3,869	3,214	83.07%	6,773	47.45%	17.48%
Lewis and Clark	42,005	10,961	8,749	79.82%	14,284	61.25%	20.83%
Liberty	1,187	352	308	87.50%	725	42.48%	25.95%
Lincoln	12,773	3,071	2,590	84.34%	4,765	54.35%	20.28%
Madison	5,766	1,033	811	78.51%	2,213	36.65%	14.07%
McCone	1,146	234	205	87.61%	627	32.70%	17.89%
Meagher	1,354	477	397	83.23%	537	73.93%	29.32%
Mineral	3,074	700	599	85.57%	1,224	48.94%	19.49%
Missoula	83,987	23,900	16,704	69.89%	22,000	75.93%	19.89%
Musselshell	2,981	714	581	81.37%	1,391	41.77%	19.49%
Park	11,653	2,273	1,741	76.59%	3,958	43.99%	14.94%
Petroleum	398	49	31	63.27%	107	28.97%	7.79%
Phillips	2,577	824	679	82.40%	1,114	60.95%	26.35%
Pondera	3,486	1,174	1,058	90.12%	2,029	52.14%	30.35%
Powder River	1,240	194	155	79.90%	631	24.56%	12.50%
Powell	3,428	546	466	85.35%	1,413	32.98%	13.59%
Prairie	863	267	241	90.26%	544	44.30%	27.93%
Ravalli	28,687	7,332	5,833	79.56%	10,538	55.35%	20.33%
Richland	6,469	742	576	77.63%	1,419	40.59%	8.90%
Roosevelt	5,622	742	614	82.75%	1,972	31.14%	10.92%
Rosebud	4,778	817	667	81.64%	1,497	44.56%	13.96%
Sanders	8,062	2,650	2,171	81.92%	3,120	69.58%	26.93%
Sheridan	2,330	754	585	77.59%	827	70.74%	25.11%
Silver Bow	19,366	4,939	3,918	79.33%	6,243	62.76%	20.23%
Stillwater	5,798	1,273	1,063	83.50%	2,285	46.52%	18.33%
Sweet Grass	2,537	518	454	87.64%	1,284	35.36%	17.90%
Teton	3,981	1,206	1,028	85.24%	1,970	52.18%	25.82%
Toole	2,592	527	460	87.29%	1,221	37.67%	17.75%
Treasure	573	102	76	74.51%	296	25.68%	13.26%
Valley	4,576	1,865	1,587	85.09%	2,233	71.07%	34.68%
Wheatland	1,246	231	185	80.09%	481	38.46%	14.85%
Wibaux	719	92	76	82.61%	364	20.88%	10.57%
Yellowstone	94,557	46,981	33,314	70.91%	34,259	97.24%	35.23%
TOTALS:	659,921	200,883	148,561	73.95%	218,882	67.87%	22.51%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters



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	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,699	2,863	2,609	91.13%	4,896	53.29%	38.95%
Big Horn	8,416	1,557	1,275	81.89%	4,704	27.10%	15.15%
Blaine	4,059	1,089	985	90.45%	2,900	33.97%	24.27%
Broadwater	3,977	1,445	1,379	95.43%	3,058	45.09%	34.67%
Carbon	7,176	3,003	2,862	95.30%	5,920	48.34%	39.88%
Carter	996	275	259	94.18%	833	31.09%	26.00%
Cascade	53,398	29,176	26,787	91.81%	34,851	76.86%	50.16%
Chouteau	3,856	1,431	1,378	96.30%	2,884	47.78%	35.74%
Custer	7,297	2,526	2,421	95.84%	5,467	44.28%	33.18%
Daniels	1,308	392	372	94.90%	1,027	36.22%	28.44%
Dawson	5,944	2,781	2,701	97.12%	4,497	60.06%	45.44%
Deer Lodge	5,777	2,291	2,134	93.15%	4,540	47.00%	36.94%
Fallon	1,864	583	562	96.40%	1,439	39.05%	30.15%
Fergus	7,855	3,299	3,174	96.21%	6,151	51.60%	40.41%
Flathead	61,130	25,558	24,033	94.03%	44,211	54.36%	39.31%
Gallatin	69,954	35,707	32,407	90.76%	48,664	66.59%	46.33%
Garfield	914	276	270	97.83%	701	38.52%	29.54%
Glacier	7,616	2,539	2,076	81.76%	4,554	45.59%	27.26%
Golden Valley	607	272	264	97.06%	507	52.07%	43.49%
Granite	2,171	810	777	95.93%	1,728	44.97%	35.79%
Hill	9,807	3,695	3,467	93.83%	6,961	49.81%	35.35%
Jefferson	8,125	3,156	2,964	93.92%	6,629	44.71%	36.48%
Judith Basin	1,499	550	523	95.09%	1,237	42.28%	34.89%
Lake	18,670	7,184	6,652	92.59%	13,472	49.38%	35.63%
Lewis and Clark	45,801	19,978	18,611	93.16%	33,878	54.94%	40.63%
Liberty	1,246	502	477	95.02%	1,017	46.90%	38.28%
Lincoln	12,494	4,493	4,254	94.68%	9,058	46.96%	34.05%
Madison	5,671	1,898	1,826	96.21%	4,606	39.64%	32.20%
McCone	1,239	445	430	96.63%	1,018	42.24%	34.71%
Meagher	1,442	631	611	96.83%	994	61.47%	42.37%
Mineral	3,022	1,001	942	94.11%	2,060	45.73%	31.17%
Missoula	83,431	42,341	37,235	87.94%	58,313	63.85%	44.63%
Musselshell	3,097	1,184	1,084	91.55%	2,422	44.76%	35.00%
Park	11,822	4,451	4,187	94.07%	8,950	46.78%	35.42%
Petroleum	387	123	118	95.93%	304	38.82%	30.49%
Phillips	2,792	1,293	1,250	96.67%	2,274	54.97%	44.77%
Pondera	3,642	1,421	1,338	94.16%	2,761	48.46%	36.74%
Powder River	1,312	426	399	93.66%	1,044	38.22%	30.41%
Powell	3,640	1,051	986	93.82%	2,787	35.38%	27.09%
Prairie	882	311	300	96.46%	720	41.67%	34.01%
Ravalli	29,961	11,366	10,603	93.29%	22,505	47.11%	35.39%
Richland	6,378	1,738	1,614	92.87%	4,735	34.09%	25.31%
Roosevelt	6,207	1,548	1,304	84.24%	3,746	34.81%	21.01%
Rosebud	5,113	1,544	1,385	89.70%	3,580	38.69%	27.09%
Sanders	8,338	3,891	3,682	94.63%	6,040	60.96%	44.16%
Sheridan	2,501	1,181	1,120	94.83%	1,982	56.51%	44.78%
Silver Bow	23,652	9,548	8,933	93.56%	17,041	52.42%	37.77%
Stillwater	5,926	2,250	2,147	95.42%	4,758	45.12%	36.23%
Sweet Grass	2,732	1,019	983	96.47%	2,160	45.51%	35.98%
Teton	3,992	1,832	1,709	93.29%	3,332	51.29%	42.81%
Toole	2,764	969	932	96.18%	2,152	43.31%	33.72%
Treasure	582	175	167	95.43%	468	35.68%	28.69%
Valley	4,790	2,408	2,329	96.72%	3,950	58.96%	48.62%
Wheatland	1,316	436	417	95.64%	1,003	41.58%	31.69%
Wibaux	732	155	150	96.77%	554	27.08%	20.49%
Yellowstone	95,589	60,262	56,066	93.04%	69,923	80.18%	58.65%
TOTALS:	681,608	314,329	289,920	92.23%	491,966	58.93%	42.53%
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	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,314	1,840	1,525	82.88%	2,622	58.16%	24.15%
Big Horn	8,082	564	448	79.43%	1,828	24.51%	5.54%
Blaine	3,738	492	440	89.43%	1,357	32.42%	11.77%
Broadwater	3,765	707	578	81.75%	1,447	39.94%	15.35%
Carbon	6,704	1,525	1,310	85.90%	3,048	42.98%	19.54%
Carter	938	150	136	90.67%	567	23.99%	14.50%
Cascade	50,455	21,706	17,748	81.77%	19,764	89.80%	35.18%
Chouteau	3,800	946	866	91.54%	1,940	44.64%	22.79%
Custer	6,828	1,017	890	87.51%	2,605	34.17%	13.03%
Daniels	1,234	140	129	92.14%	508	25.39%	10.45%
Dawson	5,610	1,814	1,620	89.31%	2,489	65.09%	28.88%
Deer Lodge	5,512	1,024	936	91.41%	2,945	31.78%	16.98%
Fallon	1,761	275	248	90.18%	753	32.93%	14.08%
Fergus	7,534	1,749	1,532	87.59%	3,153	48.59%	20.33%
Flathead	57,828	12,751	10,135	79.48%	19,695	51.46%	17.53%
Gallatin	64,833	23,724	15,339	64.66%	18,149	84.52%	23.66%
Garfield	883	96	90	93.75%	523	17.21%	10.19%
Glacier	7,115	1,320	1,072	81.21%	2,535	42.29%	15.07%
Golden Valley	569	173	154	89.02%	295	52.20%	27.07%
Granite	2,050	394	318	80.71%	961	33.09%	15.51%
Hill	9,223	1,553	1,380	88.86%	2,946	46.84%	14.96%
Jefferson	7,644	1,706	1,403	82.24%	3,360	41.76%	18.35%
Judith Basin	1,452	300	256	85.33%	716	35.75%	17.63%
Lake	17,688	3,626	2,958	81.58%	6,932	42.67%	16.72%
Lewis and Clark	43,137	9,977	8,267	82.86%	15,536	53.21%	19.16%
Liberty	1,213	247	215	87.04%	641	33.54%	17.72%
Lincoln	11,905	2,528	2,052	81.17%	4,255	48.23%	17.24%
Madison	5,404	896	733	81.81%	2,401	30.53%	13.56%
McCone	1,173	194	174	89.69%	576	30.21%	14.83%
Meagher	1,422	449	384	85.52%	612	62.75%	27.00%
Mineral	2,918	541	461	85.21%	1,195	38.58%	15.80%
Missoula	77,843	23,883	17,144	71.78%	23,689	72.37%	22.02%
Musselshell	2,897	546	472	86.45%	1,250	37.76%	16.29%
Park	11,123	2,019	1,619	80.19%	4,521	35.81%	14.56%
Petroleum	375	50	44	88.00%	135	32.59%	11.73%
Phillips	2,682	821	712	86.72%	1,550	45.94%	26.55%
Pondera	3,528	874	783	89.59%	2,020	38.76%	22.19%
Powder River	1,240	181	155	85.64%	661	23.45%	12.50%
Powell	3,461	418	360	86.12%	1,460	24.66%	10.40%
Prairie	866	177	155	87.57%	476	32.56%	17.90%
Ravalli	28,621	6,045	4,896	80.99%	11,096	44.12%	17.11%
Richland	5,949	638	564	88.40%	1,994	28.28%	9.48%
Roosevelt	5,830	529	396	74.86%	1,408	28.13%	6.79%
Rosebud	4,790	710	565	79.58%	1,789	31.58%	11.80%
Sanders	7,970	2,783	2,266	81.42%	3,469	65.32%	28.43%
Sheridan	2,366	731	628	85.91%	1,120	56.07%	26.54%
Silver Bow	22,321	4,538	4,092	90.17%	10,568	38.72%	18.33%
Stillwater	5,595	1,070	921	86.07%	2,391	38.52%	16.46%
Sweet Grass	2,597	542	482	88.93%	1,372	35.13%	18.56%
Teton	3,755	990	843	85.15%	1,921	43.88%	22.45%
Toole	2,648	427	374	87.59%	1,281	29.20%	14.12%
Treasure	578	91	75	82.42%	280	26.79%	12.98%
Valley	4,459	1,382	1,133	81.98%	1,952	58.04%	25.41%
Wheatland	1,252	209	194	92.82%	610	31.80%	15.50%
Wibaux	692	48	35	72.92%	289	12.11%	5.06%
Yellowstone	90,138	45,990	33,846	73.59%	35,115	96.39%	37.55%
TOTALS:	642,308	190,116	146,551	77.09%	238,771	61.38%	22.82%
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	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,103	1,509	1,418	93.97%	3,809	37.23%	23.23%
Big Horn	7,895	945	837	88.57%	3,978	21.04%	10.60%
Blaine	3,950	568	542	95.42%	1,868	29.01%	13.72%
Broadwater	3,685	935	832	88.98%	2,651	31.38%	22.58%
Carbon	7,161	1,837	1,715	93.36%	4,913	34.91%	23.95%
Carter	928	164	153	93.29%	705	21.70%	16.49%
Cascade	49,010	20,721	18,963	91.52%	26,554	71.41%	38.69%
Chouteau	3,699	895	834	93.18%	2,338	35.67%	22.55%
Custer	6,833	1,413	1,325	93.77%	4,131	32.07%	19.39%
Daniels	1,409	256	237	92.58%	931	25.46%	16.82%
Dawson	6,347	2,088	1,995	95.55%	3,712	53.74%	31.43%
Deer Lodge	5,768	1,084	1,006	92.80%	3,429	29.34%	17.44%
Fallon	1,804	310	290	93.55%	1,153	25.15%	16.08%
Fergus	7,888	2,274	2,171	95.47%	5,239	41.44%	27.52%
Flathead	59,457	14,815	13,458	90.84%	31,727	42.42%	22.63%
Gallatin	63,874	20,016	17,750	88.68%	31,607	56.16%	27.79%
Garfield	882	189	179	94.71%	699	25.61%	20.29%
Glacier	7,958	1,174	1,014	86.37%	2,711	37.40%	12.74%
Golden Valley	578	180	162	90.00%	429	37.76%	28.03%
Granite	2,263	513	489	95.32%	1,487	32.89%	21.61%
Hill	9,514	2,126	2,037	95.81%	5,301	38.43%	21.41%
Jefferson	7,914	1,983	1,829	92.23%	5,344	34.23%	23.11%
Judith Basin	1,485	272	266	97.79%	1,067	24.93%	17.91%
Lake	18,262	4,470	4,164	93.15%	10,446	39.86%	22.80%
Lewis and Clark	41,688	11,116	10,360	93.20%	25,636	40.41%	24.85%
Liberty	1,240	362	350	96.69%	948	36.92%	28.23%
Lincoln	11,987	2,896	2,647	91.40%	7,260	36.46%	22.08%
Madison	5,507	980	915	93.37%	3,672	24.92%	16.62%
McCone	1,250	290	275	94.83%	897	30.66%	22.00%
Meagher	1,424	466	444	95.28%	869	51.09%	31.18%
Mineral	2,771	679	642	94.55%	1,874	34.26%	23.17%
Missoula	79,427	18,961	16,885	89.05%	38,451	43.91%	21.26%
Musselshell	2,887	657	612	93.15%	1,907	32.09%	21.20%
Park	11,051	2,437	2,297	94.26%	6,951	33.05%	20.79%
Petroleum	346	66	56	84.85%	253	22.13%	16.18%
Phillips	2,738	775	711	91.74%	1,895	37.52%	25.97%
Pondera	3,753	843	772	91.58%	2,136	36.14%	20.57%
Powder River	1,268	280	257	91.79%	916	28.06%	20.27%
Powell	3,640	523	497	95.03%	2,248	22.11%	13.65%
Prairie	889	215	192	89.30%	617	31.12%	21.60%
Ravalli	29,330	7,304	6,817	93.33%	17,928	38.02%	23.24%
Richland	6,644	1,000	938	93.80%	3,812	24.61%	14.12%
Roosevelt	5,773	721	661	91.68%	2,958	22.35%	11.45%
Rosebud	5,100	529	482	91.12%	2,693	17.90%	9.45%
Sanders	7,689	2,650	2,442	92.15%	5,268	46.36%	31.76%
Sheridan	2,442	790	750	94.94%	1,713	43.78%	30.71%
Silver Bow	21,526	4,511	4,464	98.96%	11,893	37.53%	20.74%
Stillwater	5,475	1,235	1,168	94.57%	3,793	30.79%	21.33%
Sweet Grass	2,531	616	590	95.78%	1,768	33.37%	23.31%
Teton	4,262	1,011	954	94.36%	2,778	34.34%	22.38%
Toole	2,758	547	501	91.59%	1,787	28.04%	18.17%
Treasure	601	91	83	91.21%	387	21.45%	13.81%
Valley	4,919	1,615	1,533	94.92%	3,464	44.26%	31.16%
Wheatland	1,349	385	366	95.06%	1,054	34.72%	27.13%
Wibaux	712	105	99	94.29%	504	19.64%	13.90%
Yellowstone	93,691	44,664	39,613	88.69%	52,451	75.52%	42.28%
TOTALS:	651,335	190,057	173,039	91.05%	367,010	47.15%	26.57%
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	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,013	1,203	1,025	85.20%	2,419	42.37%	17.05%
Big Horn	7,593	497	431	86.72%	2,281	18.90%	5.68%
Blaine	3,935	301	275	91.36%	999	27.53%	6.99%
Broadwater	3,525	603	483	80.10%	1,597	30.24%	13.70%
Carbon	7,041	1,176	1,008	85.71%	3,218	31.32%	14.32%
Carter	921	122	112	91.80%	574	19.51%	12.16%
Cascade	48,191	17,953	14,778	82.31%	15,188	97.30%	30.67%
Chouteau	3,670	808	735	90.97%	2,032	36.17%	20.03%
Custer	6,802	829	746	89.99%	2,254	33.10%	10.97%
Daniels	1,398	102	84	82.35%	527	15.94%	6.01%
Dawson	6,267	1,738	1,576	90.68%	2,794	56.41%	25.15%
Deer Lodge	5,760	823	711	86.39%	2,453	28.98%	12.34%
Fallon	1,791	200	183	91.50%	935	19.57%	10.22%
Fergus	7,789	1,569	1,355	86.36%	3,049	44.44%	17.40%
Flathead	58,482	9,944	7,593	76.36%	16,593	45.76%	12.98%
Gallatin	62,314	14,852	10,190	68.61%	14,516	70.20%	16.35%
Garfield	861	114	100	87.72%	555	18.02%	11.61%
Glacier	7,894	958	794	82.88%	2,364	33.59%	10.06%
Golden Valley	580	139	117	84.17%	262	44.66%	20.17%
Granite	2,222	353	307	86.97%	1,138	26.98%	13.82%
Hill	9,325	1,182	1,089	92.13%	3,210	33.93%	11.68%
Jefferson	7,823	1,426	1,068	74.89%	3,070	34.79%	13.65%
Judith Basin	1,452	182	162	89.01%	522	31.03%	11.16%
Lake	17,979	2,230	1,816	81.43%	5,203	34.90%	10.10%
Lewis and Clark	40,693	8,100	6,551	80.88%	13,792	47.50%	16.10%
Liberty	1,218	220	197	89.55%	713	27.63%	16.17%
Lincoln	11,751	2,313	1,947	84.18%	5,014	38.83%	16.57%
Madison	5,436	592	463	78.21%	2,313	20.02%	8.52%
McCone	1,248	160	129	80.63%	556	23.20%	10.34%
Meagher	1,413	364	328	90.11%	686	47.81%	23.21%
Mineral	2,696	291	268	92.10%	1,293	20.73%	9.94%
Missoula	77,623	14,338	10,239	71.41%	15,984	64.06%	13.19%
Musselshell	2,867	489	389	79.55%	1,419	27.41%	13.57%
Park	10,840	1,403	1,145	81.61%	3,748	30.55%	10.56%
Petroleum	339	33	27	81.82%	122	22.13%	7.96%
Phillips	2,707	616	553	89.77%	1,567	35.29%	20.43%
Pondera	3,735	629	537	85.37%	1,333	40.29%	14.38%
Powder River	1,250	190	166	87.37%	756	21.96%	13.28%
Powell	3,591	322	263	81.68%	1,368	19.23%	7.32%
Prairie	880	158	138	87.34%	538	25.65%	15.68%
Ravalli	28,691	4,589	3,753	81.78%	10,047	37.35%	13.08%
Richland	6,514	554	511	92.24%	2,437	20.97%	7.84%
Roosevelt	5,702	396	327	82.58%	1,515	21.58%	5.73%
Rosebud	5,073	226	201	88.94%	1,306	15.39%	3.96%
Sanders	7,373	1,963	1,714	87.32%	3,705	46.26%	23.25%
Sheridan	2,428	571	510	89.32%	1,039	49.09%	21.00%
Silver Bow	21,256	3,317	2,759	83.18%	5,707	48.34%	12.98%
Stillwater	5,385	837	716	85.54%	2,331	30.72%	13.30%
Sweet Grass	2,510	403	359	89.08%	1,502	23.90%	14.30%
Teton	4,213	701	594	84.74%	1,379	43.07%	14.10%
Toole	2,693	324	257	79.32%	865	29.71%	9.54%
Treasure	600	89	80	89.89%	377	21.22%	13.33%
Valley	4,743	1,074	800	74.49%	1,322	60.51%	16.87%
Wheatland	1,312	286	267	93.36%	911	29.31%	20.35%
Wibaux	706	41	38	92.68%	354	10.73%	5.38%
Yellowstone	92,195	38,268	29,240	76.41%	33,039	88.50%	31.72%
TOTALS:	639,309	143,161	112,204	78.38%	206,791	54.26%	17.55%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters



**2008 Federal General Election: Number of Absentee Ballots Sent,
Received, Percentage of Votes Cast, Percentage of Registered Voters**
Montana Secretary of State
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	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,364	1,778	1,739	97.81%	4,813	36.13%	27.33%
Big Horn	7,799	1,391	1,282	92.16%	5,306	24.16%	16.44%
Blaine	4,080	747	724	96.92%	2,955	24.50%	17.75%
Broadwater	3,634	921	902	97.94%	2,859	31.55%	24.82%
Carbon	7,212	1,905	1,863	97.80%	5,812	32.05%	25.83%
Carter	890	198	189	95.45%	730	25.89%	21.24%
Cascade	54,876	22,433	21,812	97.23%	36,115	60.40%	39.75%
Chouteau	3,847	1,003	989	98.60%	2,902	34.08%	25.71%
Custer	6,969	2,174	2,143	98.57%	5,515	38.86%	30.75%
Daniels	1,427	290	275	94.83%	1,103	24.93%	19.27%
Dawson	6,463	2,263	2,209	97.61%	4,515	48.93%	34.18%
Deer Lodge	6,427	1,850	1,793	96.92%	5,204	34.45%	27.90%
Fallon	1,822	341	330	96.77%	1,456	22.66%	18.11%
Fergus	8,011	2,741	2,654	96.83%	6,305	42.09%	33.13%
Flathead	58,365	19,274	18,514	96.06%	43,975	42.10%	31.72%
Gallatin	66,153	23,164	22,068	95.27%	48,420	45.58%	33.36%
Garfield	859	244	240	98.36%	739	32.48%	27.94%
Glacier	8,384	1,795	1,636	91.14%	5,067	32.29%	19.51%
Golden Valley	598	203	194	95.57%	499	38.88%	32.44%
Granite	2,384	563	554	98.40%	1,742	31.80%	23.24%
Hill	9,468	2,484	2,427	97.71%	6,777	35.81%	25.63%
Jefferson	7,918	2,060	2,003	97.23%	6,398	31.31%	25.30%
Judith Basin	1,555	377	363	96.29%	1,262	28.76%	23.34%
Lake	18,236	6,030	5,850	97.01%	14,027	41.71%	32.08%
Lewis and Clark	39,412	14,840	14,145	95.32%	33,270	42.52%	35.89%
Liberty	1,272	432	421	97.45%	1,069	39.38%	33.10%
Lincoln	12,968	3,186	3,033	95.20%	9,317	32.55%	23.39%
Madison	6,000	1,453	1,406	96.77%	4,622	30.42%	23.43%
McCone	1,312	356	347	97.47%	1,103	31.46%	26.45%
Meagher	1,388	589	539	91.51%	1,008	53.47%	38.83%
Mineral	2,588	722	694	96.12%	2,021	34.34%	26.82%
Missoula	80,566	28,394	26,970	94.98%	59,527	45.31%	33.48%
Musselshell	3,066	909	881	96.92%	2,338	37.68%	28.73%
Park	11,768	3,614	3,512	97.18%	9,125	38.49%	29.84%
Petroleum	345	107	103	96.26%	305	33.77%	29.86%
Phillips	2,725	623	553	88.76%	2,164	25.55%	20.29%
Pondera	3,863	1,189	1,139	95.79%	2,920	39.01%	29.48%
Powder River	1,365	343	335	97.67%	1,054	31.78%	24.54%
Powell	3,732	832	807	97.00%	2,872	28.10%	21.62%
Prairie	897	247	238	96.36%	743	32.03%	26.53%
Ravalli	29,659	8,849	8,601	97.20%	22,265	38.63%	29.00%
Richland	6,117	1,572	1,521	96.76%	4,557	33.38%	24.87%
Roosevelt	6,517	1,182	1,113	94.16%	4,203	26.48%	17.08%
Rosebud	5,465	1,028	976	94.94%	3,866	25.25%	17.86%
Sanders	7,126	2,722	2,632	96.69%	5,942	44.29%	36.94%
Sheridan	2,579	903	888	98.34%	2,039	43.55%	34.43%
Silver Bow	21,355	7,163	7,143	99.72%	17,215	41.49%	33.45%
Stillwater	6,189	1,602	1,565	97.69%	4,693	33.35%	25.29%
Sweet Grass	2,474	732	703	96.04%	2,103	33.43%	28.42%
Teton	4,246	1,231	1,203	97.73%	3,336	36.06%	28.33%
Toole	2,836	781	733	93.85%	2,170	33.78%	25.85%
Treasure	597	131	126	96.18%	492	25.61%	21.11%
Valley	5,028	1,893	1,829	96.62%	3,986	45.89%	36.38%
Wheatland	1,326	347	340	97.98%	1,002	33.93%	25.64%
Wibaux	730	156	151	96.79%	572	26.40%	20.68%
Yellowstone	98,833	36,688	34,612	94.34%	71,204	48.61%	35.02%
TOTALS:	668,085	221,045	212,012	95.91%	497,599	42.61%	31.73%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters



**2008 Federal Primary Election: Number of Absentee Ballots Sent,
Received, Percentage of Votes Cast, Percentage of Registered Voters**
Montana Secretary of State
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	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,066	789	728	92.27%	2,802	25.98%	12.00%
Big Horn	7,045	630	561	89.05%	3,252	17.25%	7.96%
Blaine	3,817	298	274	91.95%	1,762	15.55%	7.18%
Broadwater	3,380	431	380	88.17%	1,819	20.89%	11.24%
Carbon	6,754	885	810	91.53%	3,131	25.87%	11.99%
Carter	866	57	54	94.74%	458	11.79%	6.24%
Cascade	52,195	17,400	15,485	88.99%	22,196	69.76%	29.67%
Chouteau	3,752	565	518	91.68%	1,748	29.63%	13.81%
Custer	6,955	758	697	91.95%	3,207	21.73%	10.02%
Daniels	1,405	102	91	89.22%	719	12.66%	6.48%
Dawson	6,207	1,626	1,475	90.71%	2,846	51.83%	23.76%
Deer Lodge	6,218	857	781	91.13%	3,503	22.30%	12.56%
Fallon	1,784	130	123	94.62%	949	12.96%	6.89%
Fergus	7,647	1,098	1,028	93.62%	3,509	29.30%	13.44%
Flathead	55,344	6,850	6,039	88.16%	23,120	26.12%	10.91%
Gallatin	60,668	11,918	10,161	85.26%	21,452	47.37%	16.75%
Garfield	832	112	106	94.64%	554	19.13%	12.74%
Glacier	7,913	824	734	89.08%	3,444	21.31%	9.28%
Golden Valley	570	94	80	85.11%	312	25.64%	14.04%
Granite	2,320	248	228	91.94%	1,087	20.98%	9.83%
Hill	9,151	1,038	957	92.20%	3,642	26.28%	10.46%
Jefferson	7,571	979	900	91.93%	3,987	22.57%	11.89%
Judith Basin	1,493	192	172	89.58%	827	20.80%	11.52%
Lake	16,678	2,422	2,219	91.62%	9,559	23.21%	13.30%
Lewis and Clark	36,875	6,835	6,076	88.90%	20,555	29.56%	16.48%
Liberty	1,261	200	179	89.50%	762	23.49%	14.20%
Lincoln	12,967	1,315	1,194	90.80%	5,124	23.30%	9.21%
Madison	5,624	496	449	90.52%	2,709	16.57%	7.98%
McCone	1,271	167	136	81.44%	670	20.30%	10.70%
Meagher	1,339	362	293	80.94%	598	49.00%	21.88%
Mineral	2,448	284	254	89.44%	1,319	19.26%	10.38%
Missoula	73,268	11,181	9,701	86.76%	30,764	31.53%	13.24%
Musselshell	2,911	442	391	88.46%	1,477	26.47%	13.43%
Park	11,281	1,627	1,478	90.84%	5,688	25.98%	13.10%
Petroleum	325	20	16	80.00%	162	9.88%	4.92%
Phillips	2,642	203	183	90.15%	1,204	15.20%	6.93%
Pondera	3,690	603	564	93.53%	2,023	27.88%	15.28%
Powder River	1,345	148	134	90.54%	808	16.58%	9.96%
Powell	3,580	337	307	91.10%	1,819	16.88%	8.58%
Prairie	860	119	112	94.12%	566	19.79%	13.02%
Ravalli	28,077	3,719	3,297	88.65%	13,431	24.55%	11.74%
Richland	6,154	397	357	89.92%	2,202	16.21%	5.80%
Roosevelt	6,098	398	350	87.94%	2,229	15.70%	5.74%
Rosebud	5,323	280	265	94.64%	2,192	12.09%	4.98%
Sanders	7,281	1,237	1,118	90.38%	3,802	29.41%	15.36%
Sheridan	2,536	481	428	88.98%	1,116	38.35%	16.88%
Silver Bow	19,778	3,745	3,608	96.34%	12,601	28.63%	18.24%
Stillwater	5,902	655	612	93.44%	2,926	20.92%	10.37%
Sweet Grass	2,351	241	214	88.80%	1,260	16.98%	9.10%
Teton	4,147	634	575	90.69%	2,351	24.46%	13.87%
Toole	2,730	330	317	96.06%	1,409	22.50%	11.61%
Treasure	591	66	56	84.85%	334	16.77%	9.48%
Valley	4,864	878	787	89.64%	2,477	31.77%	16.18%
Wheatland	1,294	154	130	84.42%	589	22.07%	10.05%
Wibaux	704	67	58	86.57%	413	14.04%	8.24%
Yellowstone	94,485	21,621	18,489	85.51%	37,187	49.72%	19.57%
TOTALS:	630,633	109,545	96,729	88.30%	282,652	34.22%	15.34%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters



**2006 Federal General Election: Number of Absentee Ballots Sent,
Received, Percentage of Votes Cast, Percentage of Registered Voters**
Montana Secretary of State
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	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,176	963	917	95.22%	4,121	22.25%	14.85%
Big Horn	7,694	961	874	90.95%	4,736	18.45%	11.36%
Blaine	4,193	540	512	94.81%	2,716	18.85%	12.21%
Broadwater	3,374	740	672	90.81%	2,444	27.50%	19.92%
Carbon	7,055	1,194	1,140	95.48%	4,974	22.92%	16.16%
Carter	871	161	147	91.30%	679	21.65%	16.88%
Cascade	50,527	11,708	10,249	87.54%	30,702	33.38%	20.28%
Chouteau	3,947	778	755	97.04%	2,704	27.92%	19.13%
Custer	6,928	1,343	1,257	93.60%	4,751	26.46%	18.14%
Daniels	1,422	214	209	97.66%	1,064	19.64%	14.70%
Dawson	6,141	1,455	1,371	94.23%	4,014	34.16%	22.33%
Deer Lodge	6,261	1,040	992	95.38%	4,176	23.75%	15.84%
Fallon	1,836	255	244	95.69%	1,349	18.09%	13.29%
Fergus	8,546	2,093	2,081	99.43%	5,745	36.22%	24.35%
Flathead	55,730	10,077	9,100	90.30%	33,930	26.82%	16.33%
Gallatin	60,990	11,153	10,299	92.34%	34,708	29.67%	16.89%
Garfield	832	115	115	100.00%	603	19.07%	13.82%
Glacier	7,962	1,386	1,253	90.40%	4,491	27.90%	15.74%
Golden Valley	633	121	111	91.74%	497	22.33%	17.54%
Granite	2,412	428	417	97.43%	1,553	26.85%	17.29%
Hill	9,407	1,692	1,607	94.98%	5,966	26.94%	17.08%
Jefferson	7,749	1,247	1,177	94.39%	5,351	22.00%	15.19%
Judith Basin	1,530	339	294	86.73%	1,205	24.40%	19.22%
Lake	17,403	3,498	3,161	90.37%	11,365	27.81%	18.16%
Lewis and Clark	36,844	8,683	8,279	95.35%	27,615	29.98%	22.47%
Liberty	1,288	387	356	91.99%	1,047	34.00%	27.64%
Lincoln	12,508	1,927	1,768	91.75%	7,406	23.87%	14.13%
Madison	5,345	769	738	95.97%	3,699	19.95%	13.81%
McCone	1,347	289	285	98.62%	1,058	26.94%	21.16%
Meagher	1,112	368	325	88.32%	854	38.06%	29.23%
Mineral	2,358	381	354	92.91%	1,657	21.36%	15.01%
Missoula	84,741	16,932	15,451	91.25%	47,152	32.77%	18.23%
Musselshell	3,063	644	624	96.89%	2,173	28.72%	20.37%
Park	11,433	1,958	1,857	94.84%	7,475	24.84%	16.24%
Petroleum	312	83	74	89.16%	289	27.51%	23.72%
Phillips	2,786	447	428	95.75%	2,013	21.26%	15.36%
Pondera	3,917	887	788	88.84%	2,657	29.66%	20.12%
Powder River	1,355	271	262	96.68%	1,028	25.49%	19.34%
Powell	3,558	624	580	92.95%	2,632	22.04%	16.30%
Prairie	897	171	166	97.08%	705	23.55%	18.51%
Ravalli	28,780	5,400	5,094	94.33%	18,663	27.29%	17.70%
Richland	6,415	1,107	1,060	95.75%	3,941	26.90%	16.52%
Roosevelt	6,700	932	771	82.73%	3,926	19.64%	11.51%
Rosebud	5,395	628	601	95.70%	3,481	17.27%	11.14%
Sanders	7,711	1,427	1,253	87.81%	5,035	24.89%	16.25%
Sheridan	2,728	766	743	97.00%	1,971	37.70%	27.24%
Silver Bow	23,147	5,268	5,259	99.83%	14,593	36.04%	22.72%
Stillwater	5,755	941	905	96.17%	4,005	22.60%	15.73%
Sweet Grass	2,440	480	446	92.92%	1,844	24.19%	18.28%
Teton	4,150	936	878	93.80%	3,111	28.22%	21.16%
Toole	2,963	578	561	97.06%	2,061	27.22%	18.93%
Treasure	591	70	64	91.43%	444	14.41%	10.83%
Valley	5,104	1,412	1,344	95.18%	3,686	36.46%	26.33%
Wheatland	1,291	234	230	98.29%	903	25.47%	17.82%
Wibaux	738	110	100	90.91%	497	20.12%	13.55%
Yellowstone	93,045	22,178	20,657	93.14%	59,616	34.65%	22.20%
TOTALS:	649,436	130,789	121,255	92.71%	411,061	29.50%	18.67%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters

* Sent ballots include all absentee ballots that were coded as being sent, even if they were voided for any reason instead of being mailed.



**2004 Federal General Election: Number of Absentee Ballots Sent,
Received, Percentage of Votes Cast, Percentage of Registered Voters**

**Montana Secretary of State
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	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	5,820	N/A	787	N/A	4,310	18.26%	13.52%
Big Horn	7,447	N/A	610	N/A	4,373	13.95%	8.19%
Blaine	4,117	N/A	379	N/A	2,825	13.42%	9.21%
Broadwater	3,098	N/A	601	N/A	2,387	25.18%	19.40%
Carbon	7,281	N/A	1,141	N/A	5,399	21.13%	15.67%
Carter	841	N/A	94	N/A	720	13.06%	11.18%
Cascade	48,508	N/A	7,133	N/A	34,371	20.75%	14.70%
Chouteau	4,094	N/A	600	N/A	2,970	20.20%	14.66%
Custer	7,214	N/A	1,066	N/A	5,212	20.45%	14.78%
Daniels	1,489	N/A	204	N/A	1,138	17.93%	13.70%
Dawson	6,134	N/A	1,523	N/A	4,558	33.41%	24.83%
Deer Lodge	6,852	N/A	1,015	N/A	4,636	21.89%	14.81%
Fallon	1,892	N/A	258	N/A	1,509	17.10%	13.64%
Fergus	8,256	N/A	1,637	N/A	6,127	26.72%	19.83%
Flathead	55,138	N/A	8,181	N/A	38,941	21.01%	14.84%
Gallatin	55,936	N/A	7,852	N/A	40,103	19.58%	14.04%
Garfield	916	N/A	102	N/A	662	15.41%	11.14%
Glacier	7,745	N/A	979	N/A	4,629	21.15%	12.64%
Golden Valley	638	N/A	97	N/A	524	18.51%	15.20%
Granite	2,311	N/A	403	N/A	1,730	23.29%	17.44%
Hill	9,865	N/A	1,539	N/A	6,782	22.69%	15.60%
Jefferson	7,738	N/A	1,106	N/A	5,924	18.67%	14.29%
Judith Basin	1,557	N/A	214	N/A	1,295	16.53%	13.74%
Lake	18,268	N/A	3,096	N/A	12,702	24.37%	16.95%
Lewis and Clark	37,951	N/A	7,383	N/A	30,658	24.08%	19.45%
Liberty	1,349	N/A	288	N/A	1,062	27.12%	21.35%
Lincoln	12,421	N/A	1,825	N/A	8,557	21.33%	14.69%
Madison	5,862	N/A	723	N/A	4,011	18.03%	12.33%
McCone	1,433	N/A	248	N/A	1,153	21.51%	17.31%
Meagher	1,287	N/A	242	N/A	977	24.77%	18.80%
Mineral	2,707	N/A	306	N/A	1,854	16.50%	11.30%
Missoula	78,151	N/A	10,449	N/A	52,780	19.80%	13.37%
Musselshell	3,185	N/A	526	N/A	2,348	22.40%	16.51%
Park	11,517	N/A	1,639	N/A	8,283	19.79%	14.23%
Petroleum	367	N/A	66	N/A	300	22.00%	17.98%
Phillips	2,826	N/A	391	N/A	2,201	17.76%	13.84%
Pondera	4,025	N/A	725	N/A	2,901	24.99%	18.01%
Powder River	1,345	N/A	233	N/A	1,038	22.45%	17.32%
Powell	3,447	N/A	494	N/A	2,879	17.16%	14.33%
Prairie	907	N/A	156	N/A	736	21.20%	17.20%
Ravalli	28,840	N/A	4,055	N/A	20,025	20.25%	14.06%
Richland	6,510	N/A	746	N/A	4,308	17.32%	11.46%
Roosevelt	6,487	N/A	904	N/A	4,079	22.16%	13.94%
Rosebud	5,632	N/A	515	N/A	3,618	14.23%	9.14%
Sanders	7,776	N/A	1,077	N/A	5,223	20.62%	13.85%
Sheridan	2,804	N/A	591	N/A	2,078	28.44%	21.08%
Silver Bow	23,305	N/A	4,226	N/A	16,170	26.13%	18.13%
Stillwater	5,461	N/A	813	N/A	4,306	18.88%	14.89%
Sweet Grass	2,611	N/A	447	N/A	2,005	22.29%	17.12%
Teton	4,312	N/A	755	N/A	3,437	21.97%	17.51%
Toole	3,221	N/A	465	N/A	2,337	19.90%	14.44%
Treasure	647	N/A	65	N/A	486	13.37%	10.05%
Valley	5,105	N/A	1,351	N/A	4,111	32.86%	26.46%
Wheatland	1,352	N/A	229	N/A	1,012	22.63%	16.94%
Wibaux	824	N/A	104	N/A	567	18.34%	12.62%
Yellowstone	91,652	N/A	17,530	N/A	66,769	26.25%	19.13%
TOTALS:	638,474	N/A	100,184	N/A	456,096	21.97%	15.69%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters



**2000 Federal General Election: Number of Absentee Ballots Sent,
Received, Percentage of Votes Cast, Percentage of Registered Voters**

**Montana Secretary of State
sosmt.gov • soselections@mt.gov**

	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,470	N/A	800	N/A	4,252	18.81%	12.36%
Big Horn	7,374	N/A	38	N/A	4,253	0.89%	0.52%
Blaine	4,614	N/A	306	N/A	2,808	10.90%	6.63%
Broadwater	3,507	N/A	316	N/A	2,121	14.90%	9.01%
Carbon	7,868	N/A	17	N/A	4,958	0.34%	0.22%
Carter	1012	N/A	50	N/A	649	7.70%	4.94%
Cascade	57,016	N/A	5,646	N/A	33,716	16.75%	9.90%
Chouteau	3,801	N/A	435	N/A	2,925	14.87%	11.44%
Custer	9,099	N/A	871	N/A	5,088	17.12%	9.57%
Daniels	1,626	N/A	159	N/A	1,140	13.95%	9.78%
Dawson	6,721	N/A	1,106	N/A	4,392	25.18%	16.46%
Deer Lodge	7,568	N/A	400	N/A	4,655	8.59%	5.29%
Fallon	2,121	N/A	226	N/A	1,408	16.05%	10.66%
Fergus	9,299	N/A	1,105	N/A	6,229	17.74%	11.88%
Flathead	59,339	N/A	5,632	N/A	34,614	16.27%	9.49%
Gallatin	56,574	N/A	4,789	N/A	32,532	14.72%	8.47%
Garfield	1088	N/A	120	N/A	749	16.02%	11.03%
Glacier	8,639	N/A	445	N/A	4,335	10.27%	5.15%
Golden Valley	662	N/A	50	N/A	537	9.31%	7.55%
Granite	2,381	N/A	200	N/A	1,617	12.37%	8.40%
Hill	11,820	N/A	1,500	N/A	6,704	22.37%	12.69%
Jefferson	8,047	N/A	750	N/A	5,235	14.33%	9.32%
Judith Basin	1,789	N/A	125	N/A	1,412	8.85%	6.99%
Lake	19,096	N/A	1,982	N/A	11,580	17.12%	10.38%
Lewis and Clark	44,023	N/A	5,545	N/A	27,768	19.97%	12.60%
Liberty	1,443	N/A	221	N/A	1,084	20.39%	15.32%
Lincoln	13,776	N/A	1,066	N/A	7,999	13.33%	7.74%
Madison	6,040	N/A	596	N/A	3,704	16.09%	9.87%
McCone	1,587	N/A	218	N/A	1,160	18.79%	13.74%
Meagher	1,375	N/A	170	N/A	948	17.93%	12.36%
Mineral	2,986	N/A	218	N/A	1,691	12.89%	7.30%
Missoula	86,266	N/A	7,500	N/A	46,936	15.98%	8.69%
Musselshell	3,388	N/A	416	N/A	2,242	18.55%	12.28%
Park	12,806	N/A	700	N/A	7,507	9.32%	5.47%
Petroleum	443	N/A	75	N/A	312	24.04%	16.93%
Phillips	3,445	N/A	375	N/A	2,268	16.53%	10.89%
Pondera	4,416	N/A	607	N/A	3,050	19.90%	13.75%
Powder River	1,347	N/A	150	N/A	1,025	14.63%	11.14%
Powell	4,310	N/A	419	N/A	2,906	14.42%	9.72%
Prairie	982	N/A	113	N/A	770	14.68%	11.51%
Ravalli	28,877	N/A	2,925	N/A	17,416	16.79%	10.13%
Richland	7,928	N/A	601	N/A	4,107	14.63%	7.58%
Roosevelt	7,290	N/A	774	N/A	3,960	19.55%	10.62%
Rosebud	7,096	N/A	424	N/A	3,570	11.88%	5.98%
Sanders	8,339	N/A	418	N/A	4,800	8.71%	5.01%
Sheridan	3,414	N/A	5	N/A	2,021	0.25%	0.15%
Silver Bow	26,915	N/A	1,500	N/A	17,055	8.80%	5.57%
Stillwater	6,157	N/A	750	N/A	3,956	18.96%	12.18%
Sweet Grass	2,740	N/A	200	N/A	1,860	10.75%	7.30%
Teton	4,840	N/A	250	N/A	3,368	7.42%	5.17%
Toole	3,635	N/A	50	N/A	2,449	2.04%	1.38%
Treasure	653	N/A	59	N/A	480	12.29%	9.04%
Valley	5,948	N/A	250	N/A	4,076	6.13%	4.20%
Wheatland	1,539	N/A	190	N/A	1,012	18.77%	12.35%
Wibaux	928	N/A	111	N/A	532	20.86%	11.96%
Yellowstone	95,797	N/A	11,559	N/A	57,975	19.94%	12.07%
TOTALS:	698,260	N/A	65,523	N/A	417,916	15.68%	9.38%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters

Exhibit 28

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT YELLOWSTONE COUNTY	
ROBYN DRISCOLL; MONTANA DEMOCRATIC PARTY; AND DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE,	Cause No. DV 20-0408
Plaintiffs,	DA-20-0295
-vs-	
COREY STAPLETON, in his official capacity as Montana Secretary of State,	
Defendant.	
TRANSCRIPT OF PROCEEDINGS	
VOLUME I	
Taken at Yellowstone County Courthouse 217 N. 27th Street Billings, Montana September 14, 2020	
Before the HONORABLE DONALD HARRIS, Judge Presiding	
APPEARANCES:	
For the Plaintiffs:	MATTHEW GORDON PERKINS COIE LLP Attorneys at Law 1201 Third Avenue Suite 4900 Seattle, Washington 98101-3099
For the Defendant:	J. STUART SEGREST Chief, Civil Bureau AISLINN W. BROWN HANNAH TOKERUD Assistant Attorneys General PO Box 201401 Helena, MT 59620-1401

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20	36	36	
81	228	229	
82	231	231	
86	226	226	
92	53		53

1 SOPHIE MOON,

2 having been called for examination by counsel for the

3 Plaintiffs, having been first duly sworn to testify to

4 the truth, the whole truth, and nothing but the truth,

5 testified on her oath as follows:

6 DIRECT EXAMINATION

7 BY MR. GORDON:

8 Q. Good morning, Ms. Moon.

9 A. Good morning.

10 Q. Can you introduce yourself for the Court?

11 A. Yeah, my name is Sophie Moon. I live in

12 Missoula, Montana. I recently co-founded a

13 nonprofit called the Public Policy Institute of the

14 Rockies, and I went and finished school at the

15 University of Montana.

16 Q. Ms. Moon, how long have you lived in

17 Missoula?

18 A. My whole life, I was born and raised here.

19 Q. Are you registered to vote in Montana?

20 A. I am registered to vote in Montana.

21 Q. Do you regularly vote?

22 A. Yeah, every election, I vote.

23 Q. Is voting important to you?

24 A. Yeah, voting is very important to me.

25 Q. Why?

1 A. Well, I think that it's really important

2 to be politically active, regardless of where you

3 fall in the spectrum. The folks that we elect to

4 positions, whether it's city council or even, you

5 know, the president, those folks make a really big

6 impact on the policies that govern our day-to-day

7 lives.

8 Q. And you mentioned that you think it's

9 important to be politically active; do you consider

10 yourself to be politically active?

11 A. Definitely.

12 Q. And why are you politically active?

13 A. Well, I'm politically active pretty much

14 for the same reasons, I think that it's really

15 important to be involved in the decisions that could

16 impact your day-to-day lives and to be involved in

17 who is, you know, elected to certain positions.

18 Q. And, Ms. Moon, let's talk about some of

19 the political activity that you've engaged in. What

20 types of political activities?

21 A. Sure. So I have done a bunch of political

22 work, whether it's nonpartisan or partisan. I

23 started my career in politics in 2015 as a freshman

24 at the University of Montana where I was an intern

25 for MONTPIRG, I worked on the campaign called Save

1 the Smith River which is geared around environmental
2 protection, but also I've done work -- you know,
3 most recently I was the finance director for
4 Kimberly Dudik's campaign for Montana Attorney
5 General --

6 Q. Ms. Moon, can you please slow down. It's
7 hard in these remote settings?

8 A. Thanks for the note. I've also been an
9 intern for Senator John Tester, but really the
10 breadth of my experience in the political sphere
11 ranges in the partisan, nonpartisan rolls.

12 Q. Ms. Moon, you mentioned that you started
13 political activities with a group called MONTPIRG;
14 can you give the Court the full name of that
15 organization?

16 A. Yeah, it's the Montana Public Interest
17 Research Group.

18 Q. And why did you start out working with
19 MONTPIRG?

20 A. Why?

21 Q. Yeah. Why did you get involved with
22 MONTPIRG while you were a freshman at the University
23 of Montana?

24 A. Yeah, so I initially got involved because
25 I was really excited about their campaign to save

1 the Smith River. You know, as a Montanan, born and
2 raised, I care a lot about environmental protection
3 and making sure we can access these really amazing
4 parts of our state.

5 And then otherwise I got involved with
6 MONTPIRG because they are really engaged in the
7 community. I think they have a really good, you
8 know, sense of the pulse of Montana; and again, it's
9 a nonpartisan organization so I like that they
10 brought people together who you weren't just
11 involved as a political spectrum, but folks from all
12 backgrounds that wanted to achieve a common public
13 interest mission.

14 Q. Did MONTPIRG do work around voting rights?

15 A. Yes.

16 Q. And was that part of what drew you to
17 MONTPIRG and what got you interested in volunteering
18 for that organization?

19 A. Yes, absolutely.

20 Q. And can you explain to the Court some of
21 the specific things that you've done regarding
22 voting rights during your time with MONTPIRG?

23 A. Yeah, so, you know, that runs the whole
24 gambit of helping people with their voter questions,
25 registering people to vote, and then also ballot

1 collection.

2 Q. And was ballot collection part of
3 MONTPIRG's general GOTV -- or "Get Out the Vote"
4 activities?

5 A. Yes.

6 Q. During your time with MONTPIRG at the
7 University of Montana, did you feel like you were
8 able to help a lot of people to vote who might not
9 have otherwise voted?

10 MS. BROWN: Objection, calls for
11 speculation.

12 THE COURT: Overruled.

13 THE WITNESS: Yeah, I definitely helped a
14 lot of folks through MONTPIRG vote who normally
15 would not have voted.

16 BY MR. GORDON:

17 Q. Ms. Moon, you mentioned one of the things
18 that you did with MONTPIRG was ballot collection;
19 can you explain for the Court what that looked like
20 and how you were involved in that, please?

21 A. Absolutely. So ballot collection, in the
22 simplest of terms, is myself and another volunteer
23 sitting at a table, maybe in the University Center
24 or by the Bear, somewhere really public at the
25 University of Montana campus. We would have a

1 locked box with us where we would keep ballots that
2 have been submitted to us. We also had a form that
3 was a MONTPIRG-created form where folks could fill
4 out their name, address, phone number, any
5 information that was really important to tracking
6 their ballot.

7 And we also talked to voters about, you
8 know, general voting questions at the table, we
9 would have them submit ballots; and the submission
10 process was really rigorous, so making sure it was
11 signed -- making sure the ballot was signed, as well
12 as making sure the inner protective envelope was
13 present so that there was no reason for a ballot to
14 be rejected from submission.

15 Yeah, that pretty much covers the ballot
16 collection process.

17 Q. So if I understand, you had a table in a
18 public place at the University of Montana that was a
19 MONTPIRG table --

20 A. Yes.

21 Q. -- staffed by two people?

22 A. Yes.

23 Q. And you said there was a ballot collection
24 box at that table?

25 A. Yes.

1 Q. Was the table only to facilitate ballot
2 collection and return or was it more generally part
3 of MONTPIRG's GOTV voter assistance, voter education
4 efforts?

5 A. Well, the focus was definitely about
6 collection, but folks could come up to us and ask
7 questions about voting, generally asked us questions
8 about how to vote. I think it is important to
9 distinguish, though, that when we were at that table
10 there were never conversations about partisan
11 politics or different issues that MONTPIRG might be
12 endorsing on the ballot. When we were at that
13 table, it was specifically focussed on nonpartisan,
14 nonissue-oriented, ballot collection, as well as
15 some questions and answers about the voting process
16 generally.

17 Q. Did you ever have conversations with
18 people who were delivering their ballots about what
19 was on their ballots?

20 A. No.

21 Q. In other words, who they voted for.

22 A. Maybe they would tell us that information
23 unsolicited, but we would never solicit that
24 information, and we would never engage in
25 conversation about that information.

1 Q. Ms. Moon, did you know the students that
2 were dropping off their ballots at the MONTPIRG
3 table?

4 A. Generally, no. The vast majority of
5 people who dropped their ballot off at our ballot
6 collection table were people who I had never met
7 before.

8 Q. And is there a reason -- of course, I
9 understand University of Montana is a big school,
10 any other reasons why most of the people who dropped
11 off their ballots were people who you had not
12 previously met?

13 A. Yeah, well, I think that a big reason is
14 because a lot of the people who used our ballot
15 collection services were first-time voters, and
16 those people were generally, you know, freshmen and
17 sophomores in college, and at that point I was
18 becoming an upper classman, I didn't necessarily
19 have a lot of relationships with freshmen and
20 sophomores.

21 Q. Ms. Moon, earlier you started to talk a
22 little bit about some of the guidelines around
23 ballot collection at the MONTPIRG table; let's back
24 up and talk about any training that was provided to
25 you by MONTPIRG about ballot collection -- first

1 question, was there any such training provided?

2 A. Yes.

3 Q. And can you explain first what that
4 training was like, and then we will talk about the
5 specific guidelines around ballot collection,
6 please?

7 A. Yeah, so the training itself, I would say
8 out of all of the campaigns that I worked on,
9 MONTPIRG was the most rigorous, the most serious
10 training provided -- I mean the tone is important,
11 but as far as the process of the training, it would
12 begin with a conversation maybe with the campus
13 organizer or the executive director themselves about
14 the process. Generally we would sit down with a
15 packet of rules and best practices for ballot
16 collection. That's kind of a general synopsis of
17 the training.

18 Q. So it was an in-person training?

19 A. Mm-hmn.

20 Q. And you were provided documentary
21 materials about the rules around ballot collection?

22 A. Yes.

23 Q. Let's talk about those rules, and
24 understanding that you may not be able to recall all
25 of them as you sit here today, but do you remember

1 any of the rules around ballot collection that were
2 provided to you by MONTPIRG?

3 A. So one of the foremost rules was we don't
4 engage in conversations about partisan issues,
5 partisan politics when we were at the ballot
6 collection table, that our service is to collect
7 people's ballots and answer general questions about
8 voting.

9 Other important rules were to make sure
10 that ballots would be submitted successfully so to
11 make sure that it was a signed ballot, that it was
12 sealed, that the inner protective envelope was
13 present so that there was no reason that that ballot
14 would be rejected.

15 Another rule was to make sure that people
16 filled out -- whoever was delivering their ballot,
17 make sure they filled out the form that MONTPIRG had
18 provided to ensure that we could track all of the
19 ballots that we had submitted to the State.

20 And then I think another important role
21 was making sure students understood how to track
22 their ballot, so we would show them an app on their
23 phone they could use that was actually provided by
24 the State, as well as the online website to make
25 sure we have successfully delivered their ballot.

1 Q. Ms. Moon, you mentioned the envelopes a
2 couple of times; can you describe for the Court in
3 what form the ballots came to you -- in other words,
4 did students hand you just their ballots and have
5 you put them in the envelopes for them or was it
6 provided in a different way?

7 A. So when we received ballots, they needed
8 to be signed, sealed, with the protective envelope
9 in the middle. If there was a situation where a
10 student came to our table kind of with their ballot
11 taken apart, right, not sealed or not signed, maybe
12 their protective envelope is missing, we cannot
13 accept those ballots.

14 We also cannot sign those ballots,
15 obviously we cannot seal those ballots ourselves.
16 All of the construction of the ballot, I suppose, as
17 well as the signing, sealing, that all needs to be
18 done by the voter themselves, so that was part of
19 the process; right? If someone came to us with a
20 ballot that wasn't properly put together, we would
21 have a conversation with them about what the ballot
22 needs to look like for us to accept it.

23 Q. And I believe you mentioned that one of
24 the steps you took was to check that the outer
25 envelope had been signed and dated by the voter; is

1 that accurate?

2 A. Yes.

3 Q. You also mentioned that -- making sure
4 that the protective inner envelope was there; can
5 you explain for the Court how, if you're receiving
6 ballots that are in two sealed envelopes, how you
7 can determine that the inner envelope is present?

8 A. Yeah, there's kind of two ways to do that,
9 so the first one, there is a little hole on the
10 outer ballot that shows that the inner -- or the
11 outer envelope which shows the inner protective
12 envelope is present.

13 And another way is the inner protective
14 envelope is usually a different color than white, so
15 it might be yellow, and that way you could kind of
16 maybe see on the outer envelope that the inner
17 envelope was present.

18 Q. Ms. Moon, you've talked about some of the
19 rules and guidance that MONTPIRG had in place before
20 accepting ballots; after the ballots were placed in
21 the ballot box that MONTPIRG had, what rules and
22 guidelines were you provided about what would happen
23 next with the ballots?

24 A. Sure. So once they had submitted their
25 ballot into our locked box, completed a form, then

1 also had a conversation with us about tracking, once
2 your shift is over as a volunteer, you brought back
3 all of your ballots from the locked box in the
4 locked box to the MONTPIRG office where they would
5 be separately stored in another locked box, you
6 would sign out as a volunteer, you would record how
7 many ballots you had personally collected.

8 You would also potentially have
9 conversations with staff members about issues you
10 encountered on the table, maybe hard conversations
11 that you were avoiding or, you know, maybe a mistake
12 that you had made.

13 Q. And then were those ballots subsequently
14 delivered to the polling places?

15 A. Yes. Those ballots were delivered every
16 single day to our elections office.

17 Q. By a MONTPIRG official?

18 A. Yes. Usually by the executive director or
19 by another high-ranking staff member.

20 Q. Ms. Moon, when you were a student, did you
21 vote?

22 A. Yes.

23 Q. And can you describe for the Court what
24 voting as a student was like for you?

25 A. Sure. I guess in kind of a general sense,

1 it was really exciting to be able to vote for the
2 first time to participate in our democracy and make
3 my voice heard.

4 More technically, I always voted absentee,
5 it was more convenient for me to do so, and then I
6 would either mail my ballot in or more likely I
7 would drop my ballot off with MONTPIRG for their
8 ballot collection service.

9 Q. So you yourself used the MONTPIRG ballot
10 collection service, the same one you described
11 earlier?

12 A. Yes.

13 Q. Why did you use that service?

14 A. Well, I -- it was very convenient for me.
15 You know, I would often be working the table, right,
16 so I could bring in my ballot that way. That ballot
17 collection table was in really publicly available
18 places pretty much constantly throughout the
19 election cycle so it was really easy to bring my
20 ballot to school and to drop off my ballot with a
21 secure, safe team of people I knew would actually be
22 able to deliver my ballot.

23 There's also kind of an aspect of not
24 necessarily trusting the mail to deliver my ballot
25 on time, as well as the issue -- I know there were a

1 few elections where I kind of waited until the last
2 minute to vote just because I was busy and at that
3 point I wouldn't be able to mail my ballot in to
4 actually have it received.

5 Q. And why not go to the polling place and
6 vote in person?

7 A. Yeah, that has just never been an option
8 for me. When I was a student when I first started
9 voting, I was a full-time student, with multiple
10 internships, working sometimes multiple jobs, my
11 days were often busy literally from 8 a.m. to
12 2 a.m., and so, you know, stopping off at an
13 election office to vote and wait in lines that were
14 often hours long just wasn't an option for my
15 schedule.

16 Q. You mentioned that the first time you
17 voted, you were very excited to vote; were you
18 familiar with the process of voting and the various
19 steps that you had to go through to vote absentee?

20 A. Yeah, so I was very familiar with the
21 process, but that's because I was involved in
22 MONTPIRG and worked as a voter advocate, but I know
23 that other students did not have a similar
24 experience.

25 Q. When you say they didn't have a similar

1 experience, what do you mean by that?

2 MS. BROWN: Objection, vague.

3 THE COURT: Overruled. You may answer.

4 THE WITNESS: Thank you. Well, I know
5 that other students -- you know, not everyone was a
6 MONTPIRG intern, and, you know, as a first-time
7 voter, sometimes the rules and guidelines around
8 voting are hard to understand or they are unfamiliar
9 entirely. We know -- working as a voter
10 registration advocate, I would often answer really
11 basic questions from students that you would think
12 that just everyone would know, I think that we have
13 a lot of assumptions around voting, and it was very
14 clear to me that students were generally pretty
15 ill-informed about how our elections function.

16 BY MR. GORDON:

17 Q. And you mentioned that at the voter
18 registration table, you fielded a lot of questions
19 from first-time-voter students about the process?

20 A. Yeah.

21 Q. Did you receive many questions from
22 students about when mail ballots had to get in on
23 time?

24 MS. BROWN: Objection, hearsay.

25 THE COURT: Overruled. You may answer.

1 THE WITNESS: Yeah, that was actually an
2 entire campaign that MONTPIRG would embark on
3 towards the end of the election cycle, so as we
4 would approach Election Day, we would receive so
5 many questions from students about when is the last
6 day possible that I can mail my ballot in to make
7 sure it is received on time, or even, you know,
8 questions broader than that about, you know, can I
9 mail my ballot on Election Day, you know, talking to
10 them about why that won't work, so MONTPIRG actually
11 drafted an entire campaign to inform students about
12 our ballot collection service, as well as other
13 collection opportunities so that students would not
14 make the mistake of mailing their ballot too late.

15 BY MR. GORDON:

16 Q. Based on these conversations and your
17 experience working with students, do you have an
18 opinion about whether students appeared to be
19 confused about the Election Day deadline or receipt
20 deadline for mail?

21 MS. BROWN: Objection, hearsay. Your
22 Honor, may I have a continuing objection to any time
23 she talks about what other students told her, her
24 impressions based on what other students may have
25 told her?

1 THE COURT: Yes, you may. The objection
2 is overruled.

3 Go ahead, ma'am, you may answer.

4 THE WITNESS: Thank you. Can you repeat
5 the question?

6 BY MR. GORDON:

7 Q. I believe the question was based on your
8 experience with working with students at the voter
9 registration table and talking to them and fielding
10 questions about mail balloting, do you have an
11 opinion about whether students at the University of
12 Montana appeared to be confused about whether or not
13 ballots had to be received on Election Day as
14 opposed to postmarked on Election Day?

15 A. Yes. That -- like, my opinion is
16 absolutely that, the vast majority of the students I
17 encountered did not fully understand that your
18 ballot has to be received on Election Day, that it
19 cannot just be postmarked for it to be submitted and
20 counted.

21 Q. Ms. Moon, were there any polling locations
22 on campus while you were there?

23 A. Yes. There were one satellite polling
24 location, and that was located at the University
25 Center.

1 Q. Did the presence of that satellite polling
2 location eliminate the need for MONTPIRG's ballot
3 collection services?

4 A. No.

5 Q. Why not?

6 A. Well, you know, while we had our ballot
7 collection service, neighboring often the satellite
8 polling place, we would still field lots of
9 students -- not only questions about voting, but
10 also their ballots, so we would receive ballots
11 until the very last possible moment we could on
12 Election Day, obviously we had to spare the time to
13 actually bring them to the election office to ensure
14 that they would be counted and be part of the
15 election, but I -- you know, I know that on Election
16 Day -- up until Election Day, we received probably
17 the vast majority of ballots on those days, so I
18 know that, you know, without our service, those
19 students would have had to find another way to vote.

20 Q. And why didn't the students -- I'm sorry,
21 strike that.

22 Can you describe the conditions at the
23 satellite polling location -- in other words, were
24 there frequently lines there in what you observed or
25 was it were people coming and going pretty quickly?

1 A. Yeah, so leading up to Election Day, the
2 lines were long; and then on Election Day, the lines
3 were even longer. I would say at the beginning of
4 the day on Election Day, the line was 100 to 200
5 people long, easily; throughout the day, the line
6 would vary from 150 people long, and I remember
7 distinctly seeing students or community members walk
8 up to the line, look at the line and then walk away
9 and not vote.

10 Q. Ms. Moon, if I understand you correctly,
11 you worked for MONTPIRG -- interned for MONTPIRG for
12 several years while you were a student at the
13 University of Montana; is that right?

14 A. Yeah.

15 Q. During your experience there, do you have
16 any estimate of how many student voters you helped
17 in connection with your work with MONTPIRG?

18 A. Yeah, I would say that I helped probably
19 thousands of student voters throughout my work at
20 MONTPIRG, whether that was personally registering
21 them to vote or answering their voter questions or
22 collecting their ballot.

23 Q. And how many ballots do you think that you
24 personally collected during the years that you
25 worked for MONTPIRG at the ballot collection table?

1 A. I would say approximately 150.

2 Q. Did MONTPIRG keep track of the number of
3 ballots they were collecting at the University of
4 Montana?

5 A. Yes.

6 Q. And do you know how many ballots MONTPIRG
7 as a whole collected during those years, 2016, 2017,
8 and 2018?

9 A. In 2016, we collected approximately 250;
10 the following year, 2017, we collected -- or excuse
11 me, in 2016, we collected 250; in 2017, we collected
12 150, approximately; and then in 2018, we collected
13 approximately 500 ballots.

14 Q. And those are approximate numbers?

15 A. Yes.

16 Q. Ms. Moon, do you feel like your work with
17 MONTPIRG and MONTPIRG's work generally at the
18 University of Montana had an effect on student
19 voting?

20 MS. BROWN: Objection, calls for
21 speculation.

22 THE COURT: Overruled.

23 THE WITNESS: Yeah, I do believe that our
24 work at the University of Montana campus had a
25 really big impact on student and youth voter

1 turnout. For example, I know that from -- you know,
2 when you compare 2012 Missoula County elections to
3 2016 Missoula County election turnout from folks
4 aged 18 to 29, the percentage of those people who
5 voted comparatively rose 7 percent, and I think that
6 that is in big part to do with the work that
7 MONTPIRG did through ballot collection, as well as
8 voter registration.

9 BY MR. GORDON:

10 Q. Ms. Moon, I would like to turn a little
11 bit to other ballot collection. So besides the
12 ballots you collected at the MONTPIRG table, did you
13 collect ballots from any other people?

14 A. Yes, in a not-MONTPIRG official capacity,
15 I collected ballots from people that I would work
16 with, as well as maybe friends or family.

17 Q. And can you talk about and explain to the
18 Court why you were collecting ballots from people
19 you worked with?

20 A. Yeah, so a lot of the people that I worked
21 with at a restaurant in Missoula were also students,
22 so they were in a similar situation as me, they --
23 you know, a lot of them actually were medical students
24 so they would work really long hours at school, they
25 would probably have an internship on top of that,

1 and then they would come and finish their day at the
2 restaurant. You know, like me, they didn't have a
3 lot of time to sit in a line and vote on Election
4 Day, and so they would receive their ballot
5 absentee, fill it out, put their envelope on -- put
6 both envelopes on, sign it, bring it into the
7 restaurant because they knew that I was a voter
8 advocate in my other life and that I could help them
9 submit their ballot.

10 Q. And so if I understand correctly, you
11 collected and submitted ballots from a number of
12 co-employees at the restaurant you worked at; do I
13 have that right?

14 A. Yes.

15 Q. Now, did you do anything in that capacity
16 to ensure the security of your co-workers' ballots?

17 A. Absolutely. I would ensure, again, that,
18 you know, it's signed, sealed, the inner protective
19 envelope is present so there would be no reason for
20 that ballot to be rejected.

21 I would also talk to them about the
22 tracking service, meaning the app or the website and
23 show them exactly how they can ensure that their
24 ballot was successfully submitted.

25 I would also ensure that the very next

1 day -- because I would often work nights -- that
2 that ballot was personally delivered by myself.

3 Q. Ms. Moon, how many ballots from co-workers
4 did you collect in a single election year, if you
5 remember approximately?

6 A. I would say approximately ten to twelve
7 per election cycle.

8 Q. So you did that over multiple election
9 cycles?

10 A. Yes.

11 Q. And that was 10 to 12 in each election
12 cycle?

13 A. Mm-hmm.

14 Q. And, Ms. Moon, just a reminder, when you
15 answer affirmatively, please answer "yes" or "no"
16 instead of --

17 A. Okay.

18 Q. Ms. Moon, I would like to turn your
19 attention now to Senate Bill 352 or the Ballot
20 Interference Prevention Act; are you familiar with
21 that?

22 A. I am.

23 Q. And if I refer to that as BIPA, will you
24 understand what I'm talking about?

25 A. Yes.

1 Q. What is your experience with BIPA, and how
2 are you familiar with it?

3 A. Yeah, so my experience with BIPA began
4 when I testified against it in the Youth State
5 Legislature. At that point it was in the judiciary
6 committee, I believe, I might be remembering that
7 wrong, and I went with a group of other students
8 involved in MONTPIRG to testify against that -- that
9 bill --

10 Q. Ms. Moon, I'm sorry, I just was going to
11 ask you to pause, and I can pull up Exhibit 20 for
12 you on the screen.

13 A. Yeah.

14 MR. GORDON: And, Sam, if you can enlarge
15 that a little.

16 BY MR. GORDON:

17 Q. Can you see that document, Ms. Moon?

18 A. I can.

19 Q. And are you able to read the text on it?

20 A. Yes.

21 MR. GORDON: Sam, can you just enlarge the
22 heading there? Thank you very much.

23 BY MR. GORDON:

24 Q. And, Ms. Moon, you see the front of this
25 document which reflects that it's an audio

1 transcription from the House Judiciary Committee on
2 April 6, 2017, and you previously indicated that you
3 testified in front of the House Judiciary Committee;
4 was that the date on which you testified?

5 A. Yes.

6 MR. GORDON: Page 2 of Exhibit 20, please,
7 and, Sam, if you could please highlight the words
8 around Lines 2 to 3 and expand that, please.

9 BY MR. GORDON:

10 Q. And do you see there, Ms. Moon, that this
11 transcript reflects that Chairman Doane says, "We
12 will now open the hearing on Senate Bill 352"?

13 A. Yes.

14 MR. GORDON: Sam, can you please turn to
15 the last page of Exhibit 20.

16 BY MR. GORDON:

17 Q. And do you see at the bottom there -- and
18 at the top there's a certification of the
19 transcription and that it's signed down at the
20 bottom by Alicia Jarrett, Ms. Moon?

21 A. Yes.

22 MR. GORDON: And, Sam, one more, please,
23 can you please turn to Page 17 of the transcript;
24 and at the bottom, Sam, can you please blow that up
25 where it starts with "Ms. Moon".

BY MR. GORDON:

Q. Ms. Moon, do you see there where it says "Ms. Moon", and then it transcribes the beginning of the comments that you made, "Good morning, Mr. Chair. My name is Sophie Moon", et cetera?

A. Yes.

Q. And does this appear to accurately reflect the testimony that you gave that day, understanding that this continues on for a couple more pages?

A. Yes.

MR. GORDON: Your Honor, I would move for the admission of Plaintiff's Exhibit 20, the audio transcription of the April 6, 2017, House Judiciary Committee meeting?

THE COURT: Any objection?

MS. BROWN: Your Honor, we don't have an objection to this actual exhibit being admitted, but I do object to the extent it contains hearsay and speculation about why certain voters were voting a certain way.

THE COURT: Well, I will admit Exhibit 20. I'm not sure -- based on the objection, I'm not sure exactly what portions of this transcript you are objecting to, but I'm going to leave that for cross-examination.

MR. GORDON: Sam, you can take that exhibit down for the moment, please. Thank you.

BY MR. GORDON:

Q. Ms. Moon, can you explain to the Court why you decided to go down and take the time to testify against Senate Bill 352?

A. Yeah, you know, in my work with MONTPIRG, I knew that this bill would make it really hard for a lot of students to vote, as well as the people I had worked with at the restaurant who I collected ballots for, and that was one of the main reasons that I went to oppose it, that I knew it would have a really detrimental effect on youth voter turnout in the election.

Q. Did you have any concerns about the language of the bill and the definitions in the bill in addition to those concerns?

A. Yeah, I think one real issue that comes to mind is the use of the word "acquaintance". At that time, MONTPIRG -- and myself -- wasn't sure what the term "acquaintance" meant or how we were supposed to abide by the rules in the law.

Q. Ms. Moon, back to the first concern you expressed, concern about SB352 making it harder for people to vote; why did you believe that would be

the case?

A. Well, I had personally had interactions with students who told me that if it wasn't for ballot collection services that they would not have voted, and so I knew that if there was a situation where MONTPIRG or other organizations could no longer collect ballots for students or young voters that those voters likely would not vote.

Q. Ms. Moon, how, if at all, has BIPA changed the way that you help voters?

A. Well, I would say that BIPA has greatly curtailed the way that I can help voters. I no longer collect ballots from the people that I know. You know, I can still participate in voter registration and those things, and I know that MONTPIRG no longer collects ballots as well.

Q. And that's because of BIPA?

A. Yes.

Q. Ms. Moon, a couple more questions for you, you mentioned that you vote absentee, but that you had concerns voting by mail; do I have that right?

A. Yes.

Q. Have you ever voted by mail?

A. Yes.

Q. And have you ever been concerned about

that ballot arriving on time?

A. Yes. The only times I would vote by mail was when I had voted, you know, well before the window began to close as far as making sure that ballot would be delivered on time to the appropriate place. I would also be concerned about my ballot going through a mail process that I have seen, you know, shred letters that I had sent to people or that I was receiving, and I had definitely been worried that my ballot would receive a similar fate.

Q. Ms. Moon, do you plan to vote this November?

A. Yes.

Q. And I'm not going to ask you who you are going to vote for, but do you know how you are going to cast your ballot?

A. Yeah, I plan on receiving my ballot absentee and then bringing that ballot in personally to the election office.

Q. And some of these concerns you've expressed about mail-in ballots, would you feel personally more comfortable mailing your ballot and feeling confident that it would arrive on time if Montana had a postmarked deadline instead of a receipt deadline?

1 A. Absolutely. And I think that the COVID 19
2 crisis compounds that for me. Right now we have so
3 much going through mail because we are trying to
4 stay at home as much as possible, and I would
5 definitely feel better having a postmarked deadline
6 rather than an arrival deadline on my ballot.

7 MR. GORDON: Thank you, Ms. Moon.

8 No further questions at this time, Your
9 Honor.

10 THE COURT: All right. Thank you. And we
11 will take just a moment to wipe the podium down.

12 MR. SEGREST: Thank you for doing that,
13 Your Honor, we appreciate it, and the person
14 actually doing it.

15 MS. BROWN: Your Honor, while she is doing
16 that, if it would be easier, the transcript
17 testimony -- that's Plaintiffs' Exhibit 20 -- if it
18 would be easier for me to just go through and note
19 my objections on paper for you like we are doing to
20 the deposition transcripts, I'm happy to do that.

21 THE COURT: That would be fine. And
22 again, I just need to have all of that in by the
23 time the trial is over.

24 MS. BROWN: It's only a couple pages so I
25 don't think it will be too difficult.

CROSS-EXAMINATION

1 BY MS. BROWN:

2 Q. Good morning, Ms. Moon. My name is
3 Aislinn Brown, I represent the Attorney General's
4 office in this lawsuit -- or I am with the Attorney
5 General's office, representing the Secretary of
6 State's office in this lawsuit.

7 I just have a couple of follow-up
8 questions for you -- I'm sorry, one second.

9 You mentioned in your testimony earlier
10 that one of the things you do -- or did at MONTPIRG
11 is help people with questions about voting; right?

12 A. Yes.

13 Q. And you can still do that under BIPA,
14 can't you?

15 A. Yes, but the issue remains that with BIPA
16 in place, we can't actually help them vote.

17 Q. Okay. And you would have conversations --
18 sorry, you registered people to vote; correct?

19 A. Mm-hmn, yes, I did.

20 Q. And you can still do that under BIPA,
21 can't you?

22 A. Yes. But again, I would say the issue
23 remains that under BIPA, those folks, if they are
24 registered to vote, received their ballot, cannot
25

1 Henderson.

2 DENVER HENDERSON,
3 having been called for examination by counsel for the
4 Plaintiffs, having been first duly sworn to testify to
5 the truth, the whole truth, and nothing but the truth,
6 testified on his oath as follows:

DIRECT EXAMINATION

7 BY MR. GORDON:

8 Q. Good afternoon, Mr. Henderson.

9 A. Good afternoon.

10 Q. Can you please introduce yourself to the
11 Court?

12 A. Yes. My name is Denver Henderson, last
13 name is spelled H-e-n-d-e-r-s-o-n. I live in
14 Missoula, Montana.

15 Q. How long have you lived in Missoula,
16 Mr. Henderson?

17 A. I've lived in Missoula for about 17 years
18 now.

19 Q. What brought you out there?

20 A. I came to Missoula to pursue a degree at
21 the University of Montana and was fortunate enough
22 to find work and continue to live and work and
23 prosper in Missoula. I consider myself very, very
24 fortunate because not many people have that
25

1 opportunity.

2 Q. And you mentioned your work, we will get
3 to that in a moment. Just one other question, are
4 you a registered voter in Montana?

5 A. Yes, sir, I am.

6 Q. What is your employment?

7 A. So I work as an organizer for the Service
8 Employees International Union, it's SEIU Local 775.
9 We are a long-term healthcare union.

10 Q. And for how long have you been an
11 organizer for SEIU?

12 A. Coming up on eight years now.

13 Q. Mr. Henderson, do you have any involvement
14 with the Missoula County Election Advisory
15 Committee?

16 A. Yes, sir, I do. I have served on that
17 committee for four years now and am currently am
18 Chair of the committee.

19 Q. So we will come back to that a little
20 later.

21 Mr. Henderson, do you consider yourself to
22 be politically active?

23 A. Yes, sir, I do.

24 Q. And in what way? What have you done to
25 engage in politics?

1 A. Well, I have volunteered or worked in
2 every election since moving to University of
3 Montana, it's part of what I consider to be my
4 community and my responsibility. I've done voter
5 registration work, I have gathered signatures for
6 ballot initiatives, I have talked to thousands of
7 voters at this point. I've engaged directly in what
8 we call "Get Out the Vote" activities where the goal
9 is to make sure that that person has a plan and a
10 means to make sure they cast their ballot on or
11 before Election Day. Those are just some examples.

12 Q. Thank you. Why are you so politically
13 active?

14 A. Well, I do this work because I believe
15 that it matters. I believe that democracy matters,
16 and whether or not people participate in their
17 democracy matters. I believe that it's the only way
18 that normal working people can make any kind of long
19 lasting change, not just by voting in one election,
20 but by voting in all elections.

21 Q. Mr. Henderson, is the work you do -- the
22 political work, including the GOTV work, do you
23 consider that to be an expression of those values
24 that you just mentioned about the importance of
25 democracy and the importance of voting?

1 A. Yes, sir, I do.

2 Q. Can you take us through a little bit of
3 some of the activities and organizations you work
4 with, and let's just start at the beginning after
5 you moved to Montana, how did you first become
6 politically involved and active?

7 A. Sure. So pretty much as soon as I moved
8 to Missoula, I became acquainted with the social
9 environment on the campus, I got involved with a
10 group called MONTPIRG -- Montana Public Interest
11 Research Group -- MONTPIRG has been around for close
12 to 40 years now, and they have a long history and
13 legacy of being a voice for young people and a voice
14 for students, and not just advocating for them, but
15 helping to develop the leadership skills of those
16 people so that they can run for office, so that they
17 can run other organizations, so that they can be
18 effective citizens in their democracy. And I was
19 fortunate enough to be involved with that group and
20 made some wonderful friends and colleagues that I
21 still stay in touch with and work with today.

22 Q. And after you spent some time working with
23 MONTPIRG, did you continue to be politically active
24 through other organizations or campaigns?

25 A. Yes, sir, absolutely. So I was also

1 involved with the College Democrats, I was actually
2 the chapter president for a couple years; and I
3 served on the student senate, I lobbied for the
4 students at the University of Montana in 2007, and
5 then I continued to work on political campaigns.
6 Even if I wasn't working directly, getting a
7 paycheck by the campaign, I've always volunteered on
8 campaigns.

9 Q. Do you do any GOTV-related work in your
10 current position with SEIU?

11 A. Yes, sir, absolutely. In the final weeks
12 of the campaign, we always take a team of our
13 members that I've worked with for years and multiple
14 elections now and we start about knocking doors and
15 making phone calls and making sure that our members
16 vote and making sure that they understand how
17 important it is.

18 Q. You mentioned your work with MONTPIRG; why
19 did you choose to work with MONTPIRG when you first
20 arrived in Montana?

21 A. Part of it was the social connection. I
22 was very fortunate to be involved in a year where
23 there was kind of a ground swell of natural student
24 talent and leaders, and I was part of that class,
25 and was incredibly fortunate to be part of that

1 class, but MONTPIRG has a legacy and a history, and
2 it was the kind of organization that had done the
3 advocacy and organizing work that I wanted to be a
4 part of.

5 Q. Did you do GOTV work -- "Get Out the Vote"
6 work for MONTPIRG?

7 A. Yes, sir, absolutely. One of the things
8 that MONTPIRG provides is a leadership development
9 opportunity for students not only to do the work,
10 but to direct the work and to be responsible for the
11 organization, and so "Get Out the Vote" efforts, at
12 the very end of a campaign after you've spent months
13 and months talking to voters, "Get Out the Vote"
14 efforts are just the final conclusion of all this
15 work. You wouldn't do work early in the cycle to
16 not do work in GOTV.

17 Q. Did you do GOTV work when you volunteered
18 for the other campaigns and organizations that you
19 mentioned after MONTPIRG?

20 A. Yes, absolutely.

21 Q. In the work that you described that you do
22 in your current position earlier, would that fall
23 under the umbrella of GOTV work as well?

24 A. Yes, it would.

25 Q. Mr. Henderson, in the course of this GOTV

1 work that you've done for these various
2 organizations have you ever collected and returned a
3 voter's voted ballot?

4 A. Yes, I have.

5 Q. And can you describe for the Court a
6 situation, if there's a typical situation, or an
7 example in which you might have extended the offer
8 to a voter to return that voter's ballot?

9 A. Absolutely. So, you know, you always
10 encourage people to vote by mail and to return their
11 ballot as soon as possible; however, there are
12 always some voters who wait until the end to vote,
13 and the kind of rule of thumb is if you don't have
14 your ballot in the mail seven days prior to the
15 election, there's a chance it may not be counted;
16 and so in the process of talking to thousands of
17 voters, sure, I've come across a handful that have
18 either asked me or I have offered to turn in their
19 ballot for them.

20 Now, to be very clear and specific, you
21 are not handling a person's physical ballot, you are
22 handling a voter envelope, and that ballot is inside
23 of a secrecy envelope, that's inside of the outer
24 envelope. You never touch a person's actual naked
25 ballot.

1 Q. Mr. Henderson, in these experiences you've
2 had that have led to an offer or a request to return
3 a ballot, have you, during those times, clearly
4 identified yourself by name and who you are there on
5 behalf of?

6 A. Yes, of course.

7 Q. And does the discussion about ballot
8 return follow after a discussion about the plan to
9 vote?

10 A. Yeah, I mean you want to first introduce
11 yourself and make sure that they know who that you
12 are with and that you've most likely talked to them
13 before, talked to other voters before, and then you
14 want to make sure that they received their ballots,
15 and have they marked it, have they returned it, are
16 they going to, and so it's just part of a natural
17 conversation. I always consider it to be kind of a
18 courtesy to return someone's ballot. If I can save
19 them a trip to the elections office or a trip to the
20 Post Office or the cost of a stamp and make sure
21 that their ballot counts and their voice gets heard,
22 that's a sacred obligation, I'm happy to do it.

23 Q. Mr. Henderson, you mentioned that
24 sometimes you would make an offer, and sometimes
25 people would request it; in circumstances where you

1 made an affirmative offer to take someone's ballot,
2 how did the voters respond?

3 MS. BROWN: Objection, hearsay.

4 THE COURT: Objection is overruled. You
5 may answer.

6 THE WITNESS: Thank you. They were happy
7 to accept the help. You know, again, you are saving
8 them a little best effort, you are helping them make
9 sure that their vote gets counted, that's a positive
10 thing, and I think most people approach it in that
11 matter.

12 BY MR. GORDON:

13 Q. Did any voters decline that offer?

14 A. Sure. There's a number of folks -- I'm
15 sorry.

16 Q. Go ahead.

17 A. There's a number of folks who rightly feel
18 that voting is their personal responsibility, and
19 there's a number of people who feel inclined to go
20 to the polls on Election Day and to cast their
21 ballot in that way, and that is perfectly fine, but
22 there are some folks who would prefer to deal with
23 their ballot themselves, they feel like it's a sense
24 of personal pride and responsibility, and I
25 understand that, however, they turn in their ballot.

1 What's most important is that they vote and their
2 vote gets counted.

3 Q. When individuals declined your offer,
4 would you repeat the offer or pressure them to try
5 to get them to accept your offer?

6 A. No, sir.

7 Q. Has a voter ever gotten upset with you
8 when you have offered to turn in their ballot for
9 them?

10 A. No.

11 Q. Mr. Henderson, earlier you talked a little
12 bit about some of the process of collecting the
13 ballot; you mentioned that you only collect the
14 sealed ballots, never touching the actual ballot; is
15 that accurate?

16 A. That is correct.

17 Q. Have you received, in your time with
18 MONTPIRG or other organizations, any instructions or
19 guidance about how to go about ballot collection and
20 precautions to take?

21 A. Sure. Absolutely. You know, in training,
22 we always used to refer to a naked ballot as a
23 snake, and in the same way that you wouldn't touch a
24 live rattlesnake, you would never touch or go near
25 someone's naked ballot, that is their

responsibility. You are only supposed to ask for it or receive it if it is in the envelope.

And here is the thing that's important about that, if they don't sign the back of the envelope, it doesn't count, and that's incredibly important, so in the process in talking to people, making a plan for how they're going to vote and how they are going to turn in their ballot, that's always something you want to check.

Q. So you wouldn't take a naked ballot, you would check the signature to make sure that the ballot envelope was signed on the back; do I have that right so far?

A. Yes.

Q. Any other precautions you took or in the circumstances where you collected the ballot either before you received the ballot or after you received it?

A. Sure. I mean once you have that ballot in hand, that's as valuable as gold. That's one person's vote and their right to have a say in their democracy, and I'm sorry to pontificate about this, but people who do this work feel very strongly about the reasons they do it and about democracy, and you treat that ballot with the utmost respect, you get

it in your locked car as soon as possible, and at the end of the night you turn it in to your organizer.

Q. And, Mr. Henderson, did you also provide voters information about how they could track the ballot that they had entrusted you to return?

A. Yes, when the technology became available to be able to track the processing of the ballot that it became part of the conversation, part of the script, so to speak.

Q. Mr. Henderson, in making sure that you never touch the bare ballot, was there anything else that you avoided doing while interacting with voters whom from you collected ballots for conveyance to the polling place?

A. I'm sorry, can you repeat the question?

Q. Sure. You had testified earlier that one of the things you never did in collecting ballots was touch the bare ballot; and I was asking are there other things that you avoided doing -- intentionally avoided doing during the process of collecting ballots?

A. Nothing that I can immediately think of.

Q. Let me ask you this: After you made an offer to return a ballot for an individual, would

you ask them who they voted for?

A. No, no, of course, not. I mean that would be, A, kind of inappropriate; and, B, I think it would be ineffective at that point. I think it's important to keep in mind at this point in the campaign you are at the very end, you're a week before the election date, so any campaign that is working hard and working its weight in salt, they've had multiple conversations with this voter at this point, you know who they are going to support and what their idea is.

Numerous volunteers from the campaign have talked to voters at this point so there's no point in having that conversation. Like I said, it just feels kind of awkward. Sometimes people will voluntarily tell you, but I just avoid it at that point.

Q. And I was going to ask that, if someone voluntarily tells you who they've voted for after you've offered to return their ballot or accepted their ballot for delivery, did that change anything about whether or not you would return that ballot for that person?

A. No, not at all.

Q. In other words, would you follow through

on the offer and return the ballot regardless of what the person told you about who they voted for?

A. Yes, of course, absolutely. And here's another thing to keep in mind, in Montana we have a history of voting a split ticket. There's a lot of people who will vote for a Republican in one instance and a Democrat in the other. At that point it's not my job to convince them, I should have already done that. It's my job at that point if and someone is entrusting me with their absentee ballot, it is my job to make sure that gets delivered.

Q. Mr. Henderson, during your experience with these voters and talking to them and their plan to vote, what, if anything, did you learn about why these voters needed help returning their ballots?

MS. BROWN: Objection, calls for speculation.

THE COURT: Overruled. You may answer.

THE WITNESS: Thank you. So there's a number of instances in which a person would make that request. If they are elderly and have serious mobility issues, might not be able to easily get to a post office or a mailbox or the elections office; if they are working multiple jobs and they just don't have time, and that may sound silly, but when

1 you are in that situation, it's not silly at all.
 2 You are worried about taking care of your family and
 3 putting food on the table, you're not worried about
 4 returning a piece of mail.

5 There's young people and people of all
 6 ages who maybe this is their first time voting,
 7 maybe they are uncomfortable or unfamiliar with the
 8 process, if I can take a small fragment of my day to
 9 make it easier for someone to cast their ballot, I'm
 10 going to do that.

11 Q. Mr. Henderson, you mentioned earlier that
 12 one of reasons why you might collect someone's
 13 ballot is because it's within the last few days
 14 before the election and voters no longer have time
 15 to put their ballots in the mail to ensure that it
 16 arrives timely in the election office, is that also
 17 a reason why voters have needed to have help
 18 returning their ballots?

19 A. Oh, absolutely. But a lot of times
 20 people, you know, know who they are voting for, and
 21 they have every intention of voting, but they get
 22 busy and forget. That happens a lot.

23 Q. And does that mean that in your experience
 24 more voters tend to need help delivering their
 25 ballots and are more likely take advantage of ballot

1 collection and delivery services offered by somebody
 2 like you in the last few days before the election as
 3 compared to earlier in the election cycle?

4 MS. BROWN: Objection. Your Honor, may I
 5 have a standing objection similar to what we did
 6 earlier to any discussions of Mr. Henderson's
 7 conversation with other voters or election
 8 administrators and his impressions of what they
 9 might do as hearsay and speculation?

10 THE COURT: Yes. You may answer, sir.

11 THE WITNESS: I'm sorry, can you repeat
 12 that?

13 (Last question read back by the reporter)

14 THE WITNESS: Yes. Thank you for that.
 15 Yes, that has been my experience.

16 BY MR. GORDON:

17 Q. Mr. Henderson, why have you gone so far
 18 out of your way to help voters return their ballots?

19 A. Well, because I believe in the candidates
 20 that I volunteer for, and I believe everyone has a
 21 right to vote on Election Day. Every one of us has
 22 a right to participate in our democracy and in our
 23 government.

24 Q. Mr. Henderson, I would now like to ask you
 25 about your service on the Missoula Elections

1 Advisory Committee we mentioned earlier. Can we
 2 refer to that as the EAC?

3 A. Yes, sir.

4 Q. Can you explain for the Court, what is the
 5 EAC?

6 A. Sure. So this is a citizen advisory board
 7 that does not have any direct powers, but it has a
 8 platform, and it has access to the election
 9 administrator, and access to the board of county
 10 commissioners; and it meets between one and every,
 11 say, three months at the most, there will be a
 12 meeting.

13 It consists of a lengthy report out from
 14 the election administer about their activities and
 15 their efforts and ongoing projects, presents us with
 16 an opportunity to ask focused questions and have
 17 broader discussion about the issues challenging and
 18 facing elections, and provides us an opportunity to
 19 put forward formal proposals and resolutions that
 20 have a chance of making their way into public
 21 policy.

22 Q. And you mentioned you are the Chair
 23 currently of the EAC?

24 A. Yes, sir, I am.

25 Q. Who else serves on the EAC with you -- and

1 I'm not asking for individual names, just generally?

2 A. Yes. Thank you for the clarification. So
 3 it's a seven-person board -- you have a designated
 4 representative from the Republican Party, a
 5 designated person from the Democratic Party, there's
 6 a designated ADA member because physical access to
 7 elections is important, and then there's also a
 8 designated student member, and then three at-large
 9 members; and currently the county commission is in
 10 the process of expanding our committee by two seats
 11 so we will soon be a committee of nine.

12 Q. I apologize if you've already stated this,
 13 but how do individuals become members of the EAC?

14 A. Sure. So for the most part they are
 15 appointed by the county commissioners to serve. In
 16 some cases, like the Republican representative and
 17 Democratic representative, they pretty much have
 18 authority and control to appoint whoever they want
 19 to that position, the commissioners' approval is
 20 more of a formality at that point.

21 Q. Does the EAC have a particular goal or
 22 goals?

23 A. Yes, sir. Our stated goal is to provide
 24 input and feedback on ways to improve elections in
 25 Missoula County and to offer some -- not budgetary

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT YELLOWSTONE COUNTY	
ROBYN DRISCOLL; MONTANA DEMOCRATIC PARTY; AND DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE,	Cause No. DV 20-0408
Plaintiffs,	DA-20-0295
-vs-	
COREY STAPLETON, in his official capacity as Montana Secretary of State,	
Defendant.	
TRANSCRIPT OF PROCEEDINGS	
VOLUME III	
Taken at Yellowstone County Courthouse 217 N. 27th Street September 16, 2020	
Before the HONORABLE DONALD L. HARRIS, Judge Presiding	
APPEARANCES:	
For the Plaintiffs:	MATTHEW GORDON PERKINS COIE LLP Attorneys at Law 1201 Third Avenue Suite 4900 Seattle, Washington 98101-3099
For the Defendant:	J. STUART SEGREST Chief, Civil Bureau AISLINN W. BROWN HANNAH TOKERUD Assistant Attorneys General PO Box 201401 Helena, MT 59620-1401

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1 collection and return of those ballots to the
2 polling place or place of deposit; correct?
3 A. Yes.
4 Q. And, Mr. Corson, you earlier testified
5 that that type of ballot collection, that otherwise
6 lawful third-party ballot collection where the
7 ballot collector returns all the ballots to the
8 polling place or place of deposit, that's the type
9 of ballot collection that increases voter
10 participation; right?
11 A. Yes.
12 Q. And that's the type of ballot collection
13 that increases voter turnout; right?
14 A. Yes.
15 Q. And that's the type of ballot collection
16 that you said promotes democracy; correct?
17 A. Yes.
18 Q. So BIPA outlaws and prohibits the very
19 thing that the Secretary and you have said is good
20 for democracy; correct?
21 A. Yes.
22 Q. Mr. Corson, would you agree with me that
23 BIPA, by definition, is bad for democracy?
24 A. Bad for democracy or not, we are
25 ministerial and we apply Montana statutes to

1 election law.
2 Q. I understand you are ministerial, I
3 understand you apply the statutes, but based on your
4 testimony today and yesterday, BIPA is bad for
5 democracy, isn't it?
6 A. Under this line of questioning, yes.
7 Q. Mr. Corson, you testified yesterday about
8 the importance of election integrity; do you recall
9 that?
10 A. Yes.
11 Q. And the integrity of elections is very
12 important to the Secretary of State's office;
13 correct?
14 A. Yes.
15 Q. And you're not aware of any failure by
16 your office in protecting the integrity of
17 elections, are you?
18 A. Not that I'm aware of, no.
19 Q. And you're not aware of any shortcomings
20 in protecting the integrity of elections that were
21 raised in the legislative process for BIPA, are you?
22 A. And one more time for me, please, I'm
23 sorry.
24 Q. Sure. Mr. Corson, you're not aware of any
25 shortcomings in protecting the integrity of

1 elections that were raised in the legislative
2 process for BIPA -- I'm sorry --

3 Your Honor, I apologize, when I was
4 restating my question, I inadvertently skipped to my
5 next question so let me go back. And I apologize,
6 Mr. Corson.

7 BY MR. GORDON:

8 Q. You're not aware of any shortcomings of
9 protecting the integrity of elections that created
10 the need for BIPA, are you?

11 A. Yeah, our office was not part of that
12 legislative process, and we're not aware of any.

13 Q. And fair to say that you're not aware of
14 any shortcomings that were -- in protecting the
15 integrity of elections that were raised in the
16 legislative process for BIPA, are you?

17 A. Correct, because we weren't part of the
18 legislative process for this.

19 Q. And your office has no evidence that the
20 integrity of elections are at risk in Montana, does
21 it?

22 A. No.

23 Q. And just to be clear, we talked about this
24 briefly yesterday, but during the time period BIPA
25 was enjoined, your office did not do anything

1 additional to protect election integrity because of
2 the fact that BIPA was enjoined, did it?

3 A. Correct.

4 Q. And given how important election integrity
5 is to the Secretary of State, if the Secretary had
6 believed that additional steps were needed to
7 protect that integrity because BIPA was enjoined,
8 surely the Secretary would have taken them; correct?

9 A. To the extent that it is possible under
10 what's available to us, but we did not take any
11 additional steps this past election.

12 Q. And there was no evidence that the
13 June 20th primary suffered at all with respect to
14 election integrity because BIPA was enjoined;
15 correct?

16 A. Yeah, June 20th is the June 2nd election?

17 Q. You're right. I meant to say June 2020
18 primary, and I will re-ask that question.

19 Mr. Corson, there's no evidence that the
20 June 2020 primary suffered at all with respect to
21 election integrity because BIPA was enjoined during
22 the primary; correct?

23 A. At this point, we are not aware of any.

24 Q. And shifting gears just for a moment,
25 because we are talking about election integrity, if

Exhibit 29

House Bill 406
Audio Transcription
House Judiciary Hearing
February 23, 2021

<p>1 (16:10:55 – 17:24:34)</p> <p>2 MALE VOICE 1: Welcome hearing on House Bill 406.</p> <p>3 Representative Noland, Would you like to open on your bill?</p> <p>4 MALE VOICE 2: Yes, Mr. Chairman and members of the fine</p> <p>5 and hardworking, very dedicated [unintelligible] judiciary. I'm Mark</p> <p>6 Noland. If you can't remember how to spell my name, it's... "I have</p> <p>7 no land", N-O-L-A-N-D. That opportunity to present the bill before</p> <p>8 you today is... I feel it's a very solemn one. We all have probably felt</p> <p>9 the importance of voting in the the State of Montana and collecting</p> <p>10 ballots appropriately is why we bring this bill before you today. I had</p> <p>11 the privilege of serving as a poll watcher a number of years ago and</p> <p>12 witnessed some inappropriate activity. So when this bill presented</p> <p>13 itself and I thought about how to handle this, I felt like I wanted to</p> <p>14 express my opinion for doing this the appropriate way into collecting</p> <p>15 ballots in an appropriate manner. Some have heard that ballots are</p> <p>16 collected passively, they come in late, they come in boxes that are</p> <p>17 met in a timely manner and they are still allowed. So what we're</p> <p>18 trying to do is to make sure these things are done in an appropriate</p> <p>19 manner. What's one of the most important privileges we have? That</p> <p>20 is our voting. It's the election, an opportunity to vote. And this is the</p> <p>21 sacred responsibility. That's why in my beginning, I said it was a</p> <p>22 solemn thing. So I just want to say a couple of things on page 1. It</p> <p>23 talks about the ballot collection. I know you can read, but I'm gonna</p> <p>24 just cover a couple of things. Like in Point A, it says it must be a</p> <p>25 resident of the state that has the right in that sections. B, may not be</p> <p style="text-align: right;">Page 2</p>	<p>1 and spell your name and who you represent for the record. If you have</p> <p>2 any exhibits for the testimony, please give them to the representative</p> <p>3 at the ends of the table. Please don't read your testimony or repeat what</p> <p>4 has already been said. Any proponents? Moving to opponents. Any</p> <p>5 opponents in the room? We'll start with opponents online. Jaime</p> <p>6 MacNaughton?</p> <p>7 FEMALE VOICE 2: Madam Chair, members of the committee,</p> <p>8 my name is Jaime MacNaughton. That's J-A-I-M-E M-A-C-capital N-</p> <p>9 A-U-G-H-T-O-N. My chief legal council for the office of</p> <p>10 Commissioner of Political Practices. [unintelligible] is an attorney for</p> <p>11 the status to point out situations and propose legislation that might</p> <p>12 implicate constitutional rights of individuals or groups. I put those</p> <p>13 under my... keep those under my core job duties. So one of the ways</p> <p>14 that I do that when I'm involved in legation is that I don't try to bring</p> <p>15 legislation before the committee, before individuals or groups, rights</p> <p>16 that have been fully indicated in the course. That way I have some sort</p> <p>17 of guide pulls or side wheels to put on legislation to help legislators in</p> <p>18 crafting legislation that might survive constitutional scrutiny. And</p> <p>19 there's once your mayor may not be aware this currently two district</p> <p>20 court actions. Well, there are two actions that are ongoing. There were</p> <p>21 decisions last fall. I wanna say September or October at [unintelligible]</p> <p>22 county that affected the ballot interference protection act or as we call</p> <p>23 it [unintelligible]. Those cases are currently at the Montana Supreme</p> <p>24 Court and there's a pause briefing right now as we're waiting to find</p> <p>25 out where the final determination is going to be. So I want to talk about</p> <p style="text-align: right;">Page 4</p>
<p>1 paid anything or valued based on the number of ballots collected. C,</p> <p>2 shall register with election administrator in each county where the</p> <p>3 individual tends to collect them and convey ballots. In line 23, full</p> <p>4 name. 24, mailing address, occupation, employer and any entity the</p> <p>5 individual is affiliated with and collecting and conveying ballots.</p> <p>6 Turn the page. Page 2. I wanna just skip down to section 2 where it</p> <p>7 talks about ballot collection prohibited and exceptions. And the word</p> <p>8 says 2A. a person may not knowingly collect another person's...</p> <p>9 another voter's voted or unvoted ballot. Then in 2, it says except the</p> <p>10 writer of this subsection, an election official, an United States postal</p> <p>11 service worker, a caregiver, a family member, a household member</p> <p>12 or an acquaintance. In line 25, it says all is subject to penalty and it's</p> <p>13 established in 13-35-705 and then concluding on page 3, on ballot</p> <p>14 collection and convince for each ballot delivered to the point place.</p> <p>15 I'm gonna skip down to number 10. It says [unintelligible]. It says a</p> <p>16 sign form from the border conveying permission to the individual's</p> <p>17 ballot to be collected. Election administrators shall ensure that the</p> <p>18 signature on the form is verified and shall compare the signature with</p> <p>19 the border registration. Dearest committee, this is vital. This is</p> <p>20 important. We need to safeguard the integrity of the vote and the</p> <p>21 collection of the ballots [unintelligible]. Thank you. Choose me. I'll</p> <p>22 sit for questions.</p> <p>23 FEMALE VOICE 1: Thank you. [unintelligible] proponents. Up</p> <p>24 here proponent online, please raise your hand. The proponents in the</p> <p>25 room. Before we get going, please... if you're testifying, please stay</p> <p style="text-align: right;">Page 3</p>	<p>1 the differences between what's currently on the books under</p> <p>2 [unintelligible] and how House Bill 6 would change. Because if we</p> <p>3 changed that at this point of time, we could end up in further levigation</p> <p>4 levigating this new bill. So House Bill 406 will just not address the</p> <p>5 holding and one of the cases that appointments and family member are</p> <p>6 unconstitutionally big and don't survive [unintelligible] strict</p> <p>7 underneath their constitution. This case also helps that the appointment</p> <p>8 was unconstitutionally big. House Bill 406 also adds additional burden</p> <p>9 to the voter's right to vote by requiring that the voter signs a form,</p> <p>10 granting permission to the collector to collect their ballot which then</p> <p>11 must be burned in by the local collection administrators. That record</p> <p>12 keeping duty is going to be placed on the election administrators and</p> <p>13 that increases big burden they already have with the administration</p> <p>14 [unintelligible]. House Bill 406 also narrows the application of</p> <p>15 [unintelligible] but only at the ballots delivered to the point face or the</p> <p>16 election administrator's office. That might seem good on the surface.</p> <p>17 Part of the reason that the bullet helps the constitution is at the district</p> <p>18 court level. It does not apply all ballots that are collected. For example,</p> <p>19 some [unintelligible] service box or returned by mail. It also</p> <p>20 experienced the exemptions to displace the deposit. And these</p> <p>21 exemptions were held arbitrary, irrational, discriminated...</p> <p>22 FEMALE VOICE 1: Ma'am. Ma'am I need to have you finish</p> <p>23 up.</p> <p>24 FEMALE VOICE 2: Okay. Sure. And the constitutional day. It</p> <p>25 also clarifies the violation of [unintelligible] is criminal but that is</p> <p style="text-align: right;">Page 5</p>

<p>1 arguably stricter than what [unintelligible] actually currently has on</p> <p>2 what's held on constitutional. I'm only requiring a bill conjectured at</p> <p>3 the residents of the state potentially can put the name of the</p> <p>4 constitutional travel from work [unintelligible] where temperately</p> <p>5 visiting. There's a similar case that was heard in 2006 by the Montana</p> <p>6 Supreme Court with Montana's justice 2006 277. It was exactly on</p> <p>7 point residency. The definition of residency was an issue but the</p> <p>8 address interpreted is required as a context. So I just miss the</p> <p>9 information and then request it. At this point of time, we hold off into</p> <p>10 what we have from the court, what is and is not constitutional laws</p> <p>11 that we currently have. Thank you so much.</p> <p>12 FEMALE VOICE 1: Thank you. Going back to the room. Next</p> <p>13 opponent.</p> <p>14 FEMALE VOICE 3: Madam. Chair, members of the committee,</p> <p>15 thank you. My name is Allison Reinhardt, for the record, R-E-I-N-H-</p> <p>16 A-R-D-T. And I'm here on behalf of MAS, the Montana Associated</p> <p>17 Students. Young people have load of turnout already and there still</p> <p>18 we're make it harder for those people to drop of ballots whirl and</p> <p>19 [unintelligible] communities were lying organizations that help</p> <p>20 collect ballots and this bill will prohibit those organizations from</p> <p>21 collecting those. This bill takes away a central means to collect ballots</p> <p>22 and I would urge this committee to please vote no. Thank you for</p> <p>23 your time. Madam Chair, I'm actually running late to an online class.</p> <p>24 May I please be excuse?</p> <p>25 FEMALE VOICE 1: Yes. First off, any question from committee</p> <p style="text-align: right;">Page 6</p>	<p>1 there's safety nuts in place to make sure that ballots are actually</p> <p>2 delivered and [unintelligible] the voter page of the secretary offices are</p> <p>3 a really great way to check this out of the ballots and I'm concerned</p> <p>4 that this bill addresses a fear of voter fraud where there's actually</p> <p>5 limited to know evidence out in Montana and because I believe that</p> <p>6 this committee should be driven by the principles of democracy and</p> <p>7 urge that do not pass today. Thank you.</p> <p>8 MALE VOICE 3: Good afternoon, Mr. Chair, members of the</p> <p>9 committee. Keaton Sunchild, political director for Western Native</p> <p>10 Voice, S-U-N-C-H-I-L-D. We heard from the opponent earlier about</p> <p>11 the [unintelligible] lawsuit and I just wanna read a small section of that</p> <p>12 when the lower court made their decisions. That's it. This case and the</p> <p>13 facts presented at trial turned a spotlight to my fellow citizens that still</p> <p>14 live below the poverty line with limits to healthcare, government</p> <p>15 services, male services and election offices. And those citizens are</p> <p>16 native Americans. This bill is another attempt to cut into our right to</p> <p>17 vote and especially on reservations. There are reservations and</p> <p>18 members on these reservations are traveling up to 167 miles. And</p> <p>19 that's a lot of gas. That's a lot of time off from work. You're losing</p> <p>20 money paying for the gas. You're losing money by taking time off from</p> <p>21 work. And transportation itself can be hard to be secured, especially</p> <p>22 on reservations. And you know, this, being able to collect ballots and</p> <p>23 deliver ballots as our organizers did is a lifeline for folks and</p> <p>24 reservations. They need this to have their voice heard, and our electoral</p> <p>25 process and our organizers after extensive organizer training and going</p> <p style="text-align: right;">Page 8</p>
<p>1 before you go? No?</p> <p>2 FEMALE VOICE 3: Thank you.</p> <p>3 FEMALE VOICE 1: You may be excused. Thank you. Next</p> <p>4 opponent.</p> <p>5 FEMALE VOICE 4: Good afternoon, Madam Chair, members</p> <p>6 of the committee. My name is Rachel Schmidt, for the record, S-C-</p> <p>7 H-M-I-D-T. And I'm here representing the interests of the Associated</p> <p>8 Students of Montana State University. I just wanted to know I think</p> <p>9 it's very common knowledge that voter turnout among young people</p> <p>10 is pretty low, especially true of our college students. And ASMSU and</p> <p>11 our partners has been working really hard to try to change that trend.</p> <p>12 In the past, one of the meaningful ways we've been able to do this is</p> <p>13 by providing ballot drop across the campus. And so, our third party</p> <p>14 ballot drop in the past have been placed where students can come and</p> <p>15 securely drop off their ballots. There's an ASMSU full-time staff</p> <p>16 there at all times. They're not even allowed a bathroom break until</p> <p>17 they're obviously placed by another staff. These ballots are picked up</p> <p>18 frequently or deliberately frequently. They are placed in strategically</p> <p>19 public locations so that people can't mess with the boxes, like dorms,</p> <p>20 like the dinning hall, centennial mall where there's woman</p> <p>21 [unintelligible]. And the box itself is actually closed and secured so</p> <p>22 that people can't rummage through it while someone is looking in the</p> <p>23 other direction or something like that. And I think this bill will</p> <p>24 continue to take away a meaningful way to collect ballots and ensure</p> <p>25 that young people are unable to access their right to vote easily. And</p> <p style="text-align: right;">Page 7</p>	<p>1 through numerous sections of how to safely and securely collect</p> <p>2 ballots collected over 555 ballots in the 2020 General Election on our</p> <p>3 seven reservations in Montana. So in our opinion, this bill does nothing</p> <p>4 to protect our elections that are already safe, that are already secure.</p> <p>5 All it does is to protect people that are in power and their ability to stay</p> <p>6 in power rather than giving people the right to vote in our elections. So</p> <p>7 I'll be back here for questions with that we ask for a do-not-pass.</p> <p>8 Thank you.</p> <p>9 MALE VOICE 1: Thank you.</p> <p>10 FEMALE VOICE 5: Good afternoon, Mr. Chair, members of the</p> <p>11 committee. For the record, my name is Katjana Stutzer, K-A-T-J-A-N-</p> <p>12 A S-T-U-T-Z-E-R. I'm here on behalf of the Montana Public Interest</p> <p>13 Research Group, or MontPIRG. And I'm sure that this bill seems early</p> <p>14 familiar because it's substantively the same as the ballot here for</p> <p>15 protection act was overturned as unconstitutional last year. And I knew</p> <p>16 you've already heard from another opponent what the legally dubious</p> <p>17 bits of this bill are, but I'll also point out that there's only a</p> <p>18 substantively change in this version is being introduced. It's removing</p> <p>19 the sic ballot collection cap which is not the lynchpin of the ruling that</p> <p>20 I found it unconstitutional. So we believe that this bill isn't different</p> <p>21 enough and I wouldn't fall for the same fate. I'd also add that</p> <p>22 according to this record of delivery, it's gonna add a burden on our</p> <p>23 clerks who need to create a registry to report who's turning in those</p> <p>24 ballots. It's a new piece. And they need to find the signature of who's</p> <p>25 turning them in, who's doing the collecting, which creates this kind of</p> <p style="text-align: right;">Page 9</p>

<p>1 conundrum like what if this, you know, they are legal to turn the 2 ballot, they're the spouts but they're not registered to vote. Then, you 3 know, the election doesn't have many ways. They don't have that 4 signature on file. This is just extra hoops for our clerks to have to 5 jump through with this new record of the delivery system. And also 6 we feel that it'll be a violation of privacy, having to disclose our 7 relationship to the person who's delivering the ballot. There are 8 reasons that folks might not wanna do that. And then lastly, we will 9 just add that the high penalty for criminalizing, you know, sort of 10 violating this process to vote by [unintelligible] any ballot collection 11 to recur to all, we know from [unintelligible] from what the folks are 12 telling you that this is an important services that our community to 13 help make sure folks can vote. So overall we will encourage that do 14 not pass on to House Bill 406.</p> <p>15 MALE VOICE 4: Chairman, members of the committee, Sam 16 Forstag, F-O-R-S-T-A-G, here on behalf of the American Civil 17 Liberties Union of Montana. We arise an opposition of House Bill 18 406 and without going into depth, what's already been said, the 19 ACLU of Montana was party to the lawsuit, both lawsuits and 20 question here, question of native voice versus [unintelligible]. It was 21 mentioned by a previous opponent to this bill that the former of those 22 cases. It's been appealed to the Montana Supreme Court. I do have a 23 copy here of a motion a state of proceeding the department of justice 24 just yesterday. I will provide a digital copy of that for committee 25 staff and I hope that committee members will have the time to review</p> <p style="text-align: right;">Page 10</p>	<p>1 be guaranteed, overturning of this law and waste the taxpayers' dollars. 2 So I urge to vote on 406 and I appreciate your time. Thank you.</p> <p>3 MALE VOICE 1: Appreciate that. And I owe you an apology 4 'cause I forgot to reset the timer and it went off within like ten seconds 5 since you started, so I apologize. Okay.</p> <p>6 MALE VOICE 4: You know I talk quite through the timer. That's 7 true.</p> <p>8 MALE VOICE 5: Okay. [unintelligible], Mr. Chairman, members 9 of the committee. My name is Jordan Thompson. That is T-H-O-M-P- 10 S-O-N and I represent the Confederated Salish and Kootenai Tribes, 11 [unintelligible]. We oppose House Bill 406. We believe it's too vague 12 to be workable and it's likely illegal. It's too punitive to our 13 communities and it's too burdensome on our constitutional right to 14 vote, so that I ask no one to vote 406. Thank you.</p> <p>15 FEMALE VOICE 6: Mr. Chairman, members of the committee 16 Shantil Siaperas with the Montana Association of Counties. For the 17 record, S-I-A-P-E-R-A-S, here to oppose House Bill 406. We're 18 primarily just based on the [unintelligible] that will arise from the 19 section three — duties. There... it contains more duties what was 20 previously written into [unintelligible] than what's currently written 21 into [unintelligible]. Off the top of my head, this will include things 22 like managing the registry, checking the signatures, monitoring 23 violations, and when there's a violation, treating the ballot is 24 provisional. They will need to hire more staff, and I think they'll need 25 to hire quite a bit more staff. In a medium county, I'd say three, as well</p> <p style="text-align: right;">Page 12</p>
<p>1 that. This is not a court case pending relegation. This is a court case 2 that has a permanent junction file against it, for [unintelligible] and 3 this bill in particular, has no substantial difference from 4 [unintelligible] apart from that six ballot cap which was in no way, 5 crucial or keepies of those rulings. Often you see me coming before 6 you. You see ACLU before you saying that law will likely to be 7 relegated, will be relegated. This is a step beyond that. This is law 8 that has been relegated, that has been ruled down by multiple district 9 courts and the State of Montana and I offered you that as in the court 10 considering fifty plus bills over the court in three days, I hope that 11 you do take pause and consideration of this bill because it will cause 12 the State of Montana money to relegate, to process this bill that we 13 already know its rule or we already know the result of it. I know that 14 some committee members here do not like constitutional arguments 15 that are made from ACLU in front of this committee. This is not a 16 question of a case that was ruled down twenty years ago. This is not 17 a question of a case that is under appeal. These are two cases ruled 18 down two to three years. And I will offer to you that the responsible 19 thing to do on behalf of Montana voters is to vote on this bill, to table 20 it and to trust that the Supreme Court or district courts has no 21 intention of reversing themselves within two years of multiple 22 rulings. The final thing I'd like to add is of course to spoke of the 23 sponsor invent this bill. I have no question to pause attention behind 24 this bill. The question simply is what the result would be, the results 25 would be [unintelligible] American communities. The results would</p> <p style="text-align: right;">Page 11</p>	<p>1 as extra tackle like computers and finding office base. So with that, 2 Mr. Chair, thank you.</p> <p>3 FEMALE VOICE 7: Good afternoon, Mr. Chairman, members of 4 the committee. My name is Kelly Twoteeth. For the record, that is 5 spelled T-W-O-T-E-E-T-H. I'm here with Montana Native Vote. 6 Montana Native Vote would like to take advice to vote no on House 7 Bill 406. We believe this bill has a long-lasting negative impact on 8 Indian countries by further complicating the already difficult process 9 of casting your vote, with country election offices fifty plus miles 10 away, residential addresses now exists in some areas. That shifting 11 ballot [unintelligible] pickup that was usually primarily by a travel 12 outers. As this will pass, I'm afraid it means it is on the [unintelligible] 13 the largest American cognitive nation, and that's Montana. Montana 14 has an excellent example with travel-to-go relationships. Now the 15 country looks at us for advice on how to have better relationships. In 16 2017, Montana had a record voter turnout rate in the country. I'd like 17 to say that was because [unintelligible] with Montana native vote. And 18 we... in 2017, I saw my home reservation on Canada. A lot of residents 19 were giving their ballots. I want to let you know that our organization 20 trains our staff so well. I was able to tell that this is what the pressure 21 I made to complain today to tell you that's why the native voice has 22 that case. So we are trained how to do this, how to pick up ballots. In 23 2019, we felt this capital hall for indigenous people to pass hands to 24 vote shouldn't be overlooked. Our vote can flip and exist. You can put 25 trip... a travel to be placed outside, but if you put votes on bills like</p> <p style="text-align: right;">Page 13</p>

<p>1 this, this will feel at race. Please vote no. Our [unintelligible] for 2 indigenous people's inner voice.</p> <p>3 FEMALE VOICE 8: Mr. Chair, members of the committee. My 4 name is Dalayah Killback, spelled K-I-L-L-S-B-A-C-K and I'm the 5 deputy of political director from Western Native Voice. As you've 6 already heard from my colleague Keaton Sunchild, our organization 7 urges committee to table House Bill 406. Ballot collection is often 8 one of the only ways that American Indians are able to participate in 9 democratic process and this bill will disproportionately impact our 10 communities especially those on the rural reservations. And this also 11 includes the elderly, disabled voters, low-income peoples and 12 working class families. Higher turnout for Indian country has been 13 proven in our data when ballots are collected. This bill makes vote 14 more difficult, and once Indian country already faces surmountable 15 barriers to vote as you've already heard and this is not new. Ever since 16 American Indians have had their right to vote in this country, our right 17 has been attacked by those that would place barriers for our peoples. 18 Montana was once the most dedicated state in the country for twenty 19 years beginning in the 1980s when it came to the right for American 20 Indians to vote. So again, this is not new. And as you've already heard 21 [unintelligible] has been levigated recently, every citizen should have 22 fair access to the democratic process and this includes American 23 Indians. So again, our organization urges you to table this bill. Thank 24 you.</p> <p>25 Male Voice 1: Thank you. For the opponents in the room, for the</p> <p style="text-align: right;">Page 14</p>	<p>1 elections are and always have been safe and secure. This bill would 2 impose unnecessary restrictions and distance fringe high in Montana 3 voters in the name of election integrity and that's a threat to our 4 democratic process. [unintelligible] was already rejected and this 5 effort would be time-consuming and potentially cause the attempt to 6 solve the problem that does not exist. So I urges committee to vote no 7 on this bill. Thank you.</p> <p>8 MALE VOICE 1: Thank you. We'll go to Ella Smith.</p> <p>9 FEMALE VOICE 10: Thank you, Mr. Chair, members of the 10 committee. For the record, my name is Ella Smith, E-L-L-A S-M-I-T- 11 H. I'm the program director from Montana Women Vote and we're a 12 state-wide organization of low income women and families. I'm sure 13 you all know committee members that it's not just expensive in money 14 to be low income. It's expensive in time ad there are a lot of issues that 15 low-income women and families struggle across the state that provide 16 barriers to the ballot box. We've seen recently that it takes a public 17 health crisis to take people from workers and parents to teachers and 18 public health enforcers and all of these issues are compounded when 19 applied to low-income families in Montana. So I wanna urge you to 20 take into consideration some of the previous great testimony from 21 other folks opposing this bill and we will urge, do not pass on House 22 Bill 406. Thank you so much.</p> <p>23 Female Voice 1: Regina Plettenberg?</p> <p>24 FEMALE VOICE 11: Madam Chair, members of the committee, 25 my name is Regina Plettenberg. That's P-L-E-T-T-E-N-B-E-R-G. I am</p> <p style="text-align: right;">Page 16</p>
<p>1 opponents in the room, [unintelligible] we will go online at Ruthie 2 Barbour.</p> <p>3 FEMALE VOICE 9: Thank you, Mr. Chair, members of the 4 committee. My name is Ruthie Barbour. I'm here on behalf of 5 Forward Montana. My last name is spelled B-A-R-B-O-U-R. we arise 6 an opposition for House Bill 406. The opponent before me had some 7 fantastic points. We know firsthand that there are many barriers that 8 Montana faced in getting their ballots to the election office. Distance 9 like about transportation and other socioeconomic factors, so ballot 10 collection is at times the only way for Montana voters to make sure 11 their voice... their votes are counted and their voices are heard. I think 12 it's important to say again at the ballot protection act so 13 [unintelligible] was already levigated last year found to be 14 unconstitutional due to the [unintelligible] it caused. It will impose 15 on the native American communities in Montana. The minor justness 16 presented in this bill still fall under that broad really and do not 17 change this bill's unconstitutional nature. On a different note in 2019, 18 there are a lot of school elections [unintelligible] these are counting 19 elections, offices, implementing [unintelligible], using different 20 interpretations due to lack of guidance and direction on how to 21 implement this policy. So much in 2019, this bill doesn't count for 22 the additional funding and staffing likely to need to implement 23 [unintelligible] in a uniform way across the state. We've heard 24 countless times that there has not got single document in case 25 [unintelligible] violated to ballot collection in this state. Montana</p> <p style="text-align: right;">Page 15</p>	<p>1 the election administrator in [unintelligible] County and I'm also the 2 legislated chair of Montana Association of Clerks and Records and 3 Election Administrators. And we do oppose this bill. Many people 4 have made good points on the legal part of this. I kind of... I just want 5 to speak for the voters. We were on the front line and we've got to hear 6 the voter's response to the [unintelligible] when we enforced it 2019 7 and I had a county-wide election. This is just a fact for republicans or 8 democrats. I heard from all my voters they remembered voting on this 9 but they did not realize it was gonna read. They thought family 10 members, all those people, caregiver, household member, 11 acquaintance were exempts. From this apt, they didn't think they had 12 to fill out the registry and I can tell you it's thousands of probably 13 [unintelligible] that we heard from, so I don't think the voters... I think 14 they understood what they were voting for. They don't want... you 15 know, they want it to be careful with strangers but I think that they also 16 want to be able to give that out. That's not everyone. But that's... you 17 know, the voters that I heard from did struggle with that. And so, we 18 just feel that this is putting that back and of course I'm a little confused 19 on the new section 1 with the ballot collection. I'm wondering now 20 why it requires people to fill out a form before they collect a ballot and 21 also a form on conveyance of the ballot. I don't know how that all 22 works together again. It's vague again. So will we implement this, I'm 23 wondering? Do we make the determination right away? It sounds like 24 we have to because if a ballot is in violation, then we have to make a 25 provisional ballot and so that is gonna be a lot of work that we have</p> <p style="text-align: right;">Page 17</p>

<p>1 to do quickly to make that determination and to reach out to the</p> <p>2 voters. So this would be another tough one to implement. I think it's</p> <p>3 even tougher than the first version. So for all these reasons, we hope</p> <p>4 this committee will not pass this bill. Thank you.</p> <p>5 MALE VOICE 1: Thank you. We'll go to Alanna Wulf.</p> <p>6 FEMALE VOICE 12: Thank you Mr. Chairman, members of the</p> <p>7 committee. Alanna Wulf, that's A-L-A-N-N-A W-U-L-F. I'm here</p> <p>8 on behalf of Big Sky 55+. For all the reasons previously stated, for</p> <p>9 those many elderly, immobile, limited individuals across the state rely</p> <p>10 about the collection to have their ballots delivered on time. I urge you</p> <p>11 to vote no on this bill. Thank you for your time.</p> <p>12 MALE VOICE 1: Thank you. Patrick [unintelligible]?</p> <p>13 [unintelligible]. Patrick. We don't allow Patrick to reposit anything if</p> <p>14 we could go to next person. If you could change yours to just the</p> <p>15 black screen, we'll come back to you. We'll go to Andy Werk.</p> <p>16 MALE VOICE 6: Good afternoon, Mr. Chair, members of the</p> <p>17 committee. My name is Andy Werk Jr and that's W-E-L-R-K. I'm the</p> <p>18 president of Fort Belknap Indian Community for the [unintelligible]</p> <p>19 tribes [unintelligible]. Here for ballot, myself and our council</p> <p>20 strongly oppose House Bill 406. For [unintelligible]-based</p> <p>21 reservations has about 8400 tribal members, about 4,000 of them live</p> <p>22 on the reservation, 2,000 [unintelligible]. Our reservations spent</p> <p>23 about 675 dollars per acre. The vast majority houses on our</p> <p>24 reservations do not receive home mail delivery. There's only one post</p> <p>25 office on the fore front of reservations. On the fore front of</p> <p style="text-align: right;">Page 18</p>	<p>1 House Bill 406 will make it very difficult for our tribal members to</p> <p>2 vote, our tribal members to live on and our reservations</p> <p>3 disproportionately rely on a ballot conveyance in order to participate</p> <p>4 in Montana elections. We are already proven in court that on our</p> <p>5 reservations it is common that people need cars and gas to collect mails</p> <p>6 for others and take it to the post office. The exceptions for the family</p> <p>7 member waiting to not equitably cover the type of mail, pick up and</p> <p>8 drop off occurs to the community. The type of mail pick up and drop</p> <p>9 off is widespread in our community because it's very difficult to access</p> <p>10 mail. We have to pull resources to overcome burdens. Sizeable</p> <p>11 numbers of our tribal members are unemployed that live lower than</p> <p>12 the poverty level. The vehicles in our reservations are sometimes</p> <p>13 scarce and often shared. Limits on our healthcare government services,</p> <p>14 mail services and election offices make have caused associated House</p> <p>15 Bill 406 simply too high...</p> <p>16 MALE VOICE 1: Please wrap it up.</p> <p>17 MALE VOICE 6: Okay. There's one thing I could tell the</p> <p>18 committee and Mr. Chairman. Because the court already found the</p> <p>19 unconstitutional and the burdens placed on our community members,</p> <p>20 it tends to pass this bill that imposes the same burdens that</p> <p>21 substantially discriminating. The [unintelligible] community</p> <p>22 strongly opposes the adoption of House Bill 406. Thank you Mr.</p> <p>23 Chairman and members of committee.</p> <p>24 MALE VOICE 1: Thank you. Joan Kresich? Kresich?</p> <p>25 FEMALE VOICE 13: Thank you, Chair and committee members.</p> <p style="text-align: right;">Page 20</p>
<p>1 reservations, most of all have to have others pick up their mail for</p> <p>2 them. [unintelligible] tribes voted on Montana elections to the</p> <p>3 collections and conveyance of their ballots to the local election office</p> <p>4 by community members and third parties. Most of the tribes and</p> <p>5 Montana included [unintelligible] only five months ago, when a loss</p> <p>6 declaring them. There's constitutional court found [unintelligible]</p> <p>7 like you heard, are provident to collect ballots more than 6,000</p> <p>8 Indians collected to sign the registry form on a fundamental right</p> <p>9 book protected by the Montana constitution violates our fundamental</p> <p>10 right, freedom of speech, violates the right to do process. House Bill</p> <p>11 406 has even more strange than [unintelligible]. It's unconstitutional</p> <p>12 for the same reasons. Like [unintelligible], House Bill 406 would be</p> <p>13 subject to a strict rule, which means that the state must show that the</p> <p>14 laws nearly table to serve the compelling government like... just like</p> <p>15 [unintelligible]. House Bill 406 does not serve the compelling</p> <p>16 government or interests. The [unintelligible] levigation the court</p> <p>17 found that all testimony by election administrators was that ballot</p> <p>18 collection was not and has never been a problem on Montana. The</p> <p>19 state admitted that there's not a single example of voter fraud in</p> <p>20 Montana caused by the ballot collection. Any suggestions that there's</p> <p>21 a voter fraud here in American reservations is a lie. There's no</p> <p>22 evidence of voter fraud on voter's ballot reservations and it's</p> <p>23 disrespectful to local charge a fraud and communities without</p> <p>24 providing any evidence. It's even worse to legislation based on these</p> <p>25 lies making it harder for our communities to vote. Make no mistake,</p> <p style="text-align: right;">Page 19</p>	<p>1 My name is Joan Kresich, K-R-E-S-I-C-H. I live in [unintelligible]. I</p> <p>2 arise an opposition to this bill as the member speaking on behalf of</p> <p>3 [unintelligible] Resource Council. I'm going to eliminate much of my</p> <p>4 testimony because of powerful testimony that proceeded me. I just</p> <p>5 want to say that with respect to the sponsor, this bill is a solution in</p> <p>6 search of the problem which clearly does not exist. Several people</p> <p>7 have pointed out that there is no documented case of voter fraud in</p> <p>8 Montana and no problem with ballot collection is working and it's</p> <p>9 working just mine. Several people have gone over the issue of the</p> <p>10 unconstitutionality of this bill. It's sad to think about putting something</p> <p>11 forward that is absolutely going to face a legal challenge. And that</p> <p>12 means that we citizens will be paying for this. Also I think there was</p> <p>13 really clear testimony about the confusion this is going to cause in</p> <p>14 terms of a registry, how that's going to function, extra burden, really</p> <p>15 sounds like will just lead to chaos on vote today which we don't need.</p> <p>16 So I'm gonna stop there but I do feel like it's really clear that this bill</p> <p>17 is not needed. It's not going to help things. It's not going to support</p> <p>18 people to vote and it's probably unconstitutional. So please oppose this</p> <p>19 bill. Thank you.</p> <p>20 MALE VOICE 1: Thank you. Let's try going back to Patrick</p> <p>21 [unintelligible]. I see you are not able to move your pictures. So we'll</p> <p>22 go to Danielle Vazquez.</p> <p>23 FEMALE VOICE 14: Hi. Good afternoon, Mr. Chair and</p> <p>24 members of the committee. Thank you for allowing me to speak today.</p> <p>25 My name is Danielle Vazquez. For the record, that's V-A-Z-Q-U-E-Z.</p> <p style="text-align: right;">Page 21</p>

<p>1 Today I speak on behalf of both myself and the Indigenous 2 Organization of Montana and we arise a strong opposition to House 3 Bill 406. In addition to all those things that have already been said, 4 we believe that this will create so many barriers for voters to cast their 5 vote and would have a specially harmful impact on those living on 6 reservations. And on the personal voters of depression, there's not an 7 election integrity. Again, we are asking you to vote no on this bill. 8 Thank you.</p> <p>9 MALE VOICE 1: Thank you. Margaret Bentwood?</p> <p>10 FEMALE VOICE 15: Thank you Mr. Chair and members of the 11 committee. My name is Margaret Bentwood, and that's B-E-N-T-W- 12 O-O-D. I'm appearing here on behalf of the League of Women Voters 13 of Montana. The League of Women Voters of Montana was founded 14 over 100 years ago. We are non-partisen. Our goal is to promote 15 democracy and specifically to promote high integrity elections. I have 16 all read testimony by today. You already have it before you. This bill 17 puts limitations on Montanans who don't have the ability to get to a 18 mailbox or a ballot drop box and need to rely on other Montanans to 19 help them. This bill will disproportionately affect low-income people, 20 young people and minority voters. By discouraging Montanans from 21 voting, House Bill 406 actually reduces election integrity and it's 22 therefore harmful to democracy. The League of Women Voters asks 23 the House Judiciary Committee to reject House Bill 406. Thank you.</p> <p>24 MALE VOICE 1: Thank you. We'll try Patrick one more time 25 to see if your pictures will move. No. No. The picture is still there. So</p> <p style="text-align: right;">Page 22</p>	<p>1 safely and securely drop off those ballots at the election office or those 2 drop off locations, then it makes a lot easier for everybody.</p> <p>3 MALE VOICE 1: Follow up.</p> <p>4 MALE VOICE 8: Follow up. How many boxes are there per 5 reservation would you know?</p> <p>6 MALE VOICE 3: Mr. Chair, Representative Hawk. It kind of 7 depends based on reservation and population. Some have one, some 8 have up to four or five.</p> <p>9 MALE VOICE 8: Representative Carlson.</p> <p>10 FEMALE VOICE 16: Thank you Mr. Chair. Mr. Representative, 11 please. Mr. Chair, representative, for me, this entire bill right now is 12 hinging on what's your definition of acquaintance.</p> <p>13 MALE VOICE 2: Okay. Thank you Mr. Chair and Representative 14 Carlson. I did want a touch on that. When you look at page 2, which 15 I'd refer it to, start at line 13 and "acquaintance" goes down to number 16 24 and I'm gonna get to that. Caregiver, family member or household 17 member and acquaintance. We have left that open so that people don't 18 have to be worried that they can't get somebody pick up their ballots. 19 It's somebody that you know. It's pretty simple. We are not trying to 20 discourage it but we just want to have it listed so that people would do 21 the procedure to get their ballots into the right places into the boxes in 22 a timely manner in a roll. That's the end of the question I'm sure.</p> <p>23 FEMALE VOICE 16: Follow up.</p> <p>24 MALE VOICE 1: Follow up.</p> <p>25 FEMALE VOICE 16: And hank you. Mr. Chair and</p> <p style="text-align: right;">Page 24</p>
<p>1 my suggestion is you submit your testimony via written testimony, 2 you can email that in. Any further opponents? Any opponents in 3 person or online? Seeing non. Informational witnesses.</p> <p>4 MALE VOICE 7: Good afternoon, Mr. Chair and members of 5 the committee. Dana Corson, C-O-R-S-O-N, Montana Secretary of 6 State's Office.</p> <p>7 MALE VOICE 1: Any additional informational witnesses on 8 House Bill 406? Seeing non. Questions from the committee.</p> <p>9 Representative Hawk.</p> <p>10 MALE VOICE 8: I have a question for Keaton Sunchild.</p> <p>11 MALE VOICE 3: Mr. Chair, Representative Hawk.</p> <p>12 MALE VOICE 8: Thank you Chair. Thank you Mr. Sunchild. I 13 was wondering with a lot of reservations have ballot drop boxes if not 14 mistaken. What would make collecting ballots? Why would you need 15 to collect ballots if you have drop boxes?</p> <p>16 MALE VOICE 3: Yeah. A lot of the drop boxes are still along 17 with from villages so you are still traveling. A lot of folks don't have 18 access to reliable transportation, especially in a year like this. Our 19 elderly couldn't leave their houses without risking their lives. You'd 20 never know with weather in November of Montana, people might not 21 feel safe driving and you know I think, I mean the closest drop boxes 22 is four miles from some reservations and 16 in different ones. And 23 that doesn't seem like a long way for us but a rural Montana that could 24 be long ways in the winter if you don't have a good car or not. But if 25 you have somebody like an organizer or an organization who can</p> <p style="text-align: right;">Page 23</p>	<p>1 Representative. Also we've heard a lot about [unintelligible] today. 2 [unintelligible] had a very strict limit of six ballots per collector and 3 I'm not seeing a limit per person to collect in this bill as long as that 4 person registered as required in new section 1. Am I correct?</p> <p>5 MALE VOICE 2: Mr. Chairman, Representative Carlson. That is 6 correct. And we want to elaborate on it a little bit. The process what 7 we are trying to accomplish have a lot of testimony is bounding that 8 we are limiting people's opportunity. We are not trying to do that. This 9 bill does not do that but it does give the boxes and the spot for people 10 of six or eight as they follow the guidelines, they can collect those 11 Now, I guess I'll say my last for closing later.</p> <p>12 FEMALE VOICE 16: Follow up.</p> <p>13 MALE VOICE 1: Follow up.</p> <p>14 FEMALE VOICE 16: Okay. So adding those Mr. Chair, 15 Representative, adding my two questions together. We come up with 16 if there was an organization such as what's representative to us by a 17 witness just a minute ago. And they had made an acquaintance in the 18 area that they were helping with ballots and they were following the 19 procedures on page one and filling out the forms as we required with 20 this signature of the voter and there is no limit to the number of the 21 ballots per registered collector. I'm not seeing the problem that was 22 represented in the testimony today so I wonder if I'm missing 23 something very important because I'm seeing... I'm not seeing the 24 problem. Can you add if I miss anything important?</p> <p>25 MALE VOICE 2: Yes. Thank you. You are not missing something</p> <p style="text-align: right;">Page 25</p>

<p>1 MALE VOICE 1: No, sir.</p> <p>2 MALE VOICE 2: I have. That's 'cause you're the church</p> <p>3 judiciary, so you wouldn't dare. So Mr. Corson.</p> <p>4 MALE VOICE 7: And thank you Mr. Chair for the question. So</p> <p>5 in terms of legal review, the only office is our staff attorney on board.</p> <p>6 We reviewed it for the types of duties and responsibilities we already</p> <p>7 have, knowing the changes you can see interlined or underlined</p> <p>8 throughout the document. It's proposed legislation which is that, the...</p> <p>9 that would be good work for this. At the description of the sponsor to</p> <p>10 provide for the committee for consideration.</p> <p>11 MALE VOICE 1: Thank you. You should become a politician.</p> <p>12 That's it when the bill sponsor would like to close on his bill.</p> <p>13 MALE VOICE 2: I would. Thank you. Thank you for your</p> <p>14 patience on a hot afternoon in [unintelligible] room anyway.</p> <p>15 MALE VOICE 1: You can say it's snowing.</p> <p>16 MALE VOICE 2: The heat is coming from the front of the room,</p> <p>17 but anyway. Members that are not afraid, of delegation, we heard a</p> <p>18 lot of fear, why would we do this? We're gonna get sue. We're</p> <p>19 gonna... this would come after. We're gonna get all these things. You</p> <p>20 know we are only here, for ninety days to get the job done. That's</p> <p>21 legislators. That's our cast. That's our job. That's what we've been</p> <p>22 sent here to do. That's what we would get paid [unintelligible]. I have</p> <p>23 another question: what is wrong with verifying someone's signature?</p> <p>24 Now some of them said we do that all the time. Okay. Great. Some</p> <p>25 people are saying it's too hard to get them into doing this. I don't see</p> <p style="text-align: right;">Page 34</p>	<p>1 license renewed, we get our ballots in and we get them dropped in the</p> <p>2 right place and House Bill 406 helps us to do that. So I mention this</p> <p>3 I'll say, I guess one more time, we had bad luck, and that's changed a</p> <p>4 lot. And that'd what we are here to do on House Bill 406. This bill</p> <p>5 gives guidance to organizations in some situations. Some people need</p> <p>6 that. We have... we've heard it will be hard for people to get to their</p> <p>7 vote and to be positive. And I just want to read in page 2 line 15 is</p> <p>8 what I want to quote. "You can get it taken to election official and the</p> <p>9 postal service workers can do this individual, specifically authorized</p> <p>10 by law to transmit United States mail, again a caregiver, a family</p> <p>11 member, a household member or an acquaintance." This is not that</p> <p>12 we're trying to make it difficult. It looks like my time is up. Before I</p> <p>13 get water thrown on me, members please, this is important. Our</p> <p>14 apologized to in advance for not having any other proponent here. I</p> <p>15 don't order that, but I had confirmation that they would be here until</p> <p>16 probably because of the late hour and they thought it was happening</p> <p>17 earlier. I apologize to that. It's a good bill. Please consider it. Thank</p> <p>18 you.</p> <p>19 MALE VOICE 1: Thank you and for future reference once the</p> <p>20 time goes off, you have approximately 60 seconds left. So you have</p> <p>21 plenty of time.</p> <p>22 MALE VOICE 2: So in conclusion, I...</p> <p>23 MALE VOICE 1: This closes the hearing on House Bill 406.</p> <p>24 Open executive action on House Bill 406. Representative Berglee.</p> <p>25 MALE VOICE 11: Mr. Chairman, I do pass House Bill 406.</p> <p style="text-align: right;">Page 36</p>
<p>1 there's an issue. What is wrong with defining where we drop off</p> <p>2 ballots? I heard from a question that one of our representatives asked</p> <p>3 how many do we have now he's safely talking about a belief in a tribal</p> <p>4 area and there's one up to four maybe more. We know where these</p> <p>5 are at. Members, what is our job as legislators? Make law. Okay. If</p> <p>6 we have a bad luck, we need to resend it and make something better.</p> <p>7 We are here ninety days and we are here to ask to make a decision. If</p> <p>8 a court makes a bad ruling, does that stop us from making that a good</p> <p>9 law? Is because they did something wrong? That's my thought. So</p> <p>10 I'll pose that we do our best to make the protection of the ballots as</p> <p>11 sacred and special as they are. I [unintelligible] this so I wanna get</p> <p>12 back to this. We are all adults. Everybody's voting. And who are</p> <p>13 voting? Can we each figure out where to vote, as adults, and how to</p> <p>14 vote? Example I would like to use. If you have your driver license</p> <p>15 gonna expire, guess what, everyone of us, I think everybody would</p> <p>16 go figure out I gotta get that driver's license renewed. Voting, we</p> <p>17 know where it's gonna drop our ballots off. We know there's a time</p> <p>18 frame. This is not a hard thing. People have made it become a hard</p> <p>19 thing. So people wait till the last minute but it's integrity to vote. You</p> <p>20 and I and every person in this state of Montana knows when we vote.</p> <p>21 Now some people forget, so we have people reminders. We send out</p> <p>22 mailing and we do a lot of things to help the good folks to know when</p> <p>23 there's supposed to get the ballots in. Members, we have a charge to</p> <p>24 do the right thing and today I'm telling you, to ask you to do the right</p> <p>25 thing here is to, just like we go get our license renewed, our driver's</p> <p style="text-align: right;">Page 35</p>	<p>1 MALE VOICE 1: Discussion. Representative Kelker.</p> <p>2 FEMALE VOICE 17: I move to table.</p> <p>3 MALE VOICE 1: Non-debatable. Motion will do a roll call</p> <p>4 though.</p> <p>5 FEMALE VOICE 1: Vice Chair Regier.</p> <p>6 MALE VOICE 11: No by proxy.</p> <p>7 FEMALE VOICE 1: Vice Chair Kelker.</p> <p>8 FEMALE VOICE 17: Yes.</p> <p>9 FEMALE VOICE 1: Representative Carlson.</p> <p>10 FEMALE VOICE 20: No.</p> <p>11 FEMALE VOICE 1: Representative [unintelligible].</p> <p>12 FEMALE VOICE 21: No.</p> <p>13 FEMALE VOICE 1: Representative Berglee.</p> <p>14 MALE VOICE 12: No.</p> <p>15 FEMALE VOICE 1: Representative [unintelligible].</p> <p>16 MALE VOICE 13: No.</p> <p>17 FEMALE VOICE 1: Representative [unintelligible].</p> <p>18 MALE VOICE 14: No.</p> <p>19 FEMALE VOICE 1: Representative Stafman.</p> <p>20 MALE VOICE 7: Yes.</p> <p>21 FEMALE VOICE 1: Representative Lenz.</p> <p>22 MALE VOICE 15: No by proxy.</p> <p>23 FEMALE VOICE 1: Representative Gillette.</p> <p>24 MALE VOICE 16: No by proxy.</p> <p>25 FEMALE VOICE 1: Representative [unintelligible].</p> <p style="text-align: right;">Page 37</p>

House Bill 406
Audio Transcription
Senate State Administration Hearing
March 22, 2021

<p>1 World country has better system than we do doesn't make much 2 sense. So Montana could do better. And I believe you...representives 3 here can truly make a difference by supporting this Bill. Thank you. 4 MALE VOICE 1: Thank you. Mr. Rivera. Further proponents. 5 MALE VOICE 5: Hello, my name is Jacob Corcoran, I'm here, 6 both as a citizen and as a representative of the Freedom Protection 7 Project, where... 8 MALE VOICE 1: Could you please spell your last name for us? 9 MALE VOICE 5: It is Corcoran, C-O-R-C-O-R-A-N. 10 MALE VOICE 1: Thank you. 11 MALE VOICE 5: Free Protection Project is a group we've 12 assigned ourselves the duty of trying to protect and uphold the 13 citizens of Montana's constitutional rights. The right to vote is 14 probably one of the most important, giving as we are a constitutional 15 republic. Myself, I am Native American, I would love this bill to be 16 voted in simply because you have groups of individuals out there, and 17 you cannot say that all of them are malicious, but I could tell you, 18 based on personal experience and from listening to people that have 19 come from that lifestyle of living on the reservation that if you have 20 an individual who is either a lobbyist type person and goes out there 21 to ballast harvest and goes, ballot harvest, excuse me, goes out their 22 door to door on a reservation. Grabs those ballots comes back and 23 just loses them. How do we hold that person accountable, to speak on 24 the same point of Mr. Rivera. They could go door to door on each 25 property on the reservation, and that could leave minorities in this</p> <p style="text-align: right;">Page 10</p>	<p>1 MALE VOICE 1: Ms. Caldwell. 2 FEMALE VOICE 3: Hi Chair and the members of the committee. 3 Thank you for your work evaluating this Bill. My name is Lauren 4 Caldwell, that's L-A-U-R-E-N and the last name is C-A-L-D-W-E-L- 5 L. And I think there are some folks who can speak more to the details 6 of this Bill and the legal challenges it will face as its predecessor faced, 7 but I just want to stress it is unnecessary, as our elections are currently 8 and safe and secure in Montana. That it is unpopular among the folks 9 that oversee our elections, which I can feel here. That they don't want 10 this Bill and it's unconstitutional, so you're going to hear more about 11 that, but obviously we saw that legal challenge in this... Woman who 12 spoke just before me said we're bound to see it again or do not pass 13 Bills that just repeat the same challenges. Thank you very much. 14 MALE VOICE 1: Thank you, Ms. Caldwell. Further opponents. 15 MALE VOICE 6: Mr. Chair, we have Ella Smith. 16 MALE VOICE 1: Ms. Smith. 17 FEMALE VOICE 4: Thank you, Mr. Chair and members of the 18 committee, my name is Ella Smith. E-L-L-A-S-M-I-T-H. And I'm in 19 the program director for Montana Women Vote, a statewide 20 organization of low-income families, and we rise in opposition to 21 House Bill 406. This Bill would disenfranchise low-income, native 22 American and voters with disabilities in math. I won't repeat or go 23 ahead of some of the testimony you'll hear from other opponents. But 24 I will share a bit about what we hear every election in our 25 conversations with low-income voters across the states. We hear from</p> <p style="text-align: right;">Page 12</p>
<p>1 state disenfranchised. I would like to see that not happen. As it is a 2 constitutional right to vote, I would never say that you would take 3 away anyone's ability to cast their ballot, so obviously, allowing 4 people to still go out and collect this information is needed. But we 5 need to make sure we are not disenfranchising a certain minority, 6 which is most prevalent in Montana as native Americans. We cannot 7 allow that to move through there. That would be my Bill. Please vote 8 yes. 9 MALE VOICE 1: Thank you, Mr. Corcoran. Further 10 proponents. Proponents online. 11 MALE VOICE 6: Mr. Chair, there is none. 12 MALE VOICE 1: Okay. Opponents online? 13 MALE VOICE 6: Mr. Chair, we have Alanna Wulf. 14 MALE VOICE 1: Ms. Wulf? 15 FEMALE VOICE 2: Hello, Mr. Chairman, thank you very much 16 for this time, my name is Alanna Wulf, that's A-L-A-N-N-A W-U-L- 17 F, and I'm with Big Sky 55+, a nonprofit that advocates on behalf of 18 seniors, 55 and older. And we stand in opposition to this Bill. The 19 ruling on [unintelligible] was broad, and the minor adjustments 20 included in House Bill 406 do not somehow make this... make 406 21 acceptable or constitutional. All you are going to do if you pass this 22 bill is waste taxpayer dollars on the lawsuit, so we urge you to vote 23 now. Thank you. 24 MALE VOICE 1: Thank you. Miss Wulf. Further opponents. 25 MALE VOICE 6: Mr. Chair, we have Lauren Caldwell.</p> <p style="text-align: right;">Page 11</p>	<p>1 isolated, older voters without means of transportation, from folks who 2 don't have time to drop off their ballots because they work three jobs 3 to support their families, folks who live far away from their elections 4 office and don't have a way to drop their ballot off in person and may 5 not be able to afford postage in the years that that has been necessary. 6 We hear a number of stories that are case by case that create a situation 7 where people are unable to drop off their ballot. And may not have a 8 close acquaintance or a close person in their life who's able to do it for 9 them. And there are not a lot of options for these people to make their 10 voices heard at the ballot box. So this still would put our ability to help 11 these folks at risk. There's still target communities that already face 12 multiple barriers to the ballot. And this still creates confusion and fear 13 and perpetuates the culture of distrust in our elections. Montana 14 Woman Vote urges this committee to vote no on House Bill 406, thank 15 you for your time. 16 MALE VOICE 1: Thank you, Ms. Smith. Further opponents. 17 MALE VOICE 6: Mr. Chair, we have Sapphire Carter. 18 MALE VOICE 1: Ms. Carter. 19 FEMALE VOICE 5: Thank you. Members of the committee, 20 thank you for your time today. My name is Sofa Carter, and I am a 21 member of the Chippewa-Cree tribe. An active voter, young person 22 and board member for Montana. We're deeply concerned about the 23 fact that House Bill 406 may have on our upcoming 2022 election 24 processes. Our sister organization for Montana Foundation conducts 25 election protection efforts across the state. Ensuring that both voters</p> <p style="text-align: right;">Page 13</p>

1 and election administrators have the information and support they
 2 need to make sure election processes remain effective, efficient and
 3 accessible to all voters across the state. In 2019, we were deeply
 4 concerned by the confusion BIPA created for all voters. For a
 5 Montana foundation was contacted by many students who are
 6 counting on our ballot collection services only to be told we weren't
 7 able to assist. In lines of the county elections office, we witnessed
 8 both election officials and voters' confusion and frustration by the
 9 new hurdle that bit but forced them to jump through when trying to
 10 simply exercise their civic duty. Voting in Montana elections should
 11 be an accessible process for all eligible Montana residents. The
 12 requirements and implementation of House Bill 406 create
 13 unnecessary barriers to the ballot box for Montanans by placing
 14 restrictions like these on our voting process, we make it unnecessarily
 15 difficult for our seniors, military members, students and working
 16 families, to participate in our democracy. The confusion and
 17 disenfranchisement caused by BIPA resulted in litigation just last year
 18 that found this measure to be unconstitutional. This Bill would very
 19 likely have the same fate if it is passed. I encourage the committee to
 20 think of the burden, House Bill 406 would place on the shoulders of
 21 voters and election administrators. We all want to ensure that
 22 everyone has an access to an election process that is easy to navigate
 23 and secure. Please vote no on House Bill 406. Thank you for your
 24 time.
 25 MALE VOICE 1: Thank you much, Ms. Carter. Further

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1 opponents online.
 2 MALE VOICE 6: Mr. Chair, we have Wyatt Clark.
 3 MALE VOICE 1: Mr. Clark.
 4 MALE VOICE 7: Good afternoon, can you hear me?
 5 MALE VOICE 1: Yes, we can.
 6 MALE VOICE 7: All right, thank you, Mr. Chair and members
 7 of the committee, it's a privilege to be able to speak before you today.
 8 My name is Wyatt Clark. Spell C-L-A-R-K, and I'm a resident of
 9 Conran, Montana. I'm speaking before you today in opposition to HB
 10 406 because I believe it's a stark contradiction to the rights and
 11 liberties guaranteed to the people of this nation and to the state. Let
 12 me be clear that the courts have also been clear that this push to limit
 13 people's access to the voting booth is unconstitutional. And that
 14 unfairly and disproportionately places burden onto native Americans'
 15 living on reservations, on to students, the elderly, the impoverished,
 16 those living in rural areas, and any whose work and family care and
 17 responsibilities limit their ability to return their absentee ballot on
 18 their own. Let me quote U.S. District Judge Dana Christensen, who
 19 made clear that those who shall voter fraud can provide no evidence
 20 that it exists. "For truth, there has not existed a single point of voter
 21 fraud in the last twenty years of Montana history." There are those
 22 who deny progress and have sought to prevent the expansion of
 23 liberties and freedoms for which people are entitled and those who
 24 seek to legislate oppression are not looked kindly upon in history. The
 25 argument that we have heard today that voter fraud is rampant, or that

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1 the integrity of Montana's voting system is at risk are the same
 2 arguments that we have heard time and time again through history. We
 3 heard these arguments when we sought to ratify both the 14th and 15th
 4 Amendments to the US Constitution. We heard these arguments when
 5 women marched in 1920 for the right to vote, and four years later when
 6 Native Americans did the same. Again, these false acts of fear migraine
 7 were heard when America sought to enact the Civil Rights Act and the
 8 Voting Rights Act. For every step towards the expansion of liberties
 9 and voters rights that America has taken, there has always been a few
 10 unwilling, unkindly bunch who refuse to accept that all people ought
 11 to enjoy the right to participate in our republics, most sacred act, which
 12 is voting. History shines brightest on those who do the right thing, who
 13 fight to ensure that all people are represented fairly and justly. And
 14 those who refuse to accept this truth are often forgotten. Montana
 15 preamble presents to each and every one of us a clear mission--to
 16 improve the quality of life, the quality of opportunity and to secure the
 17 buses of liberty for this in future generations. We all must ask
 18 ourselves, whether or not this Bill really improves the quality of life
 19 and liberty for Montanans. Or rather, does it stand to restrict and cage
 20 the freedoms of Montana. Thank you.
 21 MALE VOICE 1: Thank you, Mr. Clark. Further opponents.
 22 MALE VOICE 6: Mr. Chair, we have Margaret Bentwood.
 23 MALE VOICE 1: Ms. Bredwood. Ms. Bentwood. Excuse Me.
 24 FEMALE VOICE 6: Thank you Mr. Chair and members of the
 25 committee. My name is Margaret Bentwood, B-E-N-T-W-O-O-D, and

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1 I am representing the League of Women Voters of Montana today. We
 2 believe that voting is a fundamental civil right... citizens right, that
 3 must be guaranteed. This has been a basic lead principle for one
 4 hundred years. House Bill 406 put limitations on people who don't
 5 have the ability to get to a mail box or ballot drop box themselves and
 6 need to rely on others. The Bill will disproportionately affect low-
 7 income, young people, minority voters and would not be outweighed
 8 by improvement in election integrity. By preventing citizens from
 9 voting, House Bill 406 actually reduces election integrity and harms
 10 our democracy. House Bill 406's ballot collection restrictions would
 11 also cause problems for Montana taxpayers because it will be subject
 12 to costly litigation. It violates the Montanic state constitution for the
 13 same reasons that the state court ruled that BIPA was unconstitutional
 14 last fall. And House Bill 406 violates the 1st and 14th Amendments of
 15 the US constitution because it creates a burden on eligible voters
 16 exercising the right to vote, especially for low income and rural voters.
 17 And it doesn't serve an important interest for Montana because there
 18 is no evidence of fraud. From third party ballot collection in the state.
 19 Third, House Bill 406 violate Section two of the Federal Voting Rights
 20 Act as a consequence of historical and ongoing discrimination because
 21 the restriction will disproportionately burden minority voters,
 22 particularly a maid of American voters living on reservations in
 23 Montana. Fourth, House Bill 406 also requires election officials to
 24 verify voters signature for ballots collected and delivered by approved
 25 third parties. That provision is constitutional only if election officials

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1 follow adequate notice and cure procedures. For the voter to fix
 2 perceived discrepancies before their ballots can be rejected. And in
 3 addition, new signature matching requirements multiply our concerns
 4 about arbitrary rejections and further expose the Bill to greater legal
 5 jeopardy. The practical burdens of House Bill 406 are very high.
 6 When a voter's person chosen to drop off the voters completed ballot,
 7 that person first has to be registered with the state, then correctly,
 8 complete paperwork with the voter, then correctly complete
 9 paperwork at the polling place or election office to register the
 10 delivery with election officials. If well intentioned ballot deliverers
 11 make a mistake, they could be convicted of a criminal misdemeanor
 12 offense, and incur a penalty 500 dollars for each wrongly delivered
 13 ballot. And that is chilling. The League of Women Voters asks the
 14 States Administration Committee to reject House Bill 406. Thank you
 15 for your time and for your consideration today.

16 MALE VOICE 1: Thank you. Miss Bentwood. Further
 17 opponents.

18 MALE VOICE 6: Mr. Chair, we have Emma Bode.

19 MALE VOICE 1: Ms. Bode.

20 FEMALE VOICE 7: Good afternoon, Chair Kary and members
 21 of the committee. My name is Anna Bode, spelled E-M-M-A-B-O-
 22 D-E. And I'm here as a concerned citizen of Gallatin County. I oppose
 23 HB 406 because this bill would prohibit ballot collection boxes,
 24 increasing the burden Montana students face and casting a vote. I
 25 know this because I used about collection box. Well, I was a student

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1 at Montana State University. As an undergraduate, my parents
 2 couldn't afford to send me to college with my own car, and I was
 3 spending all my savings on my education. I often had to rely on my
 4 own two feet to get around. I took a full course load each semester
 5 that I could finish on time while also working part time as an
 6 undergraduate researcher and running a student club. I was busy but
 7 also passionate about making my voice heard in local elections. At
 8 that time, there was no polling place at MSU. When I first learned
 9 that there would be a ballot collection box on my campus for an
 10 upcoming municipal election, I felt relieved that I was not going to
 11 have to take time away from my studies or my work to figure out a
 12 way to pass my vote. I knew I needed to vote early because it was
 13 finals week, and I had plans to head home the following week to be
 14 with my family. It was too late to mail my ballot in, and the elections
 15 office would have been a 40-minute round trip walk during a week
 16 where every hour of studying time felt extra important. The drop off
 17 box was provided the Thursday before the election, and allowed me
 18 to bring my completed absentee ballot to campus and drop it off
 19 between finals. I remember being so excited about the service and
 20 making my voice heard that I posted a selfie to Instagram,
 21 encouraging all my peers to bring their ballots over to. Since then,
 22 MSU has regained its pulling place. And even partnered with Galton
 23 County Elections Office to provide on campus pop-up election
 24 services for last November's election. This is a big win for
 25 representation. But with House Bill 406, I can't help but think of all

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1 the other campuses across Montana that do not have the enrollment
 2 numbers or resources to provide the same on campus Services. For
 3 those campuses and Montana students like me, a ballot drop box
 4 provided by their student government or a local civic engagement
 5 group can mean the difference between casting a vote or letting
 6 elections pass them by. House Bill 406 is a misguided effort to secure
 7 our already well defended elections. If passed, this bill will not make
 8 our elections any safer, but will rather silence Montana student and
 9 indigenous communities, confuse voters and make life very difficult
 10 for elections administrators. I urge you to vote no. Thank you for your
 11 time.

12 MALE VOICE 1: Thank you, Ms. Bode. Further opponents
 13 online. And please do not rehash anything someone else has said,
 14 we're starting to get in a little time crunch, so...

15 MALE VOICE 6: Mr. Chair, we have Joan Kresich.

16 MALE VOICE 1: Miss Chris.

17 FEMALE VOICE 8: Good afternoon, Chair and members of the
 18 committee, my name is Joan Kresich, K-R-E-S-I-C-H. I live in
 19 Livingston, and I rise in opposition to this bill as a member, speaking
 20 on behalf of Northern Plains Resource Council. I want to begin by
 21 saying that our U.S. status as the world flagship democracy has been a
 22 source of pride for me and so many, but the facts are different. Many
 23 democracies are much better at creating the conditions for everyone to
 24 vote than we in the US are. For instance, many countries make voting
 25 day a holiday or schedule it on weekends to ensure that working people

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1 get to the polls. It is profoundly sad to see efforts to make voting in
 2 Montana even harder when we know our turnout could be so much
 3 better. This impacts every demographic. With respect to the sponsor,
 4 this Bill solves no problem and actually creates new ones. Everybody
 5 has...who's spoken has talked about the burdens to particular
 6 populations. But there are times, for instance, you might not be part of
 7 one of the populations mentioned, like students or low-income people.
 8 You might have just broken your leg. I mean...there come times when
 9 people need someone to deliver their ballot and this build places of
 10 burden on election officials as well, which has also been talked about.
 11 Just a few weeks ago, for the Bill that eliminates election day voter
 12 registration, we heard that election officials cannot do election day
 13 voter registration. It's just simply too chaotic and too much for them
 14 to manage while everyone is coming in to vote or to drop balance off.

15 MALE VOICE 1: If I can remind you, please stay on this bill.

16 FEMALE VOICE 8: If that's the case, then managing this ballot
 17 collection registry on voting day will pose the very same challenge.
 18 This Bill is an unnecessary tracking effort, putting a bunch of people's
 19 information into the system while providing no benefit to the people
 20 of Montana. I urge you to oppose this Bill. Thank you.

21 MALE VOICE 1: Thank you, Ms. Kresich, and further proponent
 22 online.

23 MALE VOICE 6: Mr. Chair...

24 MALE VOICE 1: Opponent, excuse me.

25 MALE VOICE 6: There's a none present but a Lonny Taylor has

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<p>1 her hand raised.</p> <p>2 MALE VOICE 1: I'm sorry. We will not be able to accept any</p> <p>3 of them. We have a house full here, so...opponents in house. We had</p> <p>4 some here. Opponents in house? Opponents, I will inform you that</p> <p>5 we'll limit our time to two minutes per an opponent. You may begin.</p> <p>6 MALE VOICE 8: Good afternoon to the Chair and State</p> <p>7 Administration Committee. My name is Adrian Jawort. Jawort is J-</p> <p>8 A-W-O-R-T for the record, and I represent Montana Native Vote. We</p> <p>9 stand in opposition to HB 406 based on the simple grounds to Bill,</p> <p>10 constantly sites, 13-35-703, that is, of course, the Montana Ballot</p> <p>11 Interference Prevention Act, or BIPA, a Bill struck down as</p> <p>12 unconstitutional and in court five months ago in Montana, thirteen</p> <p>13 jurisdiction. District court via the Western Native versus Stapleton</p> <p>14 decision, which just Judge Jessica, for noted, quote "the questions</p> <p>15 presented cannot be viewed to the lens of our operating our own life</p> <p>16 experiences but through the lens of the cold, hard data that was</p> <p>17 presented at trial and the clear limitations native American</p> <p>18 communities face." Most telling about the ruling is that the ruling also</p> <p>19 said BIPA is unconstitutional hereby permanently enjoyed. And for</p> <p>20 people committing some supposed mass, footed fraud, when all it</p> <p>21 really is doing is make it easier for some Native American grandma's</p> <p>22 who lives out in the boondocks vote is counted. Judge [unintelligible]</p> <p>23 says the court finds that the BIPA serves no legitimate purpose. It fails</p> <p>24 to enhance the security for absentee voting, does not make absentee</p> <p>25 voting easier more efficient, does not reduce the cost of conducting</p> <p style="text-align: right;">Page 22</p>	<p>1 have a more representative election and electorate, we have to make</p> <p>2 sure that those voices are heard and that we're not doing things to</p> <p>3 suppress that vote. And while there is the word "acquaintance" in the</p> <p>4 Bill, it still limits to six ballots collected and that's a huge hurdle across</p> <p>5 because our organization collected far more than six ballots per</p> <p>6 organizer. And, you know, I saw record turnout as a result. So ballot</p> <p>7 collection is a lifeline for reservation communities. And like I said</p> <p>8 earlier, BIPA, the BIPA lawsuit is, was...</p> <p>9 MALE VOICE 1: Thank you. Mr Sunchild.</p> <p>10 MALE VOICE 9: Have a good one. Thank you.</p> <p>11 MALE VOICE 10: Mr. Chair, are we timing people now?</p> <p>12 MALE VOICE 1: Two minutes. Yes.</p> <p>13 MALE VOICE 10: Mr. Chair, I'm going to object to this because</p> <p>14 we allow the proponents unlimited testimony, and I see that we have</p> <p>15 two more in the room, so if they could just provide their full</p> <p>16 testimony...</p> <p>17 MALE VOICE 1: There is more out in the hall.</p> <p>18 MALE VOICE 10: Ok. I do feel if we're going to provide</p> <p>19 unlimited testimony to one side, you got to give it to the other, that's</p> <p>20 the only fair way to go about this.</p> <p>21 MALE VOICE 1: I disagree. Please... please do continue.</p> <p>22 FEMALE VOICE 9: Thank you. Mr. Chair and members of the</p> <p>23 committee, my name is Dahlia KILLSBACK, last name spelled K-I-L-L-</p> <p>24 S-B-A-C-K. And I'm the deputy political director for Western Native</p> <p>25 Voice. I won't reiterate everything that was just spoken by our political</p> <p style="text-align: right;">Page 24</p>
<p>1 the elections, does not increase fear or tune out. And quote "to hear a</p> <p>2 few words here and there where you are relying on BIPA will only</p> <p>3 serve to annoy the courts with an inevitable lawsuit in which this case</p> <p>4 will suffer. Quick defeat in court based on previous court ruling</p> <p>5 surrounding it. Frankly, I am surprised this Bill made it this far, but</p> <p>6 hopefully now you can table it. Thank you.</p> <p>7 MALE VOICE 1: Thank you. Next opponent.</p> <p>8 MALE VOICE 9: Good afternoon, Mr. Chair, members of the</p> <p>9 committee. My name's Keaton Sunchild, S-U-N-C-H-I-L-D, I'm the</p> <p>10 political director for Western Native Voice. We've talked a lot about</p> <p>11 the BIPA case that our organization was involved in. I just want to</p> <p>12 read the kind of the top of that case really quick. This case, and the</p> <p>13 facts presented at trial turn a spotlight to our fellow citizens that still</p> <p>14 live below the poverty line with limits to health care, government</p> <p>15 services, mail services and election offices. Those citizens are Native</p> <p>16 Americans so... There were a lot of proponents that said this isn't a</p> <p>17 race issue, and this wouldn't affect Native Americans anymore than</p> <p>18 it would affect other citizens. But that's simply not true. People living</p> <p>19 on reservations, a lot of the people that were in favor this have never</p> <p>20 lived on a reservation or even been to a reservation and don't</p> <p>21 understand what life is like there and how hard it is to travel,</p> <p>22 sometimes up to 176 miles to turn in a ballot. And so services like our</p> <p>23 organization provides when it comes to turning in absentee ballots are</p> <p>24 vital for their voices to be heard in our democratic process, and Native</p> <p>25 Americans make up 7% of our population here in Montana. And to</p> <p style="text-align: right;">Page 23</p>	<p>1 director, but I also just wanted to emphasize that ballot collection is</p> <p>2 often the only way that American Indians can vote. This Bill would</p> <p>3 negative impact rural populations, people living on reservations,</p> <p>4 elderly, disabled, low income and working families. There's just</p> <p>5 frankly higher turnout for Indian country when ballots are collected</p> <p>6 and this bill makes voting more difficult. Indian country already faces</p> <p>7 surmountable barriers to voting. And this is not new, and has been</p> <p>8 litigated throughout the years and as recent as BIPA, and before that</p> <p>9 as well. Montana was once the most litigated state in the nation for</p> <p>10 American Indian voting rights in this span for twenty years every</p> <p>11 citizen should have fair access to the democratic process, and this</p> <p>12 includes American Indians. And so again, we are going to urge you to</p> <p>13 table the spell. Thank you so much for your time.</p> <p>14 MALE VOICE 1: Thank you. Miss KILLSBACK. Further opponents.</p> <p>15 MALE VOICE 11: Good afternoon, Chair and members of the</p> <p>16 state committee, my name is Samuel Enemy Hunter, that's E-N-E-M-</p> <p>17 Y-H-U-N-T-E-R, for the record. I was a person who helped collect</p> <p>18 ballots for people on my own Crow Indian Reservation and the Fort</p> <p>19 Peck Indian Reservation. It has already been explained that basing a</p> <p>20 new law of the Montana Ballot Interference Prevention Act is</p> <p>21 unconstitutional. I just want to explain all we were doing is helping</p> <p>22 vote by doing a community service to help some people have a right</p> <p>23 to be heard through the ballot box. There was nothing the</p> <p>24 [unintelligible] about what we were doing, and as people familiar with</p> <p>25 those communities, they obviously trusted us. We would put these</p> <p style="text-align: right;">Page 25</p>

1 sealed ballots in a locked box and take them to the court clerk where
2 they were verified. All we did was take them from point A to point B
3 to which point A to point B is very often over one hundred miles
4 round trip for some people These are people with no vehicles or
5 money or a reliable vehicle to travel that far or very elderly
6 grandmothers and grandfathers who really liked to visit us and really
7 appreciated what we were doing because they couldn't vote or do
8 what we were doing at their age. In fact, what it did was strengthen
9 the community or as we exercise our constitutional rights to vote.
10 Why would you want to limit the right to vote, especially based off a
11 law already deemed unconstitutional. Thank you for your time.
12 MALE VOICE 1: Thank you very much. Mr. Enemy Hunter.
13 Further opponents.
14 MALE VOICE 12: Good afternoon, Chairman and the rest of
15 the committee. My name is Patrick Yawakie, I am the Black Feet
16 lobbyist. I'm here today in opposition of 406...
17 MALE VOICE 1: Patrick, could you... please spell your last
18 name.
19 MALE VOICE 12: Sorry about that, it's spelt Y-A-W-A-K-I-E.
20 And just to reiterate, and you know, this is an unconstitutional Bill,
21 it's already been proven in court. But something I wanted to talk
22 about is my experiences as a get-out of the vote organizer not just for
23 the Black Feet tribe, but for the Flathead Reservation and reservations
24 throughout the state. It is true that tribes may feel the burden of this
25 Bill more than another community, but to be honest, the way that we

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1 account our ballot pickups is a process that goes from our pickup to
2 the delivery. We just ensure that the ballot gets turned in. We also
3 work in non-partisan factors. We cannot pick and choose what ballot
4 that we that we deliver. Also, it's a freedom of choice for the person
5 that needs their ballot handed it. And within the last election, there
6 was an issue at the post office removing, post office boxes, and so it
7 was kind of to our...them relying on our services to ensure that their
8 ballots were handed in. And just to also reiterate that, the court has
9 also said that this is going to be a burden on the state, the taxpayers,
10 and also the county election officers, that this is just going to put more
11 strain on them and more wasteful spending, and so I just want to
12 reiterate that this is unconstitutional. And please do not support
13 hospital for six.
14 MALE VOICE 1: Thank you, Mr. Yawakie. Further opponents.
15 MALE VOICE 13: Chairman, members of the committee, Sam
16 Forstag, F-O-R-S-T-A-G, here with the American Civil Liberties
17 Union of Montana. I believe the previous proponents have stated
18 much of what I was going to say, so I'll do my best to dance in
19 between those points. But we oppose this Bill both on the base of
20 deep, insignificant constitutional concerns and as a matter of bad
21 policy. Whatever the intentions of this Bill might be, and it's
22 unfortunate that there is not more time to work out the specific
23 provisions in the House. Our reading of this Bill is that it does pose
24 significant restrictions on ballot collection, ballot conveyance and
25 citizens right to vote. Creates those restrictions by creating a complex

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1 system of registration. Not just complex, but costly, in which goes a
2 step further than the Ballot Interference Protection Act, the law that
3 many previous proponents have explained was already struck down in
4 two separate district court rulings. By criminalizing this behavior and
5 creating a misdemeanor for every single violation. That is something
6 that could quite literally debilitate and end organizations that are
7 engaged in this...what...district courts in Yellowstone have ruled to be
8 the unfettered exchange of ideas, a key piece of their First Amendment
9 rights. And that, if anything, has more of a chilling effect, more of a
10 burden, some effects on citizens' ability to access the right to vote. The
11 only significant or substantive difference that this law has presented to
12 you has from BIPA, as which you've heard about before, it's the six-
13 ballot collection kept. That single difference was not key to any of the
14 three rulings of unconstitutionality that either district court ruled in
15 [unintelligible] State or in Western Native Voice, [unintelligible] state.
16 I'll simply add that, lastly, the immediate effective date that you see in
17 this bill puts our counties in our state in the position of creating a
18 complex system has reflected in the fiscal note that I can say with more
19 certainty than any other Bill that we have challenged thus far is due to
20 be struck down in court. The most recent of these rulings took place
21 six months ago and joining this very same law, and only one month
22 ago, the Department of Justice in Montana dropped its appeal of that
23 case. There is nothing closer to settled law than a case being settled
24 one month ago, and I hope that you will not ask our state and our
25 counties to start building out this system, expending those costs on

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1 that...
2 MALE VOICE 1: Thank you, Mr. Forstag.
3 MALE VOICE 13: Thank you for your time, sir.
4 MALE VOICE 14: Hustle Hall, good afternoon, Mr. Chair,
5 members of the committee, my name's Jordan Thompson, that's T-H-
6 O-M-P-S-O-N, and I present the Confederate Station, Kootenai Tribes
7 of the Flathead Nation. We're here to also oppose House Bill 406 for
8 all of the previously mentioned reasons, the Bill's too vague to be
9 workable and is likely illegal. The Bill's too punitive to our
10 communities and the Bill's too burdensome on our constitutional right
11 to vote, so I thought we asked you to vote no, thank you.
12 MALE VOICE 1: Thank you very much. Mr. Thompson. Further
13 opponents.
14 FEMALE VOICE 10: Good afternoon, Mr. Chairman, members
15 of the committee, my name is Allison Reinhardt. R-E-I-N-H-A-R-D-
16 T, and I'm here on behalf of MASS, the Montana Associated Students,
17 asking for this Committee to please vote no on House Bill 406. We
18 already have low voter turnout among young people today, and this
19 Bill would make it harder for people to drop off ballots. Members of
20 rural and indigenous communities as well as students, rely on
21 organizations to help them collect their ballots. And this Bill would
22 prohibit these organizations from helping collect those ballots,
23 impacting voter turnouts. So again, please vote no on the Bill. Thank
24 you very much for your time.
25 MALE VOICE 1: Thank you. Ms. Reinhardt. Further opponents.

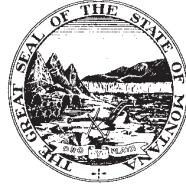
Page 29

<p>1 FEMALE VOICE 11: Chairman Kary, members of the 2 committee, my name is Rachel Schmidt, S-C-H-M-I-D-T. I'm here 3 representing the interests of the associated students of Montana State 4 University. And today we rise in opposition to this Bill. The problem 5 that we have with this Bill is mostly one of convenience and ease. 6 And we do understand that the intent of this Bill is to preserve the 7 integrity of our elections, of the vote, but unfortunately, an 8 unintended consequence of this bill is that it takes away the 9 convenience of ballot access for young people and for everyone's 10 context. In the past, ASMSU has Used third party ballot drops, sort 11 of a way to boost college student voter engagement and voter turnout. 12 And basically, what this looks like is we have a full-time staff 13 member, and these are full time staff who are state employees. 14 They're real adults, they're non-students, typically, and they sit next 15 to the ballot all day until someone comes to relieve them. So they 16 can't take a lunch break, they can't use the bathroom, they're there 17 for the day. It's super secure, it's really convenient, and these ballot 18 boxes are centrally delivered to the election's office frequently. Daily, 19 if not more frequent than that. And they're placed in strategically 20 public locations so that the entire public has their eye on them. They 21 can't be rummaged through their seals; students can't access the 22 ballots inside once they placed their ballot in there in the past. So this 23 is a secure but still accessible and convenient way for students who 24 are rushing to class or rushing to work or going to the dining hall to 25 simply just drop off their ballot. And I want to preempt something</p> <p>Page 30</p>	<p>1 MALE VOICE 1: Thank you, Ms. Stutzer. Further opponents. 2 FEMALE VOICE 13: Can I take this off? 3 MALE VOICE 1: Yes, you're welcome to. 4 FEMALE VOICE 13: Mr. Chairman, members of the committee, 5 Siaperas Paris. For the record, S-I-A-P-E-R-A-S. Here for the 6 Montana Association of Counties, the voice of Montana's 56 counties. 7 We are posing House Bill 406 primarily based on the added expense 8 that will arise from hiring the additional folks to manage the process 9 that's described in Section 3. We surveyed the counties, and 53 out of 10 56 responded. The data shows that there will be a significant fiscal 11 impact. It also shows that our smaller counties are disproportionately 12 impacted when it comes to cost. They have tiny budgets in a very small 13 tax base. A number of counties were unsure of the impact, but we did 14 receive estimates from 33 of the counties, and there's a projected 15 financial impact of 480,000 dollars. And these are not one time only 16 costs, it's largely payroll for additional staff as well as overhead for 17 computer phones in office space. We're also seeing that several 18 counties don't have anywhere to put extra people. So some of them are 19 talking about renting a little satellite office and setting that up with 20 Internet and computers where those people can sit to check signatures. 21 One thing that most counties didn't think about was that it's going to 22 be a significant cost, is that people also drop their ballots off at drop 23 locations and the polls, so those will need to be equipped with laptop 24 and jetpack that has some secure wireless on it, and a staff member 25 that can do the data entry and the checking. When can we expect to see</p> <p>Page 32</p>
<p>1 that came up in the last hearing. There's the term "ballot can be 2 collected by acquaintances with signature". I want to make note that 3 the reality is that ASMSU full time staff are not going to be 4 acquaintances to most students, students don't have the time to take 5 an introduction and have a conversation with these staff. It's simply 6 just, we're going to drop our ballot and run to class or run to work or 7 run to the dining hall or whatever it might be. And I'm worried that 8 this Bill simply just adds another inconvenient layer, no matter how 9 seemingly insignificant between a person and their right to vote. I 10 urge this committee to please vote no on this bill. Thank you. 11 MALE VOICE 1: Thank you, Ms. Schmidt. Further opponents. 12 FEMALE VOICE 12: Good afternoon, Mr. Chair, members of 13 the committee. For the record, Katjana Stutzer, K-A-T-J-A-N-A-S-T- 14 U-T-Z-E-R. Here on behalf of the Montana Public Interest Research 15 Group or MontPIRG. And I will keep this really brief, because the 16 further...the former opponents to this Bill have covered it, but this bill 17 is eerily similar to BIPA, which was overturned as unconstitutional 18 last year. And we think that this version is morally...is... illegally 19 dubious at best and would likely end in the same fate. As others have 20 pointed out the changes here are not the changes that were the lynch 21 pin of that former courts' ruling. And in addition, it just creates 22 additional barriers to folks like students and others who already 23 struggle with voter turnout to be able to use about collection services. 24 And for those reasons, we hope that you vote no on 406. Thank you 25 for your time.</p> <p>Page 31</p>	<p>1 these impacts? Well, the Bill is effective immediately, and it applies to 2 all elections, including specials and schools. So we'll be seeing the 3 counties get hit with unbudgeted and unfunded costs as soon as this 4 may for school elections. Not entirely sure how that works for special 5 districts because we'll let Regina cover that. We understand the 6 concerns people have with ballot collection, and we feel that this Bill 7 is just simply not the way to address it. We're coming to you with a 8 couple of recommendations. We ask that you table this Bill and do a 9 study with the stakeholders. If that's not amenable, at the very least, 10 push out that effective date. So the counties have a little bit of time to 11 plan for the implementation, apply this to federal elections only, or 12 amend out the signature and registry verification. 13 MALE VOICE 1: Thank you, Ms. Paris. 14 FEMALE VOICE 13: Thank you. 15 MALE VOICE 1: Further opponents. 16 FEMALE VOICE 14: Mr. Chair, members of the committee, my 17 name is Regina Plettenberg, P-L-E-T-T-E-N-B-E-R-G. And I'm here 18 on behalf of the Montana Association of Clerk and Reporters, and we 19 really hate to oppose this Bill. We do understand the concern. 20 However, ...just...we have some administrative concerns the way the 21 Bills written. If you see the new Section 1, and I did get a chance to 22 speak with the sponsor briefly before the hearing, and it sounds like 23 the intent isn't for it to be limiting on who can collect, however, which 24 the new Section 1 seems...by wanting occupation, employer entity, that 25 kind of information. But then the new Section...but then the old</p> <p>Page 33</p>

<p>1 Section 2 does specify that an individual authorized to collect purse 2 it to see through. 2F shall comply with requirements at 35-7-04 and 3 2C through 2F is the same, the caregiver, family member, household 4 member and acquaintance. So it almost seems like we're asking like 5 a spouse to tell us, which, I don't know why, their occupation, an 6 employer to carry their wife or husband's ballot or parents'. So that 7 just seems... We're not quite understanding how that would work, 8 because there's now a collection registry as well as a delivery registry. 9 Would those be one? How is that going to pan out? And as others 10 have said, it would...the immediate effective date is a huge concern. 11 We have a May election coming up, so... These special districts, as 12 you guys all know, we talk about school and special districts, and this 13 is going to essentially almost double the cost of their elections, and I 14 don't know if we thought about that. But they're going to have to bear 15 that cost, so the counties have to bear the federal in the general, but 16 these districts have to bear the cost of the others. So we would love 17 to sit down on an interim study. I know many of you Senator Kary, 18 Senator Bennett, Senator Alice have worked with us in interim study 19 committees, and our group really does like to come to the table. We 20 like to find solutions and address issues, but make it administratively 21 feasible for us and the voters, mostly the voters. We'd love to do that, 22 but... It would be great. Thank you so much.</p> <p>23 MALE VOICE 1: Thank you, Ms. Plettenberg. Further 24 opponents. Seeing no further opponents, informational witnesses. 25 Alex, do you have any informational witnesses online?</p> <p style="text-align: right;">Page 34</p>	<p>1 MALE VOICE 1: Representative Noland. Senator Bennett. 2 MALE VOICE 2: Senator Bennett. 3 MALE VOICE 17: Thank you, Mr. Chair and Representative 4 Noland. I do want to touch on the constitutionality, because usually 5 when a Bill is struck down, people bring a more water-down version 6 or substantial changes that make it more appealing. It seems like you 7 have double down on BIPA and added new restrictions. I guess how... 8 How do you think this is going to be constitutional, where the previous 9 one was struck down for being too burdensome? 10 MALE VOICE 2: Mr. Chairman, Senator Bennett. There are a lot 11 of us that aren't afraid of tackling a big job. The exact same issues are 12 not being portrayed here, although some are, or many, I should say, 13 are. So the constitutionality needs to be looked at and addressed, in my 14 opinion, and many others, again. Seeing that the process, you know, is 15 such a viable and important, I don't want to get off your question, but 16 so important, we need to make sure that... You're right, the 17 constitutionality is covered and is looked at. And if it takes another 18 little bit of look at through the court system, I believe that that is an 19 important aspect, so we're willing to do that again, sir. 20 MALE VOICE 1: Follow-up? 21 MALE VOICE 17: Mr. Chair and Representative Noland. I want 22 to talk about this registry as well. Because you touch on the 23 acquaintance piece, and throughout a lot of the proponent testimony, 24 people that collect these ballots for, portrayed as some sort of cartoon 25 villains and as somebody I...who's done a lot of this Bell collection</p> <p style="text-align: right;">Page 36</p>
<p>1 MALE VOICE 6: We have none online, Mr. Chair. 2 MALE VOICE 1: Okay, thank you. Informational witnesses. 3 MALE VOICE 15: Good afternoon, Mr. Chairman, members of 4 the committee, Deana Corson, C-O-R-S-O-N, Montana, secretary of 5 state's office, I'm available for questions. 6 MALE VOICE 1: Thank you. Mr. Corson. Questions from the 7 committee. Senator Fox. You are muted. Senator Fox. There you go. 8 MALE VOICE 16: Right. Mr. Chairman, a question for Mr. 9 Sunchild. 10 MALE VOICE 1: Mr. Sunchild. Mr. Sunchild, if you could 11 come in, please. Mr. Sunchild, Senator Fox. 12 MALE VOICE 16: Mr. Chairman, Mr. Sunchild. In your 13 experience, was there any documentary cases of work of fraud 14 [unintelligible] western native voice was collecting ballots since past 15 election? 16 MALE VOICE 9: Mr. Chair, Senator Fox. No, we had zero cases 17 that were reported to either us or organizers after they had gone 18 through extensive trainings to prevent any sort of mishaps on their 19 end and to my knowledge, this election cycle, there were no 20 documented cases, no. 21 MALE VOICE 16: Thank you, Mr. Sunchild. Thank you, Mr. 22 Chairman. 23 MALE VOICE 1: Further questions? Vice Chair Bennett. 24 MALE VOICE 17: Thank you, Mr. Chair, a couple of questions 25 for the sponsor.</p> <p style="text-align: right;">Page 35</p>	<p>1 before, I can tell you that's not the case. But I'm wondering, you know, 2 if Senator Kary wanted me to drop off his ballot for him, he doesn't 3 live in my household. We're not related, so he falls into the 4 acquaintance area. And he decides that he wants me to turn that ballot 5 or either way. Why should I have to drive down to the county 6 courthouse, get registered, come back and say, now I can pick up your 7 ballot and take it when it's just, you know, somebody being able to ask 8 a friend to help them out. 9 MALE VOICE 1: Sure. 10 MALE VOICE 2: Mr. Chairman and Senator Bennett. The 11 integrity of the voters, what we're really getting after here, you know 12 each other, so you're legal to do that. Have there ever been any issues 13 potentially that one would probably wouldn't be an issue, however, we 14 need to have a collective and an organized fashion where we can 15 monitor this. So we're going to let everybody, which we're trying to 16 let everybody have their option to have an acquaintance collect and 17 present it at the right institution. That's the process that we're 18 promoting so that there's no misgivings. There is no... there is no 19 misunderstanding that you, that he said, you can do that. Because 20 we're and almost every citizen in the United States and in Montana is 21 honorable. I'm just concerned that if everybody knows the rules and 22 we, we're fine toning these rules. Then everybody knows the game, 23 and we do it right. I feel in the past as I witnessed and I shared a little 24 bit with you some inappropriate activities. This needs to be 25 curtailed...this needs to be tied up.</p> <p style="text-align: right;">Page 37</p>

<p>1 MALE VOICE 18: Mr. Chairman. So... I've, I've heard that 2 some folks, some folks, may go to a rest home or a dormitory or 3 apartment house, and go through the apartment house gathering 4 ballots. I've never heard, you know, I've never heard anybody say, 5 specifically, this one. I've heard it talked about on, you know, national 6 programs. So that was the kind of question I was going as does the 7 person who gets their ballot collected is the one Ms. Bode said she 8 was able to track hers, but are there people... Do they... Does their 9 ballot always get there even? You hear about ballots turning up all of 10 a sudden, some place, a box or a bag.</p> <p>11 FEMALE VOICE 7: Right.</p> <p>12 MALE VOICE 18: So that's what I was wondered. Evidently, 13 you have no knowledge of anything like that, even talking with 14 other...</p> <p>15 FEMALE VOICE 7: Right. Mr. Chair and Senator Cuffe. So in 16 this last election, which, as you know, was all mailed ballot, I didn't 17 hear that, even in my county. I didn't have folks calling me up going, 18 "Oh my gosh, I gave my ballot to somebody and it didn't count". And 19 we did, we had a lot of people, you know, this last election, especially, 20 you know, I'm in a more conservative county, I had a lot of people 21 checking on their ballots. They were calling if they couldn't go 22 online, they were calling our office, and we didn't find that. So that's 23 all I can tell you, I'm not... I don't know what happens in other States. 24 But in Montana, I'm not aware of IT, thank you.</p> <p>25 MALE VOICE 1: OK. Thank you, Ms. Plettenberg. Senator</p> <p style="text-align: right;">Page 58</p>	<p>1 and put in an application to collect ballots, and then when they come 2 back, they have to sign up that they delivered them.</p> <p>3 FEMALE VOICE 16: Mr. Chair, if they are an acquaintance, they 4 have to sign up and say, "I'm going to be collecting a ballot." That 5 does not apply to those other categories, but the caregiver, family 6 member, household member and acquaintance all would have to sign 7 in the ballot, arrives at the election administrator's office to provide 8 that information that's in Section 3.</p> <p>9 MALE VOICE 1: Thank you, Ms. Aldrich. Representative 10 Noland, would you care to close at your bill? I'm sure you would.</p> <p>11 MALE VOICE 1: Well, Mr. Chairman, I hope we get some better 12 clarification because it's needed, and I think that will be coming. But 13 I want us to consider a couple things, and now I forgot I was going to. 14 Mr. Chair, I was going to respond back to something that the good 15 senator asked me, and I don't remember what it was, but if I think of 16 it, hopefully, in my notes here. I'll address it because I said I was going 17 to, but... So I want to ask this. So all is well. Everything works great. 18 There's no worries. Everything's running great. That's some people's 19 opinion. And we're going to differ on that, so we've got to make a 20 decision, if this is, we're doing something about it, okay? So the 21 Woman Vote and Low Income... Ms. Smith said, you know, there's no 22 way to drop off their ballots. Let's have someone come and pick it up. 23 We're allowing that. We have that option. I'm hearing from the 24 questions that I'm getting, it's a lot of burdensome, so cumbersome, 25 it's more pain than neck, but I'd like to pose this question to us as well.</p> <p style="text-align: right;">Page 60</p>
<p>1 Alice, do you still have a question?</p> <p>2 FEMALE VOICE 15: Mr. Chairman, I... all get it answered.</p> <p>3 MALE VOICE 1: Ms. Aldrich?</p> <p>4 FEMALE VOICE 16: So Mr. Chairman, members of the 5 committee, if you do, go to Page 2, Lines 23 through 25, it says, "An 6 individual authorized TO collect the voters' ballot pursue it to 7 Subsections 2C through 2F, that's caregiver, family member, 8 household member and acquaintance, shall comply with the 9 requirements of what is actually Section 3 and Section 1. If applicable 10 or subject to penalties established in 50-3-5-75." So then if you go all 11 the way back to the very beginning of the Bill, in Section 1. You'll 12 see that it says an individual permitted to collect and convey about it 13 under two F, that's an acquaintance. He has to be resident of the state, 14 can't be paid anything value, has to register in the county where the 15 individual intends to collect and convey valid prior to collecting any 16 ballot other than their own by providing and that it has the following 17 items that they have provide. So that is specific to acquaintances, that 18 Section 1. But Section 3 is for all caregivers, family members, 19 household members and acquaintances. And Section 3 is the record 20 of the delivery once you actually deliver it to the polling place of the 21 election administrators' office. Then you have to sign. You'll see the 22 requirements down there, Lines 3. through 9 about what you need to 23 sign when you deliver about it. So that applies to all caregivers, 24 family members, household members, Mr. Chair.</p> <p>25 MALE VOICE 1: So just to reiterate, they must first come in</p> <p style="text-align: right;">Page 59</p>	<p>1 So just how important is our ballot? Do we take it flippingly? Maybe 2 that's a bad word. Haphazardly, and we just... We'll go down and do 3 that. For me, this is one of the most important things I get to do in my 4 life is vote. I said I do when I got marriage, that was a pretty important 5 thing for me. But this is next. I get integrity, the voters so sacred, so 6 important. It should be taken care of and have high expectations of 7 what we're supposed to do, how we get it done and when we have an 8 older family member, who's ninety years old, I want to make sure that, 9 you know, my mom's hat. So we make sure she knows what she's 10 doing. She gets a chance to take care of it. And we make sure our vote 11 goes in because we're family. We should all do that. There are some 12 that are saying they probably don't have families, I think that's what 13 I'm here, and they don't have somebody else to help. How do we do 14 that? I think the Bill helps with that. Dropping them off in the boxes. 15 If there's a question about that, why do we go keep going down that 16 same path? That's the decision I guess this wonderful committee gets 17 to, hopefully, after we get some more clarification, gets to make a 18 decision on. Because this, the vote is important, the integrity of it is 19 important. It's what people need to rely on in our state that we're doing 20 it right. We can get back that. If you talk to enough people, you're 21 going to hear some people don't feel like we're taking care of the vote 22 the way it should be, because it sacred. Did it even happen? We heard 23 this the last lady say, people called to find out if they got if that vote 24 came in. That's how important this is. People really care, and we just 25 want to treat it with respect and dignity, but the care that is needed.</p> <p style="text-align: right;">Page 61</p>

Exhibit 30



AN ACT ESTABLISHING THE MONTANA BALLOT INTERFERENCE PREVENTION ACT; PROHIBITING THE COLLECTION OF ANOTHER INDIVIDUAL'S BALLOT; PROVIDING EXCEPTIONS; REQUIRING CERTAIN INDIVIDUALS WHO ARE AUTHORIZED TO COLLECT BALLOTS TO PROVIDE CERTAIN INFORMATION WHEN DELIVERING THE BALLOT TO A POLLING PLACE OR ELECTION ADMINISTRATOR'S OFFICE; PROVIDING PENALTIES AND DEFINITIONS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [Sections 1 through 5] may be cited as the "Montana Ballot Interference Prevention Act".

Section 2. Definitions. As used in [sections 1 through 5], the following definitions apply:

- (1) "Acquaintance" means an individual known by the voter.
- (2) "Caregiver" means an individual who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living home, residential care institution, adult day health care facility, or adult foster care home.
- (3) "Collect" means to gain possession or control of a ballot.
- (4) "Family member" means an individual who is related to the voter by blood, marriage, adoption, or legal guardianship.
- (5) "Household member" means an individual who resides at the same residence as the voter.

Section 3. Ballot collection prohibited -- exceptions. (1) Except as provided in subsection (2), a person may not knowingly collect a voter's voted or unvoted ballot.

(2) This section does not apply to:

- (a) an election official;

(b) a United States postal service worker or other individual specifically authorized by law to transmit United States mail;

(c) a caregiver;

(d) a family member;

(e) a household member; or

(f) an acquaintance.

(3) An individual authorized to collect a voter's ballot pursuant to subsection (2)(c) through (2)(f) may not collect and convey more than six ballots.

Section 4. Record of delivery. An individual permitted to collect and convey a ballot under [section 3(2)(c) through (2)(f)] shall sign a registry when delivering the ballot to the polling place or the election administrator's office. In addition to the signature requirement, the individual collecting and conveying the ballot must provide the following information:

(1) the individual's name, address, and phone number;

(2) the voter's name and address; and

(3) the individual's relationship to the voter required to collect and convey a ballot pursuant to [section 3(2)(c) through (2)(f)].

Section 5. Penalty. A violation of a provision of [sections 1 through 5] is punishable by a fine of \$500 for each ballot unlawfully collected.

Section 6. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 13, chapter 35, and the provisions of Title 13, chapter 35, apply to [sections 1 through 5].

Section 7. Effective date. [This act] is effective upon approval by the electorate.

Section 8. Submission to electorate. [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2018 by printing on the ballot the full title of [this act] and the following:

☐ YES on Legislative Referendum ____.

☐ NO on Legislative Referendum ____.

- END -

I hereby certify that the within bill,
SB 0352, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2017.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2017.

SENATE BILL NO. 352

INTRODUCED BY A. OLSZEWSKI, N. BALLANCE, S. BERGLEE, M. BLASDEL, D. BROWN, E. BUTTREY,
A. DOANE, J. ESSMANN, J. FIELDER, G. HERTZ, S. HINEBAUCH, J. HINKLE, M. HOPKINS, D. HOWARD,
D. KARY, B. KEENAN, T. MANZELLA, M. NOLAND, R. OSMUNDSON, A. REDFIELD, K. REGIER,
D. SALOMON, C. SMITH, N. SWANDAL, F. THOMAS, G. VANCE, K. WAGONER, R. WEBB, D. ZOLNIKOV

AN ACT ESTABLISHING THE MONTANA BALLOT INTERFERENCE PREVENTION ACT; PROHIBITING THE
COLLECTION OF ANOTHER INDIVIDUAL'S BALLOT; PROVIDING EXCEPTIONS; REQUIRING CERTAIN
INDIVIDUALS WHO ARE AUTHORIZED TO COLLECT BALLOTS TO PROVIDE CERTAIN INFORMATION
WHEN DELIVERING THE BALLOT TO A POLLING PLACE OR ELECTION ADMINISTRATOR'S OFFICE;
PROVIDING PENALTIES AND DEFINITIONS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO
THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Exhibit 31

Montana Ballot Collection 4005-0129
Audio Transcription
Senate State Administration
March 22, 2017

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

<p>1 (Recording begins)</p> <p>2 CHAIRWOMAN DEE BROWN: With that, we will open</p> <p>3 the hearing on Senate Bill 352.</p> <p>4 SENATOR OLSZEWSKI: Thank you, Madam Chairman,</p> <p>5 members of the committee. For the record, I am Albert</p> <p>6 Olszewski, O-L-S-Z-E-W-S-K-I. I am Senator for District</p> <p>7 6, which is the confluence of Lake and Flathead Counties,</p> <p>8 and it wraps around 80 percent of Flathead Lake.</p> <p>9 Today I bring you Senate Bill 352. There is</p> <p>10 handouts that are going around, which are -- one is a</p> <p>11 police report and two are journal articles from just --</p> <p>12 just within the last year and a half. And the title of</p> <p>13 one of those journal articles, I think, says it all. And</p> <p>14 it goes as follows:</p> <p>15 "Some voters unsettled by volunteer offers to</p> <p>16 drop off ballots at election office." For those that are</p> <p>17 unaware of this practice, there has been a practice for</p> <p>18 several elections in Montana where people, whether</p> <p>19 they're from in-state or out of state, believe that it's</p> <p>20 their civic duty to go around and ask for people's</p> <p>21 absentee ballots and offer to turn them in to the</p> <p>22 election office.</p> <p>23 This has raised concern by many people across</p> <p>24 the state. Senate Bill 352 proposes that we take an</p> <p>25 issue in front of the people of Montana to determine</p> <p style="text-align: right;">Page 2</p>	<p>1 mailbox, it's your ballot. You can do whatever you want</p> <p>2 with it. You can tear it up. You can set it on fire.</p> <p>3 You can run over it with your car. You can do whatever</p> <p>4 you want with that ballot.</p> <p>5 There's actually only one case. I like to</p> <p>6 cite case law when I can, but there's actually only case</p> <p>7 that pertains to this particular issue, and it's actually</p> <p>8 from the Ninth Circuit, and it happened last year in</p> <p>9 Arizona, where Arizona passed a ban on, quote, unquote,</p> <p>10 "ballot harvesting."</p> <p>11 And it was challenged by a political party in</p> <p>12 Arizona right before the election. It went to the Ninth</p> <p>13 Circuit. A group of three judges from the Ninth Circuit</p> <p>14 upheld the ballot harvesting ban. That decision was</p> <p>15 appealed and the plaintiffs asked for a full hearing from</p> <p>16 the full Ninth Circuit; and the full Ninth Circuit in a</p> <p>17 decision that was six to five said no, you can't outlaw</p> <p>18 ballot harvesting. People can do what they want with</p> <p>19 their ballots. It's their Constitutional right to do</p> <p>20 what they want to do with their ballots, and this ballot</p> <p>21 harvesting ban cannot be in place for the November 2016</p> <p>22 election.</p> <p>23 The State then appealed that decision to the</p> <p>24 United States Supreme Court and the court there said that</p> <p>25 the ballot ban would stay in place, but their decision</p> <p style="text-align: right;">Page 4</p>
<p>1 whether or not unsolicited absentee ballot collection is</p> <p>2 legal. This would be done through a referendum in the</p> <p>3 2018 election. It proposes language that would make it</p> <p>4 -- unsolicited ballot collection illegal. It would</p> <p>5 provide an exception for certain categories of people</p> <p>6 known to the voter to assist in getting their ballot to</p> <p>7 the election judge and a way to document the receipt of a</p> <p>8 ballot by the election office.</p> <p>9 With that, I sit and wait to hear for any</p> <p>10 testimony, Madam Chair.</p> <p>11 CHAIRWOMAN DEE BROWN: Thank you, Senator.</p> <p>12 Are there proponents to Senate Bill 352?</p> <p>13 Proponents?</p> <p>14 Seeing none, are there opponents to Senate</p> <p>15 Bill 352? Opponents.</p> <p>16 MS. ROSSI: Hello again, Madam Chair, members</p> <p>17 of the committee. For the record, SK Rossi, R-O-S-S-I,</p> <p>18 with the ACLU of Montana. I'll be very brief. We</p> <p>19 actually opposed a similar version of this legislation on</p> <p>20 the House side, and I'm not sure where that ended up. I</p> <p>21 think it's probably just hanging around over there.</p> <p>22 But we're opposed to the bill for a very</p> <p>23 specific reason, and that is that once you get your</p> <p>24 ballot, if you get a mail ballot and then you have to</p> <p>25 turn it in, once that ballot is in your hands and in your</p> <p style="text-align: right;">Page 3</p>	<p>1 was not based on the Constitution. It was not based on</p> <p>2 the validity of the law. It was based on the how close</p> <p>3 it was -- it was only a two-line decision, but most folks</p> <p>4 think that the Supreme Court does not like when voting</p> <p>5 law challenges happen so close to an election, and so</p> <p>6 they err on the side of letting laws stand that would</p> <p>7 impact or confuse election officials or voters.</p> <p>8 So it was just a two-line decision that</p> <p>9 basically said this decision is going to stand, but they</p> <p>10 wanted it to go back to the Ninth Circuit for a full</p> <p>11 trial, a full hearing, and to be completely vetted by the</p> <p>12 Ninth Circuit to decide if the ballot ban -- or the</p> <p>13 ballot harvesting ban was constitutional.</p> <p>14 That being said, the Ninth Circuit, the same</p> <p>15 people who decided in the first place, did strike down</p> <p>16 that ballot harvesting ban in Arizona, and that is a</p> <p>17 Ninth Circuit decision. So I would ask you to take that</p> <p>18 into consideration.</p> <p>19 Again, and just from a personal perspective,</p> <p>20 if someone came to my door and told me they would take my</p> <p>21 ballot to the elections office for me and I didn't want</p> <p>22 them to, and it made me uncomfortable, I would just say</p> <p>23 no. And that's everybody's option. If it was somebody I</p> <p>24 knew or from an organization I trusted and they said I'll</p> <p>25 take that to you if you're busy, I'd be like okay,</p> <p style="text-align: right;">Page 5</p>

<p>1 thanks, see ya later. And if my vote doesn't get 2 counted, that's my fault. But that's my ballot and I 3 made that choice to do what I wanted with it. 4 And whatever those consequences may be from 5 that practice, that's what they are. But we can't 6 prohibit people from doing what they want with their 7 ballot after they receive it from the government. 8 So that's the basis of our opposition. I 9 encourage you to look up the Ninth Circuit Court 10 decision. It's pretty clear. So, if you have any 11 questions, I'll be here for a couple minutes, but then I 12 have to run to a meeting at 5. 13 CHAIRWOMAN DEE BROWN: All right. Are there 14 any other opponents? 15 MS. MCCUE: Good afternoon. My name is Audrey 16 McCue. That's spelled A-U-D-R-E-Y M-C, capital C, U-E. 17 I'm the election supervisor for Lewis and Clark County, 18 and I'm testifying on behalf of the Montana Association 19 of Clerks and Records and Election Administrators in 20 opposition to SB 352. 21 It's up to the legislature, of course, to 22 discuss the myriad of issues that may or may not require 23 legislation. This committee in particular, of course, 24 discusses laws that may or may not be needed in 25 elections, and then it's up to county election offices,</p> <p style="text-align: right;">Page 6</p>	<p>1 ballots into the election office. 2 I think targeting unwanted action is much 3 simpler. As an example we can all know about, the law 4 doesn't say that you have to have an alcohol 5 concentration of less than .08 to operate a vehicle. It 6 says you may not operate a vehicle if your blood alcohol 7 concentration is greater than .08. Highway patrol 8 targets drunk drivers. They don't make sure that every 9 driver who pulls over -- they pull over take a 10 breathalyzer to prove that they are sober. 11 In the context of ballot interference, if 12 someone calls the police with a complaint relating to 13 ballot interference, which you, it looks like, have a 14 copy of the call that the Livingston Police Department 15 received, the law should be clear as to how to 16 investigate that complaint and whether or not ballot 17 interference occurred. 18 The penalty section of SB 352 gives a dollar 19 amount, but it doesn't specify if it's a criminal act or 20 a civil fine. If it were a criminal act, alleged 21 violations would be investigated by law enforcement and 22 prosecuted in the usual manner. But if it's a civil 23 fine, there needs to be additional language in the bill 24 about who's responsible for that investigation and 25 prosecution.</p> <p style="text-align: right;">Page 8</p>
<p>1 where I work, to apply the laws of Title 13. 2 This session, the topic of ballot 3 interference, has come before the legislature for 4 discussion; first, as House Bill 212, and now with this 5 similar referendum. While election administrators 6 generally do not find there to be any problems with 7 ballot interference in Montana, that's not why we're 8 opposing this bill. 9 We're opposing this bill because we think if 10 your aim is to address ballot interference, then the 11 words that will be codified into Title 13, the laws we 12 apply in our offices every day, need to be written 13 clearly and specifically about ballot interference. 14 We're concerned that this bill as written does not do 15 that. We feel the bill targets voters that would do 16 things right rather than those who would do things wrong. 17 When we say the law needs to be specific and 18 clear, we mean the law aimed at preventing ballot 19 interference should define what ballot interference is 20 and make that behavior illegal. That is, if ballot 21 interference is the act of collecting ballots and 22 conveying to the election office, which is what the bill 23 implies, then the law should be written to say who may 24 not collect ballots and turn them into the elections 25 office, rather than narrowly defining who may turn</p> <p style="text-align: right;">Page 7</p>	<p>1 What the bill does is targets approved 2 behavior, rather than making unwanted behavior illegal, 3 and that creates a lot more of a gray area. It also puts 4 up red tape for people who are doing things right, rather 5 than creating a deterrent for people who would do things 6 wrong. 7 The record of delivery in the bill will create 8 a long line for persons dropping off a ballot. They'll 9 have to fill out quite a bit of information whenever they 10 drop off a ballot. And I ask what's the purpose of this 11 record? Elections offices already keep a record of all 12 ballots delivered to our office. Voters can call or go 13 online to confirm that their ballot was received by our 14 office, regardless of who dropped it off for them. 15 The additional record of delivery in this bill 16 makes people jump through extra hoops to do their friend, 17 neighbor, spouse, a favor by dropping off their ballot. 18 And we do get people who call and ask if they can drop 19 off a ballot for coworkers, friends and neighbors. 20 So, again, I say what's the purpose of this 21 record of delivery? It's essentially a list of people 22 who are following the law, and I don't see why we need to 23 be creating that list during a busy time in our offices. 24 There are a number of laws already on the 25 books that make it illegal to coerce voters or prevent</p> <p style="text-align: right;">Page 9</p>

<p>1 them from casting ballots. These laws clearly define 2 what those illegal actions are. If you want to prevent a 3 behavior, you need to define it and make it illegal. 4 SB 352 does not do that. Instead of defining what ballot 5 interference is, SB 352 makes every voter prove they are 6 doing what ballot interference isn't. I know that's a 7 confusing sentence, but that's the point I'm trying to 8 make: Penalize the unwanted action by making it illegal. 9 Don't make everyone else prove that their actions are 10 legal.</p> <p>11 So rather than passing Senate Bill 352 and 12 putting up more barriers for people who do the things the 13 right way, please in executive action discuss what you 14 think the problem with ballot interference is, how you 15 define that problem, and then how you can make that 16 illegal.</p> <p>17 Thank you. I'm available for questions. And 18 may I submit a written copy of my testimony as well?</p> <p>19 CHAIRWOMAN DEE BROWN: Feel free. Thank you, 20 Ms. McCue.</p> <p>21 Are there any other opponents?</p> <p>22 MS. WESTHOFF: I have a lot to say about this 23 bill, but I'll be brief. Hello, Madam Chair, members 24 of the committee. My name is Katy Westhoff, 25 W-E-S-T-H-O-F-F. I represent the Montana Public Interest</p> <p style="text-align: right;">Page 10</p>	<p>1 with are super passionate and really do genuinely want to 2 see other people's voices heard in our elections, 3 regardless if they're Libertarians, Republicans, 4 Democrats, whatever the case may be.</p> <p>5 So we think it's really important that this 6 bill does not go through. Groups like ours are doing 7 this right, and this bill would only seek to hurt us, and 8 impede on that opportunity.</p> <p>9 It also seems rather unenforceable to me. If 10 you're required if you're dropping off somebody else's 11 ballot that you have to sign in and say your relationship 12 to them, what is that going to do for the 24-hour drop 13 boxes that are around Missoula and other parts of the 14 state? How are election administrators supposed to know 15 if you are who you say you are when you're dropping off 16 someone's ballot unless they're checking an ID or 17 something like that? It's going to make the process of 18 dropping off your absentee ballot a million times harder.</p> <p>19 And furthermore, what's going to stop somebody 20 from just sticking a stamp on somebody else's ballot and 21 putting that in the mailbox? Is that also a form of 22 ballot collection? I just really think this bill, as has 23 been mentioned, is most likely unconstitutional, it's 24 certainly unenforceable, and it's simply inefficient. I 25 don't think there's any reason that this committee should</p> <p style="text-align: right;">Page 12</p>
<p>1 Research Group. We're a nonprofit based at the 2 University of Montana, and we do a lot to help get out 3 the vote and make sure that everyone in our community and 4 across the state is making sure their voices are heard.</p> <p>5 Ballot collection is a really simple civic 6 engagement. It's a public service. It's a way for 7 someone to say, hey, I've knocked on your door three or 8 four times. You probably recognize me by now. I know 9 you got your ballot in the mail because the Secretary of 10 State shows me that you did. I would love to do you a 11 favor and turn it in for you.</p> <p>12 A lot of people say, no, I don't want to do 13 that, and I say that's totally fine. Our volunteers go 14 through extensive training, and they're just that. 15 They're volunteers. They're not malicious. They're not 16 trying to screw with the election. They're generally 17 interested in making sure that everyone in our community 18 is having their voices heard.</p> <p>19 This bill is targeting a crime that isn't 20 happening. There has been no evidence that any of the 21 reports or calls about people afraid for their ballots 22 have resulted in anyone's ballot not being turned in. 23 We're really lucky in this state. We do have a really 24 excellent online website where you can go and check the 25 status of your ballot. The volunteers that I've worked</p> <p style="text-align: right;">Page 11</p>	<p>1 pass it through.</p> <p>2 As has also been mentioned, a similar bill was 3 killed in the House, and I hope that this committee makes 4 the same decision that the House did and does not push 5 forward this bill. I'll be around for questions.</p> <p>6 CHAIRWOMAN DEE BROWN: Thank you, Ms. 7 Westhoff.</p> <p>8 Are there other opponents? Opponents?</p> <p>9 MR. THOMPSON: Good afternoon, Madam Chair and 10 members of the committee. My name is Jordan Thompson. 11 That's T-H-O-M-P-S-O-N. And I represent the Confederated 12 Salish and Kootenai Tribes of the Flathead Nation.</p> <p>13 We opposed SB 352 because this bill does not 14 align with how many of us in my community vote. There 15 are a lot of barriers to voting for tribal people. Many 16 tribal members live in remote areas. Many have limited 17 resources, making transportation and even the ability to 18 get stamps, difficult. This already makes voting 19 difficult enough for many of us. However, SB 352's limit 20 to who can pick up a ballot and the limit of picking up 21 six ballots creates even more obstacles to voting for us.</p> <p>22 While there are exceptions for who can pick up 23 ballots that includes acquaintances and family members, 24 this ignores how many Native people vote. Groups like 25 Western Native Voice goes out and collects ballots for</p> <p style="text-align: right;">Page 13</p>

<p>1 natives. This bill could eliminate that vital service 2 for native people.</p> <p>3 The limit to six collected ballots does not 4 align how many of our Indian families are structured. I 5 have one of the smallest Indian families I know. It's 6 just me, my mom, my uncle, and my 117 cousins. Families 7 are structured differently and we take care of each 8 other, especially our elders. If I'm collecting ballots 9 for my family, I don't want to leave any of my cousins 10 out when I'm taking ballots in for them.</p> <p>11 To pass this bill would be to ignore many of 12 the voters -- to ignore many of the votes of Montana 13 citizens in my community, and so we urge do not pass SB 14 352. Thank you.</p> <p>15 CHAIRWOMAN DEE BROWN: Thank you, Mr. 16 Thompson.</p> <p>17 Are there other opponents?</p> <p>18 MS. SHINDEL: Madam Chair, Senators. My name 19 is Jules Shindel, that's S-H-I-N-D-E-L, and I'm here on 20 behalf of the Montana Human Rights Network and Montana 21 Women Vote. I will be speaking from the experience of 22 Montana Women Vote, which is a statewide organization of 23 low-income women and families. We stand in strong 24 opposition of this bill.</p> <p>25 For 16 years, Montana Women Vote has been a</p> <p style="text-align: right;">Page 14</p>	<p>1 disenfranchisement of Montana's voters. It rids voters 2 of their individual right to choose who they trust with 3 their ballot, and adds extra hardship onto those 4 hardworking Montana voters whose limited mobility or busy 5 lives already make it very difficult to engage in the 6 democratic process.</p> <p>7 In a state where the democratic process is 8 held in the highest regard, where we pride ourselves on 9 having a highly accessible state government where all 10 Montanans can have their voices heard, we should be 11 assisting individuals with fulfilling their right to 12 vote, not creating more obstacles. We should be finding 13 ways to encourage more Montanans to vote, and not 14 creating impediments that will turn people away.</p> <p>15 And with that, I ask you to oppose this bill.</p> <p>16 And Madam Chair, I have a meeting at 5, if I may be 17 excused.</p> <p>18 CHAIRWOMAN DEE BROWN: I have a question 19 before you -- before you leave. You said during your 20 testimony that you provide guidance. Explain to me what 21 "providence guidance" means.</p> <p>22 MS. SHINDEL: Sure. That ranges on how the -- 23 how it -- how do you vote, what is the form that you fill 24 out, where you can find that form, deadlines for voting, 25 where their polling locations are, what -- where they can</p> <p style="text-align: right;">Page 16</p>
<p>1 leader in voter registration across the state, 2 registering thousands of Montanans, and simultaneously 3 providing guidance on how to engage in the democratic 4 process that we all uphold as a Montana value.</p> <p>5 For many of the voters we have encountered, a 6 vital service that allows them to engage in this process 7 is the choice to hand their ballot over to a friend, a 8 colleague, or our staff which ensures its timely delivery 9 to the polls.</p> <p>10 In our experience, those who request and 11 benefit the most from this service are primarily Montana 12 seniors, handicapped, and parents with multiple jobs, all 13 of whose varying capabilities with mobility and time 14 frequently put them in a situation where a last-minute 15 ballot drop is their only option to vote.</p> <p>16 It is presumptuous to assume that all of these 17 voters have a caregiver or a family member or 18 acquaintance who has the time and ability to deliver 19 their ballot to the polls on time. Many voters have 20 wider networks of friends and colleagues who they trust 21 with ballot delivery, an option that should not be 22 delivered upon -- I'm sorry, an option that should not be 23 infringed upon, especially if it creates an obstacle on 24 their constitutional right to vote.</p> <p>25 This bill would contribute to the</p> <p style="text-align: right;">Page 15</p>	<p>1 drop off their ballot, how they can drop off their 2 ballot. We do not engage in any sort of -- we do not 3 advocate on any sort of candidates, more like how do you 4 vote and what the process looks like.</p> <p>5 CHAIRWOMAN DEE BROWN: So if somebody comes to 6 you from the Women Votes group and says, you know, I just 7 picked up my ballot but I really don't know about these 8 people, how do you respond to that?</p> <p>9 MS. SHINDEL: We say that we are a nonpartisan 10 organization. We cannot comment on -- we cannot advocate 11 or comment on these people. We're simply this is how you 12 vote. We can -- we can say these are where -- these are 13 the areas online or guidance where they can find out more 14 about these people, but we never advocate on how to vote. 15 It's more about deadlines and locations and the process 16 of voting specifically.</p> <p>17 CHAIRWOMAN DEE BROWN: Thank you. Are there 18 other questions of this witness?</p> <p>19 SENATOR KARY: Madam Chair. Just one.</p> <p>20 CHAIRWOMAN DEE BROWN: Senator Kary.</p> <p>21 SENATOR KARY: Ms. Shindel --</p> <p>22 CHAIRWOMAN DEE BROWN: Yeah, I'm going a 23 little out of order since you need to leave, so I --</p> <p>24 MS. SHINDEL: I apologize. I can stay longer, 25 if that's easier for you.</p> <p style="text-align: right;">Page 17</p>

<p>1 SENATOR KARY: Part of your testimony stated 2 that to continue to disenfranchise the voters of Montana. 3 Can you tell me how we're disenfranchising those voters 4 right now? 5 MS. SHINDEL: So I'm -- the disenfranchisement 6 would be if this bill were to pass. There's a lot of 7 folks that have, as I mentioned, very limited time and -- 8 excuse me. Am I wrong in your question? 9 SENATOR KARY: In your statement -- 10 Madam Chair. In her statement she said we're 11 continuing to disenfranchise the voters of Montana. 12 And my question to you was how are we 13 disenfranchising them right now, if we're continuing to? 14 MS. SHINDEL: I apologize if it came off that 15 way in my testimony. I was hoping to talk about the bill 16 as a potential disenfranchisement, not that we are 17 currently disenfranchising voters. 18 SENATOR KARY: Thank you. 19 MS. SHINDEL: Thank you. 20 CHAIRWOMAN DEE BROWN: Any other questions? 21 Okay. 22 Any other opponents? 23 MS. HEILMAN: I'm sorry. I'm looking up my -- 24 I'm looking up my document here. All right. My name is 25 Judith Heilman. I'm the Executive Director of the</p> <p style="text-align: right;">Page 18</p>	<p>1 MR. BIXLER: Good afternoon, Madam Chair, 2 members of the committee. My name is Andy Bixler. 3 That's B-I-X-L-E-R. I'm here on behalf of Montana 4 Associated Students. We too rise in opposition today to 5 SB 352. We rose in opposition earlier in the session to 6 a bill that was remarkably similar on the House side. I 7 don't know if changes have been made or not. I think 8 there was talk about amendments, but I'm not positive if 9 those amendments made it into this version. 10 We rise in opposition to this bill because we 11 feel that it's an antidemocratic bill that won't result 12 in increased electoral integrity, but -- and fewer folks 13 voting. We think that criminalizing ballot collection 14 services robs hardworking Montanans, including the 15 students that I represent, of an essential right of 16 theirs. It makes it so much harder for them to vote that 17 it's -- puts an unfair burden on them. 18 Dropping off your ballot at a polling place 19 can be difficult if you're a student and you can barely 20 afford groceries, let alone a car. The public service 21 that are offered by groups like MontPIRG are essential to 22 our electoral system. 23 Further, we agree with the testimony provided 24 through the ACLU. We feel that it doesn't really make a 25 lot of sense to put into statutes a law that can just --</p> <p style="text-align: right;">Page 20</p>
<p>1 Montana Racial Equity Project. My last name is spelled 2 H-E-I-L-M-A-N. 3 What we do is we advocate for racial equity 4 and justice issues in the state of Montana -- that's 5 basically civil rights, for all those are historically 6 and -- historically and traditionally marginalized and 7 disenfranchises. This bill would disenfranchise voters. 8 I grew up during the Civil Rights movement 9 during the '60s. I grew up watching people have official 10 fire department people blast fire hoses on full blast at 11 the kidneys of people who simply wanted the right to 12 vote. A fire hose to the kidneys at close range ruptures 13 your kidneys. This is in my DNA. 14 So for centuries Native Americans and African 15 Americans have had problems voting. To institute this 16 bill and make it law would be another impediment to the 17 vote. We do not want that. We do not want to continue 18 or reinstate any disenfranchisement or any 19 marginalization to anyone as far as their access to the 20 right to vote. And that's why I'm here today. Let's 21 keep it good. All right? And I would like to see 352 22 not be passed. All right? On behalf of all of our 23 people. Thank you. 24 CHAIRWOMAN DEE BROWN: Thank you, Ms. Heilman. 25 Are there other opponents?</p> <p style="text-align: right;">Page 19</p>	<p>1 that would try and correct a problem that can just as 2 easily be avoided by simply not giving your ballot to 3 anybody who you don't trust. 4 We talk a lot about personal responsibility in 5 this legislature, and I think that if you don't trust 6 anyone, then don't give them your ballot. It's a lot 7 simpler remedy. 8 So, for those reasons, we oppose this bill. 9 Thanks. 10 CHAIRWOMAN DEE BROWN: Thank you, Mr. Bixler. 11 Are there other opponents? Other opponents to 12 Senate Bill 352? 13 Are there informational witnesses? 14 Seeing none, are there questions from 15 committee members? 16 Senator Whitford. 17 SENATOR WHITFORD: Thank you, Madam Chair, and 18 this is for the sponsor. 19 CHAIRWOMAN DEE BROWN: Senator Olszewski. 20 SENATOR OLSZEWSKI: Madam Chair, 21 Representative -- or Senator Whitford, excuse me. 22 SENATOR WHITFORD: Thank you, Senator 23 Olszewski. So, my seatmate was commenting on my 24 necklace. And he asked -- how pretty. And I told him, I 25 said that my almost mom -- my almost mother in our</p> <p style="text-align: right;">Page 21</p>

Montana Ballot Collection 4005-0129
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<p>1 (Recording begins)</p> <p>2 CHAIRMAN DOANE: We will now open the hearing</p> <p>3 on Senate Bill 352.</p> <p>4 SENATOR OLSZEWSKI: Good morning, Mr. Chair,</p> <p>5 members of the committee. For the record, I'm Albert</p> <p>6 Olszewski, O-L-S-Z-E-W-S-K-I. I'm Senator District 6.</p> <p>7 That's the confluence of Lake and Flathead Counties,</p> <p>8 wrapping around 80 percent of Flathead Lake today.</p> <p>9 Today I bring to you House Bill -- or I'm</p> <p>10 sorry, Senate Bill 352. This is a bill that brings on</p> <p>11 -- or brings a 2018 ballot referendum for the people of</p> <p>12 Montana to decide whether or not unsolicited -- and I'm</p> <p>13 going to repeat unsolicited -- absentee ballot</p> <p>14 collection is legal.</p> <p>15 In a heartbeat, I have (indiscernible) and</p> <p>16 constituents, as well as I think all of you have, and</p> <p>17 every time we have an election, there's multiple calls</p> <p>18 to the police department and to 911 saying someone came</p> <p>19 to my door, they asked for my ballot. Some give it and</p> <p>20 say, well, I wasn't sure if that was right. And some</p> <p>21 don't. And say I think this is suspicious. And all --</p> <p>22 every time, what happens is, is that someone checks on</p> <p>23 it and says, well, I believe it's legitimate.</p> <p>24 So what I'm here for is I don't know if it</p> <p>25 should be legal or not. But I think the people in</p> <p style="text-align: right;">Page 2</p>	<p>1 director of advocacy and policy at the ACLU of Montana.</p> <p>2 I'll be brief today and didn't mean to budge in line,</p> <p>3 but I have to be upstairs for another hearing in a</p> <p>4 minute. I hope you guys were nice to my boss and my</p> <p>5 policy assistant in my absence. I listened to some of</p> <p>6 it and seemed to go pretty well.</p> <p>7 We're opposed to this bill. It is a</p> <p>8 referendum it is going to go on the ballot, ironically.</p> <p>9 And we're opposed to it for a few years. And so I do</p> <p>10 like to cite case law, as you all know. I know some of</p> <p>11 you like that, some of you don't. But there has been</p> <p>12 one case in recent history that actually addressed --</p> <p>13 the colloquial term is "ballot harvesting." That was</p> <p>14 actually in the Ninth Circuit. It was last year.</p> <p>15 Arizona passed a ban on collecting the ballots of other</p> <p>16 folks. That law was challenged right before the</p> <p>17 November 2016 election. The Ninth Circuit, the full</p> <p>18 Ninth Circuit, over -- overturned that law that banned</p> <p>19 ballot harvesting, so overturned a law like the one</p> <p>20 being proposed to you right now.</p> <p>21 That decision went up to the Supreme Court on</p> <p>22 a very quick appeal. And the United States Supreme</p> <p>23 Court issued a two-sentence ruling that was basically</p> <p>24 the ban on ballot harvesting is going to stay in place</p> <p>25 until the Ninth Circuit has a chance to hear the entire</p> <p style="text-align: right;">Page 4</p>
<p>1 Montana should be able to decide. And as one of my</p> <p>2 constituents has brought it up to is the following.</p> <p>3 She's in her 70s. Someone knocks on her door. She</p> <p>4 goes to the door, and there is somebody there. Two</p> <p>5 people, who then after -- when she opens the door,</p> <p>6 they're already in the screen door.</p> <p>7 They step into her house and say, we're here</p> <p>8 to pick up your ballot. She goes, what do you mean?</p> <p>9 She goes -- well, we know that -- we have a list here</p> <p>10 that says that you still haven't turned in your</p> <p>11 absentee ballot, and we would like to help you turn it</p> <p>12 in. And she gave them the ballot.</p> <p>13 And she said, well, here I am. I live alone.</p> <p>14 I have two people now inside my house, and I'm fearful</p> <p>15 for the situation that I'm in. I gave them my ballot</p> <p>16 and I didn't like it.</p> <p>17 And so with that, I will sit and listen to</p> <p>18 testimony. And then we'll close. Thank you.</p> <p>19 CHAIRMAN DOANE: Let's see a show of hands.</p> <p>20 How many are here to testify on this bill today? Wow.</p> <p>21 Okay. Twenty minutes for proponents.</p> <p>22 Are there any proponents? Seeing none, 20</p> <p>23 minutes for opponents.</p> <p>24 MS. ROSSI: Good morning, Mr. Chair. Members</p> <p>25 of the committee. For the record, SK Rossi, R-O-S-S-I,</p> <p style="text-align: right;">Page 3</p>	<p>1 case and all the arguments for and against. They did</p> <p>2 not rule on the constitutionality of the issue, and the</p> <p>3 proponents of the ban on ballot harvesting didn't make</p> <p>4 any substantive arguments in favor of the ban. They</p> <p>5 basically just said, this is happening too fast. And</p> <p>6 they cited a case, the Purcell case, which is basically</p> <p>7 a case that says when it gets -- when you get really</p> <p>8 close to an election, you shouldn't be ruling on -- on</p> <p>9 voting laws that close to an election because it will</p> <p>10 confuse people.</p> <p>11 So their argument wasn't based on the</p> <p>12 constitutionality of the law. It was based on how fast</p> <p>13 or how close to the election the -- the appeal was</p> <p>14 being heard. So the constitutionality of the of the</p> <p>15 ballot harvesting ban has not been addressed fully by</p> <p>16 the Ninth Circuit. It has been addressed perfunctorily</p> <p>17 by the Ninth Circuit, and they did rule that the ballot</p> <p>18 harvesting ban should be overturned.</p> <p>19 So I wanted you to have that background. I</p> <p>20 think at a very basic level, this doesn't really -- I</p> <p>21 don't really think we have a problem, and I don't</p> <p>22 really think it fixes a problem. I actually ran up to</p> <p>23 the Secretary of State's office a little bit ago</p> <p>24 because I was curious about what I would do if I</p> <p>25 thought somebody stole my ballot -- or I thought I was</p> <p style="text-align: right;">Page 5</p>

<p>1 being intimidated in to giving somebody my ballot. And 2 they sent me to the Fair Elections Montana website, 3 MontanaFairElections.com, where you go to file a 4 complaint if you think that something has gone awry 5 with your voting process or with a ballot process. And 6 I think that's what we should stick to.</p> <p>7 This is a -- I'm not sure how many buzzwords 8 I can hit, but I can't think of a more nanny state bill 9 than the one before you. I mean, this is -- if I'm if 10 I'm in my house and somebody comes into my door and 11 says, have you set your ballot in? And I say no. And 12 they say, can I take it for you? I would be like, no. 13 Shut the door.</p> <p>14 You can decide what to do with your ballot 15 once you get it from the government. It's your 16 property. You can set it on fire, you can run it over 17 with your car, you can tear it up into little shreds, 18 you can joke, make jokes all over and then send it back 19 if you want to.</p> <p>20 Once you get that ballot from the government, 21 it's yours. You can do whatever you want. If you want 22 to give it to somebody, don't give it to somebody. If 23 you do want to give it to somebody, give it to 24 somebody. But there's no reason to create a new 25 penalty in our law -- in our laws for basically taking</p> <p style="text-align: right;">Page 6</p>	<p>1 we're when we're talking or testifying on a bill that 2 is a proposal for a referendum, because it is something 3 that will be on the ballot and you don't know whether 4 it's going to pass or whether it's going to fail. But 5 we're going to talk about this bill in the context of 6 assuming a referendum, as proposed by Senator Olszewski 7 has passed.</p> <p>8 The first thing we want you to understand is 9 that in some of the larger communities -- and in Lewis 10 and Clark County as an example, Ms. McCue advised me 11 that over 10,000 people dropped off ballots in the last 12 election. Over 10,000. And if, for example, this 13 referendum were to have passed, there are a number of 14 situations that I want to walk through with you to see 15 how we might be expected to deal with them.</p> <p>16 For example, the car dealership, a local car 17 dealership that had had a lot of discussions about this 18 last presidential election got all of their employees 19 all excited, and they all brought their ballots in, 20 they gave up to one of the employees who brought it 21 back so he could take the "I voted" stickers back. In 22 that case, that's -- there were quite a few ballots 23 there.</p> <p>24 So in 2020 -- in 2020, what would happen 25 there in that particular situation? Would he be fined</p> <p style="text-align: right;">Page 8</p>
<p>1 somebody's ballot with their consent. We're not 2 criminalizing stealing of ballots. It has nothing to 3 do with stealing ballots. We're literally just saying 4 you can't take somebody valid with their consent. If I 5 give my consent for somebody take my ballot, what's the 6 problem?</p> <p>7 So I think I think this is a bill that's 8 addressing a problem that doesn't exist. I don't know 9 why you put it on the ballot for the -- for the 2018 10 election. I think it's just going to confuse people. 11 So we're opposed. And honestly, if this did go up to 12 the Ninth Circuit, I think it would be overturned. So 13 just keep that in mind.</p> <p>14 CHAIRMAN DOANE: Further opponents.</p> <p>15 MS. STOLL: Mr. Chairman, members of the 16 committee. My name is Linda Stoll. Last name is 17 spelled S-T-O-L-L. I'm representing the Montana 18 Association Of Clerks And Records And Election 19 Administrators. I'm second string today. I'm standing 20 in for Audrey McCue, who is an election administrator 21 from Lewis and Clark County who was here but had a 22 medical appointment at 9. I'm going to just hand out 23 her testimony. And -- oh, thank you -- and not read 24 it. But -- but I hope you'll take the time to read it, 25 because it speaks to -- and it's always difficult when</p> <p style="text-align: right;">Page 7</p>	<p>1 for the seventh ballot that he dropped? Or would he 2 just have to leave having just dropped off six, taking 3 the other ballots back? And would those other ballots 4 get dropped off at the clerk and records office? We 5 don't know that's one issue.</p> <p>6 The other thing that I want to point out is 7 in Section 4, the log that is required to be kept. 8 Now, what's curious about this, if people go out and 9 they collect a bunch of ballots, and stick them in the 10 mail, that's going to be okay. All right. So that's 11 not going to get at what the good Senator Olszewski is 12 trying to get at.</p> <p>13 One of the points that Audrey McCue makes so 14 well in her testimony is identify the bad behavior 15 you're trying to prevent, and gear this language 16 towards preventing the bad behavior. That's not what 17 this particular proposal will do. It will instead 18 punish the good behavior of other voters by making them 19 stand in line to sign a registry to be able to deposit 20 balance into a box if they've collected them.</p> <p>21 And we've all done this. How many of us have 22 brought, you know, ballots from the office or from our 23 friends or from our neighbors, because it was a matter 24 of convenience for that particular voter. We think 25 that this really messes that up. We think that this</p> <p style="text-align: right;">Page 9</p>

<p>1 particular referendum language is very questionable, 2 and it creates some problems, some unintended 3 consequences that people haven't really thought 4 through. Those issues are identified in Ms. McCue's 5 testimony in better detail. I wish she were here to 6 help answer questions, but I will struggle as best I 7 can. Thank you for your time and attention.</p> <p>8 CHAIRMAN DOANE: Further opponents?</p> <p>9 MS. WESTHOFF: Mr. Chair, members of the 10 committee. Told you we weren't done with me yet. My 11 name is Katy Westhoff. I represent the Montana Public 12 Interest Research Group. We are a nonprofit based at 13 the University of Montana and we vehemently stand up 14 for voting rights.</p> <p>15 There's a very similar bill to this It wasn't 16 a referendum, but it was trying to change code. It was 17 heard in State Administration in January and it was 18 killed in committee. I think that that's what needs to 19 happen with this bill. It just seems to be the bill 20 that won't die for me.</p> <p>21 No one is really talking about what this bill 22 does. I think Linda Stoll did a pretty good job. But 23 this bill is going to force anyone who's coming in to 24 drop off their ballot to sign their name on a registry. 25 And frankly, it's supposed to be for folks who are</p> <p style="text-align: right;">Page 10</p>	<p>1 obstacles in front of people in the ballot box I think 2 is wrong. I hope that this committee agrees with me. 3 Generally, it's going to create an efficient long 4 lines. Montanans are going to get pretty annoyed with 5 that.</p> <p>6 It doesn't address any of the problems that 7 have been mentioned before. If people are going to the 8 DMV, the DMV will sometimes take ballots if the 9 elections office is closed, and they just hand them 10 over to the clerks and recorders and make sure that 11 those votes get counted.</p> <p>12 So there are a lot of ways that people are 13 able to turn in their ballots. This referendum if it 14 were to pass would really, really limit those options 15 and would be bad for our democracy. I am vehemently 16 opposed to this bill. You're going to hear from some 17 other folks who are as well, but I am here for 18 questions. And I do have a copy of my testimony. I'll 19 leave it with the with the secretary. Thank you.</p> <p>20 CHAIRMAN DOANE: Further opponents.</p> <p>21 MR. LOSING: Mr. Chair, members of the 22 committee. For the record, my name is Keith Losing -- 23 that's L-O-S-I-N-G -- from Mile City but currently 24 living in Missoula. I oppose this bill for three 25 reasons. First, I don't think our county elections</p> <p style="text-align: right;">Page 12</p>
<p>1 dropping off ballots, but how are clerks supposed to 2 know if you're dropping off your own or someone else's 3 unless they make every single person sign that registry 4 that they've dropped off their ballot? This is going 5 to cause a lot of lines. Right now it's so easy for 6 me. I -- whenever I get my absentee ballot, I walk by 7 the Missoula courthouse and I dropped my ballot right 8 in one of those boxes where people can drop their 9 parking tickets or things like that. It's super 10 convenient for me, it's easy for the clerks, they get 11 my ballot ahead of time, they can count my vote and 12 make sure that I'm able to participate in our 13 democracy, which I'm really into.</p> <p>14 And so this bill is really not doing what it 15 says it's going to do. Simply put, it's going to make 16 casting your ballot harder for people all across the 17 state of Montana. If you're a rural voter, and maybe 18 you have a PO box, you have to drive into town to get 19 it. Maybe you don't have time to go make another trip 20 to the PO box to put it -- to mail it back in. And if 21 someone you know shows up and they're like, hey -- 22 friend, neighbor, coworker, spouse, can I turn in your 23 ballot for you? This is going to make it harder for 24 that to happen.</p> <p>25 And anything that we're doing to put</p> <p style="text-align: right;">Page 11</p>	<p>1 offices are going to be able to properly enforce this. 2 We already know that conducting elections is costly and 3 time consuming, and this is only going to add to the 4 burden on these folks. Second, it's already illegal to 5 tamper with someone else's ballot, provided in Montana 6 Code 13-35-205. And finally, I've returned ballots for 7 people in the past. I returned one for a person that 8 had some health issues and couldn't make it to the 9 polls, and she'd also waited too long to mail in her 10 ballot. I've also returned one for a rancher that 11 lived about a half hour at a Mile City and was out of 12 stamps.</p> <p>13 So I just know that folks do use this 14 service, and I think it's important that we let folks 15 try to vote. Montanans should really be allowed every 16 opportunity to cast their vote. And although well 17 intentioned, this bill could make it more difficult for 18 some folks to do that. So with that, I will urge you 19 to vote no on SB352. Thank you.</p> <p>20 CHAIRMAN DOANE: Thank you.</p> <p>21 Further opponents?</p> <p>22 MR. BIXLER: Good morning, Mr. Chairman, 23 members of the committee. My name is Andy Bixler, 24 B-I-X-L-E-R. I'm here and we have a Montana Associated 25 Students and we too rise an opposition to this bill.</p> <p style="text-align: right;">Page 13</p>

<p>1 I'd like to echo everything that the other opponents 2 have vocalized, and just say that when your student, 3 you know, dropping off your ballot or voting can be 4 difficult enough as it is. If you don't have a car, if 5 you live on campus, you need, you know, these services 6 really help people as a public service and public -- 7 and we don't think that it should be -- it should be 8 done away with.</p> <p>9 Further, we don't really see it as making a 10 whole lot of sense. Like some previous opponents have 11 said, nobody -- if you don't feel comfortable giving 12 your about somebody, the solution is not to make some 13 new code, but instead to just not give your ballot 14 away. It's pretty easy. So with that, we'll sit down. 15 Thank you.</p> <p>16 MS. SHINDEL: Mr. Chairman, members of the 17 committee. My name is Jules Shindel. That's S-H-I-N- 18 D-E-L. I'm here on behalf of the Montana Human Rights 19 Network and Montana Women Vote. I would like to speak 20 to the experience of specifically Montana Women Vote 21 that has over 16 years of voter registration and voter 22 education services in this state. We've heard from a 23 bunch of students, but I'd also like to bring your 24 attention to the other groups that this would be 25 affecting.</p> <p style="text-align: right;">Page 14</p>	<p>1 CHAIRMAN DOANE: Thank you. Further 2 opponents?</p> <p>3 MS. BELCHER: Mr. Chairman, members of the 4 committee. My name is Abigail Belcher, B-E-L-C-H-E-R, 5 and I represent the Associated Students of the 6 University of Montana. I would just like to briefly 7 echo what Andy Bixler said. A lot of students don't 8 have schedules that are very conducive to dropping off 9 balance, especially if you live on campus, don't have a 10 car, you're doing class and a full time job. There's 11 just really not a lot of time in the day to get to the 12 drop-box.</p> <p>13 I myself, first semester, used a ballot 14 collection service to cast my vote, and I was very 15 appreciative of that because I was in that situation 16 myself working full time and living on campus and not 17 being able to do it. So thanks to ballot collectors, I 18 was able to vote.</p> <p>19 CHAIRMAN DOANE: Further opponents?</p> <p>20 MS. SNOW: Good morning, Chairman, members of 21 the committee. My name is Alissa Snow. That's 22 A-L-I-S-S-A, and I am here with Western Native Voice. 23 We stand here today in opposition of this bill for all 24 the reasons mentioned before. 25 And I also want to just talk a little bit</p> <p style="text-align: right;">Page 16</p>
<p>1 The reason that we exist -- one of the 2 reasons that we exist is that there were so many 3 low-income voters that needed assistance with learning 4 about the voter process. These are folks these are 5 hard-working Montanans, they work multiple jobs, they 6 have children. This is a process that can be very 7 difficult to understand to know when to drop off your 8 ballot. Sometimes getting your ballot to the polls on 9 time when you have multiple jobs is already quite 10 taxing.</p> <p>11 And so this would really this would be 12 inefficient, and long wait times that this would create 13 would really create obstacles for these folks to vote. 14 Also notes that we have for our for Montana seniors for 15 Montana disabled voters who already have very limited 16 time and mobility that depend on city transportation to 17 get them places, these are very, you know, to the 18 minute type of transportation services. And for folks 19 who can't just wait in line for however long and are 20 dependent on these services would be disproportionately 21 affected.</p> <p>22 And so we're also really thinking about 23 disenfranchising seniors, disabled Montanans, and many 24 low-income voters. So please keep that in mind. I 25 urge you to oppose this bill. Thank you.</p> <p style="text-align: right;">Page 15</p>	<p>1 about what we do. Our organization is a social justice 2 organization, but we are much more than that. Civic 3 engagement as a beating heart and our organization, and 4 our get out the vote program is vital to the voter 5 turnout in Indian Country. Native Americans face 6 numerous obstacles when it comes to getting to the 7 polls. So ballot collection is one of the main 8 components of our GOTV program. It ensures that 9 everyone who wants to vote has that ability.</p> <p>10 In election years, we hire ten community 11 organizers across the state. That includes all seven 12 reservations and three major urban areas. Each 13 organizer participates in a total of five days of 14 training before they begin our get out the vote 15 program. So they are well trained and do a great job 16 of collecting ballots into this state and we don't have 17 any problem with their ballot collection.</p> <p>18 So our work matters. If Senate Bill 352 19 passes it will have a detrimental effect on our job and 20 on the Native vote. So please vote no for Senate Bill 21 352. Thank you.</p> <p>22 CHAIRMAN DOANE: Further opponents.</p> <p>23 MS. MOON: Good morning, Mr. Chair and 24 members of the committee. My name is Sophie Moon, 25 M-O-O-N. I am here to oppose SB352 because of how it</p> <p style="text-align: right;">Page 17</p>

<p>1 would disproportionately affect three important members 2 of my community -- groups in my community. 3 CHAIRMAN DOANE: Can you pull the microphone 4 up a little bit, please? Thank you. 5 MS. MOON: That's better. There we go. 6 CHAIRMAN DOANE: Much better. 7 MS. MOON: So first would be students, 8 obviously. As a student of the University of Montana, 9 I use ballot collection services. As a member of 10 MontPIRG, I actually collect ballots from fellow 11 students who trust and know the transparency of our 12 organization, and they know that regardless of who they 13 vote for, obviously, we never asked and we don't 14 pressure anyone into giving their ballot to us. But 15 they know that we will turn in their ballot for them 16 and their vote will be counted in the election. 17 So obviously, students who are incredibly 18 busy in their daily lives and maybe work on top of 19 school just simply do not have the time or the 20 resources to turn their ballot on time or mail it in. 21 And then also single parents. I work at a 22 restaurant where a lot of single moms work, and they 23 work, you know, just back-to-back shifts every 24 single day to make sure that they can feed their 25 children. And a bill like this would make it almost</p> <p style="text-align: right;">Page 18</p>	<p>1 issues that it wishes to address, the issues that I 2 frankly don't believe we need to address here in 3 Montana, due to the very limited amount of cases that 4 have arose around this issue, I think that you should 5 all oppose this bill. And thank you for listening to 6 my rambling speech. 7 CHAIRMAN DOANE: Thank you. Further 8 opponents. 9 In the interest of time, if there's further 10 opponents, you can go ahead and form a line. 11 MR. TOPPEN: Mr. Chairman, members of the 12 committee. My name is Michael Toppen, T-O-P-P-E-N, and 13 I am a student at the University of Montana. I stand 14 opposes this bill because this last election I 15 collected several ballots for friends, coworkers, 16 acquaintances who knew that I was passionate about 17 voting rights. And truthfully I cannot afford this 18 fine, and I would like to continue to collect balance 19 because I think it provides a -- essential service for 20 our democracy. 21 And I oppose this bill for a couple of 22 reasons as well. First of all, it makes it just harder 23 for Montanans to cast their ballot. My personal 24 experience has mostly been with students, but I also 25 know that many elderly citizens and single mothers,</p> <p style="text-align: right;">Page 20</p>
<p>1 impossible for them to vote. There were multiple women 2 that actually gave me their ballot at work because they 3 knew that I was part of MontPIRG and I could turn their 4 ballot for them. And so without ballot collection 5 services like this, if that was made illegal, they 6 effectively would not have voted in the last election. 7 And then finally, my grandparents. They 8 talked a lot about how the lines are polling places are 9 getting longer, and they feel like, you know, maybe 10 next time, they shouldn't even show up to vote because 11 it takes so much time out of their day. And they 12 simply don't have the resources to have that much 13 stress and time taken out of their day to vote. 14 And if we passed this bill, if this went into 15 effect in our communities, that would make it much 16 harder for people like my grandparents, who simply 17 don't have the time or the resources to go stand in 18 line and make sure that their ballot is turned in and 19 they have their name signed, simply because this would 20 create so much congestion in our ballot system already, 21 just like was already touched on before. 22 And so, you know, because of the far-reaching 23 negative impacts this bill would ultimately have if it 24 was passed by the citizens of Montana, and because of 25 the reason that it ultimately wouldn't address the</p> <p style="text-align: right;">Page 19</p>	<p>1 busy parents who can bring their ballot to the -- who 2 either can't put it in the mail can bring into the 3 courthouse, just run into several different obstacles 4 and trying to vote. Ballot collection allows them to 5 have a much easier way to cast their vote and not have 6 to worry about it. 7 This bill would not stop ballot interference. 8 It's already illegal to tamper with someone's ballot. 9 You can't throw them away if someone's given it to you, 10 it's -- you can't change them. It's just -- this bill 11 is not going to tackle the supposed issue that's it 12 supposed to. It will just make it harder for citizens 13 who want to vote legally to do so. 14 And lastly, I just feel like this bill is 15 very antithetical to Montana values of fair elections. 16 And it seems like kind of government overstepping its 17 bounds. I feel like those are things that Montanans do 18 not take very kindly to, and this bill just seems 19 largely pointless to me. I oppose the Senate Bill and 20 I hope that you do too. Thank you. 21 CHAIRMAN DOANE: Further opponents. 22 MS. GLUECKERT: Mr. Chair, members of the 23 committee, my name is Melissa Glueckert, 24 G-L-U-E-C-K-E-R-T, and I'm a board member with MontPIRG 25 at the University of Montana, representing myself.</p> <p style="text-align: right;">Page 21</p>

<p>1 I've had some experience also collecting ballots at the 2 University of Montana, particularly in our University 3 Center, including putting my own one in there. 4 Particularly a little bit scared it's going to be lost 5 in the mail. 6 And students already pay, you know, so much 7 to go to college. I've met someone who literally had 8 zero dollars in their bank account from paying tuition 9 eating food that he thanked me, "Thank you so much," he 10 said, "for, you know, taking my ballot. I can't afford 11 a stamp to vote." 12 So that was -- people are just so thankful 13 that we can be able to collect ballots. And voter 14 turnout for colleges is already so low, so making 15 students buy stamps -- either put them in the mail or 16 drive and drop them off is going to lower it further. 17 So I'm just asking you to oppose this bill. Thank you. 18 CHAIRMAN DOANE: Thank you. 19 Further opponents? 20 MS. WILLIAMSON: Good morning, Mr. Chair. 21 Good morning, Committee. I oppose SB352 because I 22 think that it will disallow a large portion -- 23 CHAIRMAN DOANE: Can we have your name? 24 MS. WILLIAMSON: Oh, I'm sorry. My name is 25 Kelly Williamson, W-I-L-L-I-A-M-S-O-N. I oppose SB352</p> <p style="text-align: right;">Page 22</p>	<p>1 REPRESENTATIVE COURT: Senator Olszewski, my 2 question was how did you decide on the number of six? 3 Why wasn't it ten? Why wasn't it 15? Why wasn't it 4 three? It seems like just kind of an arbitrary number. 5 SENATOR OLSZEWSKI: Well, actually, 6 Mr. Chair, Representative Court. A small survey 7 sample. I asked people when the last time -- if you've 8 taken ballots for people that have asked you to pick up 9 ballots and take them down or to the mailbox, how many 10 people has that been? One, two, three, five? You 11 know, I've didn't hear more than five, four people who 12 were asked to please take my ballot. So five or less, 13 six. Mr. Chair. 14 REPRESENTATIVE COURT: Follow-up, please. 15 CHAIRMAN DOANE: Follow-up. 16 REPRESENTATIVE COURT: I'm concerned because 17 in Billings, they did away all the polling places in 18 2011 and everybody has to pretty much vote at the 19 Metra. So some things that run through my mind there 20 is a lot of our senior citizens, elderly, even younger 21 people, cannot get to the Metra or the election office, 22 which again in some parts of my district is across the 23 tracks. So I'm concerned about how these people would 24 do it. 25 I know that sometimes because of their work</p> <p style="text-align: right;">Page 24</p>
<p>1 because I think it'll disallow a large proportion of 2 our rural communities from getting their vote out. I 3 think that the current laws cover fraud in elections, 4 and I think that was so many demographics that live 5 outside of the cities, they cannot get to the ballot 6 boxes. A large proportion do not have a good support 7 system. They don't have family, friends, and some 8 don't even have caregivers that can turn their ballots 9 in. 10 This is going to keep a lot of people from 11 getting their vote heard. I think this referendum is 12 in poor timing, and I don't think it's cost effective 13 at a time when we are looking at budget cuts. I don't 14 think that our election needs to be -- to cost us more. 15 I just think it's bad timing, and I ask that you oppose 16 this bill. Thank you. 17 CHAIRMAN DOANE: Any further opponents? 18 Seeing none, informational witnesses? 19 Seeing none, with our eye on the clock, 20 questions from the committee? 21 Representative Court. 22 REPRESENTATIVE COURT: Thank you, Mr. Chair. 23 Question for the sponsor, please. 24 SENATOR OLSZEWSKI: Mr. Chairman, 25 Representative Court.</p> <p style="text-align: right;">Page 23</p>	<p>1 schedule, there is a box that they can drop -- ballots 2 can be dropped in outside of the courthouse. So with 3 this system, could they -- do they have to go to the 4 polling place or the election office? And thus might 5 really hamper a lot of voters in certainly the lower 6 income areas in Billings? 7 SENATOR OLSZEWSKI: Mr. Chairman, 8 Representative Court. You know, that's a really good 9 question, especially how you asked it. Here's the 10 deal. This is a mail -- or an absentee mail ballot 11 system. It means that if you ask for an absentee 12 ballot, it comes to you by the mail. That means you 13 have to have access to the mail. 14 When you're done filling out your ballot, you 15 put it in the mail. And it takes no stamp. No stamp 16 is required. It is paid by the election judges. That 17 is true. You can ask any election court recorder. It 18 shows up in the U.S. Mail, U.S. Mail will deliver it 19 without a stamp, and the Election Department pays for 20 the postage and delivery. Mr. Chair. 21 REPRESENTATIVE COURT: Follow-up, 22 Mr. Olszeswki. I think that that is true, but that's 23 not what it says on the ballot. It says to please put 24 a stamp -- and sometimes with these heavier ones, it 25 says please put two stamps on it. So that makes</p> <p style="text-align: right;">Page 25</p>

Exhibit 32

Bill Draft Number: LC1594**Bill Type - Number:** SB 352**Short Title:** Referendum on prohibition of ballot collection by certain individuals**Primary Sponsor:** Albert Olszewski (R) SD 6**Chapter Number:** 238**Bill Actions - Current Bill Progress:** Became Law**Bill Action Count:** 56

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	05/03/2017			
(S) Filed with Secretary of State	05/03/2017			
(H) Signed by Speaker	04/27/2017			
(S) Signed by President	04/20/2017			
(S) Returned from Enrolling	04/20/2017			
(C) Printed - Enrolled Version Available	04/19/2017			
(H) Motion to Reconsider Failed	04/18/2017	48	51	
(S) Sent to Enrolling	04/18/2017			
(H) Returned to Senate	04/13/2017			
(H) 3rd Reading Concurred	04/13/2017	51	49	
(H) Scheduled for 3rd Reading	04/13/2017			
(H) 2nd Reading Concurred	04/12/2017	52	48	
(H) Scheduled for 2nd Reading	04/12/2017			
(H) Committee Report--Bill Concurred	04/10/2017			(H) Judiciary
(H) Committee Executive Action--Bill Concurred	04/10/2017	11	8	(H) Judiciary
(H) Hearing	04/06/2017			(H) Judiciary
(H) First Reading	04/01/2017			
(H) Referred to Committee	04/01/2017			(H) Judiciary
(S) Transmitted to House	03/30/2017			
(S) 3rd Reading Passed	03/30/2017	30	19	
(S) 2nd Reading Passed	03/30/2017	29	21	
(S) Scheduled for 2nd Reading	03/30/2017			
(C) Printed - New Version Available	03/28/2017			
(S) Committee Report--Bill Passed	03/28/2017			(S) State Administration
(C) Sponsors Engrossed	03/28/2017			
(S) Committee Executive Action--Bill Passed	03/27/2017	5	3	(S) State Administration
(S) Hearing	03/22/2017			(S) State Administration
(S) Fiscal Note Printed	03/21/2017			
(S) Fiscal Note Signed	03/20/2017			
(S) Fiscal Note Received	03/20/2017			
(S) Referred to Committee	03/17/2017			(S) State Administration
(S) First Reading	03/17/2017			
(C) Introduced Bill Text Available Electronically	03/16/2017			
(S) Fiscal Note Requested	03/16/2017			
(S) Introduced	03/16/2017			
(C) Draft Delivered to Requester	03/16/2017			
(C) Draft Ready for Delivery	03/14/2017			

(C) Executive Director Final Review	03/14/2017
(C) Draft in Assembly	03/14/2017
(C) Executive Director Review	03/14/2017
(C) Bill Draft Text Available Electronically	03/14/2017
(C) Draft in Final Drafter Review	03/14/2017
(C) Draft in Input/Proofing	03/14/2017
(C) Draft to Drafter - Edit Review [SMH]	03/14/2017
(C) Draft in Edit	03/13/2017
(C) Draft in Legal Review	03/13/2017
(C) Fiscal Note Probable	03/13/2017
(C) Draft to Requester for Review	03/10/2017
(C) Draft to Requester for Review	03/10/2017
(C) Draft to Requester for Review	03/09/2017
(C) Draft Taken Off Hold	03/09/2017
(C) Draft On Hold	02/06/2017
(C) Draft to Requester for Review	02/06/2017
(C) Draft Taken Off Hold	01/16/2017
(C) Draft On Hold	12/05/2016
(C) Draft Request Received	12/03/2016

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Essmann	Jeff
Drafter	Aldrich	Ginger
Primary Sponsor	Olszewski	Albert

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Elections (see also: Ballot Issues)		Simple	ELEC
Referendum		Simple	REF
Revenue, State	Revenue	Simple	REVS

Additional Bill Information

Fiscal Note Probable: Yes

Preintroduction Required: N

Session Law Ch. Number: 238

DEADLINE

Category: Revenue Bills

Transmittal Date: 03/30/2017

Return (with 2nd house amendments) Date: 04/19/2017

Section Effective Dates

Section(s)	Effective Date	Date Qualified
All Sections		Effective upon approval by the electorate

Exhibit 33

HOUSE BILL NO. 406

INTRODUCED BY M. NOLAND

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE MONTANA BALLOT INTERFERENCE PROTECTION ACT; PROVIDING FOR BALLOT COLLECTION; REVISING EXCEPTIONS FOR BALLOT COLLECTION; ESTABLISHING REQUIREMENTS FOR BALLOT COLLECTION; REQUIRING THE SECRETARY OF STATE TO MAINTAIN ~~REGISTRIES~~ A REGISTRY FOR BALLOT COLLECTION ~~REGISTRATION AND~~ BALLOT COLLECTION AND CONVEYANCE; ESTABLISHING A PROCESS TO REQUEST INFORMATION STORED IN ~~REGISTRIES~~ THE REGISTRY; REVISING PENALTIES FOR BALLOT COLLECTION; REQUIRING IMPROPERLY COLLECTED BALLOTS BE TREATED AS PROVISIONAL BALLOTS; ~~PROVIDING THE SECRETARY OF STATE WITH RULEMAKING AUTHORITY;~~ AMENDING SECTIONS 13-35-702, 13-35-703, 13-35-704, AND 13-35-705, MCA; AND PROVIDING AN ~~IMMEDIATE~~ A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. — Ballot collection. ~~(1) An individual permitted to collect and convey a ballot under 13-35-703(2)(f):~~

~~(a) must be a resident of the state as provided in 1-1-215;~~
~~(b) may not be paid anything of value based on the number of ballots collected or conveyed;~~
~~(c) shall register with the election administrator in each county where the individual intends to collect and convey ballots under 13-35-703(2)(f) prior to collecting any ballot other than their own by providing the election administrator with the individual's:~~

~~(i) full name;~~

~~(ii) mailing address;~~

~~(iii) occupation;~~

~~(iv) employer; and~~

~~(v) any entity the individual is affiliated with in collecting and conveying ballots as an authorized~~

individual under 13-35-703(2)(f). The individual shall also report the entity's name, place of business, and mailing address.

~~(d) must provide the elector whose ballot the individual collects with a receipt of collection at the time the individual collects the elector's ballot. The secretary of state shall provide the receipt.~~

~~(2) Each election administrator shall report to the secretary of state the registration information under subsection (1)(c) within a timeframe established by the secretary of state in rules adopted in accordance with subsection (4).~~

~~(3) The secretary of state shall maintain and publish a database of the registration information required under subsection (1)(c) in a manner determined by the secretary of state.~~

~~(4) The secretary of state shall adopt rules to provide for the implementation of this section.~~

SECTION 1. SECTION 13-35-702, MCA, IS AMENDED TO READ:

"13-35-702. Definitions. As used in this part, the following definitions apply:

~~(1) "Acquaintance" means an individual known by the voter.~~

~~(2) "Caregiver" means an individual who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living home, residential care institution, adult day health care facility, or adult foster care home.~~

~~(3)(1) "Collect" means to gain possession or control of a ballot.~~

~~(4)(2) "Family member" means an individual who is related to the voter by blood, marriage, adoption, or legal guardianship~~
A VOTER'S SPOUSE, AN INDIVIDUAL RELATED TO THE VOTER BY CONSANGUINITY OR ADOPTION WITHIN THE SECOND DEGREE, AN INDIVIDUAL RELATED TO THE VOTER'S SPOUSE BY AFFINITY OR ADOPTION WITHIN THE SECOND DEGREE, OR THE LEGAL GUARDIAN FOR A VOTER.

~~(5) "Household member" means an individual who resides at the same residence as the voter."~~

Section 2. Section 13-35-703, MCA, is amended to read:

"13-35-703. Ballot collection prohibited -- exceptions. (1) Except as provided in subsection (2), a person may not knowingly collect ~~a~~another voter's voted or unvoted ballot.

(2) ~~This~~Except as provided in subsection (3), this section does not apply to:

1 (a) an election official;
 2 (b) a United States postal service worker or other individual specifically authorized by law to transmit
 3 United States mail; OR
 4 ~~(c) a caregiver;~~
 5 ~~(d)(C) a family member;~~
 6 ~~(e) a household member; or~~
 7 ~~(f) an acquaintance.~~
 8 (3) ~~An individual authorized to collect a voter's ballot pursuant to subsections (2)(c) through (2)(f) may~~
 9 ~~not collect and convey more than six ballots. An individual authorized to collect a voter's ballot pursuant to~~
 10 ~~subsections (2)(c) through (2)(f) SUBSECTION (2)(C) shall comply with the requirements of 13-35-704 and~~
 11 ~~[section 1], if applicable, or is subject to penalties established in 13-35-705."~~
 12

13 **Section 3.** Section 13-35-704, MCA, is amended to read:

14 **"13-35-704. Record of delivery.** (1) (a) An individual permitted to collect and convey a ballot under
 15 ~~13-35-703(2)(c) through (2)(f)~~ 13-35-703(2)(C) shall sign a ballot collection and conveyance registry for each
 16 ballot delivered when delivering the ballot to the polling place, a place of deposit, place or the election
 17 administrator's office.

18 (b) In addition to the signature requirement under subsection (1)(a), the individual collecting and
 19 conveying the ballot shall provide the following information:

20 (1)(i) the individual's name, address, and phone number;
 21 (2)(ii) the voter's name and address; ~~and~~
 22 (3)(iii) the individual's relationship to the voter required to collect and convey a ballot pursuant to 13-
 23 35-703(2)(c) ~~through (2)(f);~~
 24 (iv) the date the ballot was conveyed; and
 25 (v) a signed form from the voter conveying permission for the individual's ballot to be collected. An
 26 election administrator shall ensure that the signature on the form is verified and shall compare the signature of
 27 the voter with the voter's voter registration form or with the signature on the signature envelope.
 28 (2) The secretary of state shall establish a single official statewide ballot collection and conveyance

1 registry.

2 (3) Each election administrator shall keep an official registry in the statewide ballot collection and
3 conveyance registry established in accordance with subsection (2). Each election administrator shall report the
4 information for each entry under subsection (1) to the registry in a time and manner established by the
5 secretary of state.

6 (4) Subject to subsection (6), on request and for noncommercial use:

7 (a) the secretary of state shall provide any individual available extracts and reports from the official
8 registry established in accordance with subsection (2); and

9 (b) an election administrator shall provide any individual available extracts and reports under their
10 jurisdiction from the official registry kept in accordance with subsection (3).

11 (5) The secretary of state or an election administrator may collect a fee, commensurate with costs, to
12 fulfill a request made in accordance with subsection (4).

13 (6) For a voter whose information is protected from general distribution under 13-2-115(6) or (7), the
14 secretary of state or an election administrator may not include the voter's residential address on any register,
15 list, mailing labels, or available extracts and reports, but may list the voter's name."

16

17 **Section 4.** Section 13-35-705, MCA, is amended to read:

18 **"13-35-705. Penalty -- treatment as provisional ballot.** ~~A-(1) (a) Each violation of a provision of this~~
19 ~~part is a misdemeanor punishable by a fine of \$500 for each ballot unlawfully collected.~~

20 (b) Each ballot collected in violation of 13-35-703(3) is considered a separate violation of this part.

21 (2) A ballot collected and conveyed in violation of this part must be treated as a provisional ballot
22 under 13-15-107, and the election administration shall give notice to the voter as required in accordance with
23 13-13-245."

24

25 **NEW SECTION. Section 5. Notification to tribal governments.** The secretary of state shall send a
26 copy of [this act] to each federally recognized tribal government in Montana.

27

28 **NEW SECTION. Section 6. Codification instruction.** ~~[Section 1] is intended to be codified as an~~

1 ~~integral part of Title 13, chapter 35, part 7, and the provisions of Title 13, chapter 35, part 7, apply to [section 1].~~

2
3 NEW SECTION. Section 6. Saving clause. [This act] does not affect rights and duties that matured,
4 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

5
6 NEW SECTION. Section 7. Severability. If a part of [this act] is invalid, all valid parts that are
7 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
8 the part remains in effect in all valid applications that are severable from the invalid applications.

9
10 NEW SECTION. SECTION 8. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JANUARY 1, 2022.

11
12 ~~NEW SECTION. Section 9. Effective date. [This act] is effective on passage and approval.~~

13 - END -

Exhibit 34

Bill Draft Number: LC1606**Bill Type - Number:** HB 406**Short Title:** Revise absentee and mail ballot laws**Primary Sponsor:** Mark Noland (R) HD 10**Bill Actions - Current Bill Progress:** Probably Dead**Bill Action Count:** 45

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
(S) Died in Process	04/29/2021			
(S) 2nd Reading Indefinitely Postponed	04/14/2021	29	21	
(S) 2nd Reading Concur Motion Failed	04/14/2021	23	27	
(S) Scheduled for 2nd Reading	04/14/2021			
(C) Printed - New Version Available	04/12/2021			
(S) Committee Report--Bill Concurred as Amended	04/12/2021			(S) State Administration
(S) Committee Executive Action--Bill Concurred as Amended	04/09/2021	5	3	(S) State Administration
(C) Amendments Available	04/09/2021			
(S) Hearing	03/22/2021			(S) State Administration
(S) Referred to Committee	03/08/2021			(S) State Administration
(S) First Reading	03/08/2021			
(H) Transmitted to Senate	03/02/2021			
(H) 3rd Reading Passed	03/02/2021	63	36	
(H) Scheduled for 3rd Reading	03/02/2021			
(H) Committee Report--Bill Passed	03/01/2021			(H) Appropriations
(H) Committee Executive Action--Bill Passed	03/01/2021	17	7	(H) Appropriations
(H) Hearing	03/01/2021			(H) Appropriations
(H) Rereferred to Committee	02/26/2021			(H) Appropriations
(H) 2nd Reading Passed	02/26/2021	67	33	
(H) Scheduled for 2nd Reading	02/26/2021			
(H) Committee Report--Bill Passed	02/24/2021			(H) Judiciary
(H) Fiscal Note Printed	02/24/2021			
(C) Fiscal Note Unsigned	02/24/2021			
(H) Fiscal Note Received	02/24/2021			
(H) Committee Executive Action--Bill Passed	02/23/2021	12	7	(H) Judiciary
(H) Hearing	02/23/2021			(H) Judiciary
(H) First Reading	02/15/2021			
(H) Referred to Committee	02/15/2021			(H) Judiciary
(C) Introduced Bill Text Available Electronically	02/12/2021			
(H) Fiscal Note Requested	02/12/2021			
(H) Introduced	02/12/2021			
(C) Draft Delivered to Requester	02/12/2021			
(C) Draft Ready for Delivery	02/12/2021			
(C) Executive Director Final Review	02/12/2021			
(C) Draft Ready for Delivery	02/12/2021			
(C) Draft in Assembly	02/11/2021			
(C) Executive Director Review	02/11/2021			
(C) Bill Draft Text Available Electronically	02/11/2021			

(C) Draft in Final Drafter Review	02/11/2021
(C) Draft in Input/Proofing	02/11/2021
(C) Draft to Drafter - Edit Review [CMD]	02/10/2021
(C) Draft in Edit	02/09/2021
(C) Draft in Legal Review	02/08/2021
(C) Draft to Requester for Review	02/01/2021
(C) Draft Request Received	12/02/2020

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Noland	Mark
Drafter	Nowakowski	Sonja
Primary Sponsor	Noland	Mark

Subjects

Description	Revenue/Approp. Vote Majority Req.	Subject Code
Ballot Issues (see also: Elections)	Simple	BAL
Elections (see also: Ballot Issues)	Simple	ELEC
Rule Making	Simple	RUL

Additional Bill Information

Fiscal Note Probable: Yes

Preintroduction Required: N

Session Law Ch. Number:

DEADLINE

Category: General Bills

Transmittal Date: 03/02/2021

Return (with 2nd house amendments) Date: 04/20/2021

Section Effective Dates

No Records returned

Exhibit 35

Expert Report of Kenneth R. Mayer, Ph.D.

Montana Democratic Party and Mitch Bohn v. Christi Jacobsen

Consolidated Case No. DV 21-0451

January 12, 2022

I. Introduction and Summary

I have been asked by plaintiffs' counsel to analyze three changes to election administration practices in Montana:

HB 176 – Eliminates election day registration, ending late registration at 12 noon on the Monday before election day.

SB 169 – Eliminates student IDs as a primary form of voter ID, and requires voters showing a student ID to also present additional documentation with the voters name and address.

HB 530 – Prohibits offering or accepting “a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots.”

Each of these provisions imposes a significant burden on the ability of affected individuals to vote, and will prevent otherwise qualified voters from being able to cast ballots. The burdens will fall heaviest on younger voters, who are more likely to have registered on election day since 2008, and on university students who will no longer be able to use their university IDs for voting without presenting additional documentation. The changes are likely to confuse voters, as they change practices that had been in place for 15 years (for election day registration) or 16 years (for student ID as a voter ID).

Since 2006, over 70,000 Montanans registered to vote on election day; elimination of election day registration would almost certainly have prevented most (if not nearly all) of these voters from being able to have cast a ballot. This is over 1% of total turnout across the entire period. Of voters currently registered as of April 2021, over 7% had registered on election day at least once since 2008.

The prohibition on offering or accepting a “pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots” is likely to discourage voter mobilization efforts, as anyone who would engage in these activities may expose themselves to legal risks (depending on what a “pecuniary benefit” is defined to mean).

In addition, these provisions do not enhance the security of the election process. In the language of public administration, the provisions are pure deadweight, creating administrative burdens that do nothing but create new barriers for voters: shorter deadlines, elimination of long-standing practices, additional documentation requirements.¹ None of the changes makes any material contributions to the integrity of the electoral process.

I. Data and Methods

In forming my conclusions in this matter, I relied on the following data and sources:

- A file showing all late and election day registrations since 2008 (the “Late Registration File”), with all publicly available data fields.

¹ Such burdens are often described proverbially as red tape – defined in this context as rules that “exert a significant compliance burden in accessing citizenship rights that is in excess of any legitimate purpose they may hold” (Moynihan and Herd 2010, 655).

- A file showing all registered voters in Montana as of April 6, 2021 (the “Voter File”)
- A file showing voter history for all voters in the voter file as of February 23, 2021 (the “Voter History File”)
- Data from the Montana Secretary of State web site, showing the number of registered voters and votes cast statewide² the number of votes cast by county in elections since 2006, and the number of absentee votes cast in elections since 2006.³
- Published data on student demographics at Montana 4-year universities.⁴
- The 2019 American Community Survey.
- The 2020 and 2016 Survey on the Performance of American Elections.
- The peer reviewed academic literature and other sources cited in this report.

II. Qualifications and Expertise

I have a Ph.D. in political science from Yale University, where my graduate training included courses in econometrics and statistics. My undergraduate degree is from the University of California, San Diego, where I majored in political science and minored in applied mathematics. I have been on the faculty of the political science department at the University of Wisconsin-Madison since August 1989, and a Full Professor since 2000. My curriculum vitae is attached to this report as appendix C.

All publications that I have authored and published in the past ten years appear in my curriculum vitae, attached to this report as appendix C. Those publications include the following peer-reviewed journals: *Journal of Politics*, *American Journal of Political Science*, *Election Law Journal*, *Legislative Studies Quarterly*, *Presidential Studies Quarterly*, *American Politics Research*, *Congress and the Presidency*, *Public Administration Review*, *Political Research Quarterly*, and *PS: Political Science and Politics*. I have also published in law reviews, including the *Richmond Law Review*, the *UCLA Pacific Basin Law Journal*, and the *University of Utah Law Review*. My work on campaign finance has been published in *Legislative Studies Quarterly*, *Regulation*, *PS: Political Science and Politics*, *Richmond Law Review*, the *Democratic Audit of Australia*, and in an edited volume on electoral competitiveness published by the Brookings Institution Press. My research on campaign finance has been cited by the U.S. Government Accountability Office, and by legislative research offices in Connecticut and Wisconsin.

My work on election administration has been published in the *Election Law Journal*, *American Journal of Political Science*, *Public Administration Review*, *Political Research Quarterly*, and *American Politics Research*. I was part of a research group retained by the Wisconsin Government Accountability Board to review their compliance with federal mandates and reporting systems under the Help America Vote Act, and to survey local election officials throughout the state. I serve on the Steering Committee of the Wisconsin Elections Research Center, a unit within the UW-Madison College of Letters and Science.

² *Montana Voter Turnout*, <https://sosmt.gov/elections/voter-turnout/> (last visited Jan. 12, 2022).

³

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fsosmt.gov%2FPortals%2F142%2FElections%2FDocuments%2FOfficial-Voter-Turnout-Primary-General-Elections-1992-Present.xlsx&wdOrigin=BROWSELINK>

⁴ <https://www.mus.edu/data/dashboards/headcount.html>

In 2012, I was retained by the United States Department of Justice to analyze data and methods regarding Florida's efforts to identify and remove claimed ineligible noncitizens from the statewide file of registered voters.

In the past nine years, I have testified as an expert witness in trial or deposition or submitted a report in the following cases:

Federal: *League of Women Voters of Fla., Inc., et al. v. Lee, et al.*, No. 4:21-cv-00186-MW-MAF (N.D. Fla.); *Fair Fight Inc., et al. v. True the Vote, Inc., et al.*, No. 2:20-cv-00302-SCJ (N.D. Ga.); *The Andrew Goodman Found. v. Bostelmann*, No. 3:19-cv-00955-JDP (W.D. Wis.); *Majority Forward and Gamliel Warren Turner, Sr. v. Ben Hill Cnty. Bd. of Elections, et al.*, No. 1:20-cv-00266-LAG (M.D. Ga.); *Pearson, et al. v. Kemp, et al.*, No. 1:20-cv-4809-TCB (N.D. Ga.); *The New Ga. Project, et al. v. Raffensperger, et al.* No. 1:20-cv-01986-ELR (N.D. Ga.); *Ebenezer Baptist Church of Atlanta, et al. v. Raffensperger*, No. 1:18-cv-05391-SCJ (N.D. Ga.); *Kumar v. Frisco Indep. Sch. Dist., et al.*, No. 4:19-cv-00284-ALM (E.D. Tex.); *Vaughan v. Lewisville Indep. Sch. Dist., et al.*, No. 4:19-cv-00109-SDJ (E.D. Tex.); *Tyson v. Richardson Indep. Sch. Dist., et al.*, No. 3:18-cv-00212-K (N.D. Tex.); *Dwight, et al. v. Kemp*, No. 1:18-cv-2869-JPB (N.D. Ga.); *League of Women Voters of Mich., et al. v. Benson*, No. 2:17-cv-14148-DPH-GJQ (E.D. Mich.); *One Wis. Inst., Inc. v. Thomsen* 198 F. Supp. 3d 896 (W.D. Wis. 2016); *Whitford v. Gill*, 218 F. Supp. 3d 837 (W.D. Wis. 2016); *Baldus v. Members of Wis. Gov't Accountability Bd.*, 849 F. Supp. 2d 840 (E.D. Wis. 2012).

State: *Johnson, et al. v. Wis. Elections Comm'n, et al.*, No. 2021AP1450-OA (Wis. Sup. Ct.); *League of Women Voters v. Thurston*, No. 60CV-21-3138 (5th Div. Cir. Ct. Pulaski Cnty.); *Driscoll v. Stapleton*, No. DV 20 0408 (13th Judicial Ct. Yellowstone Cnty., MT); *N.C. All. for Retired Ams., et al. v. N.C. State Bd. of Elections* (Wake Cnty., NC); *LaRose et al. v. Simon*, No. 62-CV-20-3149 (2d Jud. Dist. Ct., Ramsey Cnty., MN), absentee ballots (2020); *Mich. All. for Retired Ams., et al. v. Benson, et al.* No 2020-000108-MM (Mich. Ct. of Claims); *Priorities U.S.A., et al. v. Missouri, et al.*, No. 19AC-CC00226 (Cir. Ct. of Cole Cnty., MO); *Milwaukee Branch of the NAACP v. Walker*, 851 N.W. 2d 262 (Wis. 2014); *Kenosha Cnty. v. City of Kenosha*, No. 11-CV-1813 (Wis. Cir. Ct., Kenosha Cnty., WI).

Courts consistently have accepted my expert opinions, and the basis for those opinions. No court has ever excluded my expert opinion under *Daubert* or any other standard. Courts have cited my expert opinions in their decisions, finding my opinions reliable and persuasive. See *Driscoll v. Stapleton*, No. DV 20 0408 (13th Judicial Ct. Yellowstone Cnty., MT); *Priorities U.S.A., et al. v. Missouri, et al.*, No. 19AC-CC00226 (Cir. Ct. Cole Cnty., MO); *Whitford v. Gill*, 218 F. Supp. 3d 837 (W.D. Wis. 2016); *One Wis. Inst., Inc. v. Thomsen*, 198 F. Supp. 3d 896 (W.D. Wis. 2016); *Baldus v. Members of Wis. Gov't Accountability Bd.*, 849 F. Supp. 2d 840 (E.D. Wis. 2012); *Milwaukee Branch of the NAACP v. Walker*, 851 N.W. 2d 262 (Wis. 2014); *Baumgart v. Wendelberger*, No. 01-C-0121, 2002 WL 34127471 (E.D. Wis. May 30, 2002).

I am being compensated at my usual rate of \$450 per hour for my services in this matter.

III. The Calculus of Voting

To evaluate the potential effects of the changes to voting practices, I turn first to the models and methods used to study voter turnout. For at least 60 years, political scientists and economists have accepted the model of voter turnout as a function of the costs and benefits of voting. As an intellectual framework, it is canonical.

The basic model, originally proposed by Riker and Ordeshook (1968, 28), postulates that the utility of voting is expressed in the following form:

$$\text{Utility of voting} = BP - C + D$$

Here, B is the benefit a voter receives if her candidate wins; P is the probability of a voter casting the decisive vote; C a measure of the cost of voting; and D a theoretical measure of the nonmaterial satisfaction a voter derives from the act of casting a ballot (such as participating in an important civic ritual, or compliance with the social expectation of voting). The probability of an individual voting rises as the utility goes up. The cost C reflects the concrete monetary, time, informational, and compliance costs associated with voting.

Because the probability that a single vote will be decisive is extremely low (meaning that BP is very close to zero), theorists have focused on examining the cost side of the voting calculus (as measured by C). This conceptual relationship prompted decades of scholarship confirming the broad outlines of the basic theory (Sanders 1980; Rosenstone and Wolfinger 1982; Aldrich 1993; Darmofal 2010; Monroe and Sylvester 2011; Leighley and Nagler 2014; Blais et al., 2019; Cantoni 2020). As a rule, increasing the direct or indirect costs associated with voting — higher information costs associated with complex administrative processes or confusing eligibility requirements, increased direct costs such as the time required to travel to inconvenient polling place locations, shortened polling place hours, or long wait times at polling places — will reduce turnout, both in the aggregate and in the probability that a given individual votes. Moreover, unexpected changes to voting processes can increase the informational and administrative costs of compliance, as voters accustomed to voting in a habitual way face new rules and unfamiliar requirements (citation – absentee vote study prepaid env).

A clear demonstration of the validity of cost considerations is the connection between socioeconomic status and turnout, a relationship uncontested in the academic literature. Voters better positioned to overcome the informational and time costs of compliance with administrative and regulatory requirements for voting have higher turnout. Voters less able to overcome those costs are less likely to vote. Education and income (as well as experience with voting) lowers the costs of complying with bureaucratic requirements, as well as the informational costs of learning about those requirements.

Education and income are the factors most strongly linked to turnout (Leighley and Nagler 2014, 27-29; Ojeda 2018; Burden et al. 2014). “The relationship between education and voter turnout,” note Sondheimer and Green (2010, 174), “ranks among the most extensively documented correlations in American survey research.” Turnout is also associated with health (Pacheco and Fletcher 2015; Blakely, Kennedy and Kawachi 2001), as well as unemployment, poverty, and income loss (Rosenstone 1982; Shah and Wichowsky 2018). Higher income and education levels are also associated with voters having better understanding of administrative requirements for voting, such as what types of photo identification qualify as voter ID (DeCrescenzo and Mayer 2019).

Leighley and Nagler summarize the effects of socioeconomic status as affecting the ability to absorb the costs side of the voting calculus. Higher education increases the probability of voting “by enhancing individuals’ cognitive skills (and therefore reducing information costs), by increasing the gratification that individuals receive from politics (thus increasing benefits), and by providing (bureaucratic) experience that is useful in dealing with the costs of voting such as voter registration” (2014, 58-59). Similarly, income affects turnout via analogous mechanisms: people living in poverty have less time to expend on nonessential day-to-day activities; wealthy people are more likely to live in a context where political engagement is a norm, and perceive themselves to have higher stakes (2014, 58-59).

The concept of transaction costs captures the burdens associated with overcoming bureaucratic requirements, compliance costs, and administrative hurdles associated with an individual's interaction with government to attain a specific goal or fulfill a legal requirement (such as filing a tax return or enrolling in Medicare). In the context of voting, these costs include informational and learning costs, the effort required to comply with administrative requirements, indirect costs (such as time or opportunity costs), and direct monetary costs.

IV. Lack of Justification for Changes to Election Laws

The changes to election laws in Montana in 2021 were typically justified as necessary for election security. Senator Mike Cuff (R-Eureka) justified HB 176 arguing that “election integrity is truly the rock. It's the cornerstone of our nation, the cornerstone of our governments. People all over our nation are begging for election integrity.” Elimination of election day registration was justified as a way of reducing the administrative load on election officials and, according to Representative Greef is “a best practices approach to mitigate against voter fraud and ensure voter integrity [that] will make the Montana voting system more robust and ensures that every legitimate vote by every legitimate voter is counted.”⁵ Representative Greef asserted without evidence that voters are now “dis a ballot due to long lines and wait times,” and that “the focus of HB 176 . . . is to administer an election with complete fairness for all voters.”⁶

However, the evidence shows that elections in Montana are secure and well run, and, further, that SB 169, HB 530, or HB 176 will not increase the security of elections or enhance administrative efficiency.

A. Lack of Voter Fraud in Montana

The data are clear: voter fraud of any sort is vanishingly rare in Montana, with only a handful of cases over the last 20 years.⁷ Claims of fraud in the 2020 election in Montana have been based on absurd theories that have been repeatedly proven false, or nonspecific allegations of vague irregularities (still with no evidence).⁸

⁵ Hr'g Tr., Montana Sen. Comm. Admin., Feb. 15, 2021, at 3.

⁶ *Id.*

⁷ I searched for cases of voter fraud in Montana newspapers from 1980-2018 using a digital archive of Montana newspapers, montananewspapers.org, the News21 database of voter fraud cases since 2000 (Natasha Khan & Corbin Carson, *Comprehensive Database of U.S. Voter Fraud Uncovers No Evidence That Photo ID Is Needed* (Aug. 12, 2012), <https://votingrights.news21.com/article/election-fraud/>), the legal literature on heinonline.org, cases recorded by Minnute (2010), records from the Presidential Commission on Election Integrity made available by the Maine Secretary of State (Me. Sec'y of State Matthew Dunlap, *PACEI Docs Page*, <http://paceidocs.sosonline.org/> (last visited Jan. 12, 2022)), tracking by Loyola University Law School Professor Justin Levitt (Levitt 2014), and the Heritage Foundation Election Fraud database. This is also the only Montana case appearing in the Heritage Foundation Election Fraud database. This database must be interpreted with caution because it is not considered a reliable source: it lumps together many types of electoral irregularities as “voter fraud” that are not actually voter fraud, and vastly overstates its claims about the extent of voter fraud (see Mehrbani 2017). For my purposes, it serves merely to represent the upper limit of the number of even potential cases of vote fraud in Montana.

⁸ In a November 2021 meeting with staff from the office Montana Attorney General Austin Knudsen, a group pushed debunked claims by a high school math teacher that asserted falsely that county-level turnout figures in several states indicated fraud, that vote totals in swing states were electronically manipulated, and that voting machines were hacked (Sakariassen 2021b) .

When asked directly about evidence that EDR increased the risk of fraud, Representative Greef dodged the question entirely, saying “when I was talking about voter fraud, I wasn’t talking about Montana specifically. I think that we all realize that there was a huge amount of distrust in our national election.”⁹ This is a canard: there is clear evidence that Montanans have confidence in the state’s electoral processes.

The Survey on the Performance of American Elections (SPAЕ) is a nationally recognized survey of voter experiences with attitudes about election administration and voting.¹⁰ One item in that survey asks voters the following question: “How confident are you that votes in [your state] were counted as voters intended?” Based on this question asked from 2008-2016, an expert witness for the state in *Driscoll v. Stapleton*, Lonna Atkeson, testified that “Montana’s statewide voter confidence is in the top 10 when we rank all the states from highest to lowest state confidence” (Atkeson 2020, 29).

This pattern continued in 2020, when voter confidence in Montana ranked 7th out of 50 states and Washington, DC, with 90.7% of respondents saying they were “very confident” or “somewhat confident” that votes in Montana were counted as voters intended, well ahead of the national state average of 80.6%.

A Republican-backed group claimed that several thousand 2020 absentee ballots in Missoula County did not have ballot envelopes or had other flaws, leading to charges of election irregularities (Hansen 2021). However, the allegation was made with no credible evidence, and appears part of a sustained effort after the 2020 presidential election to attack the integrity of the election process with false claims. The Missoula County elections office pointed out that this group conducted a single unverified and unchecked hand count of ballot envelopes, did nothing to validate their count when notified that the results were wrong, falsely claimed that Missoula County officials supervised this count, did not account for restricted ballots or those submitted electronically, and apparently did not understand that absentee ballots dropped off in person at the clerk’s office would not have a postmark.¹¹

I did find a single case of illegal voting in 2011, in which a man submitted his ex-wife’s absentee ballot without her permission in a Liberty County school board election (Kahn and Karson 2012). In response to an unusually large number of rejected absentee ballots in a 2017 special election for the U.S. House, and two allegations that a voter’s absentee ballot had been completed by someone else (I did not find evidence that either allegation led to prosecution), the Montana Secretary of State investigated and produced a report. Nothing in that report suggested widespread voter fraud or any irregularities related to absentee voting or organized ballot collection.¹²

In June 2021, an individual in Gallatin County pleaded guilty to registering to vote under the name “Miguel Raton” (Mickey Mouse in Spanish), receiving a six month suspended sentence, community service, and a

⁹ Hr’g Tr., Montana Sen. Comm. Admin., Feb. 15, 2021, at 3.

¹⁰ Charles Stewart III, *Survey of the Performance of American Elections*, <https://electionlab.mit.edu/research/projects/survey-performance-american-elections> (last visited Jan. 12, 2022).

¹¹

<https://missoulacounty.sharepoint.com/administration/elect/Elect/Forms/AllItems.aspx?id=%2Fadministration%2Felect%2FElect%2FElection%20by%20Year%2F2020%20Elections%2F20201103%2FRecords%20Request%2FBCC%20%2D%20Media%20Information%2FRecords%20Request%20Info%2FElection%20Claims%20and%20Facts%2Epdf&parent=%2Fadministration%2Felect%2FElect%2FElection%20by%20Year%2F2020%20Elections%2F20201103%2FRecords%20Request%2FBCC%20%2D%20Media%20Information%2FRecords%20Request%20Info&p=true>.

¹² *State of the Secretary of State 2017*, [https://sosmt.gov/Portals/142/Stateof SOS Reports/2017 Annual%20Report.pdf](https://sosmt.gov/Portals/142/Stateof_SOS_Reports/2017_Annual%20Report.pdf) (last visited Jan. 12, 2022). See also Michels (2017a;2017b).

fine.¹³ This incident actually demonstrates the effectiveness of existing election security practices as the violation was detected with no invalid votes cast.

According to the voter history file, 8,472,202 votes have been cast in Montana elections since 2002, either in person or by a mail or absentee ballot that was accepted. Voter fraud, to put it plainly, does not remotely present a problem for or threat to election security in Montana.

B. Administrative Efficiency

The other purported justification for eliminating EDR is that it reduces the burden on election officials who would no longer have to devote time registering voters on election day. Representative Greef argued that HB 176 was intended to

provide a solution for citizens that are discouraged from registering to vote and casting a ballot due to long lines and extended wait times by making the process more efficient for the benefit of all Montanans, and it will reduce the opportunity for mistakes. Current law places election officials in between handling new voter registration, issuing replacement ballots, accepting deposited ballots, and even counting ballots all at the same time.¹⁴

The Director of Election Services at the Montana Secretary of State's Office noted that the administrative problems occur in the last few days *before* elections:

It's a huge challenge to address and attend all of the details and surprises that two days before the election can bring to the county election offices, and I think I can speak for everyone here that we appreciate all their good work and efforts. But despite all of those (*sic*) good effort and work, our office continues to hear about the confusion and frustration that voters have who are on line for considerable periods of time, waiting to get their business done, but actually ending up walking away from the right to vote.¹⁵

It is difficult to assess the reliability of the claim that county offices are, in fact, burdened by the task of election day registration,¹⁶ but the available evidence shows voter wait times in Montana are low. Data from the 2020 SPAE show that Montana ranked *first* among all states in the percentage of voters who waited in line less than 10 minutes on election day to vote, with 93.1% reporting this short waiting time, and 100% of voters reporting an election day wait of less than 30 minutes.¹⁷ The voter history file shows that only 25,338 votes were cast either absentee or on election day, nearly 1/3 of which (8,172, or 32.3%) were election day registrations (see table 1, below). In 2020, *no one* in Montana reported waiting more than 30 minutes to vote, including anyone who relied on EDR at a county clerk's office.

¹³ *Montana man sentenced for registering to vote as 'Mickey Mouse'*, Associated Press (June 8, 2021), <https://www.greatfallsribune.com/story/news/2021/06/08/montana-man-sentenced-registering-vote-mickey-mouse/7614018002/>

¹⁴ Hr'g Tr., Montana Sen. Comm. Admin., Feb. 15, 2021, p. 3.

¹⁵ Hr'g Tr., Montana Sen. Comm. Admin., Feb. 15, 2021, p. 4.

¹⁶ A survey colleagues and I conducted in Wisconsin found that attitudes about EDR, and perceptions of whether it imposes burdens on election officials, are highly correlated with clerk attitudes about voting and resource levels (Burden et al. 2011).

¹⁷ Charles Stewart III, *2020 Survey on the Performance of American Elections*, Q14, <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/FSGX7Z> (last visited Jan. 12, 2022).

2020 was, of course, unusual because the unusually small percentage of voters voted in person (the voter history file shows that 94.3% of November 2020 votes in Montana were cast by mail). But SPAE data show a similar pattern in 2016, when a more typical 34.6% of all votes were cast on election day (178,975 out of 516,901). SPAE data on the 2016 election show that Montana performed well above average, ranking 13th among all states in election day wait times, with 83.2% of voters reporting a wait of less than 10 minutes, and 11th in the percentage of election day voters reporting a wait of more than 30 minutes (2.3%). Only 1% of election day voters reported waiting more than an hour to vote.¹⁸

In short, the data indicate that election day registration is not associated with long wait times in Montana.

There is reason to believe that HB 176 will create new administrative burdens on poll workers and clerks. Eliminating EDR and ending late registration at noon the day before elections is less likely to reduce the administrative burden on clerks rather than *shift* the burden, as voters who would have registered on election day try to meet the earlier deadline. In addition, eliminating EDR is likely to increase burdens on poll workers, who now will have to address unregistered voters who present on election day, believing either that they are registered or that they can register to vote (nationally, registration problems are the most common reason for provisional ballots being rejected).¹⁹

The more likely result is that the administrative burden on election officials will go down only if the number of people who vote goes down.

V. Election Day Registration

Research on election administration has consistently shown that election day registration (EDR) has a large effect on turnout, an effect greater than any other change to voting procedures. The turnout effect of EDR has been estimated at roughly two to seven percentage points, depending on when a state enacted it and the nature of existing voting rules (Burden et al. 2014, 96; Hamner 2009; Wolfinger and Rosenstone 1980). The effects have been demonstrated observationally by analyzing turnout differences between states and what occurs in a single state after the enactment of EDR, but also in quasi-experimental settings which control for extraneous factors, and which allow for specific causal claims that confirm that EDR increases turnout. In this context, a “quasi-experimental” design attempts to construct the equivalent of a random controlled trial, in which a “treatment effect” and “control effect” are both estimated after accounting for external factors (Nieheisel and Burden 2012).

EDR has such a strong effect for several reasons. First, it reduces the cost of voting by combining both registration and voting into a single administrative step. Second, it allows voters who are not activated early in the election period the opportunity to register and vote when attention to the election has peaked on election day.

A. Observed Effects of EDR on Turnout, 2006-2020

Prior to the enactment of HB 176, Montanans had three options for registration since 2005. Regular registration closes 30 days before an election. After the close of regular registration, voters could still

¹⁸ Charles Stewart III, *2016 Survey on the Performance of American Elections, Q13*, <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/Y38VIQ> (last visited Jan. 12, 2022).

¹⁹ Provisional ballots are intended to provide fail-safe protection for voters when there are questions about their registration status on Election Day, <https://electionlab.mit.edu/research/provisional-ballots> (last visited Jan. 12, 2022).

register during a “late registration” period, although they must do so in person rather than via a mail application. On election day, a voter could still register at the county clerk’s office and cast a ballot.

HB 176 ends the late registration period at 12 noon on the Monday before an election, and eliminated election day registration.

While the overall estimated effect of EDR in Montana was that it increased turnout by 1.5 percentage points (Leighley and Nagler 2014, 107), the effect can be observed directly by examining the number of voters who register on election day.

Table 1 shows the number of voters registering on election day in statewide elections since 2006.²⁰ Since 2006, 70,277 voters registered on election day, with at least 7,500 election day registrations in every presidential election since 2008. In the 2020 general election, more voters registered on election day (8,172) than had registered over the late registration period (7,790), which in 2020 was between October 26 and November 3, 2020.²¹ In most elections, election day registration totals are close to late registration totals, even though late registration occurs over the course of 30 days (other than 2020).

Table 1 - Election Day and Late Registration 2006-2020				
Election		Late Registration Before Election Day	Election Day Registration	EDR % of Total Late Registration
2020	General	7,790	8,172	51.20%
2020	Primary	839	1,618	65.85%
2018	General	10,828	8,053	42.65%
2018	Primary	1,868	951	33.74%
2017	Special	2,319	2,074	47.21%
2016	General	15,311	12,055	44.05%
2016	Primary	2,912	3,346	53.47%
2014	General	5,227	4,677	47.22%
2014	Primary	1,497	953	38.90%

²⁰ 2006 data taken from the Secretary of State web site. 2008-2020 data from the statewide late voter registration file and Late Registration file. *Total Late Voter Registration Activities By Election*, <https://sosmt.gov/elections/latereg/> (last visited Jan. 12, 2022).

²¹ Late registration normally would begin 30 days before an election, but the close of regular registration was changed to October 26 (*Directive Implementing Executive Orders 2-2020 and 3-2020 and Providing for Measures to Implement the 2020 November General Election Safely*, August 6, 2020; Memo from Governor Steve Bullock to Montanans; county clerks; and all officers and agencies of the State of Montana (Aug. 6, 2020), https://covid19.mt.gov/docs/2020-08-06_Directive%20-%20November%20Elections.pdf).

2012	General	11,949	8,053	40.26%
2012	Primary	1,720	1,178	40.65%
2010	General	4,523	3,735	45.23%
2010	Primary	1,143	836	42.24%
2008	General	10,691	7,547	41.38%
2008	Primary	3,590	2,678	42.72%
2006	General	3888	4351	52.81%
Total		86,095	70,277	44.94%

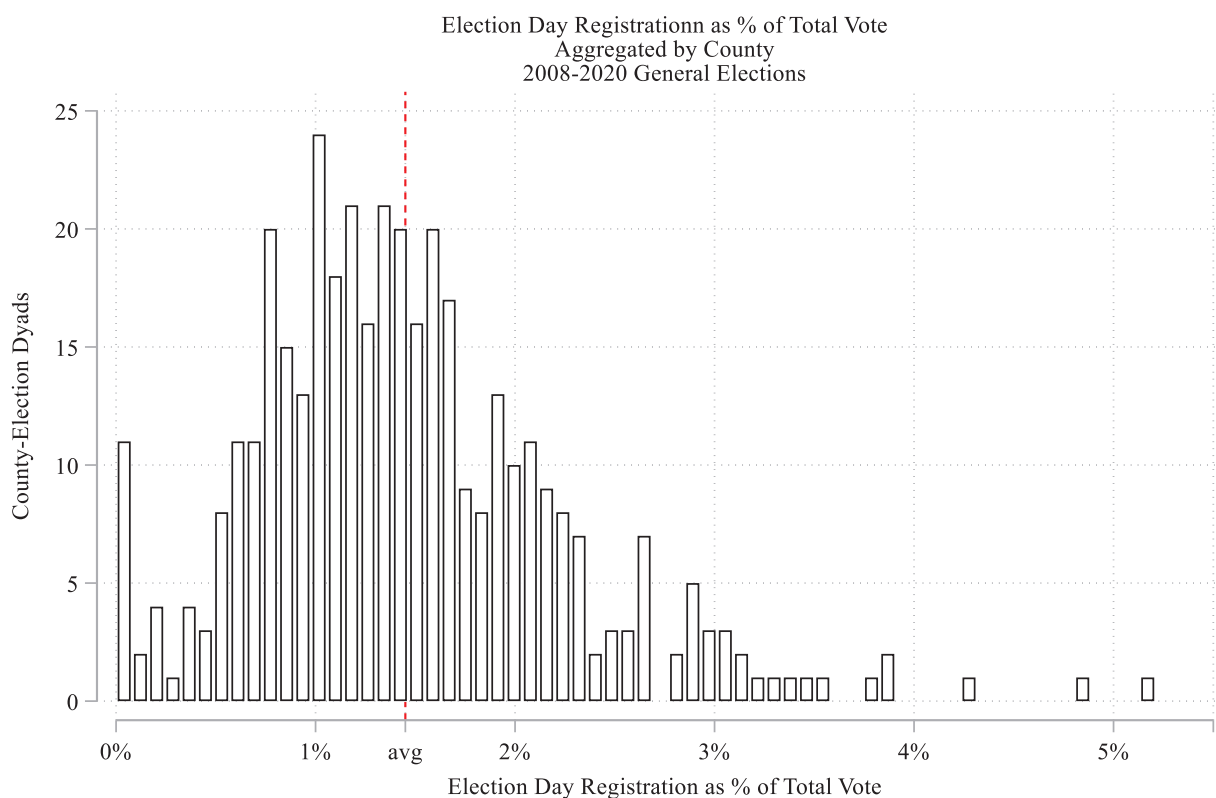
Table 2 shows election day registration as a percentage of total votes cast since 2006. Here, the effect of EDR is clear: since 2006, 1.1% of votes have been cast by voters registering on election day, and during general elections the effect is greatest: Table shows that in general elections since 2006, 1.4% of votes were cast by election day registrants, with a high of 2.33% in 2016 (or nearly 1 in 40 voters).

Table 2 - Election Day and Late Registration 2006-2020				
Election		Election Day Registration	Total Votes Cast	EDR % of Total Votes
2020	General	8,172	612,075	1.34%
2020	Primary	1,618	509,213	0.32%
2018	General	8,053	711,844	1.13%
2018	Primary	951	282,704	0.34%
2017	Special	2,074	383,301	0.54%
2016	General	12,055	516,901	2.33%
2016	Primary	3,346	293,548	1.14%
2014	General	4,677	373,831	1.25%
2014	Primary	953	218,882	0.44%
2012	General	8,053	491,966	1.64%
2012	Primary	1,178	238,771	0.49%
2010	General	3,735	367,096	1.02%
2010	Primary	836	206,791	0.40%
2008	General	7,547	497,599	1.52%
2008	Primary	2,678	285,215	0.94%
2006	General	4351	411,061	1.06%
Total		70,277	6,400,798	1.10%

Table 3 - Turnout Effect of Election Day Registration, 2006-2020			
Election Type	Election Day Registration	Total Votes Cast	EDR % of Total Votes
General	56,643	3,982,373	1.42%
Primary/Special	13,634	2,418,425	0.56%

The turnout effect of election day registration varies across the state. Appendix A shows the percentage of total votes cast by election day registrants in each general election and county since 2008. The appendix includes 392 county-election dyads (56 counties x 7 elections), and shows a wide range of effects: the highest EDR rate was in Glacier County in 2016, when 5.21% of votes were cast by election day registrants. Over the entire period, the county EDR rate was greater than 2% in eighty-two county-election pairs, and above 3% in sixteen.

Figure 1 shows the overall pattern of county-level EDR turnout over this period. The data clearly indicate that election day registrants are frequently about 2% in some counties, and at times above 3%.



B. Reliance on EDR

The late registration file shows that since 2008, voters have registered on election day 65,926 times. While some of those voters are no longer on the current rolls, I have identified 52,027 unique individuals in the voter file as of April 6, 2021 who registered on election day at least once since 2008. To put this number in perspective, it means that 7.15% of *currently registered* voters have registered on election day at some point over the past 13 years.

It is possible to calculate a list of currently registered voters in each precinct who had relied on election day registration at least once. The voter file lists 664 unique precincts. One hundred and four of precincts statewide show at least 10% of currently registered voters had registered on election day at least once. Appendix B shows these precincts. Of the ten precincts with the largest number of currently registered voters who relied on election-day registration at least once, all of them are either in Great Falls (home of Malmstrom Air Force Base), Missoula (home of the University of Montana), or Bozeman (home of Montana State University).

C. The Effect of Age on EDR Reliance

Younger voters are far more likely to rely on election day registration than older voters. This is consistent with academic research, which shows that same day registration has an especially large effect on younger and first-time voters, who are more likely than older voters to change addresses and have less frequent contact with government entities (Grumbach and Hill 2021).

Table 4 shows the disparity. In the voter file, 10.4% of all registrants are age 18-24. Since 2008, 31.2% of voters registering on election day are in that age category.

Table 4 - Age of Election Day Registrants and Age of Registrants in Voter File				
Age Category	Voter file	Percent	Election Day Registrants	Percent
18-24	75,329	10.4%	20,577	31.2%
25-34	116,278	16.0%	20,974	31.8%
35-44	113,508	15.6%	10,770	16.3%
45-54	101,528	14.0%	7,074	10.7%
55-64	131,891	18.1%	4,494	6.8%
65 and over	188,903	26.0%	2,036	3.1%
Total	727,437	100.0%	65,925	100.0%

The average age of a voter in the voter file as of April 6, 2021 was 50 years, 6 months. The average age of an election day registrant from 2008-2020 is 33 years, 6 months.

The effect of EDR on younger voters will likely extend beyond a single election. Younger voters are more burdened by administrative requirements for voting, not only because they have less experience with them, but because voting is a habit – once a person votes for the first time, the probability of their voting in subsequent elections goes up – and will be higher than the probability that a similarly situated individual votes for the first time (Plutzer 2002; Gerber, Green and Sachar 2003), especially for young voters (Plutzer 2002).

D. Reasons for Election Day Registration

Table 5 shows the available data on the reasons for a voter registering on election day. [describe options] Nearly one-third (31.9%) are already registered voters who have moved and updated their registration information on election day. The 52.6% of registrants recorded as “some other reason” were most likely not registered in Montana at the time (including those registering for the first time).

The reliance of recent movers on EDR is particularly important given high levels of residential mobility in Montana. According to the 2019 American Community Survey, Montana ranked 7th in the percentage of residents who had moved in the previous year (16.5%), and 9th in the percentage of residents who had moved from another state in the previous year (3.9%).

Table 5 - Election Day Registration Reasons 2008-2020		
Recorded Reason	Election Day Registrants	Pct
County to County Move	12,038	18.3%
Precinct to Precinct Move Within County	8,995	13.6%
Some other Reason	34,668	52.6%
No Data	10,225	15.5%
Total	65,926	

E. Conclusion

Elimination of election day registration is likely to lower turnout statewide by approximately 1% at a minimum, with demonstrably larger effects in counties with younger and more mobile populations. Over time the cumulative effect is likely to be much larger, as a significant number of voters – 7.15% in the current voter file – have taken registered on election day at least one since 2008.

Ending election day registration will not improve election security or make election administration more efficient. It will instead reduce turnout and prevent otherwise eligible voters from being able to vote. In fact, as I show in section V above, there is good reason to expect that the administrative burden on clerks and poll workers will go up.

VI. Elimination of Student ID as Primary Voter ID

SB169 eliminated secondary or postsecondary student IDs as a form of primary voter ID (which qualifies as a single form of ID allowing a voter to cast a ballot). Student IDs were relegated to secondary status, requiring anyone presenting a student ID as verification of identity to also show an additional form of documentation – a current utility bill, bank statement, paycheck, government check, or “other government document” that shows the voter’s name and current address. SB169 also elevated a Montana concealed carry permit to primary status for voter ID purposes.

Laws such as SB169, which put students at a particular disadvantage, are part of a long-standing pattern of states attempting to discourage student voting, or attempting to define the legitimate electorate in a way that excludes students (Neimi, Hamner, and Jackson 2009). During debate on the bill, the Montana Speaker of the House Wylie Galt made this explicit, defending his successful effort to relegate student IDs to secondary status:

“Basically, it makes that if you’re a college student in Montana and you don’t have a registration, a bank statement or a W-2, it makes me kind of wonder why you’re voting in this election anyway” Galt said during the debate on his amendment. “So this just clears it up that they have a little stake in the game” (Wilson 2021).

While I do not have authoritative data on how many secondary or post-secondary students will use (or attempt to use) a student ID to vote, it is possible to reach conclusions about the populations most likely to be affected. College-age students, in general, are less likely than the general population to possess a driver’s license or ID, reflecting age cohort differences. In Montana, 71.5% of the population aged 18-24 has a Montana driver’s license, well behind the total license possession rate of 94.7% among the 18 or older population in Montana, and behind the national 18-24 possession rate (76.7%).²² In Wisconsin, even among *registered voters*, 21.4% of those living in wards with large age 18-24 populations near colleges and universities did not possess a Wisconsin driver’s license or state ID, a rate nearly three times that of all registered voters (Mayer 2015, 19).

Out of state students attending college, who do not possess a Montana driver’s license or state ID will be at a particular disadvantage if their student ID no longer qualifies as a primary voter ID. Students – including out of state students – are less likely to have a Montana driver’s license than older voters. While I do not have data on the percentage of out of-state students who possess a Montana driver’s license, it is also almost certainly the case that the rate will be lower than for in-state students, based on the cost and effort required to obtain a new license (especially for students who already possess an out-of-state license).²³

I can identify the size of this affected population using data published by 4-year universities in Montana, which show the number of out of state students. The totals shown in table 6 include both students paying

²² Single age population data from the 2020 Census has not yet been released for Montana. Age data from the 2019 5-Year American Community Survey Table S0101 – Age and Sex. Driver’s license data from the Montana Department of Justice (<https://media.dojmt.gov/wp-content/uploads/Federal-Highway-Report-2019.pdf>) and Federal Highway Administration (2020, Table DL-1C). National age and possession data from Federal Highway Administration (2020, Table DL-20).

²³ A REAL ID Montana driver’s license costs \$62.32, while a regular license costs \$67.47. Montana DOJ, *Driver Licenses & ID Cards*, <https://dojmt.gov/driving/driver-licensing/> (last visited Jan. 12, 2022).

out of state tuition (excluding international students), and those receiving Western Undergraduate Exchange (WUE) scholarships (a program offered to students from specific states).²⁴

Table 6 - Non-Resident Students, Montana Universities			
Institution	Non-Resident Students ²⁵	WUE	Total
Montana State University ²⁶	4,589	1,169	5,758
University of Montana ²⁷	2,003	1,016	3,019
Montana Technical University ²⁸	451	-	451
MSU - Billings ²⁹	396	-	396
University of Montana Western ³⁰	304	-	304
MSU Northern ³¹	33	88	121
Total	8,126	2,273	10,049

Out-of-state college students already face bureaucratic hurdles in voting, as they must either navigate new administrative procedures in the state where they attend college, or navigate absentee ballot procedures in the state where they are from. For young voters – especially those who have never voted before – such burdens can be difficult to overcome.

In the 2012 and 2016 presidential elections, out-of-state college students had an average turnout rate of 37% (Bergom and Gautam 2018), a rate well below the overall college and university turnout rate of 46.7% in the two elections (Thomas et al., 2017) or the national turnout average of 59%.³²

The purpose of voter ID is to prove that the person presenting at a polling place is the same person as the person registered to vote. *Eligibility* to vote, including citizenship and the voter's address, is documented through the registration process.

²⁴ Students from AK, AZ, CA, CO, HI, ID, NM, ND, OR, SD, UT, WA, WY, and the Northern Marianas Islands are eligible for WUE scholarships. University of Montana, *WUE Scholarship*, https://www.umt.edu/admissions/costs_aid/scholarships/wue.php (last visited Jan. 12, 2022).

²⁵ Excludes international students.

²⁶ Montana State University, *Quick Facts: 2020-2021*, <https://www.montana.edu/opa/facts/quick.html#Demo> (last visited Jan. 12, 2022).

²⁷ University of Montana, *Fall 21 Census Report* (Sept. 23, 2021), https://www.umt.edu/institutional-research/documents/census-reports-accessible/202170_census_paidpending.pdf (last visited Jan. 12, 2022).

²⁸ Montana Tech, *Enrollment Services* (Nov. 19, 2021), <https://www.mtech.edu/about/ir/enrollment-reports/fall-enrollment-summary-acc.pdf>.

²⁹ Montana State University Billings, *Quick Facts 2020-2021*, https://www.msubitings.edu/ir/quickfacts/index.htm#Student_Demographics (last visited Jan. 12, 2022).

³⁰ Estimated from enrollment percentages; The University of Montana Western, *Institutional Research*, <https://www.umwestern.edu/section/institutional-research/> (last visited Jan. 12, 2022).

³¹ Montana State University Northern, *Official Enrollment Census Reports*, <https://www.msun.edu/registrar/reports/FallResidency.aspx> (last visited Jan. 12, 2022).

³² National rate from the United States Election Project, <http://www.electproject.org/home/voter-turnout/voter-turnout-data> (last visited Jan. 12, 2022).

Other than a U.S. passport or Tribal ID, none of the primary forms of identification prove that an individual is eligible to vote. Noncitizens can obtain a Montana driver's license or state ID card,³³ a concealed carry permit,³⁴ and a military ID as a member of the U.S. armed forces (McIntosh, Sayala, and Gregory 2011). Moreover none of the primary forms of ID proves physical residence (there is no requirement that an address on a primary ID matches the voter's registered address).

Relegating student ID's to secondary status and requiring those using a student ID to vote to provide additional documentation has no effect other than to make it more difficult for students who are otherwise eligible to vote where they attend school.

VII. Restrictions on Ballot Collection

HB 530 ordered the Secretary of State to issue an administrative rule to that "For the purposes of enhancing election security, a person may not provide or offer to provide, and a person may not accept, a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots." The clear target of this language is absentee or mail ballots.

This legislation is similar to the Ballot Interference Prevention Act, which was also purported to address security issues related to absentee ballot collection practices. As I noted in my expert report in that case, it is clear that some groups and voters have relied on ballot collectors, particularly voters in remote areas and those without reliable mail service:

I do not have data on the number of absentee ballots collected and dropped off by third parties, the number dropped off by individuals delivering their own ballots, or the number of ballots received by mail, so it is not possible to estimate with precision how many absentee voters would have to change their method of returning their ballots.

However, the number of affected voters is certain to be greater than zero, and may easily run into the thousands. Two organizations that collected ballots on Indian Reservations, Montana Native Voice and Western Native Voice, reported that in 2018 volunteers collected and returned 853 absentee ballots from targeted precincts with high Native American populations, or nearly 10% of all absentee ballots cast in those precincts. A representative of Forward Montana testified at a February 27, 2020 hearing of the State Administration and Veteran Affairs Committee that her group had "helped hundreds of young people across the state post a ballot by collecting them across the state and safely delivering them to election officials. We've also provided critical services like picking up ballots on the days leading up to and the day of election, ensuring that everyone can cast a ballot regardless of ability, time, or resources" (Mayer 2020a, 14-15, footnotes omitted).

I estimated that the number of ballots collected and conveyed by third parties between 2016 and 2018 was at least 2,500 (Mayer 2020b, 8-9), and concluded in that report that eliminating third party absentee ballot collection will increase the number of rejected absentee ballots that arrive late and will do nothing to enhance election security.³⁵

³³ Montana Code Annotated 61-5-105(10).

³⁴ Montana DOJ, *Concealed Weapons*, <https://dojmt.gov/enforcement/concealed-weapons/> (last visited Jan. 12, 2022).

³⁵ "Organized ballot collectors indicate that their efforts are crucial late in the election cycle when mailed ballots may arrive late: Trent Bolger, for example, testified that organized collection was vital "when it is too late to mail in a ballot," in which case volunteers offer "ballot collection and delivery as part of

The effect of HB 530 may be greater than the effect of BIPA, which applied to third party ballot collection and allowed a 6-ballot limit and registration requirements. HB 530 applies to a broader range of activity, and prohibits all activities in this range. HB 530 could easily end organized third party ballot collection altogether, as well as other efforts to assist voters in requesting absentee ballots. If “pecuniary benefit” is defined to include salaries or other payments for individuals engaged in ballot collection efforts, even regular staff employed by political parties or voter mobilization groups might be covered.

Moreover, there is no evidence that HB 530 will improve election security, as none of the instances of alleged or prosecuted illegal voting I identified involved organized ballot collection, and none would have been prevented by laws restricting ballot collection. To emphasize the point, I identified a single confirmed case of an illegal absentee vote over almost 15 years (2006-2020) in which 5,891,913 absentee or mail ballots were cast in Montana elections.³⁶

The only effect of HB 530 is to introduce uncertainty in voter mobilization or assistance groups about what they may or may not do, which will make voting more difficult, particularly among already vulnerable populations of voters.

VIII. Conclusions

Each of the changes I address in this report – eliminating election day registration (HB 176), requiring voters using a student ID to provide additional documentation (SB 169), and restricting third parties’ ability to assist voters with absentee ballot requests and collection of absentee ballots (HB 530) – will have the effect of making it more difficult to vote, while doing nothing to enhance election security.

Since 2006, over 70,000 Montanans have relied on election day registration (EDR). Based solely on observed registrations since 2006, eliminating EDR can be expected to reduce turnout by almost 1.5% in each general election, and by almost 0.6% in primary elections. These effects cumulate, as the population of disenfranchised voters is usually different from one election to the next. But this immediate effect likely understates the total effect, as 7.15% of currently registered Montana voters have used EDR at least once since 2008. Denying a voter the opportunity to cast a ballot in one election can decrease the likelihood that voter cast a ballot in the next election.

The effects of eliminating EDR are not uniform throughout the state. In 82 instances, the county-level EDR rate exceeded 2% of voters in an election since 2008. In 104 precincts in 2021, at least 10% of currently registered voters had relied on EDR at least once since 2008. The burdens from eliminating EDR will fall most heavily on younger voters. Since 2008, nearly a third of voters registering on election day (31.2%) were between ages 18-24, a group that makes up just over 10% of all registered voters.

Eliminating EDR will not reduce the burden on election officials, but will redistribute it to the day before the election and increase the election day burden on poll workers. In any event, the evidence shows that wait times and lines are not a problem in Montana elections or election day registrations.

Relegating student IDs to secondary status imposes a burden on college students, who fall into an age group less likely to possess a driver’s license than older voters, and on out-of-state students attending a Montana university who likely will not have a Montana license or ID. In addition, most forms of primary ID do not

helping voters make a plan for how they were going to turn in their ballot without using the mail” (Mayer 2020a, 7).

³⁶ Accepted absentee or mail ballots cast since 2006, from the voter history file.

actually confirm a voter's eligibility or address, as noncitizens can obtain every form of ID other than a Passport or Tribal ID, and primary IDs are not required to have the voter's current registered address.

Restrictions on organized third absentee ballot assistance and collection will likely have *at least* as large of an effect as the Ballot Interference Prevention Act, and quite possibly more. Unlike BIPA, HB 530 applies to more activities (including assistance with requesting ballots), and if applied to individuals who are employed for other purposes will likely stop organized ballot collection efforts altogether. The result will be fewer absentee ballots returned and more rejected late absentee ballots, especially for voters without reliable mail service.

The laws will almost certainly act in a synergistic way. For example, college students will now face additional burdens in registering, voting in person, and having their absentee ballots collected and returned in organized efforts. As college students are less likely to have a state ID, and to vote (something that applies in particular to out-of-state students who meet the requirements to vote in Montana), the effect of these restrictions working in combination will be magnified.

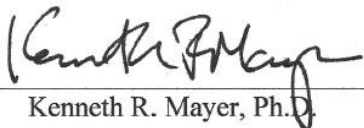
Finally, as an empirical matter the evidence does not support the justifications offered as reasons for the changes. There is no evidence of material levels of election fraud or absentee ballot fraud, with only a handful of confirmed cases over the last 20 years when nearly 9 million votes have been cast. The evidence suggests strongly that Montanans have above average confidence in their elections, and that voter wait times are not a problem.

I reiterate the conclusions I reached when I analyzed each change: HB 176, SB 169, and HB 530 make it harder to vote in Montana, and will reduce turnout, particularly among specific groups of voters. In return, Montana voters do not get more secure or more efficient elections.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Date of Signature: January 12, 2022

Place of Signature: Madison, WI


Kenneth R. Mayer, Ph.D.

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Appendix A Election Day Registration as a Percent of Total Turnout 2008-2020 November General Elections							
County	2020	2018	2016	2014	2012	2010	2008
Beaverhead	1.92%	2.88%	3.75%	1.69%	2.17%	1.65%	2.08%
Big Horn	0.02%	2.65%	2.55%	2.19%	2.40%	1.24%	2.94%
Blaine	1.77%	1.12%	1.42%	0.95%	2.14%	0.59%	1.66%
Broadwater	1.02%	1.61%	3.12%	1.12%	1.57%	2.45%	2.31%
Carbon	1.20%	1.06%	2.30%	1.06%	1.66%	0.92%	1.51%
Carter	1.72%	0.26%	0.49%	0.93%	0.72%	0.99%	0.82%
Cascade	2.21%	1.89%	3.20%	1.20%	2.11%	1.09%	2.00%
Chouteau	0.93%	1.08%	1.84%	0.74%	1.21%	0.85%	0.69%
Custer	1.95%	1.64%	2.88%	1.02%	2.18%	1.19%	2.09%
Daniels	0.78%	2.09%	3.02%	1.29%	1.46%	0.00%	1.18%
Dawson	1.45%	1.61%	3.49%	0.57%	0.09%	0.89%	1.24%
Deer Lodge	1.95%	2.22%	2.49%	1.25%	2.53%	0.52%	1.59%
Fallon	1.06%	0.76%	1.44%	0.41%	1.67%	0.78%	1.03%
Fergus	1.57%	1.04%	2.02%	0.78%	1.37%	1.11%	1.52%
Flathead	1.14%	1.53%	1.57%	1.43%	1.48%	0.98%	1.86%
Gallatin	0.78%	1.67%	1.90%	1.07%	1.41%	1.34%	1.20%
Garfield	0.85%	1.29%	1.36%	1.00%	0.86%	1.43%	2.03%
Glacier	1.55%	3.84%	5.21%	1.59%	2.61%	0.44%	0.87%
Golden Valley	0.39%	0.00%	1.39%	1.32%	0.20%	0.23%	0.00%
Granite	0.75%	1.49%	1.99%	1.94%	1.79%	0.94%	0.75%
Hill	2.11%	2.12%	2.97%	1.18%	2.82%	0.98%	2.32%
Jefferson	0.89%	1.13%	1.75%	0.92%	1.34%	0.54%	1.14%
Judith Basin	0.00%	1.33%	1.84%	0.19%	1.37%	0.66%	1.03%
Lake	1.42%	2.34%	2.29%	1.38%	2.10%	0.82%	1.90%
Lewis & Clark	1.63%	1.12%	1.92%	1.46%	1.27%	1.05%	1.56%
Liberty	0.91%	0.40%	1.51%	1.02%	1.18%	0.63%	1.31%
Lincoln	1.57%	0.86%	1.59%	0.80%	1.27%	0.56%	1.14%
Madison	0.92%	1.00%	1.52%	0.74%	1.26%	0.68%	1.38%
McCone	0.70%	0.58%	3.04%	1.37%	2.06%	0.56%	0.63%
Meagher	0.00%	1.52%	3.07%	0.76%	1.41%	1.27%	1.79%
Mineral	0.12%	1.48%	1.72%	0.51%	1.07%	0.69%	1.83%
Missoula	1.36%	2.13%	2.49%	2.01%	1.93%	1.50%	1.70%
Musselshell	0.00%	1.06%	3.89%	1.34%	2.02%	1.15%	1.92%
Park	1.43%	1.55%	2.63%	1.25%	1.98%	1.30%	1.59%
Petroleum	0.00%	0.00%	2.07%	0.83%	0.66%	1.19%	2.95%
Phillips	1.41%	0.81%	1.91%	1.22%	1.01%	1.21%	0.83%
Pondera	1.55%	1.32%	2.26%	0.45%	1.48%	1.03%	0.99%
Powder River	1.66%	0.81%	2.90%	2.33%	1.72%	0.98%	0.00%
Powell	2.14%	1.36%	2.90%	1.15%	2.22%	0.80%	1.57%
Prairie	1.08%	0.60%	0.99%	0.96%	0.69%	0.81%	1.08%
Ravalli	0.89%	1.22%	1.67%	0.80%	1.45%	0.63%	1.22%
Richland	2.63%	1.55%	4.87%	1.97%	3.53%	1.13%	1.80%
Roosevelt	2.08%	2.07%	4.26%	1.71%	2.67%	1.76%	1.50%
Rosebud	1.42%	1.38%	2.39%	0.49%	1.82%	1.11%	2.02%
Sanders	0.74%	0.71%	1.19%	0.37%	1.01%	0.36%	1.30%

Sheridan	1.21%	0.92%	1.91%	0.76%	2.22%	0.70%	0.64%
Silver Bow	1.73%	2.09%	3.33%	2.03%	2.66%	1.31%	1.78%
Stillwater	1.67%	1.47%	3.36%	1.32%	2.31%	0.87%	1.83%
Sweet Grass	1.66%	1.43%	3.17%	1.09%	1.62%	0.51%	1.19%
Teton	1.23%	0.82%	1.41%	1.02%	1.65%	0.58%	0.90%
Toole	1.54%	1.61%	2.67%	1.48%	2.60%	0.62%	1.20%
Treasure	0.21%	1.67%	2.17%	0.77%	0.64%	1.03%	2.24%
Valley	1.32%	1.15%	2.88%	1.32%	2.15%	1.56%	1.33%
Wheatland	1.02%	1.06%	2.24%	1.41%	1.40%	0.95%	1.70%
Wibaux	1.48%	0.00%	2.84%	1.22%	1.62%	0.79%	1.92%
Yellowstone	1.35%	1.23%	2.25%	0.82%	0.92%	0.70%	1.06%

Appendix B - Currently Registered Voters Using EDR at Least Once Since 2008

County	Precinct	Registered Voters as of 4/6/21	Unique EDR Registrants	Pct.
Cascade	P26B	808	144	17.8%
Roosevelt	27-31	613	105	17.1%
Roosevelt	24-31	615	96	15.6%
Deer Lodge	PC_377W	417	58	13.9%
Glacier	PCT03	462	64	13.9%
Deer Lodge	PC_178	124	17	13.7%
Silver Bow	CC-18	936	128	13.7%
Glacier	PCT09	2094	284	13.6%
Deer Lodge	PC_277E	436	59	13.5%
Lake	RON2	1105	147	13.3%
Richland	1	376	50	13.3%
Missoula	RUSS90	836	111	13.3%
Silver Bow	CC-22	1725	228	13.2%
Glacier	PCT13	334	44	13.2%
Silver Bow	CC-17	1528	201	13.2%
Richland	2	617	81	13.1%
Hill	PREC_02	480	63	13.1%
Big Horn	3	178	23	12.9%
Deer Lodge	PC_478W	425	54	12.7%
Big Horn	19	717	91	12.7%
Beaverhead	PREC_06	599	76	12.7%
Silver Bow	CC-21	727	92	12.7%
Beaverhead	PREC_14	737	93	12.6%
Silver Bow	CC-14	1566	197	12.6%
Glacier	PCT08	733	92	12.6%
Silver Bow	CC-1	288	36	12.5%
Roosevelt	26-31	724	90	12.4%
Missoula	LIBR91	3052	378	12.4%
Missoula	LOWE95	3022	373	12.3%
Rosebud	PREC_6	536	66	12.3%
Powell	P_4.78	504	62	12.3%
Missoula	LOWE94	2125	261	12.3%
Powder River	PREC_04	57	7	12.3%
Glacier	PCT21C	512	62	12.1%
Lake	PAB2	1587	192	12.1%
Missoula	FRK100S	1350	163	12.1%
Hill	PREC_01	837	101	12.1%
Glacier	PCT19	307	37	12.1%
Deer Lodge	PC_278	108	13	12.0%
Richland	9	384	46	12.0%
Stillwater	PREC_1	3030	362	11.9%
Sweet Grass	PREC_1	653	78	11.9%
Hill	PREC_10	470	56	11.9%
Silver Bow	CC-8W	1726	205	11.9%

Glacier	PCT12	321	38	11.8%
Blaine	PREC_11	811	96	11.8%
Richland	12	951	112	11.8%
Roosevelt	22-31	272	32	11.8%
Fergus	PREC_8	495	58	11.7%
Big Horn	17	555	65	11.7%
Beaverhead	PREC_01	541	63	11.6%
Glacier	PCT04	286	33	11.5%
Silver Bow	CC-2E	721	83	11.5%
Missoula	SEN95	1559	179	11.5%
Missoula	HAWT95	2128	242	11.4%
Lake	POL8	44	5	11.4%
Big Horn	7	1278	144	11.3%
Silver Bow	CC-10N	196	22	11.2%
Missoula	SEN91	1667	187	11.2%
Powell	P_6.78	493	55	11.2%
Custer	Apr-38	1538	171	11.1%
Chouteau	PCT_01	657	73	11.1%
Silver Bow	CC-2W	699	77	11.0%
Beaverhead	PREC_12	738	81	11.0%
Cascade	P22A	4041	443	11.0%
Lake	POL4	1943	213	11.0%
Big Horn	18	468	51	10.9%
Beaverhead	PREC_09	551	60	10.9%
Powell	P_7.78	540	58	10.7%
Flathead	PREC04	1530	164	10.7%
Custer	Dec-37	28	3	10.7%
Cascade	P26A	3585	384	10.7%
Broadwater	PREC_7	794	85	10.7%
Richland	3	813	87	10.7%
Richland	22	685	73	10.7%
Lake	POL7	734	78	10.6%
Silver Bow	CC-16	1535	163	10.6%
Jefferson	PREC.04	1349	143	10.6%
Silver Bow	CC-10S	236	25	10.6%
Park	60ELSE	1256	133	10.6%
Missoula	STJ100W	2937	310	10.6%
Hill	PREC_03	721	76	10.5%
Park	60BSOL	1188	125	10.5%
Cascade	P21B	563	59	10.5%
Big Horn	5	335	35	10.4%
Custer	Jan-38	1208	126	10.4%
Glacier	PCT07	77	8	10.4%
Powell	P_11.80	154	16	10.4%
Richland	8	953	99	10.4%
Carbon	9	550	57	10.4%
Missoula	FRK100N	2044	211	10.3%
Lewis & Clark	P22	1173	121	10.3%
Glacier	PCT02	486	50	10.3%
Toole	SHE-CTY	1539	158	10.3%
Missoula	RUSS99N	1502	153	10.2%

Silver Bow	CC-12W	226	23	10.2%
Deer Lodge	PC_377E	443	45	10.2%
Powder River	PREC_09	69	7	10.1%
Cascade	P24	5552	563	10.1%
Silver Bow	CC-29	99	10	10.1%
Fergus	PREC_7	456	46	10.1%
Park	60DLNE	1143	115	10.1%
Flathead	PREC01	957	96	10.0%
Lewis & Clark	P14	1570	157	10.0%

Appendix C

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Education

Yale University, Department of Political Science, Ph.D., 1988.
Yale University, Department of Political Science, M.A., M.Phil., 1987.
University of California, San Diego, Department of Political Science, B.A., 1982.

Positions Held

University of Wisconsin, Madison. Department of Political Science.
Professor, July 2000-present.
Associate Professor, June 1996-June 2000.
Assistant Professor, August 1989-May 1996.
Fulbright-ANU Distinguished Chair in Political Science, Australian National University (Canberra, ACT), July-December 2006.
Director, Data and Computation Center, College of Letters and Science, University of Wisconsin-Madison, June 1996-September 2003
Consultant, The RAND Corporation, Washington DC, 1988-1994. Conducted study of acquisition reform, and the effects of acquisition policy on the defense industrial base. Performed computer simulations of U.S. strategic force posture and capabilities.
Contract Specialist, Naval Air Systems Command, Washington D.C., 1985-1986. Responsible for cost and price analysis, contract negotiation, and contract administration for aerial target missile programs in the \$5 million - \$100 million range.

Awards

American Political Science Association, State Politics and Policy Section. Award for best Journal Article Published in the *American Journal of Political Science* in 2014. Awarded for Burden, Canon, Mayer, and Moynihan, "Election Laws, Mobilization, and Turnout."
Robert H. Durr Award, from the Midwest Political Science Association, for Best Paper Applying Quantitative Methods to a Substantive Problem Presented at the 2013 Meeting. Awarded for Burden, Canon, Mayer, and Moynihan, "Election Laws and Partisan Gains."
Leon Epstein Faculty Fellow, College of Letters and Science, 2012-2015
UW Housing Honored Instructor Award, 2012, 2014, 2017, 2018
Recipient, Jerry J. and Mary M. Cotter Award, College of Letters and Science, 2011-2012
Alliant Underkofler Excellence in Teaching Award, University of Wisconsin System, 2006
Pi Sigma Alpha Teaching Award, Fall 2006
Vilas Associate, 2003-2004, University of Wisconsin-Madison Graduate School.
2002 Neustadt Award. Awarded by the Presidency Research Group of the American Political Science Association, for the best book published on the American presidency in 2001. Awarded for *With the Stroke of a Pen: Executive Orders and Presidential Power*.
Lilly Teaching Fellow, University of Wisconsin-Madison, 1993-1994.
Interfraternity Council award for Outstanding Teaching, University of Wisconsin-Madison, 1993.
Selected as one of the 100 best professors at University of Wisconsin-Madison, Wisconsin Student Association, March 1992.

Olin Dissertation Fellow, Center for International Affairs, Harvard University, 1987-1988

Service as an Expert Witness

1. *League of Women Voters of Arkansas et al. v. Thurston et al.*, Case No. 60CV-21-3138 (5th Circ. Ct., Pulaski Cty., AR), election administration (2021).
2. *League of Women Voters of Florida, Inc., et al. v. Lee, et al.*, Case No. 4:21-cv-00186-MW-MAF (N.D. Fla.) voting rights (2021).
3. *Fair Fight Inc., et al. v. True the Vote, Inc., et al.*, Case No. 2:20-CV-00302-SCJ (N.D. GA), election administration (2021).
4. *Majority Forward and Gamliel Warren Turner, Sr. v. Ben Hill County Board of Elections, et al.*, No. 1:20-CV-00266-LAG (M.D. Ga), election administration (2020).
5. *Pearson et al. v. Kemp et al.*, No. 1:20-cv-4809-TCB (N.D. Ga), election administration (2020)
6. *North Carolina Alliance for Retired Americans et al. v. North Carolina State Board of Elections* (Wake Cty., NC), absentee ballots (2020).
7. *LaRose et al. v. Simon*, No. 62-CV-20-3149 (2d Jud. Dist. Ct., Ramsey Cty., MN), absentee ballots (2020).
8. *Michigan Alliance for Retired Americans et al. v. Benson et al.* No 2020-000108-MM (Mich. Court of Claims), absentee ballots (2020).
9. *The New Georgia Project et al. v. Raffensperger et al.* No. 1:20-CV-01986-EL0052 (N.D. Ga.), absentee ballots (2020).
10. *Driscoll v. Stapleton*, No. DV 20 0408 (13th Judicial Ct. Yellowstone Cty., MT), absentee ballots (2020).
11. *The Andrew Goodman Foundation v. Bostelmann*, No. 19-cv-955 (W.D. Wisc.), voter ID (2020).
12. *Kumar v. Frisco Independent School District et al.*, No.4:19-cv-00284 (E.D. Tex.), voting rights (2019).
13. *Fair Fight Action v. Raffensperger* No. 1:18-cv-05391-SCJ (N.D. Ga.), voting rights (2019)
14. *Vaughan v. Lewisville Independent School District*, No. 4:19-cv-00109 (E.D. Texas), voting rights (2019).
15. *Dwight et al. v. Raffensperger*, No: 1:18-cv-2869-RWS (N.D. Ga.), redistricting, voting rights (2018).
16. *Priorities U.S.A. et al. v. Missouri et al.*, No. 19AC-CC00226 (Cir. Ct. of Cole Cty., MO), voter ID (2018).
17. *Tyson v. Richardson Independent School District*, No. 3:18-cv-00212 (N.D. Texas), voting rights (2018).
18. *League of Women Voters of Michigan, et al. v. Johnson*, No. 2:17-cv-14148-DPH-SDD (S.D. Mich.), redistricting (2018).
19. *One Wisconsin Institute, Inc., et al. v. Nichol, et al.*, 198 F. Supp. 3d 896 (W.D. Wis.), voting rights (2016).
20. *Whitford et al. v. Gill et al*, 218 F. Supp. 3d 837, (W.D. Wis.), redistricting (2016).
21. *Milwaukee NAACP et al. v. Scott Walker et. al*, N.W.2d 262 (Wis. 2014), voter ID (2012).
22. *Baldus et al. v. Brennan et al.*, 849 F. Supp. 2d 840 (E.D. Wis.), redistricting, voting rights (2012).
23. *County of Kenosha v. City of Kenosha*, No. 22-CV-1813 (Wis. Cir. Ct., Kenosha Cty.) municipal redistricting (2011).
24. *McComish et al. v. Brewer et al.*, 2010 WL 2292213 (D. Ariz.), campaign finance (2009).
25. *Baumgart et al. v. Wendelberger et al.*, 2002 WL 34127471 (E.D. Wis.), redistricting (2002).

Grants

“A Multidisciplinary Approach for Redistricting Knowledge.” Principal Investigator. Co-PIs Adeline Lo (UW Madison, Department of Political Science), Song Gao (UW Madison, Department of Geography), and Barton Miller and Jin-Yi Cai (UW Madison, Department of Computer Sciences). University of Wisconsin Alumni Research Foundation (WARF), and UW Madison Office of the

Vice Chancellor for Research and Graduate Education. July 1, 2020-June 30, 2022. \$410,711.

“Analyzing Nonvoting and the Student Voting Experience in Wisconsin.” Dane County (WI) Clerk, \$44,157. November 2016-December 2017. Additional support (\$30,000) provided by the Office of the Chancellor, UW-Madison.

Campaign Finance Task Force, Stanford University and New York University, \$36,585. September 2016-August 2017.

Participant and Board Member, 2016 White House Transition Project, PIs Martha Joynt Kumar (Towson State University) and Terry Sullivan (University of North Carolina-Chapel Hill).

“How do You Know? The Structure of Presidential Advising and Error Correction in the White House.” Graduate School Research Committee, University of Wisconsin, \$18,941. July 1, 2015-June 30, 2016.

“Study and Recommendations for the Government Accountability Board Chief Inspectors’ Statements and Election Incident Report Logs.” \$43,234. Co-PI. With Barry C. Burden (PI), David T. Canon (co-PI), and Donald Moynihan (co-PI). October 2011-May 2012.

“Public Funding in Connecticut Legislative Elections.” Open Society Institute. September 2009- December 2010. \$55,000.

“Early Voting and Same Day Registration in Wisconsin and Beyond.” Co-PI. October 2008- September 2009. Pew Charitable Trusts. \$49,400. With Barry C. Burden (PI), David T. Canon (Co-PI), Kevin J. Kennedy (Co-PI), and Donald P. Moynihan (Co-PI).

City of Madison, Blue Ribbon Commission on Clean Elections. Joyce Foundation, Chicago, IL. \$16,188. January-July 2008.

“Wisconsin Campaign Finance Project: Public Funding in Connecticut State Legislative Elections.” JEHT Foundation, New York, NY. \$84,735. November 2006-November 2007.

“Does Public Election Funding Change Public Policy? Evaluating the State of Knowledge.” JEHT Foundation, New York, NY. \$42,291. October 2005-April 2006.

“Wisconsin Campaign Finance Project: Disseminating Data to the Academic, Reform, and Policy Communities.” Joyce Foundation, Chicago, IL. \$20,900. September 2005- August 2006.

“Enhancing Electoral Competition: Do Public Funding Programs for State and Local Elections Work?” Smith Richardson Foundation, Westport, CT. \$129,611. December 2002-June 2005

WebWorks Grant (implementation of web-based instructional technologies), Division of Information Technology, UW-Madison, \$1,000. November 1999.

“Issue Advocacy in Wisconsin during the 1998 Election.” Joyce Foundation, Chicago, IL. \$15,499. April 1999.

Instructional Technology in the Multimedia Environment (IN-TIME) grant, Learning Support Services, University of Wisconsin. \$5,000. March 1997.

“Public Financing and Electoral Competitiveness in the Minnesota State Legislature.” Citizens’ Research Foundation, Los Angeles, CA, \$2,000. May-November 1996.

“The Reach of Presidential Power: Policy Making Through Executive Orders.” National Science Foundation (SBR-9511444), \$60,004. September 1, 1995-August 31, 1998. Graduate School Research Committee, University of Wisconsin, \$21,965. Additional support provided by the Gerald R. Ford Library Foundation, the Eisenhower World Affairs Institute, and the Harry S. Truman Library Foundation.

The Future of the Combat Aircraft Industrial Base.” Changing Security Environment Project, John M. Olin Institute for Strategic Studies, Harvard University (with Ethan B. Kapstein). June 1993-January 1995. \$15,000.

Hilldale Student Faculty Research Grant, College of Letters and Sciences, University of Wisconsin (with John M. Wood). 1992. \$1,000 (\$3,000 award to student)

“Electoral Cycles in Federal Government Prime Contract Awards” March 1992 – February 1995. National Science Foundation (SES-9121931), \$74,216. Graduate School Research Committee at the University of Wisconsin, \$2,600. MacArthur Foundation, \$2,500.

C-SPAN In the Classroom Faculty Development Grant, 1991. \$500

Professional and Public Service

Education and Social and Behavioral Sciences Institutional Review Board, 2008-2014. Acting Chair, Summer 2011. Chair, May 2012- June 2014.

Participant, U.S. Public Speaker Grant Program. United States Department of State (nationwide speaking tour in Australia, May 11-June 2, 2012).

Expert Consultant, Voces de la Frontera. Milwaukee Aldermanic redistricting, (2011).

Expert Consultant, Prosser for Supreme Court. Wisconsin Supreme Court election recount (2011).

Chair, Blue Ribbon Commission on Clean Elections (Madison, WI), August 2007-April 2011.

Consultant, Consulate of the Government of Japan (Chicago) on state politics in Illinois, Indiana, Minnesota, and Wisconsin, 2006-2011.

Section Head, Presidency Studies, 2006 Annual Meeting of the American Political Science Association.

Co-Chair, Committee on Redistricting, Supreme Court of Wisconsin, November 2003-December 2009.

Section Head, Presidency and Executive Politics, 2004 Annual Meeting of the Midwest Political Science Association, Chicago, IL.

Presidency Research Group (organized section of the American Political Science Association) Board, September 2002-present.

Book Review Editor, *Congress and the Presidency*, 2001-2006.

Editorial Board, *American Political Science Review*, September 2004-September 2007.

Consultant, Governor's Blue Ribbon Commission on Campaign Finance Reform (Wisconsin), 1997.

PUBLICATIONS

Books

Presidential Leadership: Politics and Policymaking, 12th edition. Lanham, MD: Rowman and Littlefield, forthcoming 2022. With George C. Edwards, III and Steven J. Wayne. Previous editions 10th (2018), 11th (2020).

The Enduring Debate: Classic and Contemporary Readings in American Government. 9th ed. New York: W.W. Norton & Co., forthcoming 2022. Co-edited with David T. Canon and John Coleman. Previous editions 1st (1997), 2nd (2000), 3rd (2002), 4th (2006), 5th (2009), 6th (2011), 7th (2013), 8th (2017).

The 2016 Presidential Elections: The Causes and Consequences of an Electoral Earthquake. Lanham, MD: Lexington Press, 2017. Co-edited with Amnon Cavari and Richard J. Powell.

Faultlines: Readings in American Government, 5th ed. New York: W.W. Norton & Co. 2017. Co-edited with David T. Canon and John Coleman. Previous editions 1st (2004), 2nd (2007), 3rd (2011), 4th (2013).

The 2012 Presidential Election: Forecasts, Outcomes, and Consequences. Lanham, MD: Rowman and Littlefield, 2014. Co-edited with Amnon Cavari and Richard J. Powell.

Readings in American Government, 7th edition. New York: W.W. Norton & Co. 2002. Co-edited with Theodore J. Lowi, Benjamin Ginsberg, David T. Canon, and John Coleman). Previous editions 4th (1996), 5th (1998), 6th (2000).

With the Stroke of a Pen: Executive Orders and Presidential Power. Princeton, NJ: Princeton University Press. 2001. Winner of the 2002 Neustadt Award from the Presidency Studies Group of the American Political Science Association, for the Best Book on the Presidency Published in 2001.

The Dysfunctional Congress? The Individual Roots of an Institutional Dilemma. Boulder, CO: Westview Press. 1999. With David T. Canon.

The Political Economy of Defense Contracting. New Haven: Yale University Press. 1991.

Monographs

2008 Election Data Collection Grant Program: Wisconsin Evaluation Report. Report to the Wisconsin

Government Accountability Board, September 2009. With Barry C. Burden, David T. Canon, Stéphane Lavertu, and Donald P. Moynihan.

Issue Advocacy in Wisconsin: Analysis of the 1998 Elections and A Proposal for Enhanced Disclosure. September 1999.

Public Financing and Electoral Competition in Minnesota and Wisconsin. Citizens' Research Foundation, April 1998.

Campaign Finance Reform in the States. Report prepared for the Governor's Blue Ribbon Commission on Campaign Finance Reform (State of Wisconsin). February 1998. Portions reprinted in Anthony Corrado, Thomas E. Mann, Daniel Ortiz, Trevor Potter, and Frank J. Sorauf, ed., *Campaign Finance Reform: A Sourcebook.* Washington, D.C.: Brookings Institution, 1997.

"Does Public Financing of Campaigns Work?" *Trends in Campaign Financing.* Occasional Paper Series, Citizens' Research Foundation, Los Angeles, CA. 1996. With John M. Wood.

The Development of the Advanced Medium Range Air-to-Air Missile: A Case Study of Risk and Reward in Weapon System Acquisition. N-3620-AF. Santa Monica: RAND Corporation. 1993.

Barriers to Managing Risk in Large Scale Weapons System Development Programs. N-4624-AF. Santa Monica: RAND Corporation. 1993. With Thomas K. Glennan, Jr., Susan J. Bodilly, Frank Camm, and Timothy J. Webb.

Articles

- "The Random Walk Presidency," *Presidential Studies Quarterly* 51: 71-95 (2021)
- "Voter Identification and Nonvoting in Wisconsin - Evidence from the 2016 Election." *Election Law Journal* 18:342-359 (2019). With Michael DeCrescenzo.
- "Waiting to Vote in the 2016 Presidential Election: Evidence from a Multi-county Study." *Political Research Quarterly* 71 (2019). With Robert M. Stein, Christopher Mann, Charles Stewart III, et al.
- "Learning from Recounts." *Election Law Journal* 17:100-116 (No. 2, 2018). With Stephen Ansolabehere, Barry C. Burden, and Charles Stewart, III.
- "The Complicated Partisan Effects of State Election Laws." *Political Research Quarterly* 70:549-563 (No. 3, September 2017). With Barry C. Burden, David T. Canon, and Donald P. Moynihan.
- "What Happens at the Polling Place: Using Administrative Data to Look Inside Elections." *Public Administration Review* 77:354-364 (No. 3, May/June 2017). With Barry C. Burden, David T. Canon, Donald P. Moynihan, and Jacob R. Neiheisel.
- "Alien Abduction, and Voter Impersonation in the 2012 U.S. General Election: Evidence from a Survey List Experiment." *Election Law Journal* 13:460-475 No.4, December 2014). With John S. Ahlquist and Simon Jackman.
- "Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform." *American Journal of Political Science*, 58:95-109 (No. 1, January 2014). With Barry C. Burden, David T. Canon, and Donald P. Moynihan. Winner of the State Politics and Politics Section of the American Political Science Association Award for the best article published in the *AJPS* in 2014.
- "Executive Power in the Obama Administration and the Decision to Seek Congressional Authorization for a Military Attack Against Syria: Implications for Theories of Unilateral Action." *Utah Law Review* 2014:821-841 (No. 4, 2014).
- "Public Election Funding: An Assessment of What We Would Like to Know." *The Forum* 11:365-485 (No. 3, 2013).
- "Selection Method, Partisanship, and the Administration of Elections." *American Politics Research* 41:903-936 (No. 6, November 2013). With Barry C. Burden, David T. Canon, Stéphane Lavertu, and Donald Moynihan.
- "The Effect of Administrative Burden on Bureaucratic Perception of Policies: Evidence from Election Administration." *Public Administration Review* 72:741-451 (No. 5, September/October 2012). With Barry C. Burden, David T. Canon, and Donald Moynihan.
- "Early Voting and Election Day Registration in the Trenches: Local Officials' Perceptions of Election Reform." *Election Law Journal* 10:89-102 (No. 2, 2011). With Barry C. Burden, David T. Canon,

- and Donald Moynihan.
- "Is Political Science Relevant? Ask an Expert Witness," *The Forum*: Vol. 8, No. 3, Article 6 (2010).
- "Thoughts on the Revolution in Presidency Studies," *Presidential Studies Quarterly* 39 (no. 4, December 2009).
- "Does Australia Have a Constitution? Part I – Powers: A Constitution Without Constitutionalism." *UCLA Pacific Basin Law Journal* 25:228-264 (No. 2, Spring 2008). With Howard Schweber.
- "Does Australia Have a Constitution? Part II: The Rights Constitution." *UCLA Pacific Basin Law Journal* 25:265-355 (No. 2, Spring 2008). With Howard Schweber.
- "Public Election Funding, Competition, and Candidate Gender." *PS: Political Science and Politics* XL:661-667 (No. 4, October 2007). With Timothy Werner.
- "Do Public Funding Programs Enhance Electoral Competition?" In Michael P. McDonald and John Samples, eds., *The Marketplace of Democracy: Electoral Competition and American Politics* (Washington, DC: Brookings Institution Press, 2006). With Timothy Werner and Amanda Williams. Excerpted in Daniel H. Lowenstein, Richard L. Hasen, and Daniel P. Tokaji, *Election Law: Cases and Materials*. Durham, NC: Carolina Academic Press, 2008.
- "The Last 100 Days." *Presidential Studies Quarterly* 35:533-553 (No. 3, September 2005). With William Howell.
- "Political Reality and Unforeseen Consequences: Why Campaign Finance Reform is Too Important To Be Left To The Lawyers," *University of Richmond Law Review* 37:1069-1110 (No. 4, May 2003).
- "Unilateral Presidential Powers: Significant Executive Orders, 1949-1999." *Presidential Studies Quarterly* 32:367-386 (No. 2, June 2002). With Kevin Price.
- "Answering Ayres: Requiring Campaign Contributors to Remain Anonymous Would Not Resolve Corruption Concerns." *Regulation* 24:24-29 (No. 4, Winter 2001).
- "Student Attitudes Toward Instructional Technology in the Large Introductory US Government Course." *PS: Political Science and Politics* 33:597-604 (No. 3 September 2000). With John Coleman.
- "The Limits of Delegation – the Rise and Fall of BRAC." *Regulation* 22:32-38 (No. 3, October 1999).
- "Executive Orders and Presidential Power." *The Journal of Politics* 61:445-466 (No. 2, May 1999).
- "Bringing Politics Back In: Defense Policy and the Theoretical Study of Institutions and Processes." *Public Administration Review* 56:180-190 (1996). With Anne Khademian.
- "Closing Military Bases (Finally): Solving Collective Dilemmas Through Delegation." *Legislative Studies Quarterly*, 20:393-414 (No. 3, August 1995).
- "Electoral Cycles in Federal Government Prime Contract Awards: State-Level Evidence from the 1988 and 1992 Presidential Elections." *American Journal of Political Science* 40:162-185 (No. 1, February 1995).
- "The Impact of Public Financing on Electoral Competitiveness: Evidence from Wisconsin, 1964-1990." *Legislative Studies Quarterly* 20:69-88 (No. 1, February 1995). With John M. Wood.
- "Policy Disputes as a Source of Administrative Controls: Congressional Micromanagement of the Department of Defense." *Public Administration Review* 53:293-302 (No. 4, July-August 1993).
- "Combat Aircraft Production in the United States, 1950-2000: Maintaining Industry Capability in an Era of Shrinking Budgets." *Defense Analysis* 9:159-169 (No. 2, 1993).

Book Chapters

- "Is President Trump Conventionally Disruptive, or Unconventionally Destructive?" In *The 2016 Presidential Elections: The Causes and Consequences of an Electoral Earthquake*. Lanham, MD: Lexington Press, 2017. Co-edited with Amon Cavari and Richard J. Powell.
- "Lessons of Defeat: Republican Party Responses to the 2012 Presidential Election. In Amnon Cavari, Richard J. Powell, and Kenneth R. Mayer, eds. *The 2012 Presidential Election: Forecasts, Outcomes, and Consequences*. Lanham, MD: Rowman and Littlefield. 2014.
- "Unilateral Action." George C. Edwards, III, and William G. Howell, *Oxford Handbook of the American Presidency* (New York: Oxford University Press, 2009).
- "Executive Orders," in Joseph Bessette and Jeffrey Tulis, *The Constitutional Presidency*. Baltimore:

- Johns Hopkins University Press, 2009.
- “Hey, Wait a Minute: The Assumptions Behind the Case for Campaign Finance Reform.” In Gerald C. Lubenow, ed., *A User’s Guide to Campaign Finance Reform*. Lanham, MD: Rowman & Littlefield, 2001.
- “Everything You Thought You Knew About Impeachment Was Wrong.” In Leonard V. Kaplan and Beverly I. Moran, ed., *Aftermath: The Clinton Impeachment and the Presidency in the Age of Political Spectacle*. New York: New York University Press. 2001. With David T. Canon.
- “The Institutionalization of Power.” In Robert Y. Shapiro, Martha Joynt Kumar, and Lawrence R. Jacobs, eds. *Presidential Power: Forging the Presidency for the 21st Century*. New York: Columbia University Press, 2000. With Thomas J. Weko.
- “Congressional-DoD Relations After the Cold War: The Politics of Uncertainty.” In *Downsizing Defense*, Ethan Kapstein ed. Washington DC: Congressional Quarterly Press. 1993.
- “Elections, Business Cycles, and the Timing of Defense Contract Awards in the United States.” In Alex Mintz, ed. *The Political Economy of Military Spending*. London: Routledge. 1991.
- “Patterns of Congressional Influence In Defense Contracting.” In Robert Higgs, ed., *Arms, Politics, and the Economy: Contemporary and Historical Perspectives*. New York: Holmes and Meier. 1990.

Other

- “Campaign Finance: Some Basics.” Bauer-Ginsberg Campaign Finance Task Force, Stanford University. September 2017. With Elizabeth M. Sawyer.
- “The Wisconsin Recount May Have a Surprise in Store after All.” *The Monkey Cage* (Washington Post), December 5, 2016. With Stephen Ansolabehere, Barry C. Burden, and Charles Stewart, III.
- Review of Jason K. Dempsey, *Our Army: Soldiers, Politicians, and American Civil-Military Relations*. *The Forum* 9 (No. 3, 2011).
- “Voting Early, but Not Often.” *New York Times*, October 25, 2010. With Barry C. Burden.
- Review of John Samples, *The Fallacy of Campaign Finance Reform* and Raymond J. La Raja, *Small Change: Money, Political Parties, and Campaign Finance Reform*. *The Forum* 6 (No. 1, 2008).
- Review Essay, *Executing the Constitution: Putting the President Back Into the Constitution*, Christopher S. Kelley, ed.; *Presidents in Culture: The Meaning of Presidential Communication*, David Michael Ryfe; *Executive Orders and the Modern Presidency: Legislating from the Oval Office*, Adam L. Warber. In *Perspective on Politics* 5:635-637 (No. 3, September 2007).
- “The Base Realignment and Closure Process: Is It Possible to Make Rational Policy?” Brademas Center for the Study of Congress, New York University. 2007.
- “Controlling Executive Authority in a Constitutional System” (comparative analysis of executive power in the U.S. and Australia), manuscript, February 2007.
- “Campaigns, Elections, and Campaign Finance Reform.” *Focus on Law Studies*, XXI, No. 2 (Spring 2006). American Bar Association, Division for Public Education.
- “Review Essay: Assessing The 2000 Presidential Election – Judicial and Social Science Perspectives.” *Congress and the Presidency* 29: 91-98 (No. 1, Spring 2002).
- Issue Briefs (Midterm Elections, Homeland Security; Foreign Affairs and Defense Policy; Education; Budget and Economy; Entitlement Reform) *2006 Reporter’s Source Book*. Project Vote Smart. 2006. With Meghan Condon.
- “Sunlight as the Best Disinfectant: Campaign Finance in Australia.” Democratic Audit of Australia, Australian National University. October 2006.
- “Return to the Norm,” *Brisbane Courier-Mail*, November 10, 2006.
- “The Return of the King? Presidential Power and the Law,” *PRG Report* XXVI, No. 2 (Spring 2004).
- Issue Briefs (Campaign Finance Reform, Homeland Security; Foreign Affairs and Defense Policy; Education; Budget and Economy; Entitlement Reform), *2004 Reporter’s Source Book*. Project Vote Smart. 2004. With Patricia Strach and Arnold Shober.
- “Where’s That Crystal Ball When You Need It? Finicky Voters and Creaky Campaigns Made for a Surprise Electoral Season. And the Fun’s Just Begun.” *Madison Magazine*. April 2002.

- “Capitol Overkill.” *Madison Magazine*, July 2002.
- Issue Briefs (Homeland Security; Foreign Affairs and Defense Policy; Education; Economy, Budget and Taxes; Social Welfare Policy), *2002 Reporter’s Source Book*. Project Vote Smart. 2002. With Patricia Strach and Paul Manna.
- “Presidential Emergency Powers.” *Oxford Analytica Daily Brief*. December 18, 2001.
- “An Analysis of the Issue of Issue Ads.” *Wisconsin State Journal*, November 7, 1999.
- “Background of Issue Ad Controversy.” *Wisconsin State Journal*, November 7, 1999.
- “Eliminating Public Funding Reduces Election Competition.” *Wisconsin State Journal*, June 27, 1999.
- Review of *Executive Privilege: The Dilemma of Secrecy and Democratic Accountability*, by Mark J. Rozell. *Congress and the Presidency* 24 (No. 1, 1997).
- “Like Marriage, New Presidency Starts In Hope.” *Wisconsin State Journal*. March 31, 1996.
- Review of *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy*, by Lani Guinier. *Congress and the Presidency* 21: 149-151 (No. 2, 1994).
- Review of *The Best Defense: Policy Alternatives for U.S. Nuclear Security From the 1950s to the 1990s*, by David Goldfischer. *Science, Technology, and Environmental Politics Newsletter* 6 (1994).
- Review of *The Strategic Defense Initiative*, by Edward Reiss. *American Political Science Review* 87:1061-1062 (No. 4, December 1993).
- Review of *The Political Economy of Defense: Issues and Perspectives*, Andrew L. Ross ed. *Armed Forces and Society* 19:460-462 (No. 3, April 1993)
- Review of *Space Weapons and the Strategic Defense Initiative*, by Crockett Grabbe. *Annals of the American Academy of Political and Social Science* 527: 193-194 (May 1993).
- “Limits Wouldn’t Solve the Problem.” *Wisconsin State Journal*, November 5, 1992. With David T. Canon.
- “Convention Ceded Middle Ground.” *Wisconsin State Journal*, August 23, 1992.
- “CBS Economy Poll Meaningless.” *Wisconsin State Journal*, February 3, 1992.
- “It’s a Matter of Character: Pentagon Doesn’t Need New Laws, it Needs Good People.” *Los Angeles Times*, July 8, 1988.

Conference Papers

- “Voter Identification and Nonvoting in Wisconsin – Evidence from the 2016 Election.” Presented at the 2018 Annual Meeting of the Midwest Political Science Association, Chicago, IL April 5-8, 2018. With Michael G. DeCrescenzo.
- “Learning from Recounts.” Presented at the Workshop on Electoral Integrity, San Francisco, CA, August 30, 2017, and at the 2017 Annual Meeting of the American Political Science Association, San Francisco, CA, August 31-September 3, 2017. With Stephen Ansolabehere, Barry C. Burden, and Charles Stewart, III.
- “What Happens at the Polling Place: Using Administrative Data to Understand Irregularities at the Polls.” Conference on New Research on Election Administration and Reform, Massachusetts Institute of Technology, Cambridge, MA, June 8, 2015. With Barry C. Burden, David T. Canon, Donald P. Moynihan, and Jake R. Neiheisel.
- “Election Laws and Partisan Gains: What are the Effects of Early Voting and Same Day Registration on the Parties’ Vote Shares.” 2013 Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 11-14, 2013. Winner of the Robert H. Durr Award.
- “The Effect of Public Funding on Electoral Competition: Evidence from the 2008 and 2010 Cycles.” Annual Meeting of the American Political Science Association, Seattle, WA, September 1-4, 2011. With Amnon Cavari.
- “What Happens at the Polling Place: A Preliminary Analysis in the November 2008 General Election.” Annual Meeting of the American Political Science Association, Seattle, WA, September 1-4, 2011. With Barry C. Burden, David T. Canon, Donald P. Moynihan, and Jake R. Neiheisel.
- “Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform.” 2010 Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 2010. With Barry C. Burden, David T. Canon, Stéphane Lavertu and Donald P. Moynihan.

- “Selection Methods, Partisanship, and the Administration of Elections. Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 22-25, 2010. Revised version presented at the Annual Meeting of the European Political Science Association, June 16-19, 2011, Dublin, Ireland. With Barry C. Burden, David T. Canon, Stéphane Lavertu and Donald P. Moynihan.
- “The Effects and Costs of Early Voting, Election Day Registration, and Same Day Registration in the 2008 Elections.” Annual Meeting of the American Political Science Association, Toronto, Canada, September 3-5, 2009. With Barry C. Burden, David T. Canon, and Donald P. Moynihan.
- “Comparative Election Administration: Can We Learn Anything From the Australian Electoral Commission?” Annual Meeting of the American Political Science Association, Chicago, IL, August 29-September 1, 2007.
- “Electoral Transitions in Connecticut: Implementation of Public Funding for State Legislative Elections.” Annual Meeting of the American Political Science Association, Chicago, IL, August 29-September 1, 2007. With Timothy Werner.
- “Candidate Gender and Participation in Public Campaign Finance Programs.” Annual Meeting of the Midwest Political Science Association, Chicago IL, April 7-10, 2005. With Timothy Werner.
- “Do Public Funding Programs Enhance Electoral Competition?” 4th Annual State Politics and Policy Conference,” Akron, OH, April 30-May 1, 2004. With Timothy Werner and Amanda Williams.
- “The Last 100 Days.” Annual Meeting of the American Political Science Association, Philadelphia, PA, August 28-31, 2003. With William Howell.
- “Hey, Wait a Minute: The Assumptions Behind the Case for Campaign Finance Reform.” Citizens’ Research Foundation Forum on Campaign Finance Reform, Institute for Governmental Studies, University of California Berkeley. August 2000.
- “The Importance of Moving First: Presidential Initiative and Executive Orders.” Annual Meeting of the American Political Science Association, San Francisco, CA, August 28-September 1, 1996.
- “Informational vs. Distributive Theories of Legislative Organization: Committee Membership and Defense Policy in the House.” Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 1993.
- “Department of Defense Contracts, Presidential Elections, and the Political-Business Cycle.” Annual Meeting of the American Political Science Association, Washington, DC, September 2-5, 1993.
- “Problem? What Problem? Congressional Micromanagement of the Department of Defense.” Annual Meeting of the American Political Science Association, Washington DC, August 29 - September 2, 1991.

Talks and Presentations

- “Turnout Effects of Voter ID Laws.” Rice University, March 23, 2018; Wisconsin Alumni Association, October 13, 2017. With Michael DeCrescenzo.
- “Informational and Turnout Effects of Voter ID Laws.” Wisconsin State Elections Commission, December 12, 2017; Dane County Board of Supervisors, October 26, 2017. With Michael DeCrescenzo.
- “Voter Identification and Nonvoting in Wisconsin, Election 2016. American Politics Workshop, University of Wisconsin, Madison, November 24, 2017.
- “Gerrymandering: Is There A Way Out?” Marquette University. October 24, 2017.
- “What Happens in the Districting Room and What Happens in the Courtroom” Geometry of Redistricting Conference, University of Wisconsin-Madison October 12, 2017.
- “How Do You Know? The Epistemology of White House Knowledge.” Clemson University, February 23, 2016.
- Roundtable Discussant, Separation of Powers Conference, School of Public and International Affairs, University of Georgia, February 19-20, 2016.
- Campaign Finance Task Force Meeting, Stanford University, February 4, 2016.
- Discussant, “The Use of Unilateral Powers.” American Political Science Association Annual Meeting, August 28-31, 2014, Washington, DC.
- Presenter, “Roundtable on Money and Politics: What do Scholars Know and What Do We Need to Know?”

American Political Science Association Annual Meeting, August 28-September 1, 2013, Chicago, IL.

Presenter, "Roundtable: Evaluating the Obama Presidency." Midwest Political Science Association Annual Meeting, April 11-14, 2012, Chicago, IL.

Panel Participant, "Redistricting in the 2010 Cycle," Midwest Democracy Network,

Speaker, "Redistricting and Election Administration," Dane County League of Women Voters, March 4, 2010.

Keynote Speaker, "Engaging the Electorate: The Dynamics of Politics and Participation in 2008." Foreign Fulbright Enrichment Seminar, Chicago, IL, March 2008.

Participant, Election Visitor Program, Australian Electoral Commission, Canberra, ACT, Australia. November 2007.

Invited Talk, "Public Funding in State and Local Elections." Reed College Public Policy Lecture Series. Portland, Oregon, March 19, 2007.

Fulbright Distinguished Chair Lecture Tour, 2006. Public lectures on election administration and executive power. University of Tasmania, Hobart (TAS); Flinders University and University of South Australia, Adelaide (SA); University of Melbourne, Melbourne (VIC); University of Western Australia, Perth (WA); Griffith University and University of Queensland, Brisbane (QLD); Institute for Public Affairs, Sydney (NSW); The Australian National University, Canberra (ACT).

Discussant, "Both Ends of the Avenue: Congress and the President Revisited," American Political Science Association Meeting, September 2-5, 2004, Chicago, IL.

Presenter, "Researching the Presidency," Short Course, American Political Science Association Meeting, September 2-5, 2004, Chicago, IL.

Discussant, Conference on Presidential Rhetoric, Texas A&M University, College Station, TX. February 2004.

Presenter, "Author Meets Author: New Research on the Presidency," 2004 Southern Political Science Association Meeting, January 8-11, New Orleans, LA.

Chair, "Presidential Secrecy," American Political Science Association Meeting, August 28-31, 2003, Philadelphia, PA.

Discussant, "New Looks at Public Approval of Presidents." Midwest Political Science Association Meeting, April 3-6, 2003, Chicago, IL.

Discussant, "Presidential Use of Strategic Tools." American Political Science Association Meeting, August 28-September 1, 2002, Boston, MA.

Chair and Discussant, "Branching Out: Congress and the President." Midwest Political Science Association Meeting, April 19-22, 2001, Chicago, IL.

Invited witness, Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, U.S. House of Representatives. *Hearing on Executive Order and Presidential Power*, Washington, DC. March 22, 2001.

"The History of the Executive Order," Miller Center for Public Affairs, University of Virginia (with Griffin Bell and William Howell), January 26, 2001.

Presenter and Discussant, Future Voting Technologies Symposium, Madison, WI May 2, 2000.

Moderator, Panel on Electric Utility Reliability. Assembly Staff Leadership Development Seminar, Madison, WI. August 11, 1999.

Chair, Panel on "Legal Aspects of the Presidency: Clinton and Beyond." Midwest Political Science Association Meeting, April 15-17, 1999, Chicago, IL.

Session Moderator, National Performance Review Acquisition Working Summit, Milwaukee, WI. June 1995.

American Politics Seminar, The George Washington University, Washington D.C., April 1995.

Invited speaker, Defense and Arms Control Studies Program, Massachusetts Institute of Technology, Cambridge, MA, March 1994.

Discussant, International Studies Association (Midwest Chapter) Annual Meeting, Chicago IL, October 29-30, 1993.

Seminar on American Politics, Princeton University, January 16-17, 1992.
Conference on Defense Downsizing and Economic Conversion, October 4, 1991, Harvard University.
Conference on Congress and New Foreign and Defense Policy Challenges, The Ohio State University, Columbus OH, September 21-22, 1990, and September 19-21, 1991.
Presenter, "A New Look at Short Term Change in Party Identification," 1990 Meeting of the American Political Science Association, San Francisco, CA.

University and Department Service

UW Athletic Board, 2014-present.
General Education Requirements Committee (Letters and Science), 1997-1998.
Communications-B Implementation Committee (Letters and Science), 1997-1999
Verbal Assessment Committee (University) 1997-1998.
College of Letters & Science Faculty Appeals Committee (for students dismissed for academic reasons).
Committee on Information Technology, Distance Education and Outreach, 1997-98.
Hilldale Faculty-Student Research Grants, Evaluation Committee, 1997, 1998.
Department Computer Committee, 1996-1997; 1997-1998, 2005-2006. Chair, 2013-present.
Faculty Senate, 2000-2002, 2002-2005. Alternate, 1994-1995; 1996-1999; 2015-2016.
Preliminary Exam Appeals Committee, Department of Political Science, 1994-1995.
Faculty Advisor, Pi Sigma Alpha (Political Science Honors Society), 1993-1994.
Department Honors Advisor, 1991-1993.
Brown-bag Seminar Series on Job Talks (for graduate students), 1992.
Keynote speaker, Undergraduate Honors Symposium, April 13 1991.
Undergraduate Curriculum Committee, Department of Political Science, 1990-1992; 1993-1994.
Individual Majors Committee, College of Letters and Sciences, 1990-1991.
Dean Reading Room Committee, Department of Political Science, 1989-1990; 1994-1995.

Teaching

Undergraduate

Introduction to American Government (regular and honors)
The American Presidency
Campaign Finance
Election Law
Classics of American Politics
Presidential Debates
Comparative Electoral Systems
Legislative Process
Theories of Legislative Organization
Senior Honors Thesis Seminar

Graduate

Contemporary Presidency
American National Institutions
Classics of American Politics
Legislative Process

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 01-13-2022:

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