

# **EXHIBIT J**

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Montana Senate Committee on State Administration  
Meeting  
February 15, 2021

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DIGITAL EVIDENCE GROUP  
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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.

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.

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.

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.

24 CHAIRMAN KARY: Thank you, Representative  
25 Greef.

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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

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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

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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.

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.

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

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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.

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.

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.

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.

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.

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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

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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.

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.

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.

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

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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 --  
 4 CHAIRMAN KARY: Okay. Are there any  
 5 questions for Mr. Peden before --  
 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?  
 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  
 19 SENATOR CUFFE: Thank you.  
 20 CHAIRMAN KARY: Thank you, Mr. Peden.  
 21 Other opponents to House Bill 176?  
 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

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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.  
 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.  
 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.  
 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

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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.  
 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.  
 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.  
 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

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1 that I don't have time, clearly, to get into. But if I  
 2 can submit that in writing later --  
 3 CHAIRMAN KARY: You surely can.  
 4 AUDREY MCCUE: Thank you.  
 5 CHAIRMAN KARY: Thank you, Ms. McCue.  
 6 Further opponents?  
 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.  
 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

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1 impact Native American voters in Montana, to  
 2 disproportionately impact young voters in Montana, and  
 3 rural voters in Montana.  
 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.  
 9 CHAIRMAN KARY: Thank you, Mr. Forstag.  
 10 Further opponents?  
 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.  
 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.

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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.  
 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.  
 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.  
 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.  
 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

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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.  
 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.  
 11 CHAIRMAN KARY: Thank you, Katjana. Could  
 12 you spell your last name one more time?  
 13 KATJANA STUTZER: Yes, Mr. Chair. It's  
 14 S-T-U-T-Z-E-R.  
 15 CHAIRMAN KARY: Thank you, Ms. Stutzer.  
 16 KATJANA STUTZER: Thank you.  
 17 CHAIRMAN KARY: Further opponents?  
 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.  
 25 Across the United States, we know that voter

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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.  
 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.  
 21 CHAIRMAN KARY: Thank you, Ms. Schmidt.  
 22 Seeing no further opponents in house, we'll  
 23 go to Zoom. And again, two minutes.  
 24 ALEX COLAFRANCESCO: Chair, we've got Tor  
 25 Gudmundsson.

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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?

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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

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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.

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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.

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1 I'm in strong opposition to this bill. To  
 2 me, it punishes the people of the working class and  
 3 people who can't vote or, like it has been mentioned  
 4 before, people who have done everything right and then  
 5 something still happens.  
 6 A similar bill was introduced in 2014, and it  
 7 did not pass for the same reasons that this one should  
 8 not. It's not what we want. It's not what voters  
 9 want. And it's not what anyone wants. So like it has  
 10 been mentioned, thousands of people are using same-day  
 11 voter registration. And I think by voting yes on this  
 12 bill, it shows that there's a lack of care and there's  
 13 not a need for every vote, which is not true. Every  
 14 vote counts, and it deserves to be counted even if  
 15 they're registering on the same day. So I ask that you  
 16 vote no on HB 176.  
 17 CHAIRMAN KARY: Thank you, Ms. Richards.  
 18 Further opponents?  
 19 ALEX COLAFRANCESCO: Mr. Chair, we have  
 20 NevinGraves.  
 21 NEVIN GRAVES: Thank you, Mr. Chairman,  
 22 members of the Committee. My name is Nevin Graves,  
 23 spelled G-R-A-V-E-S. Speaking on my own behalf today.  
 24 I need to speak in strong opposition to this  
 25 bill. I've had to make use of same-day voter

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1 registration as a working adult, and my vote counts  
 2 just as much as anyone who registered three months in  
 3 advance. There's, you know, there's just no sense in  
 4 cutting off the registration period further and  
 5 implying that somehow that's going to increase voter  
 6 participation. This is a bad bill and I urge you to  
 7 vote no on House Bill 176. Thank you very much.  
 8 CHAIRMAN KARY: Thank you, Mr. Graves.  
 9 Further opponents?  
 10 ALEX COLAFRANCESCO: Mr. Chair, we have Dan  
 11 Eakin.  
 12 DANIEL EAKIN: Good afternoon, Mr. Chairman  
 13 and committee members. My name is Daniel Eakin.  
 14 D-A-N-I-E-L E-A-K-I-N, and I am testifying on my own  
 15 behalf in opposition of House Bill 176. House Bill 176  
 16 violates Article 2, Section 13, and Article 4, Section  
 17 3 of the Montana Constitution.  
 18 The Montana Supreme Court has held that  
 19 election statutes shall not prevent qualified voters  
 20 from voting. House Bill 176 would prevent otherwise  
 21 qualified voters from voting simply because they were  
 22 not registered by an arbitrary day and time.  
 23 Election Day registration of eligible voters  
 24 keeps Montana elections open and free under Article 2,  
 25 Section 13, by allowing all eligible voters to

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1 participate in elections and by not restraining voters  
 2 from registering on Election Day. The right of  
 3 suffrage guaranteed in Article 2, Section 13, is a  
 4 fundamental right of Montana citizens, and legislative  
 5 challenges to it are generally subject to strict  
 6 scrutiny. House Bill 176 cannot pass strict scrutiny  
 7 because it does not possess a compelling state  
 8 interest, such as preventing voter fraud, which is  
 9 narrowly tailored against the fundamental right of  
 10 suffrage in free and open elections.  
 11 The threat of voter fraud is almost  
 12 nonexistent, and House Bill 176 would negatively impact  
 13 voters --  
 14 ALEX COLAFRANCESCO: Thirty seconds  
 15 remaining.  
 16 MR. EAKIN: -- of major parties. Thus, it  
 17 would not be enough to justify prohibiting Election Day  
 18 registration and to pass strict scrutiny. Election Day  
 19 region for Montana voters is part of the fundamental  
 20 right of suffrage protected by Article 2, Section 13.  
 21 House Bill 176 will go against that right.  
 22 Election Day registration also supports  
 23 Article 4, Section 3, of the Montana constitution,  
 24 which is to ensure the purity of elections and guard  
 25 against abuses of the electoral process.

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1 CHAIRMAN KARY: Thank you, Mr. Eakin.  
 2 MR. EAKIN: Not all eligible voters have the  
 3 opportunity to register before Election Day.  
 4 CHAIRMAN KARY: Are there any other opponents  
 5 online?  
 6 MR. EAKIN: I urge you to please oppose this  
 7 bill.  
 8 ALEX COLAFRANCESCO: Mr. Chair, we have  
 9 Ruthie Barbour.  
 10 CHAIRMAN KARY: Ms. Barbour.  
 11 RUTHIE BARBOUR: Mr. Chair and members of the  
 12 Committee. My name is Ruthie Barbour, spelled  
 13 B-A-R-B-O-U-R, and I'm here on behalf of Forward  
 14 Montana.  
 15 I will keep it brief because I know it's been  
 16 a long evening. But I feel like it's prudent to  
 17 mention again that in the 2020 general election, 3,352  
 18 people used same-day election services. That is 3,352  
 19 eligible voters whose right to vote would have been  
 20 denied if this bill hadn't been in place.  
 21 This past election cycle, our organization  
 22 aided in staffing a nonpartisan voter hotline that  
 23 helped voters remedy issues with casting a ballot, like  
 24 updating their address or finding their polling  
 25 location. Many of the people we talked to in the days

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1 leading up to the election ultimately used same-day  
 2 registration services to make their voice heard.  
 3 Whether you're a single parent with limited access to  
 4 childcare, someone who works full time or is a  
 5 full-time student, someone who doesn't have reliable  
 6 access to transportation, or someone who lives an  
 7 extreme distance from their polling location, sometimes  
 8 the only opportunity to register to vote and cast a  
 9 ballot may be on the day of the election.  
 10 This bill, as we've heard, is directly  
 11 harmful to Montana seniors, folks who live in rural  
 12 areas, young people and indigenous people. I'm just  
 13 wondering why we would want to change a process that  
 14 has not only been working to serve every Montanan but  
 15 has shown no negative effects on the efficacy and the  
 16 efficiency of our elections. The majority of Montana  
 17 voters believe every resident of Montana should have  
 18 the right to register to vote on the day of the  
 19 election. I'm asking you to please honor the will of  
 20 your constituents who have already spoken on this  
 21 issue and vote no on House Bill 176.  
 22 CHAIRMAN KARY: Thank you, Ms. Barbour.  
 23 Further opponents?  
 24 AELX: Mr. Chair, we have Laurie Little Dog.  
 25 CHAIRMAN KARY: Ms. LittleDog.

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1 LAURIE LITTLE DOG: Thank you, Chair and  
 2 Committee. This is Laurie Little Dog.  
 3 And I really want to look at -- just a  
 4 challenge that if we have somebody who was having their  
 5 18th birthday on Election Day, that means that they  
 6 would have an illegal ban on their right to vote. So  
 7 that's something that, you know, I understand that it's  
 8 not a very common occurrence that someone is born on  
 9 Election Day that would be turning 18. But what do we  
 10 do with those people? It would -- you'd make them  
 11 wait? I mean, it doesn't make any kind of sense to me.  
 12 And I just want to reiterate that same-day  
 13 registration is critical for some of the most  
 14 disenfranchised members of Montana society: Native  
 15 American reservations, wards of the state that have  
 16 regained their right to participate in elections.  
 17 Those are some people that are going to be adversely  
 18 affected.  
 19 This past election cycle, we had a huge  
 20 uproar about the validity of all the votes being  
 21 counted properly. I think it was "Stop the Steal" was  
 22 the challenge that was made. And I think that we need  
 23 to count every vote that is cast. So I just ask you  
 24 to please vote no on HB 176. Thank you.  
 25 CHAIRMAN KARY: Thank you, Ms. Little Dog.

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1 Further opponents?  
 2 ALEX COLAFRANCESCO: Mr. Chair, we have Alexa  
 3 Runnion.  
 4 CHAIRMAN KARY: Ms. Runnion.  
 5 ALEXA RUNNION: Mr. Chair, members of the  
 6 committee, my name is Alexa Runnion. That is spelled  
 7 R-U-N-N-I-O-N. And I oppose this bill because it will  
 8 unnecessarily hinder Montanans' constitutional right to  
 9 vote.  
 10 I just wanted to reiterate that Montana's  
 11 Constitution clearly states that, quote, "all elections  
 12 shall be free, open and no power, civil or military,  
 13 shall at any time interfere to prevent the free  
 14 exercise of the right of suffrage," end quote.  
 15 An election that denies Montana voters the  
 16 right to vote before the polls close is neither free  
 17 nor open, and our rights as a voter should not end the  
 18 day before an election begins. I have submitted  
 19 written testimony, as well, and I urge you all to read  
 20 them. Vote no on House Bill 176, and I want to thank  
 21 you all for your time.  
 22 CHAIRMAN KARY: Thank you, Ms. Runnion.  
 23 Further opponents?  
 24 ALEX COLAFRANCESCO: Mr. Chair, we have Anna  
 25 Reely.

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1 CHAIRMAN KARY: Ms. Reely?  
 2 ANNA REELY: Thank you, Mr. Chair and members  
 3 of the committee. I appreciate you for your time.  
 4 My name is Anna Reely. Spelled A-N-N-A, R-E-  
 5 E-L-Y. And I am testifying on my own behalf and in  
 6 opposition to House Bill 176.  
 7 For the past three years, I volunteered for a  
 8 third-party organization that registers thousands of  
 9 voters per year. As a student, I often register young  
 10 people at the University of Montana and across the  
 11 state. I've seen firsthand the distress and confusion  
 12 that the voting process causes people. Oftentimes,  
 13 they're sheepish and ashamed of their lack of  
 14 knowledge, and they avoid seeking information until the  
 15 very last minute. Additionally, clerical issues do  
 16 arise in the registration process, and without same-day  
 17 registration, these errors would strip people of their  
 18 right to vote.  
 19 And then life happens. Students are  
 20 overwhelmed with duties, drowning in studies, or lack  
 21 transportation. For a multitude of reasons, they are  
 22 incapable of registering until Election Day. This is  
 23 the reality of many Montanans. People, especially  
 24 young individuals, are extremely transient and move  
 25 every 6 to 12 months. They're going to be one of the



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1 demographics most heavily affected by this proposed  
 2 legislation.  
 3 In the midst of a public health and economic  
 4 crisis, it is evident that we have an obligation to  
 5 represent and protect all Montana residents, including  
 6 those who lack the means to register before Election  
 7 Day. Same-day registrations benefit citizens from all  
 8 parties and backgrounds, though it often assists  
 9 geographically mobile, lower-income citizens, young  
 10 voters, rural voters, and voters of color.  
 11 As individuals whose livelihood are most  
 12 often affected by policy decisions, we deserve the  
 13 right to engage in the democratic process, as well.  
 14 Our involvement begins with the fundamental right to  
 15 vote. Policies that increase the opportunity and  
 16 accessibility of voter registration are vitally  
 17 important to a healthy democratic community.  
 18 Lastly, advocacy for this bill will be  
 19 directly going against the will of Montana voters. As  
 20 those who went before me spoke about, 80 percent of  
 21 legislative districts in Montana were in clear  
 22 opposition to LR-126. While some have claimed that  
 23 this bill is an effort to secure and better facilitate  
 24 our elections, they have been deemed as such. Voter  
 25 fraud allegations have been widely refuted across the

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1 state. And just as people have the ability to register  
 2 prior to Election Day, they are also able to vote prior  
 3 to it.  
 4 CHAIRMAN KARY: Thank you, Ms. Reely.  
 5 ANNA REELY: 176 --(indiscernible).  
 6 CHAIRMAN KARY: Are there any other opponents  
 7 online:?  
 8 ANNA REELY: -- for all, and I urge you to --  
 9 CHAIRMAN KARY: Any other opponents online?  
 10 ALEX COLAFRANCESCO: Mr. Chair, we have Tor  
 11 Gudmundsson? I will try to unmute him and see if his  
 12 technology issues are fixed. If not, we have none.  
 13 TOR GUDMUNDSSON: Mr. Chair, members of the  
 14 committee. Can you hear me now?  
 15 CHAIRMAN KARY: We got you.  
 16 TOR GUDMUNDSSON: Wonderful. I apologize for  
 17 my technological issues. My name is Tor Gudmundsson.  
 18 That's T-O-R G-U-D-M-U-N-D-S-S-O-N. I'm a voter from  
 19 Corvallis in the beautiful Bitterroot Valley, and I  
 20 wanted to share a story of my own experience with same-  
 21 day registration and underscore how removing it creates  
 22 unnecessary difficulty in our democratic system.  
 23 In 2016, I was much less invested in the  
 24 electoral process than I am today. I was 23, and many  
 25 of my friends were unmotivated to vote at all, citing

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1 their disappointment with both candidates at the  
 2 national level and all of the mudslinging in politics.  
 3 As all of us have experienced this past year, it's far  
 4 too easy to become exhausted and disheartened by the  
 5 news and the politics.  
 6 A buddy of mine felt this way and had never  
 7 voted before. I encouraged him to register, to look  
 8 into candidates, but it was hard to draw a through line  
 9 between our day-to-day lives and who sat in what seat.  
 10 It was hard to believe our votes would even really  
 11 matter.  
 12 And it wasn't until Election Day with  
 13 everything going on that my friend realized they wanted  
 14 to vote. Not for the presidency or even the national  
 15 level Senate races, but for the people who make the  
 16 decisions that affect us locally. And I pushed him to  
 17 follow up to it. I drove him to the polling place, and  
 18 we were probably the last people at Hamilton. But his  
 19 ballot got in. And in that moment, that sudden  
 20 realization that he wanted to be heard wasn't unique to  
 21 us for that year.  
 22 As others have pointed out, thousands of  
 23 Montanans registered on Election Day this year. They  
 24 realized, as the all too long political cycle came to  
 25 an end, the same thing that my buddy did. My voice

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1 matters and I want to be heard.  
 2 HB 176 creates barriers to registration and  
 3 amends our voting process, making it more difficult to  
 4 participate, let alone believe in. On the House floor,  
 5 the sponsor proudly proclaimed, "We just shortened the  
 6 lines at your polling places," as though it were  
 7 something to celebrate. The only way to see this bill  
 8 as a solution is to see our record voter turnout as a  
 9 problem. Changing an unbroken system against the will  
 10 of the electorate reinforces exactly why so many people  
 11 are disillusioned with our elections.  
 12 The supporters of this bill claim that it's  
 13 due to laziness or a lack of personal responsibility  
 14 and that deadlines are a perfectly normal part of our  
 15 lives, and that's so deeply cynical. Unlike tax  
 16 deadlines and vehicle registrations, the right to vote  
 17 is a constitutional guarantee. It should be  
 18 celebrated, enabled, opened up, and the people who  
 19 manage to get to the polling place on Election Day,  
 20 despite all of the barriers, all of the different forms  
 21 and all the struggle, the people who show up and say  
 22 I'm here, and my voice matters, that is patriotic to  
 23 me. And I pray and I urge you not to pass this bill.  
 24 Thank you.  
 25 CHAIRMAN KARY: Thank you, Mr. Gudmundsson.

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1 Further opponents?  
 2 ALEX COLAFRANCESCO: I'm seeing none, Mr.  
 3 Chair.  
 4 CHAIRMAN KARY: Seeing no further opponents,  
 5 questions from the Committee?  
 6 Oh, that's true.  
 7 ALEX COLAFRANCESCO: Mr. Chair, we have an  
 8 opponent that just raised their hand a little late.  
 9 CHAIRMAN KARY: Go ahead.  
 10 ALEX COLAFRANCESCO: Millie Robinson.  
 11 CHAIRMAN KARY: Ms. Robinson. Go ahead,  
 12 Ms. Robinson.  
 13 MILLIE ROBINSON: Yes. Can you hear me now?  
 14 CHAIRMAN KARY: Yes.  
 15 MILLIE ROBINSON: Thank you, Mr. Chairman.  
 16 I'm sorry about being a little bit later. My name is  
 17 Millie Robinson. Last name is spelled R-O-B-I-N-S-O-N.  
 18 And I live in Glendive. And I'm testifying on behalf  
 19 of the Northern Plains Resource Council. I'd like to  
 20 speak in opposition to House Bill 176.  
 21 Northern Plains is in opposition to this bill  
 22 because it contract -- contradicts our belief in a fair  
 23 and transparent democracy that's accessible to all. We  
 24 believe that citizens have the basic right to  
 25 participate in the decisions that affect their lives

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1 and that our right to vote should not be made more  
 2 difficult by our decisionmakers.  
 3 Other speakers here have given plenty of  
 4 legitimate and unforeseeable reasons why somebody might  
 5 need to register on that last day. So I won't  
 6 enumerate them. But none of them should be a barrier  
 7 to the right to vote. We need that ability to register  
 8 on Election Day. And luckily, it's something we  
 9 already have. Please don't try to fix something that  
 10 isn't broken and protect our right to same-day Election  
 11 Day registration by voting no on House Bill 176. Thank  
 12 you.  
 13 CHAIRMAN KARY: Thank you, Ms. Robinson.  
 14 Informational witnesses?  
 15 ALEX COLAFRANCESCO: Mr. Chair, informational  
 16 witnesses online?  
 17 CHAIRMAN KARY: Waiting for the informational  
 18 witness online.  
 19 ALEX COLAFRANCESCO: Sorry, Mr. Chair. I  
 20 thought you were waiting for them in the room. Our  
 21 informational witness, Regina Plettenberg, has left the  
 22 Zoom chat.  
 23 CHAIRMAN KARY: Okay. Questions from the  
 24 Committee?  
 25 Senator Ellis.

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1 \*\*\*  
 2 SENATOR ELLIS: Thank you, Mr. Chairman. I  
 3 had a question for Ms. McCue from Lewis and Clark  
 4 County.  
 5 CHAIRMAN KARY: Ms. McCue. If you could get  
 6 her from the hall.  
 7 SENATOR ELLIS: And then, Mr. Chairman,  
 8 before I asked my question, I did want to mention, for  
 9 some reason the first time today the testimony that was  
 10 sent out to those of us on Zoom, I couldn't access.  
 11 And I don't know if I'm going to be able to access it.  
 12 Because it says I don't have the right software, but  
 13 I've been using it every day for a while, and I have  
 14 been successfully seeing it. But a lot of people  
 15 referred to having us read testimony, and I for one  
 16 cannot access that information today.  
 17 CHAIRMAN KARY: I will refer that to Jacelyn.  
 18 JACELYN STERLING: Senator Ellis, you weren't  
 19 the only one who had that problem. I don't know what  
 20 happened, but I'm going to try and resubmit the  
 21 testimony to you so you will have it. I was unable to  
 22 resubmit it before the meeting.  
 23 I'm sorry. I don't know what happened and I  
 24 sent it the same as I always do. But I'm going to all  
 25 IT and we'll try and figure that out so that you will

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1 have it and it doesn't happen for future meetings.  
 2 SENATOR ELLIS: Thank you. Mr. Chairman.  
 3 Now I'm ready for my question.  
 4 CHAIRMAN KARY: Senator Ellis.  
 5 SENATOR ELLIS: So -- is Ms. McCue --  
 6 CHAIRMAN KARY: You can go up there.  
 7 SENATOR ELLIS: Okay, Mr. Chairman,  
 8 Ms. McCue. I am interested -- and I don't know if you  
 9 want to finish all your testimony, but I was  
 10 particularly interested in the problems you saw in  
 11 closing registration either the Friday or at noon the  
 12 day of, or day before elections. Because you said that  
 13 there were -- it was going to create more problems.  
 14 And I was particularly interested in that issue.  
 15 AUDREY MCCUE: Mr. Chair, Senator Ellis.  
 16 Without going through everything I was going to, I can  
 17 just stick to that section. The lines are long on  
 18 election day because that's the last day to do it. So  
 19 moving the deadline to Friday, as the bill originally  
 20 did, or Monday, as the bill stands after the amendment  
 21 in the House, doesn't get rid of the long lines. It  
 22 just moves them. So that's not especially helpful.  
 23 I think it will be more difficult to  
 24 accommodate the long lines on Monday or Friday because  
 25 in a federal general election day, the rest of our

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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.  
 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.  
 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.  
 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

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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.  
 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.  
 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.  
 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,

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1 the people in charge of overseeing the most important  
 2 things.  
 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.  
 10 CHAIRMAN KARY: Further questions from the  
 11 Committee?  
 12 Senator Ellis. Oops, she just dropped her  
 13 hand.  
 14 Vice Chair Bennett.  
 15 VICE CHAIRMAN BENNETT: Thank you, Mr. Chair.  
 16 I've got a few for the sponsor.  
 17 CHAIRMAN KARY: Representative Greef, Senator  
 18 Bennett.  
 19 REPRESENTATIVE GREEF: Yes. Thank you,  
 20 Mr. Chair. Senator.  
 21 VICE CHAIRMAN BENNETT: Mr. Chair and  
 22 Representative Greef.  
 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

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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?  
 4 REPRESENTATIVE GREEF: Thank you, Mr. Chair,  
 5 Senator.  
 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.  
 14 VICE CHAIRMAN BENNETT: Mr. Chair and  
 15 Representative Greef.  
 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.  
 21 REPRESENTATIVE GREEF: No.  
 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?

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1 REPRESENTATIVE GREEF: Mr. Chair, Senator. I  
 2 think what we have here is an education problem. Or  
 3 perhaps you could even call it an advertising problem.  
 4 We aren't taking away the one day that someone can  
 5 register. They can register anytime. Anytime. And so  
 6 this is really a customer service bill, but we need to  
 7 advertise it as such, just to make it easier.

8 CHAIRMAN KARY: Senator Bennett.

9 VICE CHAIRMAN BENNETT: Mr. Chair and  
 10 Representative Greef.

11 I do want to talk a little bit about the  
 12 failsafe issues that people brought up before. And to  
 13 be clear, this is less of an education issue, and you  
 14 are actually taking away a day when people can register  
 15 to vote. But there is that issue of the people who go  
 16 to the DMV. They register to vote. They think that  
 17 they're taken care of. They do everything right. They  
 18 do everything that they're expected to do. But we've  
 19 heard story after story over the years that the clerk  
 20 at the DMV doesn't bring the voter registration form  
 21 in, or they don't get it in on time.

22 Why should that person who did everything  
 23 right, they're not irresponsible in the slightest, be  
 24 disenfranchised from being able to cast a ballot, their  
 25 constitutional right to vote, under this bill?

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1 REPRESENTATIVE GREEF: Mr. Chair and Senator.  
 2 Again, this is not to disenfranchise anyone.  
 3 And that can certainly happen with anybody that  
 4 registered on the last day. There could be some  
 5 mistake that for some reason their ballot wasn't  
 6 counted.

7 We are giving them all of this extra time.  
 8 They do not have to wait until the last day. And we're  
 9 not wanting to take anyone's vote away. We want to  
 10 make sure that everyone understands that. Mr. Chair.

11 CHAIRMAN KARY: Thank you, Representative  
 12 Greef.

13 Are there further questions?

14 VICE CHAIRMAN BENNETT: We have some more  
 15 questions, Mr. Chair.

16 CHAIRMAN KARY: One more. Then we'll move  
 17 on. Okay?

18 VICE CHAIRMAN BENNETT: Sure. So -- I'll  
 19 come back for the rest of mine, but I do want to follow  
 20 up on this failsafe piece. Because it's not just the  
 21 DMV. I mean, sometimes it is error within our election  
 22 administrator's office. I mean, we find ourselves in  
 23 situations where people go in, they register to vote,  
 24 they've done everything that you're saying somebody is  
 25 supposed to do. But because of some glitch in the

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1 system, that person is not going to show up on the list  
 2 when they're printed by our election administrator,  
 3 like Ms. McCue was just saying.

4 So I know that you're telling me over and  
 5 over this is not about disenfranchising people. But  
 6 why in the world would we not allow somebody to vote  
 7 and be able to figure out that issue, figure out and  
 8 register on election day, if they did everything right  
 9 and it's the election administrator that made the  
 10 mistake?

11 CHAIRMAN KARY: Would you like to refer?

12 REPRESENTATIVE GREEF: Mr. Chair. Yes, I  
 13 could refer, that Mr. Corson could probably give you  
 14 more satisfaction than I am right now, Senator. Would  
 15 that work for you?

16 VICE CHAIRMAN BENNETT: I mean, Mr. Chair, I  
 17 -- I would certainly love to hear the technical piece  
 18 from Mr. Corson, but I guess at the values piece, I  
 19 want to know why a bill would be brought forward that  
 20 does that.

21 I mean, this is what this bill does, and I  
 22 just want to hear you as the sponsor speak to why that  
 23 person, in your belief, shouldn't be able to cast their  
 24 ballot, be able to register to vote and cast a ballot.

25 REPRESENTATIVE GREEF: Mr. Chair, Senator.

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1 Most of the states in the country do not have same-day  
 2 registration, and it works very, very well. And so I  
 3 think that we can look to them. We're not the only  
 4 people that are trying to make this more efficient.  
 5 And that's exactly what we're trying to do.

6 Again, we're not trying to take away anyone's  
 7 vote. That would be -- I wouldn't carry this bill if I  
 8 thought that I was taking away the vote of one person.  
 9 I couldn't do it.

10 CHAIRMAN KARY: Thank you, Representative  
 11 Greef.

12 Senator Cuffe, did you have a question?

13 SENATOR CUFFE: Thank you, Mr. Chairman. And  
 14 Mr. Chairman, if I might ask questions of Dana Corson.

15 CHAIRMAN KARY: Mr. Corson, Senator Cuffe.

16 DANA CORSON: Mr. Chair, Senator Cuffe.

17 SENATOR CUFFE: Mr. Chair, Mr. Corson.

18 There was just reference to other states.  
 19 And do you have any idea how many other states have  
 20 same-day registration?

21 DANA CORSON: Mr. Chair, Senator Cuffe. I  
 22 believe it's 21. I looked at the NCSL data. So it's  
 23 states like California, Colorado, Connecticut, Hawaii,  
 24 Idaho, Illinois, ranking down to Wyoming. I'll be glad  
 25 to leave -- give you a copy of that.

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1 SENATOR CUFFE: So maybe let me ask  
 2 through -- Mr. Chairman, might I ask the reverse of the  
 3 question. How many do not have same-day registration?  
 4 DANA CORSON: Well, 50 minus 21, so --  
 5 SENATOR CUFFE: Sounds like 39.  
 6 DANA CORSON: 39.  
 7 SENATOR CUFFE: Or 29.  
 8 DANA CORSON: 29.  
 9 SENATOR CUFFE: Yeah, 29. So somehow 29  
 10 other states it is working, Mr. Chairman. And  
 11 Mr. Chairman, I seem to recall that when I  
 12 registered -- and for many, many, many years, when I  
 13 was covering courthouse beats for newspapers and  
 14 things, we did not have same-day registration,  
 15 Mr. Chairman.  
 16 So I'm just wondering do you -- how long have  
 17 we been doing this?  
 18 DANA CORSON: Mr. Chair and Senator Cuffe.  
 19 In Montana, you mean?  
 20 SENATOR CUFFE: Uh-huh.  
 21 DANA CORSON: Since about 2008, I think, was  
 22 the first election on that one. 2005. I just saw five  
 23 fingers go up over there.  
 24 SENATOR CUFFE: Mr. Chairman, there have been  
 25 references throughout various testimony regarding

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1 constitutionality. And Mr. Chairman, can you help me  
 2 on remembering? I believe the constitution was, what,  
 3 dated 1972? The point being that there were a lot of  
 4 years the constitution was in effect and we did not  
 5 have same-day registration.  
 6 Mr. Chairman, thank you. I might ask  
 7 Mr. Corson one more question.  
 8 CHAIRMAN KARY: Then do.  
 9 SENATOR CUFFE: And then I'll be done. Thank  
 10 you, Mr. Chairman.  
 11 There was mention of what if somebody has a  
 12 birthday on election day or in that critical time  
 13 period, and are there processes for that?  
 14 DANA CORSON: Mr. Chair, Senator Cuffe. So  
 15 lots of avenues for registration. They can go direct  
 16 to the election office. If they're doing their  
 17 driver's license stuff, it will show up there.  
 18 Typically, we don't see things that will appear on the  
 19 voter registration data, but their effective date,  
 20 their vote effective date is set to that birthday. If  
 21 that happens to be the election, that's the day they  
 22 can vote. They can register ahead of time and then  
 23 still show up and vote.  
 24 So the types of services that we're talking  
 25 about in this bill -- I heard some confusing things

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1 that are inconsistent with the bill, but the people who  
 2 are precinct to precinct, county to county, stuff like  
 3 that. "I've lost my ballot," all those things, are  
 4 still available on election day. It's the newly  
 5 registered, the brand new faces to the system.  
 6 SENATOR CUFFE: Thank you, Mr. Corson. Thank  
 7 you, Mr. Chairman.  
 8 CHAIRMAN KARY: Senator Sales.  
 9 SENATOR SALES: Thank you, Mr. Chair,  
 10 Mr. Corson.  
 11 Mr. Corson, I guess, could you just talk then  
 12 a little bit more, I think, on the fail-safes and some  
 13 of those issues that we heard. And it was interesting  
 14 to me -- I want to make sure that I understood the  
 15 birth date part, where it's effective on, so they could  
 16 still vote as long as they went in early and  
 17 registered, and that would then -- since their birthday  
 18 was happy birthday to you, now you get to vote, they're  
 19 going to be able to still exercise that right.  
 20 Correct?  
 21 DANA CORSON: Mr. Chair and Senator Sales,  
 22 yes. And you know, there's other outreach and  
 23 confirmation tools that are available, too. Typically,  
 24 when you vote, you're going to get a voter registration  
 25 card, things like that. There'll be communications

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1 from the office. So hopefully a voter or registrant  
 2 would be on the alert. You know, I've done something,  
 3 but I'm not seeing something come back.  
 4 You know, the other part is the MyVoter page  
 5 is updated daily with the previous day's data. They  
 6 can always check to make sure they can see themselves  
 7 out there, and the voter status, and if they're  
 8 absentee and things like that. If it's a federal  
 9 election year, they'll be able to see the ballot  
 10 they're actually going to vote on, as well, too. So --  
 11 SENATOR SALES: All right. Thank you.  
 12 CHAIRMAN KARY: I do have a question for  
 13 Mr. Corson. We've heard numbers from 60,000 to 3,352  
 14 utilized same-day registration. Is that 60,000 from  
 15 the date of inception when they first came out to  
 16 change the law? Or do we have years where we actually  
 17 have 60,000 individuals registered on election day in  
 18 Montana?  
 19 DANA CORSON: Yes. So, Mr. Chair, those are  
 20 cumulative numbers that you're hearing, from what I  
 21 heard today.  
 22 CHAIRMAN KARY: Cumulative. So that would be  
 23 roughly 15 years of data? So the 3,000 is not out of  
 24 line then?  
 25 DANA CORSON: Mr. Chair, no, that's not out

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1 of line.  
 2 CHAIRMAN KARY: Okay. Another question for  
 3 you, Mr. Corson. On the 3,352, we'll just say 3,000  
 4 for round numbers. Those individuals, if they  
 5 register, we'll just say the Friday or the Monday,  
 6 either one. When they vote, that's a provisional  
 7 ballot, isn't it, that they vote, when it's that close?  
 8 It's not accepted because there's no way to verify  
 9 everything right away?  
 10 DANA CORSON: Mr. Chair, not in all cases.  
 11 You know, you could end up being a provisional voter,  
 12 as well, too, let alone a provisional ballot. So if  
 13 the circumstances are correct on that Friday, and  
 14 everything is done, and all the information lines up,  
 15 there's nothing that -- piece of information that you  
 16 would owe the election administrator that would not  
 17 cause a provisional.  
 18 CHAIRMAN KARY: However, on the day of the  
 19 election, same-day registration, is that a provisional  
 20 ballot?  
 21 DANA CORSON: Those, on the same day, is my  
 22 understanding.  
 23 CHAIRMAN KARY: And I would defer -- she  
 24 agrees. Okay.  
 25 Any other questions?

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1 Senator Ellis.  
 2 SENATOR ELLIS: Thank you, Mr. Chairman. I  
 3 had -- maybe Jacelyn can answer this. I wanted to know  
 4 if Ms. McCue is one of the testifiers -- or people who  
 5 submitted written testimony that I'll eventually be  
 6 able to see.  
 7 CHAIRMAN KARY: Ms. McCue --  
 8 SENATOR ELLIS: And I can ask her if --  
 9 CHAIRMAN KARY: She's right here.  
 10 SENATOR ELLIS: Oh, okay.  
 11 AUDREY MCCUE: Senator Kary, I did not. I  
 12 signed up to testify online, but I was able to come in  
 13 person. But I can email that to Senators, if you like.  
 14 And Senator, may I clarify the provisional ballot  
 15 question you just had?  
 16 CHAIRMAN KARY: Yes.  
 17 AUDREY MCCUE: So the provisional ballots are  
 18 those lists that we print for the polling place. If  
 19 the lists are already done and printed, then if  
 20 somebody is somewhere on a list at a polling place, we  
 21 have to give them a provisional ballot when they late  
 22 register.  
 23 So it's really just on election day, not the  
 24 Friday or Monday. And it's actually tied in law and  
 25 rule to that list being printed. So the idea there, if

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1 you're a brand new late registrant on election day, you  
 2 don't need a provisional ballot, because you're not  
 3 going to be on a list anywhere. If you tried to go  
 4 into a polling place, you couldn't vote.  
 5 But if you were on a list in Precinct 1 and  
 6 you came to the office to late register, you'd get a  
 7 provisional ballot, and we won't count it unless we  
 8 check the list -- until we check the list in Precinct  
 9 1. And then the same concept from county to county.  
 10 CHAIRMAN KARY: So it's provisional until  
 11 it's verified.  
 12 AUDREY MCCUE: Right. It's provisional until  
 13 we check the lists and make sure you didn't vote twice.  
 14 CHAIRMAN KARY: Okay.  
 15 Further questions?  
 16 SENATOR ELLIS: Yes, Mr. Chairman, for  
 17 Ms. McCue.  
 18 CHAIRMAN KARY: Exercise, Mr. McCue.  
 19 Exercise.  
 20 AUDREY MCCUE: Senator Kary, Senator Ellis.  
 21 SENATOR ELLIS: Ms. McCue, first of all, I  
 22 would like you to send -- I would like to see a copy --  
 23 and I would guess the whole Committee would. I don't  
 24 know if you would send it to our secretary and she  
 25 could pass around your testimony if it's written.

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1 AUDREY MCCUE: Senator Kary, Senator Ellis.  
 2 I will do that. I'm assuming I can look your email up  
 3 online. Okay.  
 4 SENATOR ELLIS: Okay. And then the last  
 5 question I have for you is can you -- in your  
 6 experience, you've seen a lot of people register in  
 7 Lewis and Clark County using same-day registration.  
 8 And I wondered if you could give us like five reasons  
 9 why people do that, that you've seen fairly commonly,  
 10 just so we get a better feel.  
 11 AUDREY MCCUE: Senator Kary, Senator Ellis.  
 12 I think a lot of people -- for a lot of people,  
 13 election day is a day. So when they make their plan to  
 14 vote, they -- you know, we have a lot of people who get  
 15 their absentees and do it ahead of time, but a lot of  
 16 people turn them in on that day, or they want to vote  
 17 on that day.  
 18 So if it's past the close of regular  
 19 registration and they know they're going to go in  
 20 person and register and vote, I think some people want  
 21 to do it on that day. I think there are some people  
 22 who moved and thought that their address got updated  
 23 when they changed it at the post office or the DMV and  
 24 it didn't, so they went on election day. I think some  
 25 people just don't even think to look it up until

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1 election day or the night before, and so they just  
 2 figure out that that's their option.  
 3 We have some people who get routed from the  
 4 polls to our office because they weren't in the  
 5 register, and they're there to register and vote. I  
 6 could look up the data on like how many we've had that  
 7 are new versus county to county versus precinct to  
 8 precinct, but it's not usually just one of those  
 9 categories, if that answers the question.  
 10 SENATOR ELLIS: Yes, it does. Thank you,  
 11 Ms. McCue. Thank you, Mr. Chairman.  
 12 CHAIRMAN KARY: Ms. McCue, if you would stay  
 13 there for one minute. Educate me. If I came in and I  
 14 have voted, and it was in a different -- and we just  
 15 moved within the last six months. And I showed up.  
 16 Would that be a late registration? That would just be  
 17 a change of information, would it not, because I'm  
 18 already registered?  
 19 AUDREY MCCUE: Senator Kary, we do consider  
 20 any changes to key voter registration information after  
 21 the close are considered late registration. So it's  
 22 new or it's changing your residence address or changing  
 23 your name.  
 24 CHAIRMAN KARY: So anything after 30 days  
 25 before is considered that, correct?

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1 AUDREY MCCUE: Yes. Usually the 30th day is  
 2 Sunday, so the 20 -- the close ends up being the 29th  
 3 day, and it's 28 days until election day. But any --  
 4 CHAIRMAN KARY: So we really don't get 3,000  
 5 people showing up to do it on election day. It's  
 6 between the 29th day and election day. Is that  
 7 correct?  
 8 AUDREY MCCUE: Senator Kary, the 3,000 number  
 9 I think is specific to election day. The data that's  
 10 on the state's website, you can see how many total and  
 11 how many for just election day versus the days before  
 12 election day.  
 13 CHAIRMAN KARY: Oh, okay.  
 14 AUDREY MCCUE: So those numbers, I think,  
 15 have been reported on just election day.  
 16 CHAIRMAN KARY: Just election day. Thank  
 17 you.  
 18 SENATOR CUFFE: Mr. Chairman.  
 19 CHAIRMAN KARY: Senator Cuffe.  
 20 SENATOR CUFFE: Could I ask a question of --  
 21 is it Audrey McCue, McCue --  
 22 AUDREY MCCUE: Senator Cuffe, yes.  
 23 CHAIRMAN KARY: Ms. McCue.  
 24 SENATOR CUFFE: Yes. Anyway, if someone  
 25 registers to vote early, does that prevent them to

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1 voting on election day?  
 2 AUDREY MCCUE: Senator Kary, Senator Cuffe.  
 3 No. So the way kind of I explain late registration to  
 4 voters and close of registration is if you want to vote  
 5 at your polling place, you need to register before the  
 6 close. In order to vote at your polling place.  
 7 Otherwise, you go into the elections office to register  
 8 and vote there. So what this would change is you'd  
 9 have to do that before election day.  
 10 SENATOR CUFFE: So they can vote -- you can  
 11 register as early as you want. And if you vote, you  
 12 continue to be registered.  
 13 AUDREY MCCUE: Senator Kary, Senator Cuffe.  
 14 That's correct. There's different ways you get  
 15 inactivated and then cancelled based on usually not  
 16 responding to notices or having address changes. But  
 17 if you're registered and you're voting, you won't  
 18 get --  
 19 SENATOR CUFFE: Yeah. So the vast majority  
 20 are there.  
 21 AUDREY MCCUE: Correct.  
 22 SENATOR CUFFE: Mr. Chairman, might I ask the  
 23 sponsor a question? And then I'm done, Mr. Chairman.  
 24 CHAIRMAN KARY: Okay. Senator Cuffe.  
 25 Representative Greef.

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1 REPRESENTATIVE GREEF: Mr. Chair, Senator.  
 2 SENATOR CUFFE: Representative Greef, why did  
 3 you decide to bring this bill? Can you -- I mean  
 4 that's really -- right now you're probably thinking  
 5 "Why did I?"  
 6 REPRESENTATIVE GREEF: No. Mr. Chair,  
 7 Senator. It's something that I had been thinking about  
 8 for a long time before we came to session. And then,  
 9 as we went through the national elections, my  
 10 conviction to bring this became much stronger. We  
 11 elected a new Secretary of State. And Christi Jacobsen  
 12 has worked for years in that office. This is a bill  
 13 that she really, really feels strongly about passing.  
 14 And so that convinced me, again, that this is the right  
 15 time to bring this bill.  
 16 SENATOR CUFFE: Thank you, Mr. Chairman.  
 17 CHAIRMAN KARY: Vice Chair Bennett.  
 18 VICE CHAIRMAN BENNETT: Thank you, Mr. Chair.  
 19 Just one last question for the sponsor.  
 20 CHAIRMAN KARY: And then you will close, so  
 21 you can stay up there. Okay.  
 22 VICE CHAIRMAN BENNETT: Mr. Chair and  
 23 Representative Greef. The elephant in the room that we  
 24 haven't had a chance to talk about yet is about six  
 25 years ago the people of Montana had this question in

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1 front of them. And they pretty resoundingly said we  
 2 want to keep election day registration. We think it's  
 3 a good idea. Why, in the face of that, should we  
 4 overturn or undermine the will of the voters that were  
 5 so recently heard?  
 6 REPRESENTATIVE GREEF: Mr. Chair and Senator.  
 7 A lot of things have changed in the six and a half  
 8 years since the voters decided that. Our population  
 9 has changed. The morals of the country have changed.  
 10 Just generally, the elections of the country have  
 11 changed. I want Montana's integrity to stay absolutely  
 12 as high as it is now. And that's why I think that this  
 13 bill is what we need, Senator.  
 14 CHAIRMAN KARY: Thank you. Representative  
 15 Greef, if you would care to close.  
 16 REPRESENTATIVE GREEF: I would love to,  
 17 Mr. Chair. People are using, I feel, same-day  
 18 registration because that's their habit. And I thought  
 19 it was interesting when Senator Ellis asked the reasons  
 20 why people are using this. Well, we're  
 21 procrastinators. I'm a procrastinator. People have  
 22 known that they could do this, so they do it. They  
 23 wait until their driver's license expires and they run  
 24 in the last day. They wait until mom's birthday is  
 25 tomorrow, and so they run in and get a birthday

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1 present. They wait to register because they can.  
 2 Like I said before, we've witnessed serious  
 3 threats to our election nationally. And again, we want  
 4 to ensure the integrity of Montana's elections.  
 5 I'd like to just briefly address the  
 6 handicapped voters. And I can understand that there's  
 7 a struggle. It's hard to get out to vote if they have  
 8 to go and change their registration or they want to  
 9 vote in person. But you know what? This is making it  
 10 so much easier just to let them know that they don't  
 11 have to go on one day. They can go on just about any  
 12 day they want.  
 13 Their caregivers or whoever helps them does  
 14 not have to rush to go for that one day. It's -- I  
 15 think it's going to be easier. We realize the effort  
 16 and we appreciate the effort that it takes for a  
 17 handicapped person to vote. Please don't make this  
 18 bill about taking that right away. It absolutely is  
 19 not.  
 20 The change that will happen when this bill  
 21 passes will be heavily advertised. You know how  
 22 elections are advertised on television, through the  
 23 mail. I guarantee you this will be heavily advertised.  
 24 And again, I'd like to address Little Dog's  
 25 concern about the 18-year-olds. They will -- their

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1 vote will be held until the day of the election, if  
 2 that's the birthday. They will be able to vote.  
 3 Mr. Chairman, members of the Committee, I ask  
 4 for a do pass on House Bill 176. Thank you.  
 5 CHAIRMAN KARY: Thank you, Representative  
 6 Greef. And with that, we'll close the hearing on House  
 7 Bill 176.  
 8 And members of the Committee that are left  
 9 here, thank you for your patience, for extending the  
 10 additional time. We have a full docket on Wednesday  
 11 again, and another full docket on Friday, and we are  
 12 scheduled all through next week already.  
 13 So prepare to spend a little bit more time  
 14 than we have. Thank you, members. With that, we will  
 15 close the meeting.  
 16 (Recording ends)  
 17 \* \* \* \* \*  
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1 CERTIFICATION

2  
 3 I, Alicia Jarrett, court-approved  
 4 transcriber, hereby certify that the foregoing is a  
 5 correct transcript from the electronic sound recording  
 6 provided for transcription and prepared to the best of  
 7 my ability.  
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