(Recording begins)

CHAIRMAN KARY: Okay. We will open on House Bill 176.

REPRESENTATIVE GREEF: Mr. Chair and members of the State Administration Committee, I’m Sharon Greef, and I represent House District 88 which is the north end of the beautiful Bitterroot Valley, the towns of Florence and Stevensville.

Today, I’m bringing you House Bill 176. The purpose of this bill is to change the registration day to the day before the election. There is a provision that allows military and overseas voters to register on the same day as the election.

Many states require an average of 15 days ahead of an election to register. Changing the statute is a best practices approach to mitigate against voter fraud and ensure voter integrity. The changes proposed will make the Montana voting system more robust and ensures that every legitimate vote by every legitimate voter is counted.

The intent of House Bill 176 is 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, issues replacement ballots, accepting deposited ballots, and even counting ballots all at the same time.

The focus of House Bill 176 is not to burden. It is not to disenfranchise, and it is not to provide a forum for a historical debate, but it is to administer an election with complete fairness to all voters.

Mr. Chair, and members of the Committee, I urge you to consider the importance of this bill as others are also here to testify on it. Mr. Chair.

CHAIRMAN KARY: Thank you, Representative Greef.

Are there proponents in the room?

MR. CORSON: Good afternoon, Mr. Chair, members of the committee. I’m Dana Corson, D-A-N-A, C-O-R-S-O-N. I’m the director of Elections and Voter Services, Montana Secretary of State. And thank you, Representative Greef. Our office thanks you and Krista Jacobson thanks you for addressing your concerns about voter registration and the impact it has on operations of the election office in the closing days of the election.

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 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.

The stories aren’t new. We hear about the same stories, time and time again, election after election. Some would want to put the blame on advocacy groups and political parties that compel voters to vote
at the last minute. Others blame the local election office for lack of resources. Others blame the procrastination of the voter. But unless a change is made, the problem will continue and the problem will grow.

The bill provides for brand-new voter registrations to be completed, as it came out of the Committee or out of the floor of the House, by noon on Monday prior to the election. And to help support this change, our office will provide outreach to voters for the change. As a note, it's very common for election administrators to inform the public about voting in their county during the election, and I'm sure that all of us working together can be effective on relaying election information to the voters.

In closing, Montanans deserve a better voting experience, and this bill will reallocate and free up the necessary resources of the county election office to better address voters who are seeking to update their registration, help voters that have moved either precinct to precinct or county to county, help voters who are requesting replacement ballots, and help voters who are needing to drop their ballots off, and provide help to voters with disabilities and that this bill will be beneficial to the election offices, freeing up additional time and resources for other essential activities like prepping ballots, answering email, answer the phone, and provide help to their election judges. And I recommend that the Committee please pass House Bill 176.

ED HALLAND: Mr. Chairman and members of the Committee. My name is Ed Halland, H-A-L-L-A-N-D. I am here representing myself and my family, and I might be able to say, a good number of people in Carbon County. Election integrity is a big concern in our area. We were 1, I think, of just 14 counties that had in-person voting, and I would like to see the process tightened up. I don't think it's unreasonable to say that you are registered the day before Election Day.

And I know it would help our election administrator quite a bit. I was an election judge, and things can get kind of hectic down there. So help us out, and more basically, being able to have trust in our elections is kind of a foundation of our republic. So I'm asking you to vote for HB 176. Thank you.

## Testimony of Joel Peden

CHAIRMAN KARY: Thank you, Mr. Corson. Seeing no further opponent or proponents in the hall, we'll go to online. And Alex, if you could set for two minutes and let them know approximately 30 seconds before, we'll get started with online.

ALEX COLAFRANCESCO: All right, Mr. Chair.

CHAIRMAN KARY: Proponents.

ALEX COLAFRANCESCO: Mr. Chair, the only registered proponent is Stefan Deocomitis (phonetic).

And he's not present.

CHAIRMAN KARY: Okay. We will then go to opponents. Opponents in the room.

And Joel, we're allowing two minutes.

JOEL PEDEN: Two minutes?

CHAIRMAN KARY: For testimony.

JOEL PEDEN: All right. Thanks. Mr. Chair, members of the committee, my name is Joel Peden. That's P-E-D-E-N. And I'm the executive director of the Montana Association of Centers for Independent Living. Again, disability advocacy organizations that work throughout the state of Montana on behalf of Montanans with disabilities.

We are here to oppose this. People with disabilities struggle with the ability to vote every election, whether it's transportation, whether it's to make sure that there's accessible voting machines, to make sure that when mail ballots happen that, you know, people that don't have, let's say the use of their hands or limited use of their arms, it just all the things that people with disabilities deal with on a daily basis. And we fight for our rights.

And our opposition is just the fact that you're making it just a little bit harder for us. We're making it just a little bit harder. And where it gets frustrating is that when you look at other legislation that has to do with voting, so many times it makes it easier for people.

I would use the example of absentee ballots. Right? If you go back to way back when, when we were all a little bit younger, absentee ballots -- their name said it all, right? On the day, if you couldn't get to the -- to vote on that day because you were out of town, you were able to do an absentee ballot. And it's grown to be more convenient now where more people vote absentee than they do -- is that my time? Okay. I'll wrap up.

Again, we are here to oppose strictly on the grounds that it makes it more difficult for people with disabilities to vote, and we are definitely against...
That's A-U-D-R-E-Y M-C-C-U-E. And I'm the election administrators filling out their absentee ballots, so it needs that. And there are many, many people who need assistance filling out their absentee ballots, so it takes away that privacy. So -- but we're working on making it better. Thank you, sir.

MR. PEDEN: Well, it does for the general public, right? Not necessarily in the form that it's in for people with disabilities. It takes away a little bit of the independence at times because there's not the accessible voting machines for somebody that needs that. And there are many, many people who need assistance filling out their absentee ballots, so it takes away that privacy. So -- but we're working on making it better. Thank you, sir.

SENATOR CUFFE: Thank you.

CHAIRMAN KARY: Thank you, Mr. Peden.

AUDREY MCCUE: Good afternoon, Senator Kary, members of the Committee. My name is Audrey McCue. That's A-U-D-Y M-C-C-U-E. And I'm the election supervisor in Lewis and Clark County. I'm speaking on behalf of myself today, and I had more than two minutes prepared, so please bear with me as I try to traverse a lot of ground very quickly to get everyone out of here.

I do participate in our association's legislative committee, and I agreed with our professional stance to be neutral. But I personally am against this bill. And because a lot of the proponents of the bill are talking about this as helping election administrators and election officials, I wanted to be on the record saying that this will not help me. I also want it on the record that whatever this body decides, I will, of course uphold those laws. I'm just hoping you decide against this bill.

There are a lot of administrative, more, and political arguments on House Bill 176. I know we're all committed to the voters. And that's why I think continuing this service to the voters is important, and taking it away is a disservice to them. We know the voters approved this bill on the ballot in 2014. We know they use it, and we know it's grown in popularity with 7,547 voters using Election Day registration in 2008 and 12,055 voters using it in 2016.

To jump into the administrative reasons, because that's really my area of expertise, let me acknowledge not all of us counties agree on this, but I would like to share the perspective of this not being helpful administratively. To be clear on the context of administering, Election Day registration is certainly more work. There's no doubt about it. But let's be realistic, any time someone registers and vote, it's more work for us. That's the job.

A presidential election is more work than a city election because it's a higher turnout. We don't address that by limiting who may vote in the election. We address it by scaling to meet the demand.

There have been some claims that this bill will help with the integrity of the election because Election Day's registration is a distraction. The first thing to know is that we don't have problems with the integrity of our elections and certainly none caused by Election Day registration. The second thing to keep in mind is it's not a novel service on Election Day. It's a service we provide the month before the election and continue to provide on Election Day. The lines are long on Election Day because that's the last day to do it.

That's my time already? Okay. Can I say really quickly? Moving those deadlines to Friday or Monday with the amendment doesn't help us. There's reasons that it will actually make it more difficult...
impact Native American voters in Montana, to
disproportionately impact young voters in Montana, and
rural voters in Montana.

I -- I won't belabor the point too long
because I think that some subject matter experts have
already spoken on it. But I do appreciate all of your
time, and I would encourage you to vote no on House
Bill 176. Thank you.

CHAIRMAN KARY: Thank you, Mr. Forstag.

Further opponents?

KATJANA STUTZER: Good afternoon, Mr. Chair,
members of the committee. For the record, my name is
here on behalf of the Montana Public Interest Research
Group, or MontPIRG. And we feel that certainly the
right to vote is a matter of interest for every member
of the public and that we should all be concerned about
any law that would make it harder for Montanans to
access the ballot. And this law would definitely do
just that.

It would make it harder for some eligible
evoters to cast a ballot. And we know that from the
numbers we have from the 2020 general election, that
3,352 voters used this service in 2020, which I think
is clear evidence that this would indeed cause harm.

And although there is no public data for how many
counties used this in 2020, we do know that 54 out of
56 counties had at least one Election Day registrant in
2018. And in 2016, every single county did. Montanans
across our state are using this service.

And further, we know that 40 percent of those
were not new registrations, of those who used that
same-day registration. Many of those showed up to the
polls, who were already Montana voters, to find out
that there was an error in their registration and that
they had to fix on that same day.

And to further that point, there are always
mistakes like miscommunications between transferring of
voter registration from the DMV to our election
offices, a simple error like not checking a box on our
registration form that the voter isn't aware of, maybe
it didn't get flagged, and then have to come in.

This same-day registration is a fail-safe for
our responsible Montana voters who have done their due
diligence to try and be registered before Election Day
and find out there's still a problem. I can't imagine
that any of us want to turn those folks away.

And I just want to finish by saying that LR-
126, I'm sure it's all on our minds. We've had
same-day voter registration for 15 years. It passed
with bipartisan support. And after numerous reviews by
this body and the people, the people spoke by voting no
on LR-126 with 57 percent of voters and 80 out of 100
legislative districts.

Clearly, the people have spoken on this
issue, and I would urge you that we have the greatest
democracy in the world. It's our job to protect that
by making sure that every single person can vote, and I
would urge you to respect the will of Montanans by
voting no on House Bill 176.

CHAIRMAN KARY: Thank you, Katjana. Could
you spell your last name one more time?

KATJANA STUTZER: Yes, Mr. Chair. It's
S-T-U-T-Z-E-R.

CHAIRMAN KARY: Thank you, Ms. Stutzer.
KATJANA STUTZER: Thank you.

CHAIRMAN KARY: Further opponents?

RACHEL SCHMIDT: Good afternoon, Chairman
Kary, members of this Committee. My name is Rachel
Schmidt. That's spelled S-C-H-M-I-D-T. And I'm here
representing the interests of the Associated Students
of Montana State University. Today, I rise in
opposition of this bill because it puts an undue burden
on student voters.

Across the United States, we know that voter
turnout for young people is incredibly low, and we want
to change that, especially here in Montana. At MSU,
classes are not held on Election Day, and all offices
are actually closed. Because students don't have
classes on campus or work on campus on Election Day,
they don't have obligations outside of their normal
obligations. And so they have this new free time to go
and register and cast their ballot in person. As much
as we try to make sure that students do register early,
the reality is students do use this new free time to
make sure that they are updating their voter
registration and casting their ballot in person because
they don't have those other obligations.

And while it's certainly troublesome that our
election officials are overworked, especially on --
during busy election seasons, I'm concerned that this
bill addresses a problem with the wrong solution. And
I hope that the Committee considers the unintended
consequences of this bill, and I do urge a no vote on
this today. Thank you.

CHAIRMAN KARY: Thank you, Ms. Schmidt.

Seeing no further opponents in house, we'll
go to Zoom. And again, two minutes.

ALEX COLAFRANCESCO: Chair, we've got Tor
Gudmundsson.
CHAIRMAN KARY: Mr. Gunderson. Mr. Gunderson?

Gudmundsson? You are muted. If you're speaking, we cannot hear you.

We'll move to the next one, please.

ALEX COLAFRANCESCO: Mr. Chair, we have Nancy Leifer.

NANCY LEIFER: Mr. Chair, members of the Committee. My name is Nancy Leifer, spelled L-E-I-F-E-R, and I’m here today on behalf of the League of Women Voters of Montana.

For over 100 years, the League of Women Voters has promoted citizens' right to vote as the hallmark of a strong democracy. There are two components for election integrity. One is an accurate process and the other is access for all qualified voters.

Montana already has a strong integrity in our election process. This bill would weaken the integrity of our elections by limiting access for citizens to vote. I agree with the comments made by previous opponents and ask you to please oppose House Bill 176.

Thank you for this opportunity to testify.

CHAIRMAN KARY: Thank you, Mrs. -- Ms. Leifer.

Further opponents?

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LAUREN CALDWELL: Hello, Chair Kary and members of the Committee. It's a busy committee you have today. So my name is Lauren Caldwell. That's L-A-U-R-E-N C-A-L-D-W-E-L-L. I am here on behalf of the Montana Federation of Public Employees and the public educators and public employee members that we represent across Montana.

I did submit written testimony, so I will make it more brief here.

As you've heard, this is not a new debate. In 2005, nearly unanimous bipartisan majorities voted to pass same-day voter registration in Senate Bill 302. They passed 42 to 8 in the Senate and 89 to 8 in the House. Then in 2013, your predecessors wanted to review the question again. They decided to put it to a vote of the people through LR-126. And in 2014, Montanans voiced their opinion, loud and clear, rejecting LR-126 in 80 out of 100 legislative districts.

So a couple of other statistics that I think it's important for you to know as you consider who's going to be impacted by this. Between -- someone provided a few different yearly statistics but in total, between 2006 and 2018, which is where the late registration figures are available at the Secretary of State, 60,488 Montanans used same-day voter registration. In 2018 alone, over 8,000 used same-day voter registration in 56 out of -- in 54 of our 56 counties, they had at least one Election Day registrant.

And one thing that I really want to drive home is that it's not uncommon that errors happen in the processing --

ALEX COLAFRANCESCO: Thirty seconds.

Did you say -- is my time up?

ALEX COLAFRANCESCO: No, 30 seconds.

LAUREN CALDWELL: It's not uncommon that errors happen in the processing of voter registration forms through the elections office, postal service, DMV or other agencies that are involved with getting the application from the voter to the office. The voter would never know about those issues. So I want you to consider the folks who do everything right, do it ahead of time, and aren't able to cast their ballot because of a clerical error.

This is a fail-safe for voters who have done their part but suffered from that error, so. You're all in a critical position. I appreciate you hearing us. Thank you.
I'm in strong opposition to this bill. To me, it punishes the people of the working class and people who can't vote or, like it has been mentioned before, people who have done everything right and then something still happens. A similar bill was introduced in 2014, and it did not pass for the same reasons that this one should not. It's not what we want. It's not what voters want. And it's not what anyone wants. So like it has been mentioned, thousands of people are using same-day voter registration. And I think by voting yes on this bill, it shows that there's a lack of care and there's not a need for every vote, which is not true. Every vote counts, and it deserves to be counted even if they're registering on the same day. So I ask that you vote no on HB 176.

CHAIRMAN KARY: Thank you, Ms. Richards. Further opponents?

ALEX COLA FRANESCO: Mr. Chair, we have Nevin Graves.

NEVIN GRAVES: Thank you, Mr. Chairman, members of the Committee. My name is Nevin Graves, spelled G-R-A-V-E-S. Speaking on my own behalf today.

I need to speak in strong opposition to this bill. I've had to make use of same-day voter registration as a working adult, and my vote counts just as much as anyone who registered three months in advance. There's, you know, there's just no sense in cutting off the registration period further and implying that somehow that's going to increase voter participation. This is a bad bill and I urge you to vote no on House Bill 176. Thank you very much.

CHAIRMAN KARY: Thank you, Mr. Graves. Further opponents?

ALEX COLA FRANESCO: Mr. Chair, we have Dan Eakin.


The Montana Supreme Court has held that election statutes shall not prevent qualified voters from voting. House Bill 176 would prevent otherwise qualified voters from voting simply because they were not registered by an arbitrary day and time. Election Day registration of eligible voters keeps Montana elections open and free under Article 2, Section 13, by allowing all eligible voters to participate in elections and by not restraining voters from registering on Election Day. The right of suffrage guaranteed in Article 2, Section 13, is a fundamental right of Montana citizens, and legislative challenges to it are generally subject to strict scrutiny. House Bill 176 cannot pass strict scrutiny because it does not possess a compelling state interest, such as preventing voter fraud, which is narrowly tailored against the fundamental right of suffrage in free and open elections.

The threat of voter fraud is almost nonexistent, and House Bill 176 would negatively impact voters --

ALEX COLA FRANESCO: Thirty seconds remaining.

MR. EAKIN: -- of major parties. Thus, it would not be enough to justify prohibiting Election Day registration and to pass strict scrutiny. Election Day region for Montana voters is part of the fundamental right of suffrage protected by Article 2, Section 13. House Bill 176 will go against that right.

Election Day registration also supports Article 4, Section 3, of the Montana constitution, which is to ensure the purity of elections and guard against abuses of the electoral process.
leading up to the election ultimately used same-day registration services to make their voice heard. Whether you're a single parent with limited access to childcare, someone who works full time or is a full-time student, someone who doesn't have reliable access to transportation, or someone who lives an extreme distance from their polling location, sometimes the only opportunity to register to vote and cast a ballot may be on the day of the election.

This bill, as we've heard, is directly harmful to Montana seniors, folks who live in rural areas, young people and indigenous people. I'm just wondering why we would want to change a process that has not only been working to serve every Montanan but has shown no negative effects on the efficacy and the efficiency of our elections. The majority of Montana voters believe every resident of Montana should have the right to register to vote on the day of the election. I'm asking you to please honor the will of your constituents who have already spoken on this issue and vote no on House Bill 176.

CHAIRMAN KARY: Thank you, Ms. Barbour. Further opponents?

ALEX COLAFRANCESCO: Mr. Chair, we have Laurie Little Dog.

CHAIRMAN KARY: Ms. LittleDog.

Further opponents?

ALEX COLAFRANCESCO: Mr. Chair, we have Anna Reely.

LAURIE LITTLE DOG: Thank you, Chair and Committee. This is Laurie Little Dog.

And I really want to look at -- just a challenge that if we have somebody who was having their 18th birthday on Election Day, that means that they would have an illegal ban on their right to vote. So that's something that, you know, I understand that it's not a very common occurrence that someone is born on Election Day that would be turning 18. But what do we do with those people? It would -- you'd make them wait? I mean, it doesn't make any kind of sense to me.

And I just want to reiterate that same-day registration is critical for some of the most disenfranchised members of Montana society: Native American reservations, wards of the state that have regained their right to participate in elections. Those are some people that are going to be adversely affected.

This past election cycle, we had a huge uproar about the validity of all the votes being counted properly. I think it was "Stop the Steal" was the challenge that was made. And I think that we need to count every vote that is cast. So I just ask you to please vote no on HB 176. Thank you.

CHAIRMAN KARY: Thank you, Ms. Little Dog.
demographics most heavily affected by this proposed legislation. In the midst of a public health and economic crisis, it is evident that we have an obligation to represent and protect all Montana residents, including those who lack the means to register before Election Day. Same-day registrations benefit citizens from all parties and backgrounds, though it often assists geographically mobile, lower-income citizens, young voters, rural voters, and voters of color. As individuals whose livelihood are most often affected by policy decisions, we deserve the right to engage in the democratic process, as well. Our involvement begins with the fundamental right to vote. Policies that increase the opportunity and accessibility of voter registration are vitally important to a healthy democratic community. Lastly, advocacy for this bill will be directly going against the will of Montana voters. As those who went before me spoke about, 80 percent of legislative districts in Montana were in clear opposition to LR-126. While some have claimed that this bill is an effort to secure and better facilitate accessibility of voter registration are vitally important to a healthy democratic community.

state. And just as people have the ability to register prior to Election Day, they are also able to vote prior to it.

CHAIRMAN KARY: Thank you, Mr. Gudmundsson.

ANNA REELY: 176 --(indiscernible).

CHAIRMAN KARY: Are there any other opponents online?

ANNA REELY: -- for all, and I urge you to --

CHAIRMAN KARY: Any other opponents online?

ALEX COLAFRANCESCO: Mr. Chair, we have Tor Gudmundsson? I will try to unmute him and see if his technology issues are fixed. If not, we have none.

TOR GUDMUNDSSON: Mr. Chair, members of the committee. Can you hear me now?

CHAIRMAN KARY: We got you.

TOR GUDMUNDSSON: Wonderful. I apologize for my technological issues. My name is Tor Gudmundsson. That's T-O-R G-U-D-M-U-N-D-S-S-O-N. I'm a voter from Corvallis in the beautiful Bitterroot Valley, and I wanted to share a story of my own experience with same-day registration and underscore how removing it creates unnecessary difficulty in our democratic system. In 2016, I was much less invested in the electoral process than I am today. I was 23, and many of my friends were unmotivated to vote at all, citing their disappointment with both candidates at the national level and all of the mudslinging in politics. As all of us have experienced this past year, it's far too easy to become exhausted and disheartened by the news and the politics.

A buddy of mine felt this way and had never voted before. I encouraged him to register, to look into candidates, but it was hard to draw a through line between our day-to-day lives and who sat in what seat. It was hard to believe our votes would even really matter.

And it wasn't until Election Day with everything going on that my friend realized they wanted to vote. Not for the presidency or even the national level Senate races, but for the people who make the decisions that affect us locally. And I pushed him to follow up to it. I drove him to the polling place, and we were probably the last people at Hamilton. But his ballot got in. And in that moment, that sudden realization that he wanted to be heard wasn't unique to us for that year.

As others have pointed out, thousands of Montanans registered on Election Day this year. They realized, as the all too long political cycle came to an end, the same thing that my buddy did. My voice matters and I want to be heard.

HB 176 creates barriers to registration and amends our voting process, making it more difficult to participate, let alone believe in. On the House floor, the sponsor proudly proclaimed, "We just shortened the lines at your polling places," as though it were something to celebrate. The only way to see this bill as a solution is to see our record voter turnout as a problem. Changing an unbroken system against the will of the electorate reinforces exactly why so many people are disillusioned with our elections.

The supporters of this bill claim that it's due to laziness or a lack of personal responsibility and that deadlines are a perfectly normal part of our lives, and that's so deeply cynical. Unlike tax deadlines and vehicle registrations, the right to vote is a constitutional guarantee. It should be celebrated, enabled, opened up, and the people who manage to get to the polling place on Election Day, despite all of the barriers, all of the different forms and all the struggle, the people who show up and say I'm here, and my voice matters, that is patriotic to me. And I pray and I urge you not to pass this bill. Thank you.

CHAIRMAN KARY: Thank you, Mr. Gudmundsson.
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<th>Further opponents?</th>
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<td>2</td>
<td>ALEX COLAFRANCESCO: I'm seeing none, Mr. Chair.</td>
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<td>CHAIRMAN KARY: Seeing no further opponents, questions from the Committee?</td>
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<td>Oh, that's true.</td>
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<td>ALEX COLAFRANCESCO: Mr. Chair, we have an opponent that just raised their hand a little late.</td>
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<td>CHAIRMAN KARY: Go ahead.</td>
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<td>ALEX COLAFRANCESCO: Millie Robinson.</td>
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<td>CHAIRMAN KARY: Ms. Robinson. Go ahead, Ms. Robinson.</td>
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<td>MILLIE ROBINSON: Yes. Can you hear me now?</td>
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<td>CHAIRMAN KARY: Yes. MILLIE ROBINSON: Thank you, Mr. Chairman.</td>
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<td>I'm sorry about being a little bit later. My name is Millie Robinson. Last name is spelled R-O-B-I-N-S-O-N. And I live in Glendive. And I'm testifying on behalf of the Northern Plains Resource Council. I'd like to speak in opposition to House Bill 176. Northern Plains is in opposition to this bill because it contract -- contradicts our belief in a fair and transparent democracy that's accessible to all. We believe that citizens have the basic right to participate in the decisions that affect their lives and that our right to vote should not be made more difficult by our decisionmakers. Other speakers here have given plenty of legitimate and unforeseeable reasons why somebody might need to register on that last day. So I won't enumerate them. But none of them should be a barrier to the right to vote. We need that ability to register on Election Day. And luckily, it's something we already have. Please don't try to fix something that isn't broken and protect our right to same-day Election Day registration by voting no on House Bill 176. Thank you.</td>
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<td>CHAIRMAN KARY: Thank you, Ms. Robinson. Informational witnesses?</td>
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<td>ALEX COLAFRANCESCO: Mr. Chair, informational witnesses online?</td>
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<td>CHAIRMAN KARY: Waiting for the informational witness online.</td>
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<td>ALEX COLAFRANCESCO: Sorry, Mr. Chair. I thought you were waiting for them in the room. Our informational witness, Regina Plettenberg, has left the Zoom chat.</td>
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<td>CHAIRMAN KARY: Okay. Questions from the Committee? Senator Ellis.</td>
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<td>SENATOR ELLIS: Thank you, Mr. Chairman. I had a question for Ms. McCue from Lewis and Clark County.</td>
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<td>CHAIRMAN KARY: Ms. McCue. If you could get her from the hall.</td>
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<td>SENATOR ELLIS: And then, Mr. Chairman, before I asked my question, I did want to mention, for some reason the first time today the testimony that was sent out to those of us on Zoom, I couldn't access. And I don't know if I'm going to be able to access it. Because it says I don't have the right software, but I've been using it every day for a while, and I have been successfully seeing it. But a lot of people referred to having us read testimony, and I for one cannot access that information today.</td>
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<td>CHAIRMAN KARY: I will refer that to Jacelyn.</td>
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<td>JACELYN STERLING: Senator Ellis, you weren't the only one who had that problem. I don't know what happened, but I'm going to try and resubmit the testimony to you so you will have it. I was unable to resubmit it before the meeting. I'm sorry. I don't know what happened and I sent it the same as I always do. But I'm going to all IT and we'll try and figure that out so that you will have it and it doesn't happen for future meetings.</td>
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<td>SENATOR ELLIS: Thank you. Mr. Chairman. Now I'm ready for my question.</td>
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<td>CHAIRMAN KARY: Senator Ellis.</td>
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<td>SENATOR ELLIS: So -- is Ms. McCue --</td>
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<td>CHAIRMAN KARY: You can go up there.</td>
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<td>SENATOR ELLIS: Okay, Mr. Chairman, Ms. McCue. I am interested -- and I don't know if you want to finish all your testimony, but I was particularly interested in the problems you saw in closing registration either the Friday or at noon the day of, or day before elections. Because you said that there were -- it was going to create more problems. And I was particularly interested in that issue.</td>
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<td>AUDREY MCCUE: Mr. Chair, Senator Ellis. Without going through everything I was going to, I can just stick to that section. The lines are long on election day because that's the last day to do it. So moving the deadline to Friday, as the bill originally did, or Monday, as the bill stands after the amendment in the House, doesn't get rid of the long lines. It just moves them. So that's not especially helpful. I think it will be more difficult to accommodate the long lines on Monday or Friday because in a federal general election day, the rest of our...</td>
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building is closed for that government holiday, and
that allows us to take over the building and we have
more space to accommodate the lines and to assist the
higher number of voters.

Before election day, we can't do that. We
don't have access to the entire building. There's a
lot of work we do in the days leading up to the
election. As you probably know, we have to print lists
over the weekend of the people who can vote at the
polling places. And those lists have to reflect who
already had a ballot because they're absentee or
because they late-registered.

So after absentee closes Monday at noon, we
print updates to those lists to reflect those
additional ballots issued and late registration
changes. So we moved the line to Friday. That doesn't
save us work on that front. We still have to print
those lists over the weekend. We still have to print
the updates on Monday.

Moving the line to Monday at noon I think
will make things worse. We have to wait until everyone
in line at noon is done being processed before we can
print the updates. And that's waiting for all counties
across the state to finish their lines, because one of
my Lewis and Clark County registered voters could be in
line in Gallatin County or in Yellowstone County or in
any other county to register there, and I need to know
that before I print my updated lists.

Those long -- those bigger counties now
sometimes have four-hour-long lines. So if we're
waiting for those, we can finally finish -- print our
lists after that.

But it doesn't stop there. We then have to
get the list to the polls by 6 a.m. the next day. That
means delivering lists across the county. So in my
county we'd be talking about driving from Helena to
Augusta or Helena to Lincoln. You can imagine going
from Bozeman to West Yellowstone. And that's waiting
to do the line, printing the list, and then driving it
out there.

I don't think it helps because we'll still
see people show up on election day. Hopefully not as
many as now, but we'll have unregistered citizens or
registered people who forgot to update, and they'll be
at the polls or our office. When we tell them we can't
vote, some of them will leave and be done, but some of
them won't stop. They'll call their political party.
They'll call their U.S. Senator. They'll call their
attorney. And that is certainly going to take up staff
time on election day, probably management-level staff,
the people in charge of overseeing the most important
things.

Also of concern to me are the people who fall
through the cracks and thought they registered ahead of
time but didn't, and them having no recourse. But I
cought some of what the other opponents said, and I
think that's been covered. So I won't address that
part. But I guess the issue just being that it takes
away that failsafe.

CHAIRMAN KARY: Further questions from the
Committee?

Senator Ellis. Oops, she just dropped her
hand.

Vice Chair Bennett.

VICE CHAIRMAN BENNETT: Thank you, Mr. Chair.
I've got a few for the sponsor.

CHAIRMAN KARY: Representative Greef, Senator
Bennett.

REPRESENTATIVE GREEF: Yes. Thank you,
Mr. Chair. Senator.

VICE CHAIRMAN BENNETT: Mr. Chair and
Representative Greef.

You talked about voter fraud in your opening,
you said that somehow election day registration had
led to voter fraud. I would like to know, A, what
proof you have of that, and B, how much there must be
to want to disenfranchise 60,000 people who've used the
service before?

REPRESENTATIVE GREEF: Thank you, Mr. Chair,
Senator.

First of all, we're not setting out to
disenfranchise anyone. When I talked 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. We are trying to
change this just a bit so that we in Montana have the
protections so that we aren't one of the states that is
under scrutiny that some of the states are now.

VICE CHAIRMAN BENNETT: Mr. Chair and
Representative Greef.

I do agree with you that there is not a
problem here in Montana right now. But I do want to
ask you about the voter suppression element to this. I
mean, I hear you saying that this is not about
disenfranchising voters.

REPRESENTATIVE GREEF: No.

VICE CHAIRMAN BENNETT: But the reality is,
is that if you take away opportunities for people to
register to vote, there will be fewer people to
register to vote. How does that add up?
REPRESENTATIVE GREEF: Mr. Chair, Senator. I think what we have here is an education problem. Or perhaps you could even call it an advertising problem. We aren't taking away the one day that someone can register. They can register anytime. Anytime. And so this is really a customer service bill, but we need to advertise it as such, just to make it easier.

CHAIRMAN KARY: Senator Bennett.

VICE CHAIRMAN BENNETT: Mr. Chair and Representative Greef.

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

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

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

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

CHAIRMAN KARY: Thank you, Representative Greef.

Are there further questions?

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

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

VICE CHAIRMAN BENNETT: Sure. So -- I'll come back for the rest of mine, but I do want to follow up on this failsafe piece. Because it's not just the DMV. I mean, sometimes it is error within our election administrator's office. I mean, we find ourselves in situations where people go in, they register to vote, they've done everything that you're saying somebody is supposed to do. But because of some glitch in the system, that person is not going to show up on the list when they're printed by our election administrator, like Ms. McCue was just saying.

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

CHAIRMAN KARY: Would you like to refer?

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

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

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

REPRESENTATIVE GREEF: Mr. Chair, Senator.

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

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

CHAIRMAN KARY: Thank you, Representative Greef.

Senator Cuffe, did you have a question?

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

CHAIRMAN KARY: Mr. Corson, Senator Cuffe.

DANA CORSON: Mr. Chair, Senator Cuffe.

SENATOR CUFFE: Mr. Chair, Mr. Corson.

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

DANA CORSON: Mr. Chair, Senator Cuffe. I believe it's 21. I looked at the NCSC data. So it's states like California, Colorado, Connecticut, Hawaii, Idaho, Illinois, ranking down to Wyoming. I'll be glad to leave -- give you a copy of that.
SENATOR CUFFE: So maybe let me ask through -- Mr. Chairman, might I ask the reverse of the question. How many do not have same-day registration?

DANA CORSON: Well, 50 minus 21, so --

SENATOR CUFFE: Sounds like 39.

DANA CORSON: 39.

SENATOR CUFFE: Or 29.

DANA CORSON: 29.

SENATOR CUFFE: Yeah, 29. So somehow 29 other states it is working, Mr. Chairman. And Mr. Chairman, I seem to recall that when I registered -- and for many, many, many years, when I was covering courthouse beats for newspapers and things, we did not have same-day registration, Mr. Chairman.

So I'm just wondering do you -- how long have we been doing this?

DANA CORSON: Mr. Chair and Senator Cuffe. In Montana, you mean?

SENATOR CUFFE: Uh-huh.

DANA CORSON: Since about 2008, I think, was the first election on that one. 2005. I just saw five fingers go up over there.

SENATOR CUFFE: Mr. Chairman, there have been references throughout various testimony regarding constitutionality. And Mr. Chairman, can you help me on remembering? I believe the constitution was, what, dated 1972? The point being that there were a lot of years the constitution was in effect and we did not have same-day registration.

Mr. Chairman, thank you. I might ask Mr. Corson one more question.

CHAIRMAN KARY: Then do.

SENATOR CUFFE: And then I'll be done. Thank you, Mr. Chairman.

There was mention of what if somebody has a birthday on election day or in that critical time period, and are there processes for that?

DANA CORSON: Mr. Chair, Senator Cuffe. So lots of avenues for registration. They can go direct to the election office. If they're doing their driver's license stuff, it will show up there. Typically, we don't see things that will appear on the voter registration data, but their effective date, their vote effective date is set to that birthday. If that happens to be the election, that's the day they can vote. They can register ahead of time and then still show up and vote.

So the types of services that we're talking about in this bill -- I heard some confusing things that are inconsistent with the bill, but the people who are precinct to precinct, county to county, stuff like that. "I've lost my ballot," all those things, are still available on election day. It's the newly registered, the brand new faces to the system.

SENATOR CUFFE: Thank you, Mr. Corson. Thank you, Mr. Chairman.

CHAIRMAN KARY: Senator Sales.

SENATOR SALES: Thank you, Mr. Chair, Mr. Corson.

Mr. Corson, I guess, could you just talk then a little bit more, I think, on the fail-safes and some of those issues that we heard. And it was interesting to me -- I want to make sure that I understood the birth date part, where it's effective on, so they could still vote as long as they went in early and registered, and that would then -- since their birthday was happy birthday to you, now you get to vote, they're going to be able to still exercise that right.

Correct?

DANA CORSON: Mr. Chair and Senator Sales, yes. And you know, there's other outreach and confirmation tools that are available, too. Typically, when you vote, you're going to get a voter registration card, things like that. There'll be communications from the office. So hopefully a voter or registrant would be on the alert. You know, I've done something, but I'm not seeing something come back.

You know, the other part is the MyVoter page is updated daily with the previous day's data. They can always check to make sure they can see themselves out there, and the voter status, and if they're absentee and things like that. If it's a federal election year, they'll be able to see the ballot they're actually going to vote on, as well, too. So --

SENATOR SALES: All right. Thank you.

CHAIRMAN KARY: I do have a question for Mr. Corson. We've heard numbers from 60,000 to 3,352 utilized same-day registration. Is that 60,000 from the date of inception when they first came out to Montana?

DANA CORSON: Yes. So, Mr. Chair, those are cumulative numbers that you're hearing, from what I heard today.

CHAIRMAN KARY: Cumulative. So that would be roughly 15 years of data? So the 3,000 is not out of line then?

DANA CORSON: Mr. Chair, no, that's not out
CHAIRMAN KARY: Okay. Another question for you, Mr. Corson. On the 3,352, we’ll just say 3,000 for round numbers. Those individuals, if they register, we’ll just say the Friday or the Monday, either one. When they vote, that’s a provisional ballot, isn’t it, that they vote, when it’s that close? It’s not accepted because there’s no way to verify everything right away?

DANA CORSON: Mr. Chair, not in all cases. You know, you could end up being a provisional voter, as well, too, let alone a provisional ballot. So if the circumstances are correct on that Friday, and everything is done, and all the information lines up, there’s nothing that -- piece of information that you would owe the election administrator that would not cause a provisional.

CHAIRMAN KARY: However, on the day of the election, same-day registration, is that a provisional ballot?

DANA CORSON: Those, on the same day, is my understanding.

CHAIRMAN KARY: And I would defer -- she agrees. Okay. Any other questions?

AUDREY MCCUE: Senator Kary, Senator Ellis. I signed up to testify online, but I was able to come in person. But I can email that to Senators, if you like. And Senator, may I clarify the provisional ballot question you just had?

CHAIRMAN KARY: Yes.

AUDREY MCCUE: So the provisional ballots are those lists that we print for the polling place. If the lists are already done and printed, then if somebody is somewhere on a list at a polling place, we have to give them a provisional ballot when they late register.

So it’s really just on election day, not the Friday or Monday. And it’s actually tied in law and rule to that list being printed. So the idea there, if you’re a brand new late registrant on election day, you don’t need a provisional ballot, because you’re not going to be on a list anywhere. If you tried to go into a polling place, you couldn’t vote.

But if you were on a list in Precinct 1 and you came to the office to late register, you’d get a provisional ballot, and we won’t count it unless we check the list -- until we check the list in Precinct 1. And then the same concept from county to county.

CHAIRMAN KARY: So it’s provisional until it’s verified.

AUDREY MCCUE: Right. It’s provisional until we check the lists and make sure you didn’t vote twice.

CHAIRMAN KARY: Okay.

Further questions?

SENATOR ELLIS: Yes, Mr. Chairman, for Ms. McCue.

CHAIRMAN KARY: Exercise, Mr. McCue.

Exercise.

AUDREY MCCUE: Senator Kary, Senator Ellis. Ms. McCue, first of all, I would like you to send -- I would like to see a copy -- and I would guess the whole Committee would. I don’t know if you would send it to our secretary and she could pass around your testimony if it’s written.

SENATOR ELLIS: Okay. And then the last question I have for you is can you -- in your experience, you’ve seen a lot of people register in Lewis and Clark County using same-day registration. And I wondered if you could give us like five reasons why people do that, that you’ve seen fairly commonly

just so we get a better feel.

AUDREY MCCUE: Senator Kary, Senator Ellis. I think a lot of people -- for a lot of people, election day is a day. So when they make their plan to vote, they -- you know, we have a lot of people who get their absentees and do it ahead of time, but a lot of people turn them in on that day, or they want to vote on that day.

So if it’s past the close of regular registration and they know they’re going to go in person and register and vote, I think some people want to do it on that day. I think there are some people who moved and thought that their address got updated when they changed it at the post office or the DMV and it didn’t, so they went on election day. I think some people just don’t even think to look it up until
SENATOR CUFFE: Yes.  Anyway, if someone is it Audrey McCue, McCue --
AUDREY MCCUE: Senator Cuffe, yes.
CHAIRMAN KARY: Ms. McCue.
SENATOR CUFFE: Yes.  Anyway, if someone registers to vote early, does that prevent them to
CHAIRMAN KARY: Ms. McCue.  Thank you, Mr. Chairman.

AUDREY MCCUE: Senator Kary, Senator Cuffe.  It's correct.  There's different ways you get inactivated and then cancelled based on usually not responding to notices or having address changes.  But if you're registered and you're voting, you won't get --

SENATOR CUFFE: So they can vote -- you can register as early as you want.  And if you vote, you continue to be registered.

AUDREY MCCUE: Senator Kary, Senator Cuffe.  That's correct.  There's different ways you get inactivated and then cancelled based on usually not responding to notices or having address changes.  But if you're registered and you're voting, you won't get --

SENATOR CUFFE: Yes.  Usually the 30th day is Sunday, so the 20 -- the close ends up being the 29th day, and it's 28 days until election day.  But any --

CHAIRMAN KARY: So we really don't get 3,000 people showing up to do it on election day.  It's between the 29th day and election day.  Is that correct?

AUDREY MCCUE: Senator Kary, the 3,000 number I think is specific to election day.  The data that's on the state's website, you can see how many total and how many for just election day versus the days before election day.

CHAIRMAN KARY: Oh, okay.
AUDREY MCCUE: So those numbers, I think, have been reported on just election day.
CHAIRMAN KARY: Just election day.  Thank you.
SENATOR CUFFE: Mr. Chairman.
CHAIRMAN KARY: Senator Cuffe.
SENATOR CUFFE: Could I ask a question of -- is it Audrey McCue, McCue --
AUDREY MCCUE: Senator Cuffe, yes.
CHAIRMAN KARY: Ms. McCue.
SENATOR CUFFE: Yes.  Anyway, if someone registers to vote early, does that prevent them to
front of them. And they pretty resoundingly said we
want to keep election day registration. We think it's
a good idea. Why, in the face of that, should we
overturn or undermine the will of the voters that were
so recently heard?

REPRESENTATIVE GREEF: Mr. Chair and Senator.
A lot of things have changed in the six and a half
years since the voters decided that. Our population
has changed. The morals of the country have changed.
Just generally, the elections of the country have
changed. I want Montana's integrity to stay absolutely
as high as it is now. And that's why I think that this
bill is what we need, Senator.

CHAIRMAN KARY: Thank you. Representative
Greef, if you would care to close.

REPRESENTATIVE GREEF: I would love to,
Mr. Chair. People are using, I feel, same-day
registration because that's their habit. And I thought
it was interesting when Senator Ellis asked the reasons
why people are using this. Well, we're
procrastinators. I'm a procrastinator. People have
known that they could do this, so they do it. They
wait until their driver's license expires and they run
in the last day. They wait until mom's birthday is
tomorrow, and so they run in and get a birthday
vote will be held until the day of the election, if
that's the birthday. They will be able to vote.

Mr. Chairman, members of the Committee, I ask
for a do pass on House Bill 176. Thank you.

CHAIRMAN KARY: Thank you, Representative
Greef. And with that, we'll close the hearing on House
Bill 176.

And members of the Committee that are left
here, thank you for your patience, for extending the
additional time. We have a full docket on Wednesday
again, and another full docket on Friday, and we are
scheduled all through next week already.

So prepare to spend a little bit more time
than we have. Thank you, members. With that, we will
close the meeting.

(Recording ends)

* * * * *

present. They wait to register because they can.

Like I said before, we've witnessed serious
threats to our election nationally. And again, we want
to ensure the integrity of Montana's elections.

I'd like to just briefly address the
handicapped voters. And I can understand that there's
a struggle. It's hard to get out to vote if they have
to go and change their registration or they want to
vote in person. But you know what? This is making it
so much easier just to let them know that they don't
have to go on one day. They can go on just about any
day they want.

Their caregivers or whoever helps them does
not have to rush to go for that one day. It's -- I
think it's going to be easier. We realize the effort
and we appreciate the effort that it takes for a
handicapped person to vote. Please don't make this
bill about taking that right away. It absolutely is
not.

The change that will happen when this bill
passes will be heavily advertised. You know how
elections are advertised on television, through the
mail. I guarantee you this will be heavily advertised.

And again, I'd like to address Little Dog's
caret

CERTIFICATION

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

ALICIA JARRETT, AAERT NO. 428 DATE: March 29, 2021