EXHIBIT M
Page 2

1  (16:10:55 – 17:24:34)
2  MALE VOICE 1: Welcome hearing on House Bill 406.
3  Representative Noland, Would you like to open on your bill?
4  MALE VOICE 2: Yes, Mr. Chairman and members of the fine
5  and hardworking, very dedicated [unintelligible] judiciary. I’m Mark
6  Noland. If you can’t remember how to spell my name, it’s... “I have
7  no land”, N-O-L-A-N-D. That opportunity to present the bill before
8  you today is... I feel it’s a very solemn one. We all have probably felt
9  the importance of voting in the the State of Montana and collecting
10  ballots appropriately is why we bring this bill before you today. I had
11  the privilege of serving as a poll watcher a number of years ago and
12  witnessed some inappropriate activity. So when this bill presented
13  itself and I thought about how to handle this, I felt like I wanted to
14  express my opinion for doing this the appropriate way into collecting
15  ballots in an appropriate manner. Some have heard that ballots are
16  collected passively, they come in late, they come in boxes that are
17  met in a timely manner and they are still allowed. So what we’re
18  trying to do is to make sure these things are done in an appropriate
19  manner. What’s one of the most important privileges we have? That
20  is our voting. It’s the election, an opportunity to vote. And this is the
21  sacred responsibility. That’s why in my beginning, I said it was a
22  solemn thing. So I just want to say a couple of things on page 1. It
talks about the ballot collection. I know you can read, but I’m gonna
just cover a couple of things. Like in Point A, it says it must be a
resident of the state that has the right in that sections. B, may not be
paid anything or valued based on the number of ballots collected. C,
shall register with election administrator in each county where the
individual tends to collect them and convey ballots. In line 23, full
name. 24, mailing address, occupation, employer and any entity the
individual is affiliated with and collecting and conveying ballots.
25  Turn the page. Page 2 I wanna just skip down to section 2 where it
talks about ballot collection prohibited and exceptions. And the word
says 2A. a person may not knowingly collect another person’s...
another voter’s voted or unvoted ballot. Then in 2, it says except the
writer of this subsection, an election official, an United States postal
service worker, a caregiver, a family member, a household member
or an acquaintance. In line 25, it says all is subject to penalty and it’s
established in 13-35-705 and then concluding on page 3, on ballot
collection and convince for each ballot delivered to the point place.
I’m gonna skip down to number 10. It says [unintelligible]. It says a
sign form from the border conveying permission to the individual’s
ballot to be collected. Election administrators shall ensure that the
signature on the form is verified and shall compare the signature with
the border registration. Dearest committee, this is vital. This is
important. We need to safeguard the integrity of the vote and the
collection of the ballots [unintelligible]. Thank you. Choose me. I’ll
sit for questions.

FEMALE VOICE 1: Thank you. [unintelligible] proponents. Up
here proponent online, please raise your hand. The proponents in the
room. Before we get going, please... if you’re testifying, please stay

Page 3

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1  the differences between what’s currently on the books under
[unintelligible] and how House Bill 6 would change. Because if we
changed that at this point of time, we could end up in further levigation
levigating this new bill. So House Bill 406 will just not address the
holding and one of the cases that appointments and family member are
unconstitutionally big and don’t survive [unintelligible] strict
underneath their constitution. This case also helps that the appointment
was unconstitutionally big. House Bill 406 also adds additional burden
to the voter’s right to vote by requiring that the voter signs a form, a
granting permission to the collector to collect their ballot which then
must be burned in by the local collection administrators. That record
keeping duty is going to be placed on the election administrators and
that increases big burden they already have with the administration
[unintelligible]. House Bill 406 also narrows the application of
[unintelligible] but only at the ballots delivered to the point face or the
election administrator’s office. That might seem good on the surface.
Part of the reason that the bullet helps the constitution is at the district
court level. It does not apply all ballots that are collected. For example,
some [unintelligible] service box or returned by mail. It also
experienced the exemptions to displace the deposit. And these
exemptions were held arbitrary, irrational, discriminated...

FEMALE VOICE 2: Okay. Sure. And the constitutional day. It
also clarifies the violation of [unintelligible] is criminal but that is

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and spell your name and who you represent for the record. If you have
any exhibits for the testimony, please give them to the representative
at the ends of the table. Please don’t read your testimony or repeat what
has already been said. Any proponents? Moving to opponents. Any
opponents in the room? We’ll start with opponents online. Jaime
MacNaughton?

FEMALE VOICE 2: Madam Chair, members of the committee,
my name is Jaime MacNaughton. That’s J-A-I-M-E M-A-Capital N-
A-U-G-H-T-O-N. My chief legal council for the office of
Commissioner of Political Practices. [unintelligible] is an attorney for
the status to point out situations and propose legislation that might
implicate constitutional rights of individuals or groups. I put those
under my... keep those under my core duties. So one of the ways
that I do that when I’m involved in legation is that I don’t try to bring
legislation before the committee, before individuals or groups, rights
that have been fully indicated in the course. That way I have some sort
of guide pulls or side wheels to put on legislation to help legislators in
crafting legislation that might survive constitutional scrutiny. And
there’s once your mayor may not be aware this currently two district
court actions. Well, there are two actions that are ongoing. There were
decisions last fall. I wanna say September or October at [unintelligible]
county that affected the ballot interference protection act or as we call
it [unintelligible]. Those cases are currently at the Montana Supreme
Court and there’s a pause briefing right now as we’re waiting to find
out where the final determination is going to be. So I want to talk about
House Bill 406

2/23/2021

arguably stricter than what [unintelligible] actually currently has on
what’s held on constitutional. I’m only requiring a bill conjured at the
residents of the state potentially can put the name of the
constitutional travel from work [unintelligible] where temporarily visiting. There’s a similar case that was heard in 2006 by the Montana Supreme Court with Montana’s justice 2006 277. It was exactly on point residency. The definition of residency was an issue but the
address interpreted is required as a context. So I just miss the information and then request it. At this point of time, we hold off into
what we have from the court, what is and is not constitutional laws
that we currently have. Thank you so much.

FEMALE VOICE 1: Thank you. Going back to the room. Next opponent.

FEMALE VOICE 3: Madam. Chair, members of the committee,
thank you. My name is Allison Reinhart, for the record, R-E-I-N-H-A-R-D-T. And I’m here on behalf of MAS, the Montana Associated Students.
Young people have load of turnout already and there still we’re make it harder for those people to drop of ballots whirl and [unintelligible] communities were lying organizations that help collect ballots and this bill will prohibit those organizations from collecting those. This bill takes away a central means to collect ballots and I would urge this committee to please vote no. Thank you for your time. Madam Chair, I’m actually running late to an online class.

May I please be excuse? Thank you. 

FEMALE VOICE 1: Yes. First off, any question from committee before you go? No?

FEMALE VOICE 3: Thank you.

FEMALE VOICE 4: Good afternoon, Madam Chair, members of the committee. My name is Rachel Schmidt, for the record, S-C-H-M-I-T-D. And I’m here representing the interests of the Associated Students of Montana State University. I just wanted to know I think it’s very common knowledge that voter turnout among young people is pretty low, especially true of our college students. And ASMSU and our partners has been working really hard to try to change that trend. In the past, one of the meaningful ways we’ve been able to do this is by providing ballot drop across the campus. And so, our third party ballot drop in the past have been placed where students can come and securely drop off their ballots. There’s an ASMSU full-time staff there at all times. They’re not even allowed a bathroom break until they’re obviously placed by another staff. These ballots are picked up frequently or deliberately frequently. They are placed in strategically public locations so that people can’t mess with the boxes, like dorms, like the dining hall, centennial mall where there’s woman 21 [unintelligible]. And the box itself is actually closed and secured so that people can’t rummage through it while someone is looking in the other direction or something like that. And I think this bill will continue to take away a meaningful way to collect ballots and ensure that young people are unable to access their right to vote easily. And there’s safety nuts in place to make sure that ballots are actually delivered and [unintelligible] the voter page of the secretary offices are a really great way to check this out of the ballots and I’m concerned that this bill addresses a fear of voter fraud where there’s actually limited to know evidence out in Montana and because I believe that this committee should be driven by the principles of democracy and urge that do not pass today. Thank you.

MALE VOICE 3: Good afternoon, Mr. Chair, members of the committee. Keaton Sunchild, political director for Western Native Voice, S-U-N-C-H-I-D. We heard from the opponent earlier about the [unintelligible] lawsuit and I just wanna read a small section of that when the lower court made their decisions. That’s it. This case and the facts presented at trial turned a spotlight to my fellow citizens that still live below the poverty line with limits to healthcare, government services, male services and election offices. And those citizens are native Americans. This bill is another attempt to cut into our right to vote and especially on reservations. There are reservations and members on these reservations are traveling up to 167 miles. And that’s a lot of gas. That’s a lot of time off from work. You’re losing money paying for the gas. You’re losing money by taking time off from work. And transportation itself can be hard to be secured, especially on reservations. And you know, this, being able to collect ballots and deliver ballots as our organizers did is a lifeline for folks and reservations. They need this to have their voice heard, and our electoral process and our organizers after extensive organizer training and going through numerous sections of how to safely and securely collect ballots collected over 555 ballots in the 2020 General Election on our seven reservations in Montana. So in our opinion, this bill does nothing to protect our elections that are already safe, that are already secure. All it does is to protect people that are in power and their ability to stay in power rather than giving people the right to vote in our elections. So I’ll be back here for questions with that we ask for a do-not-pass. Thank you.

FEMALE VOICE 1: Thank you.

FEMALE VOICE 5: Good afternoon, Mr. Chair, members of the committee. For the record, my name is Katjana Stutzer, K-A-T-J-A-N-A-S-T-U-Z-E-R. I’m here on behalf of the Montana Public Interest Research Group, or MontPIRG. And I’m sure that this bill seems early familiar because it’s substantively the same as the ballot here for protection act was overturned as unconstitutional last year. And I knew you’ve already heard from another opponent what the legally dubious bits of this bill are, but I’ll also point out that there’s only a substantively change in this version is being introduced. It’s removing the six ballot collection cap which is not the lynchpin of the ruling that I found it unconstitutional. So we believe that this bill isn’t different enough and I wouldn’t fall for the same fate. I’d also add that according to this record of delivery, it’s gonna add a burden on our clerks who need to create a registry to report who’s turning in those ballots. It’s a new piece. And they need to find the signature of who’s turning them in, who’s doing the collecting, which creates this kind of...
conundrum like what if this, you know, they are legal to turn the
ballot, they’re the spouts but they’re not registered to vote. Then, you
know, the election doesn’t have many ways. They don’t have that
signature on file. This is just extra hoops for our clerks to have to
jump through with this new record of the delivery system. And also
we feel that it’ll be a violation of privacy, having to disclose our
relationship to the person who’s delivering the ballot. There are
reasons that folks might not wanna do that. And then lastly, we will
just add that the high penalty for criminalizing, you know, sort of
violating this process to vote by [unintelligible] any ballot collection
to recur to all, we know from [unintelligible] from what the folks are
telling you that this is an important services that our community to
help make sure folks can vote. So overall we will encourage that do
not pass on to House Bill 406.

MALE VOICE 4: Chairman, members of the committee, Sam
Forstags, F-O-R-S-T-A-G, here on behalf of the American Civil
Liberties Union of Montana. We arise an opposition of House Bill
406 and without going into depth, what’s already been said, the
ACLU of Montana was party to the lawsuit, both lawsuits and
question here, question of native voice versus [unintelligible]. It was
mentioned by a previous opponent to this bill that the former of those
cases. It’s been appealed to the Montana Supreme Court. I do have a
copy here of a motion of a state of proceeding the department of justice
just yesterday. I will provide a digital copy of that for committee
staff and I hope that committee members will have the time to review
that. This is not a court case pending relegation. This is a court case
that has a permanent junction file against it, for [unintelligible] and
this bill in particular, has no substantial difference from
[unintelligible] aspect from that six ballot cap which was in no way,
crucial or keeps of those rulings. Often you see me coming before
you. You see ACLU before you saying that law will likely to be
relegated, will be relegated. This is a step beyond that. This is law
that has been relegated, that has been ruled down by multiple district
courts and the State of Montana and I offered you that as in the court
considering fifty plus bills over the court in three days, I hope that
you do take pause and consideration of this bill because it will cause
the State of Montana money to relegate, to process this bill that we
already know its rule or we already know the result of it. I know that
some committee members here do not like constitutional arguments
that are made from ACLU in front of this committee. This is not a
question of a case that was ruled down twenty years ago. This is not
a question of a case that is under appeal. These are cases ruled
down two to three years. And I will offer to you that the responsible
thing to do on behalf of Montana voters is to vote on this bill, to table
it and to trust that the Supreme Court or district courts has no
intention of reversing themselves within two years of multiple
rulings. The final thing I’d like to add is of course to spoke of the
sponsor invent this bill. I have no question to pause attention behind
this bill. The question simply is what the result would be, the results
would be [unintelligible] American communities. The results would
be guaranteed, overturning of this law and waste the taxpayers’ dollars.

So I urge to vote on 406 and I appreciate your time. Thank you.

MALE VOICE 1: Appreciate that. And I owe you an apology
‘cause I forgot to reset the timer and it went off within like ten seconds
since you started, so I apologize. Okay.

MALE VOICE 4: You know I talk quite through the timer. That’s
ture.

MALE VOICE 5: Okay. [unintelligible]. Mr. Chairman, members
of the committee. My name is Jordan Thompson. That is T-H-O-M-P-
S-O-N and I represent the Confederated Salish and Kootenai Tribes,
[unintelligible]. We oppose House Bill 406. We believe it’s too vague
to be workable and it’s likely illegal. It’s too punitive to our
communities and it’s too burdensome on our constitutional right to
vote, so that I ask no one to vote 406. Thank you.

FEMALE VOICE 6: Mr. Chairman, members of the committee,
Shantil Siaperas with the Montana Association of Counties. For the
record, S-I-A-P-E-R-A-S, here to oppose House Bill 406. We’re
primarily just based on the [unintelligible] that will arise from the
section three — duties. There... it contains more duties what was
previously written into [unintelligible] than what’s currently written
into [unintelligible]. Off the top of my head, this will include things
like managing the registry, checking the signatures, monitoring
violations, and when there’s a violation, treating the ballot is
provisional. They will need to hire more staff, and I think they’ll need
to hire quite a bit more staff. In a medium county, I’d say three, as well
as extra tackle like computers and finding office base. So with that,
Mr. Chair, thank you.

FEMALE VOICE 7: Good afternoon, Mr. Chairman, members of
the committee. My name is Kelly Twoteeth. For the record, that is
spelled T-W-O-T-E-T-T-E, here with Montana Native Vote.
Montana Native Vote would like to take advice to vote no on House
Bill 406. We believe this bill has a long-lasting negative impact on
Indian countries by further complicating the already difficult process
of casting your vote, with country election offices fifty plus miles
away, residential addresses now exists in some areas. That shifting
ballot [unintelligible] pickup that was usually primarily by a travel
outers. As this will pass, I’m afraid it means it is on the [unintelligible]
the largest American cognitive nation, and that’s Montana. Montana
has an excellent example with travel-to-go relationships. Now the
country looks at us for advice on how to have better relationships. In
2017, Montana had a record voter turnout rate in the country. I’d like
to say that was because [unintelligible] with Montana native vote. And
we... in 2017, I saw my home reservation on Canada. A lot of residents
were giving their ballots. I want to let you know that our organization
trains our staff so well. I was able to tell that this is what the pressure
I made to complain today to tell you that’s why the native voice has
that case. So we are trained to how to do this, how to pick up ballots. In
2019, we felt this capital hall for indigenous people to pass hands to
vote shouldn’t be overlooked. Our vote can flip and exist. You can put
trip... a travel to be placed outside, but if you put votes on bills like
this, this will feel at race. Please vote no. Our [unintelligible] for
indigenous people’s inner voice.

FEMALE VOICE 8: Mr. Chair, members of the committee. My
name is D'iahly Killisback, spelled K-I-L-S-B-A-C-K and I’m the
deputy of political director from Western Native Voice. As you’ve
already heard from my colleague Keaton Sunchild, our organization
urges committee to table House Bill 406. Ballot collection is often
every one of the only ways that American Indians are able to participate in
democratic process and this bill will disproportionately impact our
communities especially those on the rural reservations. And this also
includes the elderly, disable voters, low-income peoples and
working class families. Higher turnout for Indian country has been
proven in our data when ballots are collected. This bill makes vote
more difficult, and once Indian country already faces surmountable
barriers to vote as you’ve already heard and this is not new. Ever since
American Indians have had their right to vote in this country, our right
has been attacked by those that would place barriers for our peoples.
Montana was once the most dedicated state in the country for twenty
years beginning in the 1980s when it came to the right for American
Indians to vote. So again, this is not new. And as you’ve already heard
[unintelligible] has been levigated recently, every citizen should have
fair access to the democratic process and this includes American
Indians. So again, our organization urges you to table this bill. Thank
you.

Male Voice 1: Thank you. For the opponents in the room, for the
opponents in the room, [unintelligible] we will go online at Ruthie
Barbour.

FEMALE VOICE 9: Thank you, Mr. Chair, members of the
committee. My name is Ruthie Barbour. I’m here on behalf of
Forward Montana. My last name is spelled B-A-R-B-O-U-R. We arise
an opposition for House Bill 406. The opponent before me had some
fantastic points. We know firsthand that there are many barriers that
Montana faced in getting their ballots to the election office. Distance
like about transportation and other socioeconomic factors, so ballot
collection is at times the only way for Montana voters to make sure
their voice... their votes are counted and their voices are heard. I think
it’s important to say again at the ballot protection act so
[unintelligible] was already levigated last year found to be
unconstitutional due to the [unintelligible] it caused. It will impose
on the native American communities in Montana. The minor justness
presented in this bill still fall under that broad really and do not
change this bill’s unconstitutional nature. On a different note in 2019,
there are a lot of school elections [unintelligible] these are counting
elections, offices, implementing [unintelligible], using different
interpretations due to lack of guidance and direction on how to
implement this policy. So much in 2019, this bill doesn’t count for
the additional funding and staffing likely to need to implement
[unintelligible] in a uniform way across the State. We’ve heard
countless times that there has not got single document in case
[unintelligible] violated to ballot collection in this state. Montana
elections are and always have been safe and secure. This bill would
impose unnecessary restrictions and distance fringe high in Montana
voters in the name of election integrity and that’s a threat to our
democratic process. [unintelligible] was already rejected and this
effort would be time-consuming and potentially cause the attempt to
solve the problem that does not exist. So I urges committee to vote no
on this bill. Thank you.

MALE VOICE 1: Thank you. We’ll go to Ella Smith.

FEMALE VOICE 10: Thank you, Mr. Chair, members of the
committee. For the record, my name is Ella Smith, E-L-L-A S-M-I-T-T-H.
I’m the program director from Montana Women Vote and we’re a
state-wide organization of low income women and families. I’m sure
you all know committee members that it’s not just expensive in money
to be low income. It’s expensive in time ad there are a lot of issues that
low-income women and families struggle across the state that provide
barriers to the ballot box. We’ve seen recently that it takes a public
health crisis to take people from workers and parents to teachers and
public health enforcers and all of these issues are compounded when
applied to low-income families in Montana. So I wanna urge you to
take into consideration some of the previous great testimony from
other folks opposing this bill and we will urge, do not pass on House
Bill 406. Thank you so much.

Female Voice 1: Regina Plettenberg?

FEMALE VOICE 11: Madam Chair, members of the committee,
my name is Regina Plettenberg. That’s P-L-E-T-T-E-N-B-E-R-G. I am
the election administrator in [unintelligible] County and I’m also the
legislated chair of Montana Association of Clerks and Recorders and
Election Administrators. And we do oppose this bill. Many people
have made good points on the legal part of this. I kind of... I just want
to speak for the voters. We were on the front line and we’ve got to hear
the voter’s response to the [unintelligible] when we enforced it 2019
and I had a county-wide election. This is just a fact for republicans or
democrats. I heard from all my voters they remembered voting on this
but they did not realize it was gonna read. They thought family
members, all those people, caregiver, household member, acquaintance were exempt. Fron this apt, they didn’t think they had
to fill out the registry and I can tell you it’s thousands of probably
[unintelligible] that we heard from, so I don’t think the voters... I think
they understood what they were voting for. They don’t want... you
know, they want it to be careful with strangers but I think that they also
want to be able to give that out. That’s not everyone. But that’s... you
know, the voters that I heard from did struggle with that. And so, we
just feel that this is putting that back and of course I
know, the voters that I heard from did struggle with that. And so, we
just feel that this is putting that back and of course I’m a little confused
on the new section I with the ballot collection. I’m wondering now
why it requires people to fill out a form before they collect a ballot and
also a form on conveyance of the ballot. I don’t know how that all
works together again. It’s vague again. So will we implement this, I’m
wondering? Do we make the determination right away? It sounds like
we have to because if a ballot is in violation, then we have to make a
provisional ballot and that is gonna be a lot of work that we have
to do quickly to make that determination and to reach out to the
two voters. So this would be another tough one to implement. I think it’s
even tougher than the first version. So far for all these reasons, we hope
this committee will not pass this bill. Thank you.

MALE VOICE 1: Thank you. We’ll go to Alanna Wulf.

FEMALE VOICE 12: Thank you, Mr. Chairman, members of the
on behalf of Big Sky 55+. For all the reasons previously stated, for
those many elderly, immobile, limited individuals across the state rely
about the collection to have their ballots delivered on time. I urge you
to vote no on this bill. Thank you for your time.

MALE VOICE 1: Thank you. Patrick [unintelligible]? [unintelligible]? Patrick. We don’t allow them to reposition anything if
we could go to next person. If you could change yours to just the
black screen, we’ll come back to you. We’ll go to Andy Werk.

MALE VOICE 6: Good afternoon, Mr. Chair, members of the
community. My name is Andy Werk Jr and that’s W-E-R-K. I’m the
president of Fort Belknap Indian Community for the [unintelligible]
tribes [unintelligible]. Here for ballot, myself and our council
strongly oppose House Bill 406. For [unintelligible]-based
reservations has about 8400 tribal members, about 4,000 of them live
on the reservation, 2,000 [unintelligible]. Our reservations spent
about 675 dollars per acre. The vast majority houses on our
reservations do not receive home mail delivery. There’s only one post
office on the forefront of reservations. On the forefront of

reservations, most of all have to have others pick up their mail for
them. [unintelligible] tribes voted on Montana elections to the
collections and conveyance of their ballots to the local election office
by community members and third parties. Most of the tribes and
Montana included [unintelligible] only five months ago, when a loss
declaring them. There’s constitutional court found [unintelligible]
like you heard, are provident to collect ballots more than 6,000
Indians collected to sign the registry form on a fundamental right
book protected by the Montana constitution violates our fundamental
right, freedom of speech, violates the right to do process. House Bill
406 has even more strange than [unintelligible]. It’s unconstitutional
for the same reasons. Like [unintelligible], House Bill 406 would be
subject to a strict rule, which means that the state must show that the
laws nearly table to serve the compelling government like... just like
[unintelligible], House Bill 406 does not serve the compelling
government or interests. The [unintelligible] levigation the court
found that all testimony by election administrators was that ballot
collection was not and has never been a problem on Montana. The
state admitted that there’s not a single example of voter fraud in
Montana caused by the ballot collection. Any suggestions that there’s
a voter fraud here in American reservations is a lie. There’s no
evidence of voter fraud on voter’s ballot reservations and it’s
disrespectful to local charge a fraud and communities without
providing any evidence. It’s even worse to legislation based on these
lies making it harder for our communities to vote. Make no mistake,
Today I speak on behalf of both myself and the Indigenous Organization of Montana and we arise a strong opposition to House Bill 406. In addition to all those things that have already been said, we believe that this will create so many barriers for voters to cast their vote and would have a specially harmful impact on those living on reservations. And on the personal voters of depression, there’s not an election integrity. Again, we are asking you to vote no on this bill. Thank you.

MALE VOICE 1: Thank you. Margaret Bentwood?

FEMALE VOICE 15: Thank you Mr. Chair and members of the committee. My name is Margaret Bentwood, and that’s B-E-N-T-W-O-O-D. I’m appearing here on behalf of the League of Women Voters of Montana. The League of Women Voters of Montana was founded over 100 years ago. We are non-partisan. Our goal is to promote democracy and specifically to promote high integrity elections. I have all read testimony by today. You already have it before you. This bill puts limitations on Montanans who don’t have the ability to get to a mailbox or a ballot drop box and need to rely on other Montanans to help them. This bill will disproportionately affect low-income people, young people and minority voters. By discouraging Montanans from voting, House Bill 406 actually reduces election integrity and it’s therefore harmful to democracy. The League of Women Voters asks the House Judiciary Committee to reject House Bill 406. Thank you.

MALE VOICE 1: Thank you. We’ll try Patrick one more time to see if your pictures will move. No. No. The picture is still there. So my suggestion is you submit your testimony via written testimony, you can email that in. Any further opponents? Any opponents in person or online? Seeing non. Informational witnesses.

MALE VOICE 7: Good afternoon, Mr. Chair and members of the committee. Dana Corson, C-O-R-S-O-N, Montana Secretary of State's Office.


MALE VOICE 8: I have a question for Keaton Sunchild.

MALE VOICE 3: Mr. Chair, Representative Hawk.

MALE VOICE 8: Thank you Chair. Thank you Mr. Sunchild. I was wondering with a lot of reservations have ballot drop boxes if not mistaken. What would make collecting ballots? Why would you need to collect ballots if you have drop boxes?

MALE VOICE 3: Yeah. A lot of the drop boxes are still along with from villages so you are still traveling. A lot of folks don’t have access to reliable transportation, especially in a year like this. Our elderly couldn’t leave their houses without risking their lives. You’d never know with weather in November of Montana, people might not feel safe driving and you know I think, I mean the closest drop boxes is four miles from some reservations and 16 in different ones. And that doesn’t seem like a long way for us but a rural Montana that could be long ways in the winter if you don’t have a good car or not. But if you have somebody like an organizer or an organization who can...
important other than the fear factor. People are afraid of some change. This is a change. We are not denying it isn’t as far as recording. To help further answer your question, that came up. People don’t. We need to make sure that the ballots are collected appropriately and timely. This, as you just stated pretty eloquently, their acquaintance could be individual that they know. We are not trying to hinder this but we are trying to make sure that the ballots are done in a timely manner. I’ll address that for my close.

FEMALE VOICE 16: Thank you Mr. Representative, Mr. Chair.

MALE VOICE 1: Representative Tenenbaum. Your had your hand up or it’s not.

MALE VOICE 9: Thank you Mr. Chair. I have a question for Mr. the sponsor.

MALE VOICE 1: Okay. Mr. Chair, Mr. Tenenbaum.

MALE VOICE 9: Mr. Chair, Representative Noland. Have there been any documented cases of voter fraud or ballot interference on reservations?

MALE VOICE 2: I would have to say on the reservations that I am aware of. I would probably conclude that I don’t have any of that.

I can only testify those that I personally saw not on the reservations but in person.

MALE VOICE 9: Mr. Chair, follow up.

MALE VOICE 1: Follow up.

MALE VOICE 9: Mr. Chair, Representative Noland. When you saw those violations, what was the result of them when you reported them?

FEMALE VOICE 2: Mr. Chair, Representative, right?

MALE VOICE 1: Representative Tenenbaum.

Sorry. Representative Tenenbaum, so the process as a poll watcher, I was the poll watcher facilitator and when that came when the ballot box came late, and I reported it to our attorneys, the attorneys turned that in and that particular ballot box was supposed to, I don’t know where, when after that, that was supposed to become a provisional ballot. Box, the whole box.

MALE VOICE 9: Thank you Mr. Chair. Thank you Representative.

MALE VOICE 1: Representative Kelker.

FEMALE VOICE 17: Thank you Mr. Chair. Questions for Ms. MacNaughton.

FEMALE VOICE 2: Mr. Chair, Representative Kelker.

FEMALE VOICE 17: Mr. Chair, Ms. MacNaughton. In your capacity, working with the laws that are... concerning how the ballots are handled so forth, do we in law already require that are people who work at the polls to compare the signature of the voter on the ballot envelope that is sent in or brought in?

FEMALE VOICE 1: Mr. Chair, Representative Kelker. That is actually the function of the local election administrators and that might be a better question for Regina Plettenberg.

FEMALE VOICE 17: Refer to Regina, please.
court is ruling on, which is exactly nearer than this bill has
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disproportional impact on rural native American state. That issue is
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no different in House Bill 406. Secondly, that issue in Western Native
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Voice, first Stapleton was that this legislation is that precisely nearer
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the language than this bill the House Bill 406, was a first issue that
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folk who are engaging in ballot collection or making sure that ballots
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can get to the box. The restrictions on such ballot collection are
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restrictions on the unfettered access, unfettered carrying out the first
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member’s rights. So the six ballot limit again is a red hearing that has
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no barrier in either the district court cases here and this language has
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no difference from the law. That is already been struck down twice in
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the courts.
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FEMALE VOICE 18: Okay. Appreciate it. Thank you.
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MALE VOICE 4: Thank you.
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MALE VOICE 1: Representative Stromswold.
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FEMALE VOICE 19: Thank you Mr. Chair. I have a question
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for the sponsor.
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MALE VOICE 2: Mr. Chair, Representative Stromswold.
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FEMALE VOICE 19: Mr. Chair, Representative Noland. I think
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I’m just kinda confused on the first page where it says you have to go
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to the election administration office. So if I’ve already been taking
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care of my parents’ ballots proceeded in the [unintelligible], would I
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have to go get the sheet and fill it out and notify them that I’m taking
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this? First, what does it not apply to the people listed on page 2, 18-
24
22?
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MALE VOICE 2: Mr. Chairman, Representative Stromswold.
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Yes. You do have to fill out paper workout. Is it a pain? It’s a little bit.
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Is it integrity? Was it what we’re trying to accomplish, we’re trying
to save, protect? And one of the most important things we have in this
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state and in the country. And that’s our vote. If it’s misguided and it’s
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mistrusted or misplaced, you have the responsibility and so does the
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person that you’re given that to. That opportunity to [unintelligible].
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It’s important.
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FEMALE VOICE 19: Okay. Thank you.
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MALE VOICE 1: Thank you. Representative [unintelligible].
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Waves off. Representative Skees.
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MALE VOICE 10: Thank you Mr. Chair. My question is for Mr.
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Corson.
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MALE VOICE 7: Representative Skees.
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MALE VOICE 10: Thank you Mr. Corson or coming in. We just
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heard from the COBB that acquaintance has been ruled
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constitutionally vague. Is that true?
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MALE VOICE 7: Mr. Chair, Representative Skees. I’ve looked
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at that and it is defined in 1335 702. Acquaintance means individual
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known by the voter.
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MALE VOICE 10: Excellent. Mr. Chair, follow up please.
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Male Voice 1: Follow up.
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Male Voice 10: So Mr. Chair, Mr. Corson, so then it’s not been
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ruled unconstitutional ‘cause it’s in our code.
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MALE VOICE 7: Mr. Chair, Representative Skees, so the court did

we are trying this initiative to urge this bill to protect the integrity of
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the vote and to all aspects of what do we collect it, how do we get
people to register and sign their names so that it’s protected and it’s
looked at. We’ve heard somebody saying that they looked at every
register. That’s great. We need to continue with that. Thank you.

MALE VOICE 10: Mr. Chair. Can I have one final question
please for Ms. Smith from Montana Women Vote?

MALE VOICE 1: Okay.

MALE VOICE 10: Thank you Mr. Chair. Ms. Smith, we’ve heard
many things today. One of them is about democracy. Of course we are
not. We are constitutional republic. We’ve heard that Montanan
election has always been, have not been bankrupt forever. We know
that still need [unintelligible] by the senator for sale. So my question
is, does Montana, because you are sure that you guys are non-partision,
does Montana women vote actually indoors in races?

FEMALE VOICE 10: Mr. Chair, Representative Skees, no, we do not.

MALE VOICE 10: Thank you.

MALE VOICE 1: Thank you. Seeing no further questions, I’ll ask
one question to, same question to the sponsor and to Mr. Corson. I was
wondering your opinion on why we didn’t get a legal note if everybody
says it’s unconstitutional.

MALE VOICE 2: Well, Mr. Chair, have you had any connectors
or cables here? Have you had any problem getting legals back in some
of your committees?
MALE VOICE 1: No, sir.

MALE VOICE 2: I have. That’s ‘cause you’re the church judiciary, so you wouldn’t dare. So Mr. Corson.

MALE VOICE 7: And thank you Mr. Chair for the question. So in terms of legal review, the only office is our staff attorney on board. We reviewed it for the types of duties and responsibilities we already have, knowing the changes you can see interlined or underlined throughout the document. It’s proposed legislation which is that, the... that would be good work for this. At the description of the sponsor to provide for the committee for consideration.

MALE VOICE 1: Thank you. You should become a politician.

That’s it when the bill sponsor would like to close on his bill.

MALE VOICE 2: I would. Thank you. Thank you for your patience on a hot afternoon in [unintelligible] room anyway.

MALE VOICE 1: You can say it’s snowing.

MALE VOICE 2: The heat is coming from the front of the room, but anyway. Members that are not afraid, of delegation, we heard a lot of fear, why would we do this? We’re gonna... this would come after. We... this would come after. We

MALE VOICE 7: And thank you... What is wrong with defining where we drop off ballots? I heard from a question that one of our representatives asked how many do we have now he’s safely talking about a belief in a tribal area and there’s one up to four maybe more. We know where these are at. Members, what is our job as legislators? Make law. Okay. If we have a bad luck, we need to resend it and make something better.

We are here ninety days and we are here to ask to make a decision. If a court makes a bad ruling, does that stop us from making that a good law? Is because they did something wrong? That’s my thought. So I’ll pose that we do our best to make the protection of the ballots as sacred and special as they are. I [unintelligible] this so I wanna get back to this. We are all adults. Everybody’s voting. And who are voting? Can we each figure out where to vote, as adults, and how to vote? Example I would like to use. If you have your driver license gonna expire, guess what, everyone of us, I think everybody would go figure out I gotta get that driver’s license renewed. Voting, we know where it’s gonna drop our ballots off. We know there’s a time frame. This is not a hard thing. People have made it become a hard thing. So people wait till the last minute but it’s integrity to vote. You and I and every person in this state of Montana knows when we vote.

Now some people forget, so we have people reminders. We send out mailing and we do a lot of things to help the good folks to know when there’s supposed to get the ballots in. Members, we have a charge to do the right thing and today I’m telling you, to ask you to do the right thing here is to, just like we go get our license renewed, our driver’s license renewed, we get our ballots in and we get them dropped in the right place and House Bill 406 helps us to do that. So I mention this I’ll say, I guess one more time, we had bad luck, and that’s changed a lot. And that’s what we are here to do on House Bill 406. This bill gives guidance to organizations in some situations. Some people need that. We have... we’ve heard it will be hard for people to get to their vote and to be positive. And I just want to read in page 2 line 15 is what I want to quote. “You can get it taken to election official and the postal service workers can do this individual, specifically authorized by law to transmit United States mail, again a caregiver, a family member, a household member or an acquaintance.” This is not that we’re trying to make it difficult. It looks like my time is up. Before I get water thrown on me, members please, this is important. Our apologized to in advance for not having any other proponent here. I don’t order that, but I had confirmation that they would be here until probably because of the late hour and they thought it was happening earlier. I apologize to that. It’s a good bill. Please consider it. Thank you.

MALE VOICE 1: Thank you and for future reference once the time goes off, you have approximately 60 seconds left. So you have plenty of time.

MALE VOICE 2: So in conclusion, I...

MALE VOICE 1: This closes the hearing on House Bill 406.


MALE VOICE 11: Mr. Chairman, I do pass House Bill 406.
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<tr>
<th>Page 38</th>
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<tbody>
<tr>
<td>1</td>
<td>This is a great bill. We need this bill. Thank you.</td>
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<tr>
<td>2</td>
<td>MALE VOICE 1: Thank you. Representative Tenenbaum.</td>
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<td>3</td>
<td>MALE VOICE 9: Thank you Mr. Chair. I’m against this bill. It just puts some more bureaucracy in between a person’s ballot and the ballot box. It’s not even a solution in search of a problem. It’s just a problem in search of a problem.</td>
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<td>4</td>
<td>MALE VOICE 1: Haven’t put it that way. Seeing no other questions, I’m gonna actually take the last and I just... I haven’t recognized that in case you wanna read the rules. But anyway, I was only gonna make a comment on that. I questionably scratch my head that almost all the opponents really talked about male ballots. They didn’t talk about, you know, absent T ballots. There’s a difference between absent T and all male ballots. With that said, I’ll do a roll call vote.</td>
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<td>5</td>
<td>MALE VOICE 20: Vote.</td>
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<td>6</td>
<td>MALE VOICE 1: Chair Usher.</td>
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<td>7</td>
<td>MALE VOICE 1: No.</td>
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<td>8</td>
<td>FEMALE VOICE 1: Motion veils 7-12.</td>
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<td>9</td>
<td>MALE VOICE 1: Discuss back on the bill. Representative Carlson.</td>
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<td>10</td>
<td>FEMALE VOICE 7: Thank you Mr. Chair. I think this is a good bill and I think that we have adequate authority to make laws and I think that we should do that.</td>
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<td>MALE VOICE 1: Representative Stafman.</td>
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<td>12</td>
<td>MALE VOICE 7: Thank you Mr. Chair. Mr. Chair, we’ve heard from witness after witness after witness that this will affect an impact, the negative way, the ability to vote, especially on the reservations and other circumstances as well. The sponsor said well you need this because she need more voter integrity but there is no problem with voter integrity. There’s not a single documented case where voter integrity were irregularity in Montana. So it’s hard to believe that that’s really the claim when the natural result of this bill would be impressed to support this vote. So I see this is a voter suppression bill and I’m against it. Thank you Mr. Chair.</td>
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<td>13</td>
<td>MALE VOICE 10: Thank you Mr. Chair. I support this bill. I think it’s a collection integrity bill. The election bill often calls. We have some very strange at rules. If we just look at the ballot box itself, that chain that the custody that’s the secretary stimulation the election officers have to go through with that box. Can everyone be left alone? I mean you just follow that and we heard that the testimony about all these things if you just pick up a handful stuff. It’s a fact that if we don’t have any registry complaints it means nothing. There are definitely can be some mechanic ability problems with this. All of us can [unintelligible]. The constitution says it’s our judge to ensure the purity of elective process. So if there’s a chance for this to go back, another final component it is as I remember several years ago, with the secretary state I asked to go, be a poll watcher on a reservation and they say oh no. They won’t let you watch. So there’s another whole angle that can come to this at the ... if you go down that road.</td>
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<tbody>
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<td>1</td>
<td>FEMALE VOICE 1: Representative [unintelligible].</td>
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<td>2</td>
<td>MALE VOICE 14: Yes.</td>
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<td>3</td>
<td>FEMALE VOICE 1: Representative Stafman.</td>
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<td>4</td>
<td>MALE VOICE 7: No.</td>
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<td>5</td>
<td>FEMALE VOICE 1: Representative Lenz.</td>
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<td>6</td>
<td>MALE VOICE 15: Aye by proxy.</td>
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<td>7</td>
<td>FEMALE VOICE 1: Representative Gillette.</td>
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<td>MALE VOICE 16: Aye by proxy.</td>
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<td>9</td>
<td>FEMALE VOICE 1: Representative [unintelligible].</td>
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<td>10</td>
<td>MALE VOICE 17: Yes.</td>
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<td>FEMALE VOICE 1: Representative Tenenbaum.</td>
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<td>12</td>
<td>MALE VOICE 9: No.</td>
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<td>FEMALE VOICE 1: Representative Bishop.</td>
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<td>14</td>
<td>MALE VOICE 18: No.</td>
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<td>15</td>
<td>FEMALE VOICE 1: Representative Hinkle.</td>
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<td>16</td>
<td>MALE VOICE 18: Yes.</td>
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<td>FEMALE VOICE 1: Representative Hawk.</td>
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<td>18</td>
<td>MALE VOICE 8: No.</td>
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<td>19</td>
<td>FEMALE VOICE 1: Representative Skees.</td>
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<td>20</td>
<td>MALE VOICE 10: Yes.</td>
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<td>21</td>
<td>FEMALE VOICE 1: Representative Farris-Olsen.</td>
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<td>22</td>
<td>MALE VOICE 19: No.</td>
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<td>23</td>
<td>FEMALE VOICE 1: Representative France.</td>
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<td>24</td>
<td>MALE VOICE 20: No.</td>
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<td>25</td>
<td>FEMALE VOICE 1: Chair Usher.</td>
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MALE VOICE 1: Yes.
FEMALE VOICE 1: Version passes 12-7.
MALE VOICE 1: House Bill 406 has passed. House Judiciary.
The [unintelligible] we'll look for our next sponsor. I think she's across the hall. It's not quite that time.