

# **EXHIBIT M**

House Bill 406  
Audio Transcription  
House Judiciary Hearing  
February 23, 2021

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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  
 23 talks about the ballot collection. I know you can read, but I'm gonna  
 24 just cover a couple of things. Like in Point A, it says it must be a  
 25 resident of the state that has the right in that sections. B, may not be

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1 paid anything or valued based on the number of ballots collected. C,  
 2 shall register with election administrator in each county where the  
 3 individual tends to collect them and convey ballots. In line 23, full  
 4 name. 24, mailing address, occupation, employer and any entity the  
 5 individual is affiliated with and collecting and conveying ballots.  
 6 Turn the page. Page 2. I wanna just skip down to section 2 where it  
 7 talks about ballot collection prohibited and exceptions. And the word  
 8 says 2A. a person may not knowingly collect another person's...  
 9 another voter's voted or unvoted ballot. Then in 2, it says except the  
 10 writer of this subsection, an election official, an United States postal  
 11 service worker, a caregiver, a family member, a household member  
 12 or an acquaintance. In line 25, it says all is subject to penalty and it's  
 13 established in 13-35-705 and then concluding on page 3, on ballot  
 14 collection and convince for each ballot delivered to the point place.  
 15 I'm gonna skip down to number 10. It says [unintelligible]. It says a  
 16 sign form from the border conveying permission to the individual's  
 17 ballot to be collected. Election administrators shall ensure that the  
 18 signature on the form is verified and shall compare the signature with  
 19 the border registration. Dearest committee, this is vital. This is  
 20 important. We need to safeguard the integrity of the vote and the  
 21 collection of the ballots [unintelligible]. Thank you. Choose me. I'll  
 22 sit for questions.  
 23 FEMALE VOICE 1: Thank you. [unintelligible] proponents. Up  
 24 here proponent online, please raise your hand. The proponents in the  
 25 room. Before we get going, please... if you're testifying, please stay

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1 and spell your name and who you represent for the record. If you have  
 2 any exhibits for the testimony, please give them to the representative  
 3 at the ends of the table. Please don't read your testimony or repeat what  
 4 has already been said. Any proponents? Moving to opponents. Any  
 5 opponents in the room? We'll start with opponents online. Jaime  
 6 MacNaughton?  
 7 FEMALE VOICE 2: Madam Chair, members of the committee,  
 8 my name is Jaime MacNaughton. That's J-A-I-M-E M-A-C-capital N-  
 9 A-U-G-H-T-O-N. My chief legal council for the office of  
 10 Commissioner of Political Practices. [unintelligible] is an attorney for  
 11 the status to point out situations and propose legislation that might  
 12 implicate constitutional rights of individuals or groups. I put those  
 13 under my... keep those under my core job duties. So one of the ways  
 14 that I do that when I'm involved in legation is that I don't try to bring  
 15 legislation before the committee, before individuals or groups, rights  
 16 that have been fully indicated in the course. That way I have some sort  
 17 of guide pulls or side wheels to put on legislation to help legislators in  
 18 crafting legislation that might survive constitutional scrutiny. And  
 19 there's once your mayor may not be aware this currently two district  
 20 court actions. Well, there are two actions that are ongoing. There were  
 21 decisions last fall. I wanna say September or October at [unintelligible]  
 22 county that affected the ballot interference protection act or as we call  
 23 it [unintelligible]. Those cases are currently at the Montana Supreme  
 24 Court and there's a pause briefing right now as we're waiting to find  
 25 out where the final determination is going to be. So I want to talk about

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1 the differences between what's currently on the books under  
 2 [unintelligible] and how House Bill 6 would change. Because if we  
 3 changed that at this point of time, we could end up in further levigation  
 4 levigating this new bill. So House Bill 406 will just not address the  
 5 holding and one of the cases that appointments and family member are  
 6 unconstitutionally big and don't survive [unintelligible] strict  
 7 underneath their constitution. This case also helps that the appointment  
 8 was unconstitutionally big. House Bill 406 also adds additional burden  
 9 to the voter's right to vote by requiring that the voter signs a form,  
 10 granting permission to the collector to collect their ballot which then  
 11 must be burned in by the local collection administrators. That record  
 12 keeping duty is going to be placed on the election administrators and  
 13 that increases big burden they already have with the administration  
 14 [unintelligible]. House Bill 406 also narrows the application of  
 15 [unintelligible] but only at the ballots delivered to the point face or the  
 16 election administrator's office. That might seem good on the surface.  
 17 Part of the reason that the bullet helps the constitution is at the district  
 18 court level. It does not apply all ballots that are collected. For example,  
 19 some [unintelligible] service box or returned by mail. It also  
 20 experienced the exemptions to displace the deposit. And these  
 21 exemptions were held arbitrary, irrational, discriminated...  
 22 FEMALE VOICE 1: Ma'am. Ma'am I need to have you finish  
 23 up.  
 24 FEMALE VOICE 2: Okay. Sure. And the constitutional day. It  
 25 also clarifies the violation of [unintelligible] is criminal but that is

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

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

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

25 FEMALE VOICE 1: Yes. First off, any question from committee

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1 before you go? No?

2 FEMALE VOICE 3: Thank you.

3 FEMALE VOICE 1: You may be excused. Thank you. Next  
 4 opponent.

5 FEMALE VOICE 4: Good afternoon, Madam Chair, members  
 6 of the committee. My name is Rachel Schmidt, for the record, S-C-  
 7 H-M-I-D-T. And I'm here representing the interests of the Associated  
 8 Students of Montana State University. I just wanted to know I think  
 9 it's very common knowledge that voter turnout among young people  
 10 is pretty low, especially true of our college students. And ASMSU and  
 11 our partners has been working really hard to try to change that trend.  
 12 In the past, one of the meaningful ways we've been able to do this is  
 13 by providing ballot drop across the campus. And so, our third party  
 14 ballot drop in the past have been placed where students can come and  
 15 securely drop off their ballots. There's an ASMSU full-time staff  
 16 there at all times. They're not even allowed a bathroom break until  
 17 they're obviously placed by another staff. These ballots are picked up  
 18 frequently or deliberately frequently. They are placed in strategically  
 19 public locations so that people can't mess with the boxes, like dorms,  
 20 like the dinning hall, centennial mall where there's woman  
 21 [unintelligible]. And the box itself is actually closed and secured so  
 22 that people can't rummage through it while someone is looking in the  
 23 other direction or something like that. And I think this bill will  
 24 continue to take away a meaningful way to collect ballots and ensure  
 25 that young people are unable to access their right to vote easily. And

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1 there's safety nuts in place to make sure that ballots are actually  
 2 delivered and [unintelligible] the voter page of the secretary offices are  
 3 a really great way to check this out of the ballots and I'm concerned  
 4 that this bill addresses a fear of voter fraud where there's actually  
 5 limited to know evidence out in Montana and because I believe that  
 6 this committee should be driven by the principles of democracy and  
 7 urge that do not pass today. Thank you.

8 MALE VOICE 3: Good afternoon, Mr. Chair, members of the  
 9 committee. Keaton Sunchild, political director for Western Native  
 10 Voice, S-U-N-C-H-I-L-D. We heard from the opponent earlier about  
 11 the [unintelligible] lawsuit and I just wanna read a small section of that  
 12 when the lower court made their decisions. That's it. This case and the  
 13 facts presented at trial turned a spotlight to my fellow citizens that still  
 14 live below the poverty line with limits to healthcare, government  
 15 services, male services and election offices. And those citizens are  
 16 native Americans. This bill is another attempt to cut into our right to  
 17 vote and especially on reservations. There are reservations and  
 18 members on these reservations are traveling up to 167 miles. And  
 19 that's a lot of gas. That's a lot of time off from work. You're losing  
 20 money paying for the gas. You're losing money by taking time off from  
 21 work. And transportation itself can be hard to be secured, especially  
 22 on reservations. And you know, this, being able to collect ballots and  
 23 deliver ballots as our organizers did is a lifeline for folks and  
 24 reservations. They need this to have their voice heard, and our electoral  
 25 process and our organizers after extensive organizer training and going

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1 through numerous sections of how to safely and securely collect  
 2 ballots collected over 555 ballots in the 2020 General Election on our  
 3 seven reservations in Montana. So in our opinion, this bill does nothing  
 4 to protect our elections that are already safe, that are already secure.  
 5 All it does is to protect people that are in power and their ability to stay  
 6 in power rather than giving people the right to vote in our elections. So  
 7 I'll be back here for questions with that we ask for a do-not-pass.  
 8 Thank you.

9 MALE VOICE 1: Thank you.

10 FEMALE VOICE 5: Good afternoon, Mr. Chair, members of the  
 11 committee. For the record, my name is Katjana Stutzer, K-A-T-J-A-N-  
 12 A S-T-U-T-Z-E-R. I'm here on behalf of the Montana Public Interest  
 13 Research Group, or MontPIRG. And I'm sure that this bill seems early  
 14 familiar because it's substantively the same as the ballot here for  
 15 protection act was overturned as unconstitutional last year. And I knew  
 16 you've already heard from another opponent what the legally dubious  
 17 bits of this bill are, but I'll also point out that there's only a  
 18 substantively change in this version is being introduced. It's removing  
 19 the sic ballot collection cap which is not the lynchpin of the ruling that  
 20 I found it unconstitutional. So we believe that this bill isn't different  
 21 enough and I wouldn't fall for the same fate. I'd also add that  
 22 according to this record of delivery, it's gonna add a burden on our  
 23 clerks who need to create a registry to report who's turning in those  
 24 ballots. It's a new piece. And they need to find the signature of who's  
 25 turning them in, who's doing the collecting, which creates this kind of

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1 conundrum like what if this, you know, they are legal to turn the  
 2 ballot, they're the spouts but they're not registered to vote. Then, you  
 3 know, the election doesn't have many ways. They don't have that  
 4 signature on file. This is just extra hoops for our clerks to have to  
 5 jump through with this new record of the delivery system. And also  
 6 we feel that it'll be a violation of privacy, having to disclose our  
 7 relationship to the person who's delivering the ballot. There are  
 8 reasons that folks might not wanna do that. And then lastly, we will  
 9 just add that the high penalty for criminalizing, you know, sort of  
 10 violating this process to vote by [unintelligible] any ballot collection  
 11 to recur to all, we know from [unintelligible] from what the folks are  
 12 telling you that this is an important services that our community to  
 13 help make sure folks can vote. So overall we will encourage that do  
 14 not pass on to House Bill 406.

15 MALE VOICE 4: Chairman, members of the committee, Sam  
 16 Forstag, F-O-R-S-T-A-G, here on behalf of the American Civil  
 17 Liberties Union of Montana. We arise an opposition of House Bill  
 18 406 and without going into depth, what's already been said, the  
 19 ACLU of Montana was party to the lawsuit, both lawsuits and  
 20 question here, question of native voice versus [unintelligible]. It was  
 21 mentioned by a previous opponent to this bill that the former of those  
 22 cases. It's been appealed to the Montana Supreme Court. I do have a  
 23 copy here of a motion a state of proceeding the department of justice  
 24 just yesterday. I will provide a digital copy of that for committee  
 25 staff and I hope that committee members will have the time to review

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1 that. This is not a court case pending relegation. This is a court case  
 2 that has a permanent junction file against it, for [unintelligible] and  
 3 this bill in particular, has no substantial difference from  
 4 [unintelligible] apart from that six ballot cap which was in no way,  
 5 crucial or keepies of those rulings. Often you see me coming before  
 6 you. You see ACLU before you saying that law will likely to be  
 7 relegated, will be relegated. This is a step beyond that. This is law  
 8 that has been relegated, that has been ruled down by multiple district  
 9 courts and the State of Montana and I offered you that as in the court  
 10 considering fifty plus bills over the court in three days, I hope that  
 11 you do take pause and consideration of this bill because it will cause  
 12 the State of Montana money to relegate, to process this bill that we  
 13 already know its rule or we already know the result of it. I know that  
 14 some committee members here do not like constitutional arguments  
 15 that are made from ACLU in front of this committee. This is not a  
 16 question of a case that was ruled down twenty years ago. This is not  
 17 a question of a case that is under appeal. These are two cases ruled  
 18 down two to three years. And I will offer to you that the responsible  
 19 thing to do on behalf of Montana voters is to vote on this bill, to table  
 20 it and to trust that the Supreme Court or district courts has no  
 21 intention of reversing themselves within two years of multiple  
 22 rulings. The final thing I'd like to add is of course to spoke of the  
 23 sponsor invent this bill. I have no question to pause attention behind  
 24 this bill. The question simply is what the result would be, the results  
 25 would be [unintelligible] American communities. The results would

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1 be guaranteed, overturning of this law and waste the taxpayers' dollars.  
 2 So I urge to vote on 406 and I appreciate your time. Thank you.

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

6 MALE VOICE 4: You know I talk quite through the timer. That's  
 7 true.

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

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

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1 as extra tackle like computers and finding office base. So with that,  
 2 Mr. Chair, thank you.

3 FEMALE VOICE 7: Good afternoon, Mr. Chairman, members of  
 4 the committee. My name is Kelly Twoteeth. For the record, that is  
 5 spelled T-W-O-T-E-E-T-H. I'm here with Montana Native Vote.  
 6 Montana Native Vote would like to take advice to vote no on House  
 7 Bill 406. We believe this bill has a long-lasting negative impact on  
 8 Indian countries by further complicating the already difficult process  
 9 of casting your vote, with country election offices fifty plus miles  
 10 away, residential addresses now exists in some areas. That shifting  
 11 ballot [unintelligible] pickup that was usually primarily by a travel  
 12 outers. As this will pass, I'm afraid it means it is on the [unintelligible]  
 13 the largest American cognitive nation, and that's Montana. Montana  
 14 has an excellent example with travel-to-go relationships. Now the  
 15 country looks at us for advice on how to have better relationships. In  
 16 2017, Montana had a record voter turnout rate in the country. I'd like  
 17 to say that was because [unintelligible] with Montana native vote. And  
 18 we... in 2017, I saw my home reservation on Canada. A lot of residents  
 19 were giving their ballots. I want to let you know that our organization  
 20 trains our staff so well. I was able to tell that this is what the pressure  
 21 I made to complain today to tell you that's why the native voice has  
 22 that case. So we are trained how to do this, how to pick up ballots. In  
 23 2019, we felt this capital hall for indigenous people to pass hands to  
 24 vote shouldn't be overlooked. Our vote can flip and exist. You can put  
 25 trip... a travel to be placed outside, but if you put votes on bills like

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1 this, this will feel at race. Please vote no. Our [unintelligible] for  
 2 indigenous people’s inner voice.  
 3 FEMALE VOICE 8: Mr. Chair, members of the committee. My  
 4 name is Daliyah Killsback, spelled K-I-L-L-S-B-A-C-K and I’m the  
 5 deputy of political director from Western Native Voice. As you’ve  
 6 already heard from my colleague Keaton Sunchild, our organization  
 7 urges committee to table House Bill 406. Ballot collection is often  
 8 one of the only ways that American Indians are able to participate in  
 9 democratic process and this bill will disproportionately impact our  
 10 communities especially those on the rural reservations. And this also  
 11 includes the elderly, disabled voters, low-income peoples and  
 12 working class families. Higher turnout for Indian country has been  
 13 proven in our data when ballots are collected. This bill makes vote  
 14 more difficult, and once Indian country already faces surmountable  
 15 barriers to vote as you’ve already heard and this is not new. Ever since  
 16 American Indians have had their right to vote in this country, our right  
 17 has been attacked by those that would place barriers for our peoples.  
 18 Montana was once the most dedicated state in the country for twenty  
 19 years beginning in the 1980s when it came to the right for American  
 20 Indians to vote. So again, this is not new. And as you’ve already heard  
 21 [unintelligible] has been levigated recently, every citizen should have  
 22 fair access to the democratic process and this includes American  
 23 Indians. So again, our organization urges you to table this bill. Thank  
 24 you.  
 25 Male Voice 1: Thank you. For the opponents in the room, for the

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1 opponents in the room, [unintelligible] we will go online at Ruthie  
 2 Barbour.  
 3 FEMALE VOICE 9: Thank you, Mr. Chair, members of the  
 4 committee. My name is Ruthie Barbour. I’m here on behalf of  
 5 Forward Montana. My last name is spelled B-A-R-B-O-U-R. we arise  
 6 an opposition for House Bill 406. The opponent before me had some  
 7 fantastic points. We know firsthand that there are many barriers that  
 8 Montana faced in getting their ballots to the election office. Distance  
 9 like about transportation and other socioeconomic factors, so ballot  
 10 collection is at times the only way for Montana voters to make sure  
 11 their voice... their votes are counted and their voices are heard. I think  
 12 it’s important to say again at the ballot protection act so  
 13 [unintelligible] was already levigated last year found to be  
 14 unconstitutional due to the [unintelligible] it caused. It will impose  
 15 on the native American communities in Montana. The minor justness  
 16 presented in this bill still fall under that broad really and do not  
 17 change this bill’s unconstitutional nature. On a different note in 2019,  
 18 there are a lot of school elections [unintelligible] these are counting  
 19 elections, offices, implementing [unintelligible], using different  
 20 interpretations due to lack of guidance and direction on how to  
 21 implement this policy. So much in 2019, this bill doesn’t count for  
 22 the additional funding and staffing likely to need to implement  
 23 [unintelligible] in a uniform way across the state. We’ve heard  
 24 countless times that there has not got single document in case  
 25 [unintelligible] violated to ballot collection in this state. Montana

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1 elections are and always have been safe and secure. This bill would  
 2 impose unnecessary restrictions and distance fringe high in Montana  
 3 voters in the name of election integrity and that’s a threat to our  
 4 democratic process. [unintelligible] was already rejected and this  
 5 effort would be time-consuming and potentially cause the attempt to  
 6 solve the problem that does not exist. So I urges committee to vote no  
 7 on this bill. Thank you.  
 8 MALE VOICE 1: Thank you. We’ll go to Ella Smith.  
 9 FEMALE VOICE 10: Thank you, Mr. Chair, members of the  
 10 committee. For the record, my name is Ella Smith, E-L-L-A S-M-I-T-  
 11 H. I’m the program director from Montana Women Vote and we’re a  
 12 state-wide organization of low income women and families. I’m sure  
 13 you all know committee members that it’s not just expensive in money  
 14 to be low income. It’s expensive in time ad there are a lot of issues that  
 15 low-income women and families struggle across the state that provide  
 16 barriers to the ballot box. We’ve seen recently that it takes a public  
 17 health crisis to take people from workers and parents to teachers and  
 18 public health enforcers and all of these issues are compounded when  
 19 applied to low-income families in Montana. So I wanna urge you to  
 20 take into consideration some of the previous great testimony from  
 21 other folks opposing this bill and we will urge, do not pass on House  
 22 Bill 406. Thank you so much.  
 23 Female Voice 1: Regina Plettenberg?  
 24 FEMALE VOICE 11: Madam Chair, members of the committee,  
 25 my name is Regina Plettenberg. That’s P-L-E-T-T-E-N-B-E-R-G. I am

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1 the election administrator in [unintelligible] County and I’m also the  
 2 legislated chair of Montana Association of Clerks and Recorders and  
 3 Election Administrators. And we do oppose this bill. Many people  
 4 have made good points on the legal part of this. I kind of... I just want  
 5 to speak for the voters. We were on the front line and we’ve got to hear  
 6 the voter’s response to the [unintelligible] when we enforced it 2019  
 7 and I had a county-wide election. This is just a fact for republicans or  
 8 democrats. I heard from all my voters they remembered voting on this  
 9 but they did not realize it was gonna read. They thought family  
 10 members, all those people, caregiver, household member,  
 11 acquaintance were exempts. From this apt, they didn’t think they had  
 12 to fill out the registry and I can tell you it’s thousands of probably  
 13 [unintelligible] that we heard from, so I don’t think the voters... I think  
 14 they understood what they were voting for. They don’t want... you  
 15 know, they want it to be careful with strangers but I think that they also  
 16 want to be able to give that out. That’s not everyone. But that’s... you  
 17 know, the voters that I heard from did struggle with that. And so, we  
 18 just feel that this is putting that back and of course I’m a little confused  
 19 on the new section 1 with the ballot collection. I’m wondering now  
 20 why it requires people to fill out a form before they collect a ballot and  
 21 also a form on conveyance of the ballot. I don’t know how that all  
 22 works together again. It’s vague again. So will we implement this, I’m  
 23 wondering? Do we make the determination right away? It sounds like  
 24 we have to because if a ballot is in violation, then we have to make a  
 25 provisional ballot and so that is gonna be a lot of work that we have

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1 to do quickly to make that determination and to reach out to the  
 2 voters. So this would be another tough one to implement. I think it's  
 3 even tougher than the first version. So for all these reasons, we hope  
 4 this committee will not pass this bill. Thank you.

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

6 FEMALE VOICE 12: Thank you Mr. Chairman, members of the  
 7 committee. Alanna Wulf, that's A-L-A-N-N-A W-U-L-F. I'm here  
 8 on behalf of Big Sky 55+. For all the reasons previously stated, for  
 9 those many elderly, immobile, limited individuals across the state rely  
 10 about the collection to have their ballots delivered on time. I urge you  
 11 to vote no on this bill. Thank you for your time.

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

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

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1 reservations, most of all have to have others pick up their mail for  
 2 them. [unintelligible] tribes voted on Montana elections to the  
 3 collections and conveyance of their ballots to the local election office  
 4 by community members and third parties. Most of the tribes and  
 5 Montana included [unintelligible] only five months ago, when a loss  
 6 declaring them. There's constitutional court found [unintelligible]  
 7 like you heard, are provident to collect ballots more than 6,000  
 8 Indians collected to sign the registry form on a fundamental right  
 9 book protected by the Montana constitution violates our fundamental  
 10 right, freedom of speech, violates the right to do process. House Bill  
 11 406 has even more strange than [unintelligible]. It's unconstitutional  
 12 for the same reasons. Like [unintelligible], House Bill 406 would be  
 13 subject to a strict rule, which means that the state must show that the  
 14 laws nearly table to serve the compelling government like... just like  
 15 [unintelligible]. House Bill 406 does not serve the compelling  
 16 government or interests. The [unintelligible] levigation the court  
 17 found that all testimony by election administrators was that ballot  
 18 collection was not and has never been a problem on Montana. The  
 19 state admitted that there's not a single example of voter fraud in  
 20 Montana caused by the ballot collection. Any suggestions that there's  
 21 a voter fraud here in American reservations is a lie. There's no  
 22 evidence of voter fraud on voter's ballot reservations and it's  
 23 disrespectful to local charge a fraud and communities without  
 24 providing any evidence. It's even worse to legislation based on these  
 25 lies making it harder for our communities to vote. Make no mistake,

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1 House Bill 406 will make it very difficult for our tribal members to  
 2 vote, our tribal members to live on and our reservations  
 3 disproportionately rely on a ballot conveyance in order to participate  
 4 in Montana elections. We are already proven in court that on our  
 5 reservations it is common that people need cars and gas to collect mails  
 6 for others and take it to the post office. The exceptions for the family  
 7 member waiting to not equitably cover the type of mail, pick up and  
 8 drop off occurs to the community. The type of mail pick up and drop  
 9 off is widespread in our community because it's very difficult to access  
 10 mail. We have to pull resources to overcome burdens. Sizeable  
 11 numbers of our tribal members are unemployed that live lower than  
 12 the poverty level. The vehicles in our reservations are sometimes  
 13 scarce and often shared. Limits on our healthcare government services,  
 14 mail services and election offices make have caused associated House  
 15 Bill 406 simply too high...

16 MALE VOICE 1: Please wrap it up.

17 MALE VOICE 6: Okay. There's one thing I could tell the  
 18 committee and Mr. Chairman. Because the court already found the  
 19 unconstitutional and the burdens placed on our community members,  
 20 it tends to pass this bill that imposes the same burdens that  
 21 substantially discriminating. The [unintelligible] community  
 22 strongly opposes the adoption of House Bill 406. Thank you Mr.  
 23 Chairman and members of committee.

24 MALE VOICE 1: Thank you. Joan Kresich? Kresich?  
 25 FEMALE VOICE 13: Thank you, Chair and committee members.

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1 My name is Joan Kresich, K-R-E-S-I-C-H. I live in [unintelligible]. I  
 2 arise an opposition to this bill as the member speaking on behalf of  
 3 [unintelligible] Resource Council. I'm going to eliminate much of my  
 4 testimony because of powerful testimony that proceeded me. I just  
 5 want to say that with respect to the sponsor, this bill is a solution in  
 6 search of the problem which clearly does not exist. Several people  
 7 have pointed out that there is no documented case of voter fraud in  
 8 Montana and no problem with ballot collection is working and it's  
 9 working just mine. Several people have gone over the issue of the  
 10 unconstitutionality of this bill. It's sad to think about putting  
 11 something forward that is absolutely going to face a legal challenge.  
 12 And that means that we citizens will be paying for this. Also I think  
 13 there was really clear testimony about the confusion this is going to  
 14 cause in terms of a registry, how that's going to function, extra burden,  
 15 really sounds like will just lead to chaos on vote today which we don't  
 16 need. So I'm gonna stop there but I do feel like it's really clear that  
 17 this bill is not needed. It's not going to help things. It's not going to  
 18 support people to vote and it's probably unconstitutional. So please  
 19 oppose this bill. Thank you.

20 MALE VOICE 1: Thank you. Let's try going back to Patrick  
 21 [unintelligible]. I see you are not able to move your pictures. So we'll  
 22 go to Danielle Vazquez.

23 FEMALE VOICE 14: Hi. Good afternoon, Mr. Chair and  
 24 members of the committee. Thank you for allowing me to speak today.  
 25 My name is Danielle Vazquez. For the record, that's V-A-Z-Q-U-E-Z.

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1 Today I speak on behalf of both myself and the Indigenous  
 2 Organization of Montana and we arise a strong opposition to House  
 3 Bill 406. In addition to all those things that have already been said,  
 4 we believe that this will create so many barriers for voters to cast their  
 5 vote and would have a specially harmful impact on those living on  
 6 reservations. And on the personal voters of depression, there's not an  
 7 election integrity. Again, we are asking you to vote no on this bill.  
 8 Thank you.

9 MALE VOICE 1: Thank you. Margaret Bentwood?

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

24 MALE VOICE 1: Thank you. We'll try Patrick one more time  
 25 to see if your pictures will move. No. No. The picture is still there. So

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1 my suggestion is you submit your testimony via written testimony,  
 2 you can email that in. Any further opponents? Any opponents in  
 3 person or online? Seeing non. Informational witnesses.

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

7 MALE VOICE 1: Any additional informational witnesses on  
 8 House Bill 406? Seeing non. Questions from the committee.  
 9 Representative Hawk.

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

11 MALE VOICE 3: Mr. Chair, Representative Hawk.

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

16 MALE VOICE 3: Yeah. A lot of the drop boxes are still along  
 17 with from villages so you are still traveling. A lot of folks don't have  
 18 access to reliable transportation, especially in a year like this. Our  
 19 elderly couldn't leave their houses without risking their lives. You'd  
 20 never know with weather in November of Montana, people might not  
 21 feel safe driving and you know I think, I mean the closest drop boxes  
 22 is four miles from some reservations and 16 in different ones. And  
 23 that doesn't seem like a long way for us but a rural Montana that could  
 24 be long ways in the winter if you don't have a good car or not. But if  
 25 you have somebody like an organizer or an organization who can

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1 safely and securely drop off those ballots at the election office or those  
 2 drop off locations, then it makes a lot easier for everybody.

3 MALE VOICE 1: Follow up.

4 MALE VOICE 8: Follow up. How many boxes are there per  
 5 reservation would you know?

6 MALE VOICE 3: Mr. Chair, Representative Hawk. It kind of  
 7 depends based on reservation and population. Some have one, some  
 8 have up to four or five.

9 MALE VOICE 8: Representative Carlson.

10 FEMALE VOICE 16: Thank you Mr. Chair. Mr. Representative,  
 11 please. Mr. Chair, representative, for me, this entire bill right now is  
 12 hinging on what's your definition of acquaintance.

13 MALE VOICE 2: Okay. Thank you Mr. Chair and Representative  
 14 Carlson. I did want a touch on that. When you look at page 2, which  
 15 I'd refer it to, start at line 13 and "acquaintance" goes down to number  
 16 24 and I'm gonna get to that. Caregiver, family member or household  
 17 member and acquaintance. We have left that open so that people don't  
 18 have to be worried that they can't get somebody pick up their ballots.  
 19 It's somebody that you know. It's pretty simple. We are not trying to  
 20 discourage it but we just want to have it listed so that people would do  
 21 the procedure to get their ballots into the right places into the boxes in  
 22 a timely manner in a roll. That's the end of the question I'm sure.

23 FEMALE VOICE 16: Follow up.

24 MALE VOICE 1: Follow up.

25 FEMALE VOICE 16: And hank you. Mr. Chair and

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1 Representative. Also we've heard a lot about [unintelligible] today.  
 2 [unintelligible] had a very strict limit of six ballots per collector and  
 3 I'm not seeing a limit per person to collect in this bill as long as that  
 4 person registered as required in new section 1. Am I correct?

5 MALE VOICE 2: Mr. Chairman, Representative Carlson. That is  
 6 correct. And we want to elaborate on it a little bit. The process what  
 7 we are trying to accomplish have a lot of testimony is bounding that  
 8 we are limiting people's opportunity. We are not trying to do that. This  
 9 bill does not do that but it does give the boxes and the spot for people  
 10 of six or eight as they follow the guidelines, they can collect those.  
 11 Now, I guess I'll say my last for closing later.

12 FEMALE VOICE 16: Follow up.

13 MALE VOICE 1: Follow up.

14 FEMALE VOICE 16: Okay. So adding those Mr. Chair,  
 15 Representative, adding my two questions together. We come up with  
 16 if there was an organization such as what's representative to us by a  
 17 witness just a minute ago. And they had made an acquaintance in the  
 18 area that they were helping with ballots and they were following the  
 19 procedures on page one and filling out the forms as we required with  
 20 this signature of the voter and there is no limit to the number of the  
 21 ballots per registered collector. I'm not seeing the problem that was  
 22 represented in the testimony today so I wonder if I'm missing  
 23 something very important because I'm seeing... I'm not seeing the  
 24 problem. Can you add if I miss anything important?

25 MALE VOICE 2: Yes. Thank you. You are not missing something

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1 important other than the fear factor. People are afraid of some change.  
 2 This is a change. We are not denying it isn't as far as recording. To  
 3 help further answer your question, that came up. People don't... We  
 4 need to make sure that the ballots are collected appropriately and  
 5 timely. This, as you just stated pretty eloquently, their acquaintance  
 6 could be individual that they know. We are not trying to hinder this  
 7 but we are trying to make sure that the ballots are done in a timely  
 8 manner. I'll address that for my close.  
 9 FEMALE VOICE 16: Thank you Mr. Representative, Mr. Chair.  
 10 MALE VOICE 1: Representative Tenenbaum. Your had your  
 11 hand up or it's not.  
 12 MALE VOICE 9: Thank you Mr. Chair. I have a question for  
 13 Mr. the sponsor.  
 14 MALE VOICE 1: Okay. Mr. Chair, Mr. Tenenbaum.  
 15 MALE VOICE 9: Mr. Chair, Representative Noland. Have there  
 16 been any documented cases of voter fraud or ballot interference on  
 17 reservations?  
 18 MALE VOICE 2: I would have to say on the reservations that I  
 19 am aware of. I would probably conclude that I don't have any of that.  
 20 I can only testify those that I personally saw not on the reservations  
 21 but in person.  
 22 MALE VOICE 9: Mr. Chair, follow up.  
 23 MALE VOICE 1: Follow up.  
 24 MALE VOICE 9: Mr. Chair, Representative Noland. When you  
 25 saw those violations, what was the result of them when you reported

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1 them?  
 2 MALE VOICE 2: Mr. Chair, Representative, right?  
 3 MALE VOICE 1: Representative Tenenbaum.  
 4 MALE VOICE 2: Tenenbaum. I don't see the name up there.  
 5 Sorry. Representative Tenenbaum, so the process as a poll watcher, I  
 6 was the poll watcher facilitator and when that came when the ballot  
 7 box came late, and I reported it to our attorneys, the attorneys turned  
 8 that in and that particular ballot box was supposed to, I don't know  
 9 where, when after that, that was supposed to become a provisional  
 10 ballot. Box, the whole box.  
 11 MALE VOICE 9: Thank you Mr. Chair. Thank you  
 12 Representative.  
 13 MALE VOICE 1: Representative Kelker.  
 14 FEMALE VOICE 17: Thank you Mr. Chair. Questions for Ms.  
 15 MacNaughton.  
 16 FEMALE VOICE 2: Mr. Chair, Representative Kelker.  
 17 FEMALE VOICE 17: Mr. Chair, Ms. MacNaughton. In your  
 18 capacity, working with the laws that are... concerning how the ballots  
 19 are handled so forth, do we in law already require that are people who  
 20 work at the polls to compare the signature of the voter on the ballot  
 21 envelope that is sent in or brought in?  
 22 FEMALE VOICE 1: Mr. Chair, Representative Kelker. That is  
 23 actually the function of the local election administrators and that  
 24 might be a better question for Regina Plettenberg.  
 25 FEMALE VOICE 17: Refer to Regina, please.

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1 FEMALE VOICE 11: Madam. Chair, Representative. I'm sorry I  
 2 didn't fully hear the question.  
 3 FEMALE VOICE 17: I'll ask you again. Ms. Plettenberg, when  
 4 a ballot comes in, wither in the mail or in person, do the folks too are  
 5 doing the poll watching and doing all the duties around the voting?  
 6 Does someone compare the voter's signature on the ballot envelope?  
 7 FEMALE VOICE 11: Mr. Chair and Representative, we do check  
 8 every single signature of every single ballot that comes in. So whether  
 9 it comes in a box at our office or in a ballot box in the polls or in the  
 10 mail. It doesn't matter if we get it you know, before the election or on  
 11 the election day, we check every single signature against the voter's  
 12 record. And if the signature is missing or the signature doesn't match,  
 13 then the ballot becomes a provisional ballot.  
 14 FEMALE VOICE 17: Thank you.  
 15 FEMALE VOICE 11: After 8 pm on the election day becomes a  
 16 provisional ballot.  
 17 FEMALE VOICE 17: Right. That's what I thought. We're  
 18 already doing it. Thank you.  
 19 MALE VOICE 1: Representative Bishop.  
 20 FEMALE VOICE 18: Thanks Mr. Chair. Questions for Mr.  
 21 Forstag.  
 22 MALE VOICE 1: Mr. Forstag.  
 23 MALE VOICE 4: That was an echo. Chairman, Representative  
 24 Bishop.  
 25 FEMALE VOICE 18: Thank you Mr. Forstag, Mr. Chair. We

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1 heard, I think from the sponsor, a thoughtful function on the attention  
 2 of keeping the idea of acquaintance open. I wonder if you could talk  
 3 about how acquaintance was treated and what you have seen at the  
 4 most recent district court rulings in regards to that language.  
 5 MALE VOICE 4: Certainly. Chairman, not sure Representative.  
 6 With regards to determine acquaintance, that was one of three rounds  
 7 that [unintelligible] has ruled constitutional in [unintelligible]. That  
 8 issue of acquaintance is not the intention of that term, or whether or  
 9 not, the sponsor. As idea what that means, that term has defined orin  
 10 statue. And that spell as [unintelligible] just recently does not define  
 11 the term "acquaintance" so that again we will be sending a exactly the  
 12 same language with exactly the same constitutional  
 13 [unintelligible]back to the court.  
 14 FEMALE VOICE 18: Thank you to follow up.  
 15 MALE VOICE 1: Follow up.  
 16 FEMALE VOICE 18: Thank you Mr. Chair, Mr. Forstag. Could  
 17 you also do a quick reflection for us on whether or not the idea of just  
 18 limiting the number of ballots to six or opening up that limitation?  
 19 Does that.. has that at all been considered in the cases you've seen  
 20 decided that far?  
 21 MALE VOICE 4: Mr. Chair, Representative. The six ballot cap  
 22 which is, as I said in my testimony, the only substantive difference that  
 23 we only... I've seen in reading this bill was the ballot interference  
 24 protection act. That cap had no [unintelligible] in either district court  
 25 rulings. The three issues at hand were A. that the legislation that the

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1 court is ruling on, which is exactly nearer than this bill has  
 2 disproportional impact on rural native American state. That issue is  
 3 no different in House Bill 406. Secondly, that issue in Western Native  
 4 Voice, first Stapleton was that this legislation that is precisely nearer  
 5 the language than this bill the House Bill 406, was a first issue that  
 6 folks who are engaging in ballot collection or making sure that ballots  
 7 can get to the box. The restrictions on such ballot collection are  
 8 restrictions on the unfettered access, unfettered carrying out the first  
 9 member's rights. So the six ballot limit again is a red hearing that has  
 10 no barrier in either the district court cases here and this language has  
 11 no difference from the law. That is already been struck down twice in  
 12 the courts.

13 FEMALE VOICE 18: Okay. Appreciate it. Thank you.  
 14 MALE VOICE 4: Thank you.  
 15 MALE VOICE 1: Representative Stromswold.  
 16 FEMALE VOICE 19: Thank you Mr. Chair. I have a question  
 17 for the sponsor.  
 18 MALE VOICE 2: Mr. Chair, Representative Stromswold.  
 19 FEMALE VOICE 19: Mr. Chair, Representative Noland. I think  
 20 I'm just kinda confused on the first page where it says you have to go  
 21 to the election administration office. So if I've already been taking  
 22 care of my parents' ballots proceeded in the [unintelligible], would I  
 23 have to go get the sheet and fill it out and notify them that I'm taking  
 24 this? First, what does it not apply to the people listed on page 2, 18-  
 25 22?

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1 MALE VOICE 2: Mr. Chairman, Representative Stromswold.  
 2 Yes. You do have to fill out paper workout. Is it a pain? It's a little bit.  
 3 Is it integrity? Was it what we're trying to accomplish, we're trying  
 4 to save, protect? And one of the most important things we have in this  
 5 state and in the country. And that's our vote. If it's misguided and it's  
 6 mistreated or misplaced, you have the responsibility and so does the  
 7 person that you're given that to. That opportunity to [unintelligible].  
 8 It's important.

9 FEMALE VOICE 19: Okay. Thank you.  
 10 MALE VOICE 1: Thank you. Representative [unintelligible].  
 11 Waves off. Representative Skees.  
 12 MALE VOICE 10: Thank you, Mr. Chair. My question is for Mr.  
 13 Corson.  
 14 MALE VOICE 7: Representative Skees.  
 15 MALE VOICE 10: Thank you Mr. Corson or coming in. We just  
 16 heard from the COBB that acquaintance has been ruled  
 17 constitutionally vague. Is that true?  
 18 MALE VOICE 7: Mr. Chair, Representative Skees. I've looked  
 19 at that and it is defined in 1335 702. Acquaintance means individual  
 20 known by the voter.  
 21 MALE VOICE 10: Excellent. Mr. Chair, follow up please.  
 22 Male Voice 1: Follow up.  
 23 Male Voice 10: So Mr. Chair, Mr. Corson, so then it's not been  
 24 ruled unconstitutional 'cause it's in our code.  
 25 Male Voice 7: Mr. Chair, Representative Skees, so the court did

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1 ruled unconstitutional much like the attorney from ACLU said, the  
 2 definition of it have run over time and time again. The court case,  
 3 reference in that code still doesn't meet that test for some reason.

4 MALE VOICE 10: Actually can I have a followup question  
 5 please to the sponsor?  
 6 MALE VOICE 1: Okay.  
 7 MALE VOICE 10: Thank you Mr. Chair. Representative Noland,  
 8 we keep hearing on and on about this is the burden on the voter, but  
 9 isn't this bill just transparency and we're seeking accountability just  
 10 from the harvester?  
 11 MALE VOICE 2: that's the intend to the bill. Mr. Chair,  
 12 Representative Skees. That is the intend. So what are we trying to  
 13 accomplish in this bill in the nutshell is to safeguard the vote and the  
 14 ballot box collection. When if you have ever served as a judge, election  
 15 poll watcher, you'll see something that might be alarming to you. It's  
 16 run more sufficiently in most areas. There's some I have questions.  
 17 And I had questions. We raised those when we got those handled. So  
 18 in our attempt that's something I guess I'll say now instead of just in  
 19 the close. What's the intend that we are trying to do? People have  
 20 asked you know, we are making it harder, that's what's the 406 could  
 21 do. It's not. But it is to help those people who want to do their, I wanna  
 22 say solemn duty but their right to make a vote. And I guess I'll say it  
 23 now other than the close. We all know when the votes are. We know  
 24 the date. We need to figure out how to get our vote to the right place at  
 25 the right time because it's sacred and it's bets are protected. That's  
 why

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

6 MALE VOICE 10: Mr. Chair. Can I have one final question  
 7 please for Ms. Smith from Montana Women Vote?  
 8 MALE VOICE 1: Okay.  
 9 MALE VOICE 10: Thank you Mr. Chair. Ms. Smith, we've heard  
 10 many things today. One of them is about democracy. Of course we are  
 11 not. We are constitutional republic. We've heard that Montanan  
 12 election has always been, have not been bankrupt forever. We know  
 13 that still need [unintelligible] by the senator for sale. So my question  
 14 is, does Montana, because you are sure that you guys are non-partison,  
 15 does Montana women vote actually indoors in races?  
 16 FEMALE VOICE 10: Mr. Chair, Representative Skees, no, we do  
 17 not.  
 18 MALE VOICE 10: Thank you.  
 19 MALE VOICE 1: Thank you. Seeing no further questions, I'll ask  
 20 one question to, same question to the sponsor and to Mr. Corson. I was  
 21 wondering your opinion on why we didn't get a legal note if everybody  
 22 says it's unconstitutional.  
 23 MALE VOICE 2: Well, Mr. Chair, have you had any connectors  
 24 or cables here? Have you had any problem getting legals back in some  
 25 of your committees?

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1 MALE VOICE 1: No, sir.  
 2 MALE VOICE 2: I have. That's 'cause you're the church  
 3 judiciary, so you wouldn't dare. So Mr. Corson.  
 4 MALE VOICE 7: And thank you Mr. Chair for the question. So  
 5 in terms of legal review, the only office is our staff attorney on board.  
 6 We reviewed it for the types of duties and responsibilities we already  
 7 have, knowing the changes you can see interlined or underlined  
 8 throughout the document. It's proposed legislation which is that,  
 9 the... that would be good work for this. At the description of the  
 10 sponsor to provide for the committee for consideration.  
 11 MALE VOICE 1: Thank you. You should become a politician.  
 12 That's it when the bill sponsor would like to close on his bill.  
 13 MALE VOICE 2: I would. Thank you. Thank you for your  
 14 patience on a hot afternoon in [unintelligible] room anyway.  
 15 MALE VOICE 1: You can say it's snowing.  
 16 MALE VOICE 2: The heat is coming from the front of the room,  
 17 but anyway. Members that are not afraid, of delegation, we heard a  
 18 lot of fear, why would we do this? We're gonna get sue. We're  
 19 gonna... this would come after. We're gonna get all these things. You  
 20 know we are only here, for ninety days to get the job done. That's  
 21 legislators. That's our cast. That's our job. That's what we've been  
 22 sent here to do. That's what we would get paid [unintelligible]. I have  
 23 another question: what is wrong with verifying someone's signature?  
 24 Now some of them said we do that all the time. Okay. Great. Some  
 25 people are saying it's too hard to get them into doing this. I don't see

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1 there's an issue. What is wrong with defining where we drop off  
 2 ballots? I heard from a question that one of our representatives asked  
 3 how many do we have now he's safely talking about a belief in a  
 4 tribal area and there's one up to four maybe more. We know where  
 5 these are at. Members, what is our job as legislators? Make law. Okay.  
 6 If we have a bad luck, we need to resend it and make something better.  
 7 We are here ninety days and we are here to ask to make a decision. If  
 8 a court makes a bad ruling, does that stop us from making that a good  
 9 law? Is because they did something wrong? That's my thought. So  
 10 I'll pose that we do our best to make the protection of the ballots as  
 11 sacred and special as they are. I [unintelligible] this so I wanna get  
 12 back to this. We are all adults. Everybody's voting. And who are  
 13 voting? Can we each figure out where to vote, as adults, and how to  
 14 vote? Example I would like to use. If you have your driver license  
 15 gonna expire, guess what, everyone of us, I think everybody would  
 16 go figure out I gotta get that driver's license renewed. Voting, we  
 17 know where it's gonna drop our ballots off. We know there's a time  
 18 frame. This is not a hard thing. People have made it become a hard  
 19 thing. So people wait till the last minute but it's integrity to vote. You  
 20 and I and every person in this state of Montana knows when we vote.  
 21 Now some people forget, so we have people reminders. We send out  
 22 mailing and we do a lot of things to help the good folks to know when  
 23 there's supposed to get the ballots in. Members, we have a charge to  
 24 do the right thing and today I'm telling you, to ask you to do the right  
 25 thing here is to, just like we go get our license renewed, our driver's

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1 license renewed, we get our ballots in and we get them dropped in the  
 2 right place and House Bill 406 helps us to do that. So I mention this  
 3 I'll say, I guess one more time, we had bad luck, and that's changed a  
 4 lot. And that'd what we are here to do on House Bill 406. This bill  
 5 gives guidance to organizations in some situations. Some people need  
 6 that. We have... we've heard it will be hard for people to get to their  
 7 vote and to be positive. And I just want to read in page 2 line 15 is  
 8 what I want to quote. "You can get it taken to election official and the  
 9 postal service workers can do this individual, specifically authorized  
 10 by law to transmit United States mail, again a caregiver, a family  
 11 member, a household member or an acquaintance." This is not that  
 12 we're trying to make it difficult. It looks like my time is up. Before I  
 13 get water thrown on me, members please, this is important. Our  
 14 apologized to in advance for not having any other proponent here. I  
 15 don't order that, but I had confirmation that they would be here until  
 16 probably because of the late hour and they thought it was happening  
 17 earlier. I apologize to that. It's a good bill. Please consider it. Thank  
 18 you.  
 19 MALE VOICE 1: Thank you and for future reference once the  
 20 time goes off, you have approximately 60 seconds left. So you have  
 21 plenty of time.  
 22 MALE VOICE 2: So in conclusion, I...  
 23 MALE VOICE 1: This closes the hearing on House Bill 406.  
 24 Open executive action on House Bill 406. Representative Berglee.  
 25 MALE VOICE 11: Mr. Chairman, I do pass House Bill 406.

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1 MALE VOICE 1: Discussion. Representative Kelker.  
 2 FEMALE VOICE 17: I move to table.  
 3 MALE VOICE 1: Non-debatable. Motion will do a roll call  
 4 though.  
 5 FEMALE VOICE 1: Vice Chair Regier.  
 6 MALE VOICE 11: No by proxy.  
 7 FEMALE VOICE 1: Vice Chair Kelker.  
 8 FEMALE VOICE 17: Yes.  
 9 FEMALE VOICE 1: Representative Carlson.  
 10 FEMALE VOICE 20: No.  
 11 FEMALE VOICE 1: Representative [unintelligible].  
 12 FEMALE VOICE 21: No.  
 13 FEMALE VOICE 1: Representative Berglee.  
 14 MALE VOICE 12: No.  
 15 FEMALE VOICE 1: Representative [unintelligible].  
 16 MALE VOICE 13: No.  
 17 FEMALE VOICE 1: Representative [unintelligible].  
 18 MALE VOICE 14: No.  
 19 FEMALE VOICE 1: Representative Stafman.  
 20 MALE VOICE 7: Yes.  
 21 FEMALE VOICE 1: Representative Lenz.  
 22 MALE VOICE 15: No by proxy.  
 23 FEMALE VOICE 1: Representative Gillette.  
 24 MALE VOICE 16: No by proxy.  
 25 FEMALE VOICE 1: Representative [unintelligible].

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1 MALE VOICE 17: No.  
 2 FEMALE VOICE 1: Representative Tenenbaum.  
 3 MALE VOICE 9: Yes.  
 4 FEMALE VOICE 1: Representative Bishop.  
 5 FEMALE VOICE 18: Yes.  
 6 FEMALE VOICE 1: Representative Hinkle.  
 7 MALE VOICE 18: No by proxy.  
 8 FEMALE VOICE 1: Representative Hawk.  
 9 MALE VOICE 8: Yes.  
 10 FEMALE VOICE 1: Representative Skees.  
 11 MALE VOICE 10: No.  
 12 FEMALE VOICE 1: Representative Farris-Olsen.  
 13 MALE VOICE 19: Yes.  
 14 FEMALE VOICE 1: Representative France.  
 15 MALE VOICE 20: Yes.  
 16 FEMALE VOICE 1: Chair Usher.  
 17 MALE VOICE 1: No.  
 18 FEMALE VOICE 1: Motion veils 7-12.  
 19 MALE VOICE 1: Discuss back on the bill. Representative  
 20 Carlson.  
 21 FEMALE VOICE 7: Thank you Mr. Chair. I think this is a good  
 22 bill and I think that we have adequate authority to make laws and I  
 23 think that we should do that.  
 24 MALE VOICE 1: Representative Stafman.  
 25 MALE VOICE 7: Thank you Mr. Chair. Mr. Chair, we've heard

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1 from witness after witness after witness that this will affect an impact,  
 2 the negative way, the ability to vote, especially on the reservations  
 3 and other circumstances as well. The sponsor said well you need this  
 4 because she need more voter integrity but there is no problem with  
 5 voter integrity. There's not a single documented case where voter  
 6 integrity were irregularity in Montana. So it's hard to believe that  
 7 that's really the claim when the natural result of this bill would be  
 8 impressed to support this vote. So I see this is a voter suppression bill  
 9 and I'm against it. Thank you Mr. Chair.  
 10 MALE VOICE 1: Representative Skees.  
 11 MALE VOICE 10: Thank you Mr. Chair. I support this bill. I  
 12 think it's a collection integrity bill. The election bill often calls. We  
 13 have some very strange at rules. If we just look at the ballot box itself,  
 14 that chain that the custody that's the secretary stimulation the  
 15 election officers have to go through with that box. Can everyone be  
 16 left alone? I mean you just follow that and we heard that the testimony  
 17 about all these things if you just pick up a handful stuff. It's a fact  
 18 that if we don't have any registry complaints it means nothing. There  
 19 are definitely can be some mechanic ability problems with this. All  
 20 of us can [unintelligible]. The constitution says it's our judge to  
 21 ensure the purity of elective process. So if there's a chance for this to  
 22 go back, another final component it is as I remember several years  
 23 ago, with the secretary state I asked to go, be a poll watcher on a  
 24 reservation and they say oh no. They won't let you watch. So there's  
 25 another whole angle that can come to this at the ... if you go down  
 that road.

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1 This is a great bill. We need this bill. Thank you.  
 2 MALE VOICE 1: Thank you. Representative Tenenbaum.  
 3 MALE VOICE 9: Thank you Mr. Chair. I'm against this bill. It  
 4 just puts some more bureaucracy in between a person's ballot and the  
 5 ballot box. It's not even a solution in search of a problem. It's just a  
 6 problem in search of a problem.  
 7 MALE VOICE 1: Haven't put it that way. Seeing no other  
 8 questions, I'm gonna actually take the last and I just... I haven't  
 9 recognized that in case you wanna read the rules. But anyway, I was  
 10 only gonna make a comment on that. I questionably scratch my head  
 11 that almost all the opponents really talked about male ballots. They  
 12 didn't talk about, you know, absent T ballots. There's a difference  
 13 between absent T and all male ballots. With that said, I'll do a roll call  
 14 vote.  
 15 FEMALE VOICE 1: Vice Chair Regier.  
 16 MALE VOICE 11: Aye by proxy.  
 17 FEMALE VOICE 1: Vice Chair Kelker.  
 18 FEMALE VOICE 17: No.  
 19 FEMALE VOICE 1: Representative Carlson.  
 20 FEMALE VOICE 20: Yes.  
 21 FEMALE VOICE 1: Representative [unintelligible].  
 22 FEMALE VOICE 21: Yes.  
 23 FEMALE VOICE 1: Representative Berglee.  
 24 MALE VOICE 12: Aye.  
 25 FEMALE VOICE 1: Representative [unintelligible].  
 MALE VOICE 13: Yes.

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1 FEMALE VOICE 1: Representative [unintelligible].  
 2 MALE VOICE 14: Yes.  
 3 FEMALE VOICE 1: Representative Stafman.  
 4 MALE VOICE 7: No.  
 5 FEMALE VOICE 1: Representative Lenz.  
 6 MALE VOICE 15: Aye by proxy.  
 7 FEMALE VOICE 1: Representative Gillette.  
 8 MALE VOICE 16: Aye by proxy.  
 9 FEMALE VOICE 1: Representative [unintelligible].  
 10 MALE VOICE 17: Yes.  
 11 FEMALE VOICE 1: Representative Tenenbaum.  
 12 MALE VOICE 9: No.  
 13 FEMALE VOICE 1: Representative Bishop.  
 14 FEMALE VOICE 18: No.  
 15 FEMALE VOICE 1: Representative Hinkle.  
 16 MALE VOICE 18: Yes.  
 17 FEMALE VOICE 1: Representative Hawk.  
 18 MALE VOICE 8: No.  
 19 FEMALE VOICE 1: Representative Skees.  
 20 MALE VOICE 10: Yes.  
 21 FEMALE VOICE 1: Representative Farris-Olsen.  
 22 MALE VOICE 19: No.  
 23 FEMALE VOICE 1: Representative France.  
 24 MALE VOICE 20: No.  
 25 FEMALE VOICE 1: Chair Usher.

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1 MALE VOICE 1: Yes.  
2 FEMALE VOICE 1: Version passes 12-7.  
3 MALE VOICE 1: House Bill 406 has passed. House Judiciary.  
4 The [unintelligible] we'll look for our next sponsor. I think she's  
5 across the hall. It's not quite that time.  
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