

IN THE SUPREME COURT OF THE STATE OF MONTANA
Case No. OP 13-0808

MEA-MFT, the Montana State AFLCIO,
the Montana Public Employees
Association, the Montana Human Rights
Network and the American Federation of
State, County and Municipal Employees,
Montana Women Vote, and Western
Native Voice,

Petitioners,

vs.

STATE OF MONTANA, HONORABLE
TIM FOX, in his capacity as Attorney
General,

Respondent

Original Proceeding Before the Supreme Court of Montana

**AMICUS CURIAE BRIEF OF THE AMERICAN CIVIL LIBERTIES UNION
OF MONTANA FOUNDATION IN SUPPORT OF THE PETITIONERS**

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ARGUMENT: THE RIGHT TO VOTE IS THE FUNDAMENTAL RIGHT OF MONTANA CITIZENS; IT IS THE CORNERSTONE OF OUR REPUBLICAN FORM OF DEMOCRACY. ANY ATTEMPT TO RESTRICT THE RIGHT TO VOTE, WHETHER BY LEGISLATIVE STATUTE OR PUBLIC REFERENDUM, MUST BE REVIEWED WITH STRICT SCRUTINY

1. *The History of the Right to Vote in Montana*

The history of suffrage in the United States, and in the State of Montana, is not a proud one. Our history is replete with legislative attempts to deny the right to vote to women and to minorities. States have routinely denied non-whites the right to vote, and, until the ratification of the 15th Amendment to the United States Constitution in 1870, there were no constitutional prohibitions against denying the right to vote based on race. U.S. Const., amend. XV. Women did not have the right to vote until the ratification of the 19th Amendment to the United States Constitution in 1920. U.S. Const., amend. XIX.

Even the enactment of the 15th Amendment, however, did not grant the right to vote to Montana's Indian peoples, as these indigenous residents were not classified as citizens in their native land. *Elk v. Wilkins*, 112 U.S. 945 S.Ct. 4128 L.Ed. 643 (1884). Indian people in Montana did not achieve the right to vote until the enactment by Congress of the Indian Citizenship Act of 1924. 8 U.S.C. §1401(a)(2).

The response of the State of Montana to the enactment of the federal Indian Citizenship Act was to amend the Montana Constitution to disenfranchise Indian Voters. Article IX, Section 2, Constitution of Montana (1932), limited voting

privileges to those persons that were taxpayers, (unless they were citizens at the time our Constitution was first adopted in 1889). Given that Indians were not citizens in 1889 in Montana, and that most Indians in Montana in 1932 were still living on the reservations, they were not considered to be taxpayers. At one time Montana law even prohibited the establishment of polling places in certain places in Indian country; “No officer of this State, nor of any county shall establish a voting precinct within or at the premises of any Indian agency or trading post.” Section 552, Revised Codes of Montana of 1921.

2. *The History of Voter Registration Laws in Montana*

Voter registration laws were not adopted in this country until the late nineteenth century. Cunningham, *WHO ARE TO BE THE ELECTORS? A REFLECTION ON THE HISTORY OF VOTER REGISTRATION IN THE UNITED STATES*, 9 Yale L. & Pol'y Rev. 370, 373 (1991). Registration has always had a partisan element. In the post-Reconstruction South it was the Republicans who sought to bring African Americans into the electorate and “Jim Crow” Democrats who sought to exclude them through the use of voter registration laws. Cunningham, *supra*, 374-381. LR 126, now before this Court, passed the Montana Senate with 29 Republican votes, and 0 Democrat votes

([http://laws.leg.mt.gov/legprd/LAW0211W\\$BLAC.VoteTabulation?P_VOTE_SEQ=S1792&P_SESS=20131](http://laws.leg.mt.gov/legprd/LAW0211W$BLAC.VoteTabulation?P_VOTE_SEQ=S1792&P_SESS=20131)), and passed the Montana House with 58 Republican votes,

and 0 Democrat votes (2 Republican representatives voted against LR 126, [http://laws.leg.mt.gov/legprd/LAW0211W\\$BLAC.VoteTabulation?P_VOTE_SEQ=H1699&P_SESS=20131](http://laws.leg.mt.gov/legprd/LAW0211W$BLAC.VoteTabulation?P_VOTE_SEQ=H1699&P_SESS=20131)).

Montana has had a variety of voter registration statutes. Even before the adoption of our 1889 Constitution, we had restrictive registration requirements designed to exclude citizens from the electorate.

No person is entitled to vote at any election mentioned in this title, except as otherwise provided in this title, unless his name on the day of the election appears in the “check lists,” on the copy of the official register furnished by the registry agents to the judges of election at the election precinct at which he offers to vote, or unless he produces and surrenders a county registry certificate or a state registry certificate, as provided in §§ 1204 and 1217, of this code, and the fact that his name so appears in the “check lists” and in the copy of the official register in the possession of the judges of election is prima facie evidence of his right to vote. Mont. Political Code § 1380 (1895).

Once the Constitution was ratified in 1889, Montana continued the practice of placing restrictions on the right to vote:

Every male person of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all general elections and for all officers that now are, or hereafter may be elective by the people and upon all questions which may be submitted to the vote of the people: First, he shall be a citizen of the United States; second, he shall have resided in this State one year immediately preceding the election at which he offers to vote, and in the town, county or precinct such time as may be prescribed by law...1889 Mont. Const., art IX, §2

Over the years, Montana’s voter registration requirements have evolved, gradually becoming less restrictive, sometimes due to judicial decisions, and

sometimes due to statutory improvements. See Tokerud, *THE RIGHT OF SUFFRAGE IN MONTANA: VOTING PROTECTIONS UNDER THE STATE CONSTITUTION*, 74 Mont. L. Rev. 417 (2013).

The development of voting rights in Montana continued during the 1972 Constitutional Convention. Despite the existence of restrictive voter registration laws, the right to free and open elections has been part of the Montana Constitution since 1889. The text of that right was incorporated intact and listed as one of the rights in the Declaration of Rights in the 1972 Constitution, 1889 Mont. Const., art. III, §5, Mont. Const., art. II, §13 , which provides, “All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right to suffrage.” There are very few Montana cases that consider this right, and none that provide any significant analysis of what it means to have “free and open” elections.

Equally important to the case at bar, Montana added a new constitutional provision in 1972, giving constitutional recognition to same day voter registration. Mont. Const. art. IV, §3 states: “The Legislature shall provide by law the requirements for residence, registration, absentee voting, and administration of elections. *It may provide for a system of poll booth registration*, and shall insure the purity of elections and guard against the abuse of the electoral process.” (emphasis added). “Poll booth registration,” is another term for same day voter registration, a

relatively new concept to Montana when the 1972 Constitutional Convention took place.

Delegate Vermillion: ...Now it is our contention that the act of voting is not a privilege that the state merely hands out, but it is a basic right- a right that in no way should be infringed unless for very good reasons. Now, the registration laws as we have them now were put on the books for one reason, and that is to prevent fraud, and it is the minority's contention that that no longer holds water. There is no real need for the current registration laws to prevent people from voting. *We feel that you can have poll booth registration, which is, in essence, registering at the time and place of election,* and still prevent frauds. (emphasis added) Montana Constitutional Convention, Verbatim Transcript, February 17, 1972, Vol. III, p.401

There was almost no debate about whether to include same day voter registration in our Constitution; rather the debate was on how it should be included. The options considered by the delegates were whether to allow same day voter registration by legislative action, or to mandate it. See Montana Constitutional Convention, Verbatim Transcript, February 17, 1972, Vol. III, p.400-413, 428-452. Montana became one of the first states to provide constitutional authority for same day voter registration. After the ratification of the 1972 Constitution, and in furtherance of Mont. Const. art. IV, §3, the 1975 Montana Legislature enacted same day voter registration, Sec. 1, Ch. 286, L. 2005, codified as MCA §13-2-204.

Montana has several years of data about same day voter registration. In 2006, 4301 Montanans registered and voted the same day in the general election. See Exhibit A, at page 2, Montana Secretary of State Linda McCulloch, BACKGROUND AND ANALYSIS OF LATE REGISTRATION

TRENDS, 2006 THROUGH 2010. In 2008, 7547 Montanans registered and voted the same day in the general election. See Exhibit B, Late Registration by House District and by Pre-Election Day and Election Day Registration, 2006-Present. In 2010, 3735 Montanans registered and voted the same day in the general election. See Exhibit B, Late Registration by House District and by Pre-Election Day and Election Day Registration, 2006-Present. Finally, in 2012, 8035 Montanans registered and voted the same day in the general election. See Exhibit B, Late Registration by House District and by Pre-Election Day and Election Day Registration, 2006-Present. Thus from the enactment of same day voter registration, 23, 638 Montanans were able to exercise this most fundamental right in general elections. And an additional 4639 Montana citizens were able to vote in primary elections, for a total of 28, 329 voters that would have been disenfranchised without same day voter registration. See Exhibits A and B.

3. The Fundamental Nature of the Right to Vote in Montana

In *Jones v. Judge*, 176 Mont. 251, 577 P.2d 846 (1978), this Court reviewed a challenge to R.C.M. 1947, §93-710, relating to the process for appointing Supreme Court justices. As part of that challenge, the Court discussed the nature of the right to vote in Montana:

The right to vote, however, is a personal and constitutional right. Although stature as an elector will generally not allow an individual to

bring an action invoking the judicial power, an elector who is denied this right is sufficiently affected to invoke the judicial power to challenge the validity of the Act which denies him the right. (emphasis added). *Jones v. Judge*, 176 Mont. at 254.

The right to vote is included in the Declaration of Rights in article II of the Montana Constitution. As Justice Nelson opined in his concurring opinion in *Kloss v. Edward D. Jones & Co.*, 2002 MT 129 310 Mont. 123, 54 P.3d 1:

The rights included within this “Declaration of Rights” are “fundamental rights.” *Butte Community Union v. Lewis* (1986), 219 Mont. 426, 430, 712 P.2d 1309, 1311. Accord, *Wadsworth v. State* (1996), 275 Mont. 287, 299, 911 P.2d 1165, 1172; *State v. Tapson*, 2001 MT 292, ¶ 15, 307 Mont. 428, 15, 41 P.3d 305. That means that these rights are significant components of liberty, see Black's Law Dictionary, 7th Edition, p. 683, any infringement of which will trigger the highest level of scrutiny, and, thus, the highest level of protection by the courts. *Wadsworth*, 275 Mont. at 302, 911 P.2d at 1174 (citing *Gulbrandson v. Carey* (1995), 272 Mont. 494, 502, 901 P.2d 573, 579 (“The most stringent standard, strict scrutiny, is imposed when the action complained of interferes with the exercise of a fundamental right ...”)),.

Subsequent to the Court’s decision in *Jones v. Judge*, supra, this Court held that the right to vote is more than just a personal constitutional right; it is a fundamental political right. *Johnson v. Killingsworth*, 271 Mont. 1, 4, 894 P.2d 272, 273 (1995). See also *Finke v. State ex rel. McGrath*, 2003 MT 48, 314 Mont. 314, 65 P.3d 576.

4. *Any Attempt to Restrict the Right to Vote Must be Reviewed by this Court using Strict Scrutiny*

As a consequence of determining that the right to vote is fundamental, courts must apply strict scrutiny analysis to any attempt to restrict the right to vote.

“Because voting rights cases involve a fundamental political right, the [U.S.]

Supreme Court generally evaluates state legislation apportioning representation and regulating voter qualification under the strict scrutiny standard.” (emphasis added), *Johnson v. Killingsworth*, 271 Mont. 1, 4, 894 P.2d 272, 273. *Wadsworth v. State*, 275 Mont. 287, 911 P.2d 1165 (1996); *Gulbrandsen v. Carey*, 272 Mont. 494, 901 P.2d 573 (1995).

Johnson also instructs that legislation which infringes on a fundamental right is “**unconstitutional** unless the State can demonstrate that such laws are ‘necessary to promote a compelling government interest.’”. *Johnson*, 271 Mont. At 4, 894 P.2d 273-274, (citing *Dunn v. Blumstein* (1972), 405 U.S. 330, 342, 92 S.Ct. 995, 1003, 31 L.Ed.2d 274, 284) (emphasis supplied). In these situations, the State must overcome a formidable barrier:

Strict scrutiny of a legislative act requires the government to show a compelling state interest for its action. *Shapiro*, 394 U.S. at 364, 89 S.Ct. at 1331. When the government intrudes upon a fundamental right, any compelling state interest for doing so must be closely tailored to effectuate only that compelling state interest. *Pastos*, 887 P.2d at 202, (citing *Zablocki v. Redhail*, (1978) 434 U.S. 374, 98 S.Ct. 673, 54 L.Ed.2d 618. In addition to the necessity that the State show a compelling state interest for invasion of a fundamental right, the State, to sustain the validity of such invasion, must also show that the choice of legislative action is the least onerous path that can be taken to achieve the state objective. *Pfost v. State*, (1985), 219 Mont. 206, 216, 713 P.2d 495, 505.
Wadsworth, 275 Mont. at 302, 911 P.2d at 1174

CONCLUSION

Any attempt to restrict the right to vote, the foundational right of Montana citizens, must be subject to strict scrutiny. 28, 329 voters of Montana have made

good use of the right to same day voter registration since it was codified in 2005 as MCA §13-2-204. This statute implements Mont. Const. art. IV, §3, and if there are any flaws in the process that brings LR 126 to the ballot in the 2014 election, then the State must first demonstrate the compelling State interest in restricting the right to vote, and why there are no viable alternatives to cure the alleged harm sought to be remedied by LR 126.

DATED this 21st day of January, 2014.

/s/ James Park Taylor

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Certificate of Compliance

I hereby certify that the foregoing brief was prepared in a Time New Roman 14-point type font, which is proportionately space. Pursuant to Mont. R. App. 11 (4)(a) the document contains fewer than 5000 words, and is less than 15 pages, exclusive of the Cover Page, Table of Contents, Table of Authorities, Certificate of Compliance, and Certificate of Service.

Dated this 21st day of January, 2014.

/s/ James Park Taylor

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Certificate of Service

The undersigned hereby certifies that on the 21st day of January, 2014, he served a copy of this Motion by email, and also by first class mail, postage prepaid, addressed to:

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**BACKGROUND AND
ANALYSIS OF
LATE REGISTRATION
TRENDS:**

2006 through 2010

Compiled by Office of the Secretary of State
November 2010

Statistical Background:

The November 2006 general election was the first statewide election in which individuals who were not registered by the regular registration deadline were permitted to register and cast a ballot, as long as they received their ballots in the county election office rather than at a polling place, pursuant to [13-2-304 Montana Code Annotated](#).

Below is a table of late registrant numbers and percentages by election:

| | Late Registrants Prior to Election Day | Late Registrants on Election Day | Totals of <u>All</u> Late Registrants |
|--------------|---|---|--|
| 2006 General | 3,881 (47.5%) | 4,301 (52.5%) | 8,189 |
| 2008 Primary | 3,591 (57%) | 2,679 (43%) | 6,270 |
| 2008 General | 10,938 (59.5%) | 7,419 (40.5%) | 18,357 |
| 2010 Primary | 1192 (59.4%) | 816 (40.6%) | 2008 |
| 2010 General | 4523 (54.8%) | 3735 (45.23%) | 8258 |

Following is the breakdown of comparisons of pre-election day late registrants and election day late registrants for the 2006 general election and for the 2008 elections:

The total number of **pre-election day** registrants in the 2008 primary election was 92% of what the total was in the 2006 general election. The total number of people registered **on election day** in the 2008 primary election was 62% of the total in 2006 general election.

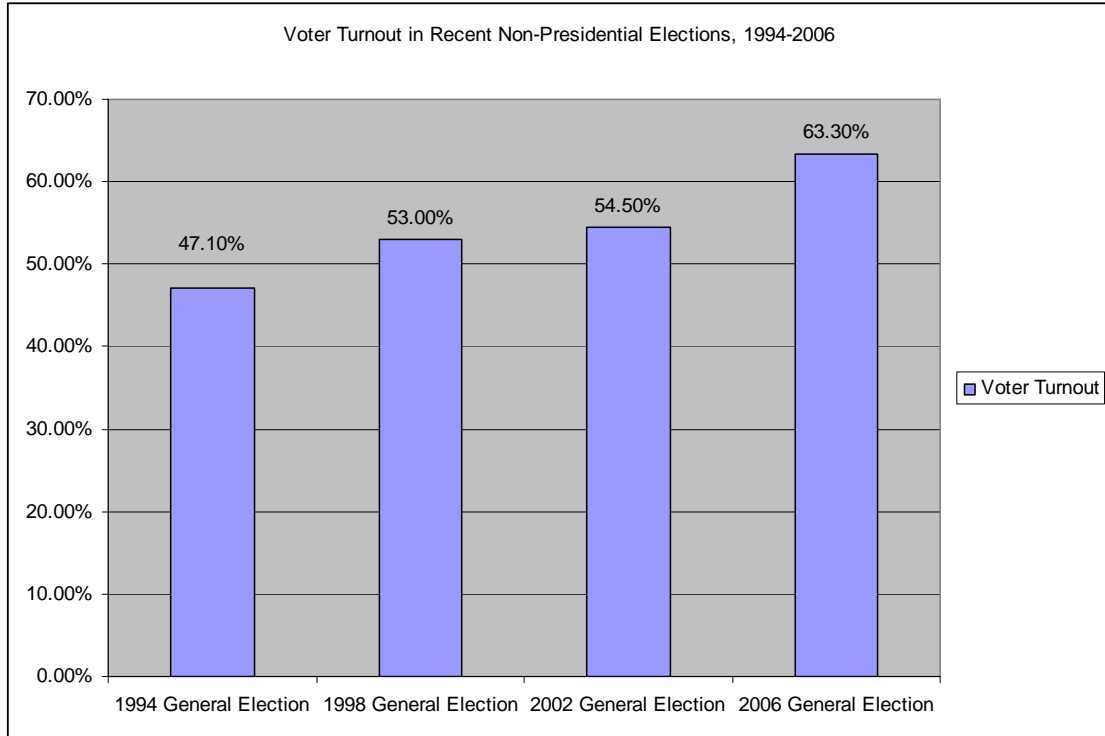
The total number of **pre-election day** late registrants in the 2008 general election was 281% of the total of such late registrants in the 2006 general election. The total number of people registered **on election day** in the 2008 general election was 172% of the total in 2006 general election.

As for **total late registrants**, in the 2008 primary election, there were 1,919 less late registrants than in the 2006 general election (77% of the late registrant total in that election), while in the 2008 general election, there were 10,168 more late registrants than in the 2006 general election (224% of the late registrant total in that election).

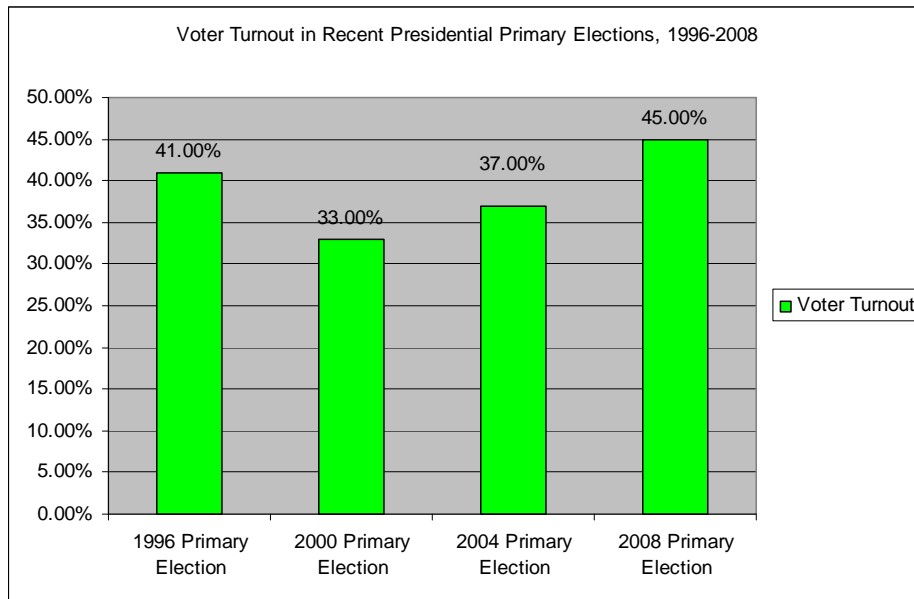
Voter turnout¹ in the 2006 general election was 63.3%, which was much higher than the 54.5% turnout in the 2002 general election and the 53.0% in the 1998 general election,

¹ Note: The National Voter Registration Act of 1993 went into effect after the 1996 elections, and required counties to retain voters on their rolls longer than counties had in the past. The first election in which this NVRA retention began to result in larger voter rolls than previously (due to the restrictions on canceling the registrations of non-voters) was in 1998. By 2000, more than 100% of eligible Montanans were registered to vote. However, after the 2000 election, counties were able to remove voters who had not voted since 1996 and had not responded to confirmation mailings. Turnout percentages have increased in each comparable election since.

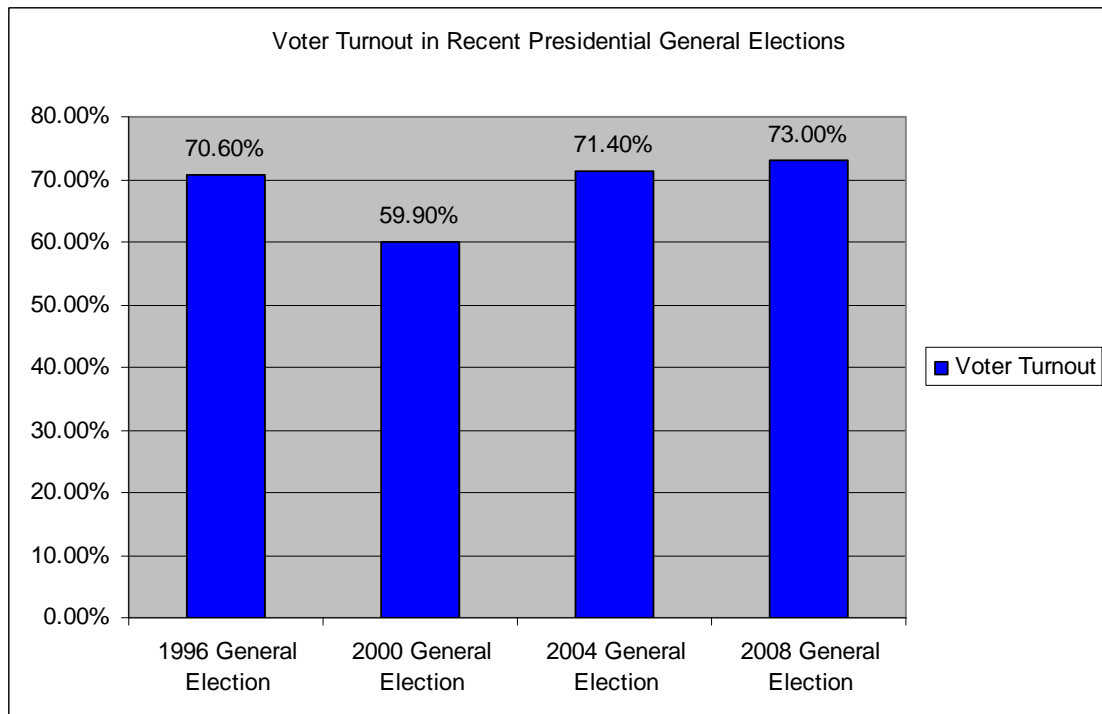
but lower than the 69.9% in the 1994 general election (before the provisions of the NVRA applicable to voter retention went into effect).



As is demonstrated below, voter turnout in the 2008 primary election was 45%, which was well higher than the 37% in the 2004 primary election and the 33% in the 2000 primary election, as well as the 41% in the 1996 primary election (before the provisions of the NVRA applicable to voter retention went into effect).



The chart below shows that voter turnout in the 2008 general election was 73%, which was again higher than the 71.4% in the 2004 general election and the 59.9% in the 2000 election, as well as the 70.6% in the 1996 election (again before the provisions of the NVRA applicable to voter retention went into effect).

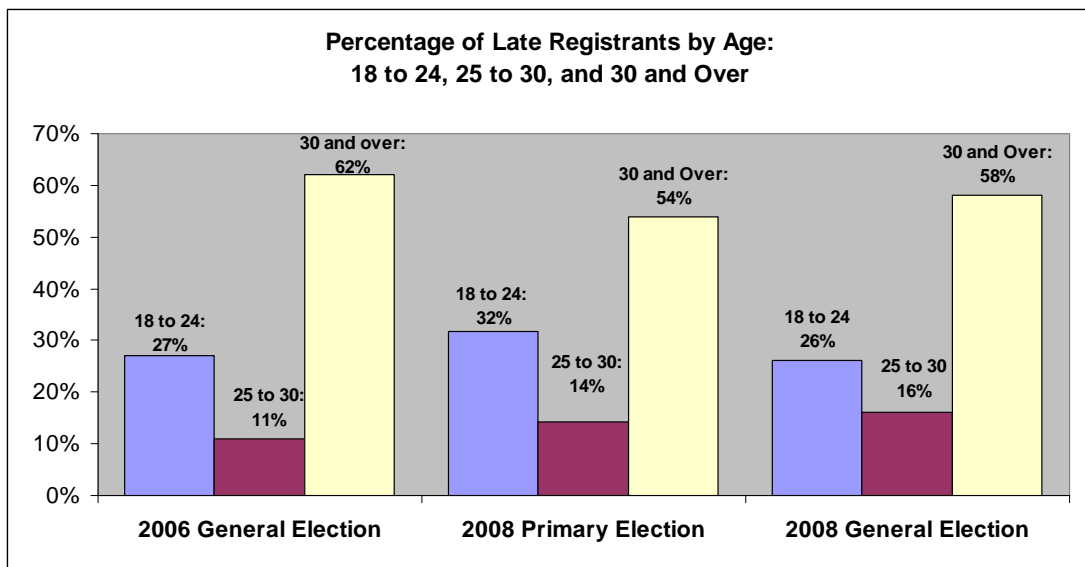


The 2000 US census figures for Montana, the latest figures available, show that 18-24 year olds make up 10% of the population, and 25-30 year olds make up 6% of the population:

In the 2008 general election, 18-24 year old late registrants made up 26.1% of the late registrants vs. 10% of the population. People aged 25-30 were 16.2% of the late registrants vs. 6% of the population.

In the 2008 primary election, 18-24 year old late registrants made up 31.7% of the late registrants vs. 10% of the population. People aged 25-30 were 14.2% of the late registrants vs. 6% of the population.

Although not all counties marked their late registrants as such during the 2006 general election, the statewide database files we have indicate that the 18-to-24-year-old late registrants in the 2006 general election made up about 27% of all late registrants in that election. The 25-to-30-year-old late registrants in 2006 made up about 11% of all late registrants in 2006.



Informational Background:

Although the majority of information about the 2008 general election will be collected in the months after the election, three counties were contacted for their experiences with late registration in the 2008 general election:

In **Yellowstone County**, Duane Winslow indicated that in the 2008 general election, there were close to 2 hour waits on election day as compared to 10 minutes in the 2006 general election. The county simply maxed out on the number of people the building could accommodate, although the county did all as well as they could have. At a certain point, the election office will have to relocate in order to reduce the overload. The county had extra phone banks,

him staff stopping people in the lobby with clipboards, and staff getting people to fill their cards out in line. He doesn't think a lot of people left early – no one contacted him and said they were leaving. Even at 9:00, when Obama was declared the winner, people still stayed. The lawyers for the parties did not tell that people were leaving, which they would have if this were an issue.

We went beyond the break even point in terms of the numbers of people showing up on election day. The training helped. The numbers were way up over 2006.

In the 2008 primary, there were no issues. The office did not have any lines, maybe 10-15 minutes, probably less than in the 2006 general. We had roughly the same amount of late registrants as in the 2006 general, but beefed up the staff members.

In **Missoula County**, Debbie Merseal indicated that 2008 was better than in 2006. They had 5 stations going all day, going constantly. In 2006 they had 3 stations, and then a fourth one for a few days.

They moved their office to the Treasurers' office, which is set up for large volumes, and has a numbering system. They only have this option during a federal general election, though, when there is a holiday.

In 2008, people still waited in line about 1 hour, at least. Maybe an hour and a half. However, in 2006 the longest wait was 2 1/2 hours. There is only so much staff, especially in a poll election – the election office has to help the voters and judges at the polls, too. There are only so many people you can train to do late registration. There was a lot of publicity, but it did not seem to make a difference in Missoula in the late registrants on election day. The majority of election day late registrants seemed to be from college. I don't think too many people left without voting. One of the issues is that the office just doesn't have a facility that is set up for the sheer number of people on election day.

Late registration would not be better at the county polling places. The county has 36 polling places, and Merseal does not know how the county would train 36 judges to do voter registration at the polls. Judges would not be able to figure out how to set up a new address range; this would be totally unmanageable at the polls.

She can't imagine this even with polling place managers doing the late registration. The managers do elections so seldom, maybe twice a year. There is no way the election office could train 36 polling place managers to do late registration. There would be the issue of providing Internet – some polling locations do not even have phone service although all have electricity. The county does not have 36 laptops that elections could use. They have considered a different facility, such as the fairgrounds, but it is so far removed that it would make it pretty difficult to move there.

Merseal said that in a lot of ways late registration is a good thing, but it really and truly needs to be better. Mail ballots would definitely help. With mail ballot elections in place, the county elections office could put more of the staff towards late registration. Even with unlimited staff, it is hard to imagine how the staff could have enough knowledge with only working one or two days, without extensive training. The late registration staff the elections office had worked in absentee room – it took them that month to learn about election processes, and even then, they still needed help with late registration questions.

In the 2008 primary election, it was a lot more manageable – the lines weren't as long. The precincts around the college have low primary turnout.

In **Gallatin County**, according to Charlotte Mills, in the 2008 general election the last person voted at 10:30, 1.5 hours after Obama was declared the winner. On October 31, they ran 940 people from 7:00 a.m. until 6:00 p.m. She only had three stations working. On Monday, November 3rd, there were 514 people from 7:00 to 1:25 p.m.

In the general election, the people who late registered represented a range of ages. However, on election day, it was almost all college kids – not anyone else standing in line.

What really worked was they invested in 12 clipboards, and they had an election judge there every single day. They sent the next person in line in immediately. Late registrants filled out their paperwork in the hall. From October 7 onward, the numbers increased each day.

In the 2006 general election, the line was longer, and they handled twice as many people in 2008 general election. They had it as an assembly line – the people entering the information into Montana VOTES printed a label and put one of the labels on the application, and directed the people to another line to pick up their ballot. They have a small polling place set up. The lines from October 7 through October 31, were never more than 20 minutes long.

The longest wait on November 3, 2008 was 1.5 hours. It was 3 hours on election day 2008. However, in the 2006 general election, it was 4 hours, so the wait time went down.

Part of the problem is the office – in February, the office was up on 2nd floor, and they will have more room at the counter and another computer. They had three computers in 2008. If their office had had one more computer, they could have been done easily on election night at 8:00 p.m. They had just 2 computers in 2006 -- also, a staff member insisted on doing all the work herself. In 2008, the line never stopped moving because someone was always there to help.

She does not like the idea of late registration at the polls. She assumes that everyone would have to vote provisionally – that would be worse than late

registration at the county election office. She is concerned that an election judge would let people vote and just drop the ballot in the box.

The biggest concern is that late registration at the polls would be too complicated – this election did in a lot of judges. It would just put more stress on them. At the polling place, they would have to make all vote provisional, even new registrants.

As for using the statewide database to reduce provisionals at the polls, they have no connections at most polling places. They have no desktop computers, and no laptops, and no wireless at the fairgrounds. Many of her judges are 70 years old, and it is hard to have them do any of the driver's license or partial SSN verifications over the phone. Mills said it would be "a terrible, terrible thing to do." "There is just no way that we could ever train" the judges. If mail ballots don't go through, she plans to convince her county commissioners to put all elections at the fairgrounds.

She thinks that telling people to late register before election day helped get them in the door. Every day they broke a record for the most late registrants. It was because people were calling potential late registrants and telling them to early vote. When asked, Mills said she doesn't know if the advertisements had an effect – she never really saw any of them since she was so busy during election time. Many people said they had not earlier realized that they could come in early to do late registration.

If the process is done poorly at the polls, the elections office cannot guarantee that the ballots will be handled correctly. The biggest worry is that the election judges will get confused and will let people vote without filling out their cards – just put the ballots in the ballot boxes.

Overall, late registration was really smooth up until the last day, when the phones were ringing off the walls – there were so many that they couldn't all be answered.

In the 2008 primary election, the turnout was not as big as they thought. The line was done about 8:30. During the primary, people of all ages registered late; there were not as many college students in the primary.

Prior to each of the 2008 Primary and 2008 General elections, the Secretary of State's office heavily publicized the regular registration date and the option of late registration and asked electors to register as early as possible. In each of those elections, political parties and candidates' staffs also contacted voters to encourage them to register early.

Counties were trained on and provided more resources for late registration in the 2008 primary election and 2008 general election than in the 2006 general election. Specifically, this included extensive training at the December Election Administrator Workshop on options for alleviating the issues posed by late registration, training at

regional trainings held around the state on these issues, and a followup training at the August 2008 Clerk and Recorder Convention specifically on late registration, including another review of options for lessening the impacts of late registration.

In the 2010 primary and general elections no statewide office other than U.S. Representative and Supreme Court Justice will be on the ballot, although ballot issues will likely be on the 2010 general election ballot.

Analysis:

It is too early to tell where the trend of Montana's late registration turnout is heading. Because Montana's three elections with late registration have been high-profile elections, and because the elections are not truly comparable (i.e., a single primary election and an off-year general election vs. a presidential general election), it is not clear in what direction late registration will trend.

That said, there are many factors to consider in the numbers above and in the similarities and differences between and among the 2006 general election and the 2008 primary and 2008 general elections:

- ◆ The Secretary of State's and other interested parties' 2008 efforts to publicize late registration may have led many late registrants to not wait until election day to late register.

In each of the 2008 elections more people late registered before election day than on election day. (By comparison, in the 2006 general election, more people registered on election day than before election day.)

- ◆ The possibility of a heavily contested primary election between Senators Obama and Clinton may have led to the relatively high number of late registrants overall during a primary election season that often sees turnout in the 30% range.
- ◆ This is also true of the hotly contested 2008 general election (73% turnout) as compared to the 2000 election season in which turnout was lower than 60%.
- ◆ It is not yet clear whether the total number of late registrants in the 2008 primary election was a high total for a primary election since a comparable election has not yet been held.
- ◆ Counties contacted reported shorter lines in the 2008 primary election than in the 2006 primary election, although lines were comparable in the 2008 general election to the 2006 general election, mostly due to high turnout in both elections.
- ◆ A major factor in the ability for counties to process late registrants quickly is having sufficient space to do so, including both space for the late registrants and for computers to process their registrations.

- ◆ The 2010 primary and general elections may see much lower turnout overall because no statewide office other than U.S. Representative and Supreme Court Justice will likely be on the ballot.
- ◆ Especially in the 2008 Primary Election, counties may have expected much higher late registration turnout than actually occurred, so late registration may have had less effect on the county election offices in that election than it would have otherwise.
- ◆ The 2008 general election provides a certain amount of useful comparative information to the 2006 general election, since the former and the latter were both heavily contested. However, since the 2006 general election was a non-presidential election as compared to the 2008 presidential election, the comparison is inexact.

Recommendations:

- ◆ The Secretary of State's office should continue publicizing the reasons for registering early and the reasonableness of avoiding waiting until election day to register to vote. Although these efforts have not stopped last-minute late registration, they may have led to lower election day late registration percentages in the 2008 elections.
- ◆ Counties should continue preparing for heavy numbers of late registrants up to and including on election day.
- ◆ The Secretary of State's office should continue training counties on late registration trends and on options for facilitating late registration.
- ◆ The Secretary of State's office should continue collecting as much data as possible in order to provide detailed information about late registration trends to interested parties.

Sources:

- ◆ http://sos.mt.gov/ELB/Voter_Turnout.asp
- ◆ **Montana Votes Database**
- ◆ http://factfinder.census.gov/servlet/DTTable?_bm=y&-geo_id=04000US30&-ds_name=DEC_2000_SF1_U&-mt_name=DEC_2000_SF1_U_PCT012



Late Registrations by House District and by
Pre-Election Day and Election Day Registration, 2006-Present

Montana Secretary of State Linda McCulloch
Elections and Government Services Division

EXHIBIT 3
DATE 04/15/2013
SB 405

| House District | 2013 Representative | 2012 General | | | 2012 Primary | | | 2010 General | | | 2010 Primary | | | 2008 General | | | 2008 Primary | | | Total |
|----------------|------------------------------------|---------------------|----------------------------|--------------------------|---------------------|----------------------------|--------------------------|---------------------|----------------------------|--------------------------|---------------------|----------------------------|--------------------------|---------------------|----------------------------|--------------------------|---------------------|----------------------------|--------------------------|-------|
| | | Before Election Day | Election Day Registrations | Total Late Registrations | Before Election Day | Election Day Registrations | Total Late Registrations | Before Election Day | Election Day Registrations | Total Late Registrations | Before Election Day | Election Day Registrations | Total Late Registrations | Before Election Day | Election Day Registrations | Total Late Registrations | Before Election Day | Election Day Registrations | Total Late Registrations | |
| 1 | Jerry Bennett | 71 | 85 | 156 | 0 | 0 | 0 | 14 | 31 | 45 | 11 | 9 | 20 | 94 | 73 | 167 | 18 | 18 | 36 | 424 |
| 2 | Mike Cuffe | 57 | 30 | 87 | 0 | 1 | 1 | 18 | 10 | 28 | 11 | 4 | 15 | 55 | 33 | 88 | 24 | 3 | 27 | 246 |
| 3 | Jerry O'Neil | 156 | 42 | 198 | 8 | 6 | 14 | 43 | 32 | 75 | 13 | 2 | 15 | 123 | 82 | 205 | 57 | 22 | 79 | 586 |
| 4 | Ed Lieser | 178 | 80 | 258 | 13 | 8 | 21 | 53 | 32 | 85 | 16 | 7 | 23 | 166 | 100 | 266 | 68 | 25 | 93 | 746 |
| 5 | Keith Regier | 179 | 73 | 252 | 25 | 11 | 36 | 61 | 31 | 92 | 12 | 10 | 22 | 212 | 85 | 297 | 64 | 26 | 90 | 789 |
| 6 | Carl Glimm | 190 | 96 | 286 | 24 | 12 | 36 | 80 | 49 | 129 | 22 | 10 | 32 | 230 | 94 | 324 | 57 | 34 | 91 | 898 |
| 7 | Randy Brodehl | 162 | 62 | 224 | 20 | 11 | 31 | 65 | 31 | 96 | 21 | 11 | 32 | 159 | 95 | 254 | 48 | 17 | 65 | 702 |
| 8 | Steve Lavin | 170 | 114 | 284 | 18 | 19 | 37 | 68 | 62 | 130 | 11 | 10 | 21 | 204 | 141 | 345 | 64 | 55 | 119 | 936 |
| 9 | Scott Reichner | 139 | 56 | 195 | 22 | 3 | 25 | 75 | 28 | 103 | 20 | 10 | 30 | 143 | 86 | 229 | 49 | 18 | 67 | 649 |
| 10 | Mark Blasdel | 224 | 128 | 352 | 32 | 13 | 45 | 79 | 47 | 126 | 27 | 12 | 39 | 246 | 134 | 380 | 83 | 34 | 117 | 1059 |
| 11 | Greg Hertz | 154 | 122 | 276 | 35 | 34 | 69 | 72 | 49 | 121 | 23 | 11 | 34 | 155 | 114 | 269 | 80 | 41 | 121 | 890 |
| 12 | Daniel Salomon | 129 | 77 | 206 | 49 | 21 | 70 | 74 | 23 | 97 | 10 | 7 | 17 | 102 | 77 | 179 | 49 | 32 | 81 | 650 |
| 13 | Pat Ingraham | 110 | 52 | 162 | 14 | 10 | 24 | 56 | 18 | 74 | 32 | 23 | 55 | 104 | 72 | 176 | 15 | 13 | 28 | 519 |
| 14 | Nicholas Schwaderer | 96 | 62 | 158 | 8 | 12 | 20 | 43 | 22 | 65 | 18 | 9 | 27 | 90 | 78 | 168 | 16 | 16 | 32 | 470 |
| 15 | Forrestina (Frosty) Calf Boss Ribs | 77 | 101 | 178 | 17 | 8 | 25 | 41 | 14 | 55 | 15 | 6 | 21 | 84 | 82 | 166 | 43 | 21 | 64 | 509 |
| 16 | Lea Whitford | 87 | 74 | 161 | 17 | 10 | 27 | 19 | 4 | 23 | 12 | 6 | 18 | 47 | 20 | 67 | 23 | 4 | 27 | 323 |
| 17 | Christy Clark | 86 | 57 | 143 | 9 | 19 | 28 | 41 | 21 | 62 | 5 | 6 | 11 | 58 | 32 | 90 | 41 | 21 | 62 | 396 |
| 18 | Jesse O'Hara | 104 | 75 | 179 | 11 | 18 | 29 | 23 | 44 | 67 | 13 | 6 | 19 | 124 | 75 | 199 | 29 | 22 | 51 | 544 |
| 19 | Roger Hagan | 90 | 65 | 155 | 9 | 10 | 19 | 20 | 19 | 39 | 6 | 2 | 8 | 85 | 55 | 140 | 26 | 7 | 33 | 394 |
| 20 | Steve Fitzpatrick | 53 | 90 | 143 | 4 | 6 | 10 | 27 | 23 | 50 | 8 | 8 | 16 | 97 | 83 | 180 | 26 | 17 | 43 | 442 |
| 21 | Jean Price | 73 | 79 | 152 | 5 | 8 | 13 | 21 | 30 | 51 | 1 | 8 | 9 | 92 | 91 | 183 | 36 | 32 | 68 | 476 |
| 22 | Casey Schreiner | 86 | 96 | 182 | 4 | 10 | 14 | 18 | 32 | 50 | 4 | 11 | 15 | 124 | 86 | 210 | 42 | 36 | 78 | 549 |
| 23 | Cydney (Carlie) Boland | 73 | 91 | 164 | 10 | 12 | 22 | 18 | 37 | 55 | 6 | 11 | 17 | 89 | 93 | 182 | 36 | 40 | 76 | 516 |
| 24 | Brian Hoven | 49 | 56 | 105 | 2 | 6 | 8 | 10 | 24 | 34 | 3 | 7 | 10 | 84 | 73 | 157 | 18 | 13 | 31 | 345 |
| 25 | Tom Jacobson | 85 | 104 | 189 | 6 | 14 | 20 | 26 | 40 | 66 | 11 | 14 | 25 | 116 | 90 | 206 | 29 | 27 | 56 | 562 |
| 26 | Robert Mehlhoff | 47 | 81 | 128 | 7 | 2 | 9 | 20 | 41 | 61 | 6 | 11 | 17 | 93 | 76 | 169 | 29 | 29 | 58 | 442 |
| 27 | Rob Cook | 101 | 95 | 196 | 43 | 22 | 65 | 33 | 30 | 63 | 14 | 18 | 32 | 80 | 51 | 131 | 38 | 24 | 62 | 549 |
| 28 | Roy Hollandsworth | 102 | 72 | 174 | 27 | 9 | 36 | 39 | 32 | 71 | 11 | 8 | 19 | 70 | 53 | 123 | 32 | 18 | 50 | 473 |
| 29 | Ryan Osmundson | 87 | 50 | 137 | 22 | 11 | 33 | 39 | 43 | 82 | 13 | 12 | 25 | 81 | 61 | 142 | 31 | 20 | 51 | 470 |
| 30 | Bill Harris | 124 | 74 | 198 | 23 | 11 | 34 | 29 | 42 | 71 | 12 | 9 | 21 | 89 | 78 | 167 | 54 | 31 | 85 | 576 |
| 31 | Bridget Smith | 62 | 89 | 151 | 5 | 8 | 13 | 10 | 56 | 66 | 3 | 11 | 14 | 41 | 61 | 102 | 15 | 20 | 35 | 381 |
| 32 | Clarena Brockie | 75 | 66 | 141 | 14 | 15 | 29 | 17 | 14 | 31 | 4 | 3 | 7 | 28 | 37 | 65 | 10 | 14 | 24 | 297 |
| 33 | Kristin Hansen | 143 | 102 | 245 | 11 | 6 | 17 | 33 | 34 | 67 | 18 | 3 | 21 | 70 | 89 | 159 | 25 | 14 | 39 | 548 |
| 34 | Wendy Warburton | 91 | 106 | 197 | 6 | 4 | 10 | 30 | 20 | 50 | 12 | 7 | 19 | 80 | 86 | 166 | 15 | 19 | 34 | 476 |
| 35 | Mike Lang | 103 | 90 | 193 | 33 | 5 | 38 | 49 | 66 | 115 | 13 | 2 | 15 | 86 | 59 | 145 | 23 | 12 | 35 | 541 |
| 36 | Austin Knudsen | 88 | 81 | 169 | 19 | 6 | 25 | 26 | 16 | 42 | 12 | 10 | 22 | 50 | 37 | 87 | 16 | 12 | 28 | 373 |
| 37 | David Halvorson | 111 | 161 | 272 | 16 | 16 | 32 | 33 | 42 | 75 | 15 | 25 | 40 | 62 | 79 | 141 | 18 | 22 | 40 | 600 |
| 38 | Alan Doane | 44 | 13 | 57 | 0 | 2 | 2 | 42 | 34 | 76 | 1 | 29 | 30 | 49 | 65 | 114 | 6 | 2 | 8 | 287 |
| 39 | Lee Randall | 104 | 70 | 174 | 22 | 15 | 37 | 22 | 39 | 61 | 31 | 17 | 48 | 67 | 42 | 109 | 10 | 1 | 11 | 440 |
| 40 | Bill McChesney | 126 | 106 | 232 | 7 | 7 | 14 | 39 | 37 | 76 | 16 | 14 | 30 | 89 | 102 | 191 | 36 | 24 | 60 | 603 |
| 41 | Rae Peppers | 53 | 58 | 111 | 11 | 10 | 21 | 5 | 16 | 21 | 2 | 21 | 23 | 46 | 60 | 106 | 15 | 32 | 47 | 329 |
| 42 | Carolyn Pease-Lopez | 53 | 74 | 127 | 9 | 17 | 26 | 9 | 37 | 46 | 8 | 28 | 36 | 54 | 113 | 167 | 33 | 70 | 103 | 505 |
| 43 | Duane Ankney | 88 | 55 | 143 | 26 | 11 | 37 | 41 | 39 | 80 | 22 | 13 | 35 | 70 | 75 | 145 | 20 | 14 | 34 | 474 |
| 44 | Jonathan McNiven | 80 | 38 | 118 | 8 | 3 | 11 | 22 | 22 | 44 | 6 | 4 | 10 | 53 | 37 | 90 | 15 | 15 | 30 | 303 |
| 45 | Tom Berry | 151 | 73 | 224 | 6 | 8 | 14 | 43 | 35 | 78 | 18 | 21 | 39 | 88 | 75 | 163 | 29 | 8 | 37 | 555 |
| 46 | Clayton Fiscus | 173 | 61 | 234 | 7 | 11 | 18 | 65 | 35 | 100 | 11 | 4 | 15 | 87 | 67 | 154 | 18 | 14 | 32 | 553 |
| 47 | Daniel Zolnikov | 98 | 54 | 152 | 9 | 4 | 13 | 36 | 36 | 72 | 4 | 0 | 4 | 71 | 47 | 118 | 19 | 23 | 42 | 401 |
| 48 | Doug Kary | 115 | 64 | 179 | 17 | 8 | 25 | 23 | 54 | 77 | 1 | 4 | 5 | 66 | 48 | 114 | 21 | 23 | 44 | 444 |
| 49 | Mary McNally | 102 | 41 | 143 | 14 | 8 | 22 | 26 | 27 | 53 | 6 | 4 | 10 | 65 | 70 | 135 | 17 | 30 | 47 | 410 |
| 50 | Dennis Lenz | 68 | 42 | 110 | 13 | 7 | 20 | 38 | 25 | 63 | 3 | 1 | 4 | 52 | 52 | 104 | 23 | 25 | 48 | 349 |



**Late Registrations by House District and by
Pre-Election Day and Election Day Registration, 2006-Present**

*Montana Secretary of State Linda McCulloch
Elections and Government Services Division*

| House District | 2013 Representative | 2012 General | | | 2012 Primary | | | 2010 General | | | 2010 Primary | | | 2008 General | | | 2008 Primary | | | Total |
|----------------|-----------------------------|---------------------|----------------------------|--------------------------|---------------------|----------------------------|--------------------------|---------------------|----------------------------|--------------------------|---------------------|----------------------------|--------------------------|---------------------|----------------------------|--------------------------|---------------------|----------------------------|--------------------------|--------------|
| | | Before Election Day | Election Day Registrations | Total Late Registrations | Before Election Day | Election Day Registrations | Total Late Registrations | Before Election Day | Election Day Registrations | Total Late Registrations | Before Election Day | Election Day Registrations | Total Late Registrations | Before Election Day | Election Day Registrations | Total Late Registrations | Before Election Day | Election Day Registrations | Total Late Registrations | |
| 51 | Kelly McCarthy | 132 | 80 | 212 | 15 | 5 | 20 | 43 | 20 | 63 | 6 | 4 | 10 | 65 | 69 | 134 | 25 | 24 | 49 | 488 |
| 52 | Virginia Court | 87 | 30 | 117 | 7 | 5 | 12 | 26 | 25 | 51 | 3 | 1 | 4 | 47 | 58 | 105 | 9 | 21 | 30 | 319 |
| 53 | Dave Hagstrom | 73 | 31 | 104 | 6 | 6 | 12 | 22 | 15 | 37 | 4 | 0 | 4 | 52 | 42 | 94 | 12 | 14 | 26 | 277 |
| 54 | Margaret (Margie) Macdonald | 82 | 46 | 128 | 9 | 3 | 12 | 25 | 16 | 41 | 2 | 4 | 6 | 51 | 60 | 111 | 20 | 17 | 37 | 335 |
| 55 | Cary Smith | 122 | 42 | 164 | 9 | 7 | 16 | 23 | 21 | 44 | 4 | 2 | 6 | 67 | 55 | 122 | 18 | 22 | 40 | 392 |
| 56 | Donald Jones | 102 | 39 | 141 | 13 | 7 | 20 | 41 | 24 | 65 | 7 | 1 | 8 | 43 | 44 | 87 | 21 | 19 | 40 | 361 |
| 57 | Sarah Laszloffy | 129 | 52 | 181 | 20 | 6 | 26 | 35 | 23 | 58 | 14 | 1 | 15 | 67 | 45 | 112 | 25 | 19 | 44 | 436 |
| 58 | Krayton Kerns | 70 | 15 | 85 | 2 | 2 | 4 | 29 | 16 | 45 | 2 | 2 | 4 | 42 | 37 | 79 | 4 | 3 | 7 | 224 |
| 59 | Joanne Blyton | 135 | 88 | 223 | 32 | 12 | 44 | 89 | 40 | 129 | 30 | 18 | 48 | 117 | 87 | 204 | 73 | 22 | 95 | 743 |
| 60 | David Howard | 126 | 117 | 243 | 14 | 6 | 20 | 45 | 36 | 81 | 5 | 22 | 27 | 111 | 90 | 201 | 15 | 1 | 16 | 588 |
| 61 | Alan Redfield | 135 | 92 | 227 | 34 | 13 | 47 | 92 | 55 | 147 | 34 | 5 | 39 | 127 | 71 | 198 | 43 | 13 | 56 | 714 |
| 62 | Reilly Neill | 149 | 114 | 263 | 24 | 19 | 43 | 72 | 42 | 114 | 12 | 15 | 27 | 126 | 95 | 221 | 53 | 40 | 93 | 761 |
| 63 | Franke Wilmer | 141 | 55 | 196 | 25 | 13 | 38 | 93 | 48 | 141 | 14 | 5 | 19 | 216 | 31 | 247 | 66 | 20 | 86 | 727 |
| 64 | Tom Woods | 305 | 146 | 451 | 24 | 12 | 36 | 122 | 92 | 214 | 16 | 9 | 25 | 444 | 119 | 563 | 144 | 43 | 187 | 1476 |
| 65 | Kathleen Williams | 144 | 127 | 271 | 15 | 3 | 18 | 79 | 69 | 148 | 15 | 3 | 18 | 243 | 95 | 338 | 66 | 25 | 91 | 884 |
| 66 | JP Pommichowski | 237 | 149 | 386 | 17 | 16 | 33 | 88 | 78 | 166 | 24 | 6 | 30 | 383 | 116 | 499 | 120 | 31 | 151 | 1265 |
| 67 | Gordon Vance | 248 | 89 | 337 | 24 | 25 | 49 | 94 | 57 | 151 | 24 | 8 | 32 | 355 | 91 | 446 | 61 | 20 | 81 | 1096 |
| 68 | Kelly Flynn | 143 | 48 | 191 | 21 | 5 | 26 | 69 | 57 | 126 | 33 | 29 | 62 | 180 | 61 | 241 | 34 | 22 | 56 | 702 |
| 69 | Ted Washburn | 198 | 58 | 256 | 28 | 9 | 37 | 73 | 32 | 105 | 17 | 3 | 20 | 242 | 62 | 304 | 52 | 8 | 60 | 782 |
| 70 | Kerry White | 171 | 46 | 217 | 19 | 4 | 23 | 98 | 38 | 136 | 13 | 8 | 21 | 222 | 53 | 275 | 53 | 11 | 64 | 736 |
| 71 | Ray Shaw | 81 | 70 | 151 | 21 | 6 | 27 | 36 | 28 | 64 | 9 | 11 | 20 | 114 | 75 | 189 | 15 | 10 | 25 | 476 |
| 72 | Jeffrey Welborn | 123 | 106 | 229 | 25 | 12 | 37 | 51 | 63 | 114 | 32 | 7 | 39 | 99 | 100 | 199 | 32 | 34 | 66 | 684 |
| 73 | Pat Noonan | 111 | 97 | 208 | 34 | 24 | 58 | 29 | 38 | 67 | 5 | 4 | 9 | 16 | 92 | 108 | 22 | 54 | 76 | 526 |
| 74 | Ryan Lynch | 108 | 90 | 198 | 47 | 25 | 72 | 26 | 34 | 60 | 8 | 1 | 9 | 12 | 52 | 64 | 23 | 22 | 45 | 448 |
| 75 | Edith (Edie) McClafferty | 101 | 104 | 205 | 22 | 34 | 56 | 20 | 46 | 66 | 0 | 5 | 5 | 12 | 65 | 77 | 24 | 38 | 62 | 471 |
| 76 | Amanda Curtis | 134 | 162 | 296 | 31 | 20 | 51 | 24 | 38 | 62 | 8 | 6 | 14 | 16 | 97 | 113 | 22 | 28 | 50 | 586 |
| 77 | Kirk Wagoner | 99 | 83 | 182 | 19 | 17 | 36 | 43 | 28 | 71 | 13 | 10 | 23 | 90 | 65 | 155 | 39 | 21 | 60 | 527 |
| 78 | Steve Gibson | 145 | 59 | 204 | 38 | 9 | 47 | 41 | 38 | 79 | 14 | 6 | 20 | 122 | 96 | 218 | 46 | 39 | 85 | 653 |
| 79 | Chuck Hunter | 140 | 64 | 204 | 27 | 13 | 40 | 59 | 22 | 81 | 13 | 9 | 22 | 86 | 68 | 154 | 61 | 44 | 105 | 606 |
| 80 | Liz Bangertter | 160 | 76 | 236 | 38 | 20 | 58 | 57 | 33 | 90 | 12 | 8 | 20 | 109 | 97 | 206 | 65 | 69 | 134 | 744 |
| 81 | Galen Hollenbaugh | 118 | 76 | 194 | 23 | 31 | 54 | 44 | 56 | 100 | 20 | 16 | 36 | 99 | 80 | 179 | 62 | 64 | 126 | 689 |
| 82 | Jenny Eck | 131 | 72 | 203 | 44 | 23 | 67 | 59 | 59 | 118 | 15 | 18 | 33 | 99 | 76 | 175 | 56 | 63 | 119 | 715 |
| 83 | Wylie Galt | 133 | 66 | 199 | 35 | 12 | 47 | 67 | 52 | 119 | 20 | 21 | 41 | 90 | 78 | 168 | 19 | 34 | 53 | 627 |
| 84 | Mike Miller | 164 | 60 | 224 | 19 | 16 | 35 | 63 | 46 | 109 | 15 | 7 | 22 | 90 | 83 | 173 | 32 | 33 | 65 | 628 |
| 85 | Gordon Pierson | 57 | 102 | 159 | 21 | 20 | 41 | 18 | 18 | 36 | 12 | 7 | 19 | 60 | 64 | 124 | 25 | 15 | 40 | 419 |
| 86 | Kathy Swanson | 81 | 101 | 182 | 35 | 37 | 72 | 46 | 26 | 72 | 23 | 8 | 31 | 64 | 65 | 129 | 49 | 35 | 84 | 570 |
| 87 | Pat Connell | 103 | 78 | 181 | 26 | 14 | 40 | 75 | 23 | 98 | 13 | 4 | 17 | 70 | 70 | 140 | 26 | 17 | 43 | 519 |
| 88 | Ron Ehli | 148 | 128 | 276 | 25 | 23 | 48 | 72 | 51 | 123 | 13 | 7 | 20 | 96 | 95 | 191 | 34 | 40 | 74 | 732 |
| 89 | Nancy Ballance | 114 | 68 | 182 | 9 | 7 | 16 | 53 | 25 | 78 | 14 | 5 | 19 | 124 | 53 | 177 | 41 | 24 | 65 | 537 |
| 90 | Edward Greef | 105 | 53 | 158 | 14 | 10 | 24 | 45 | 14 | 59 | 8 | 2 | 10 | 77 | 53 | 130 | 22 | 11 | 33 | 414 |
| 91 | David (Doc) Moore | 101 | 54 | 155 | 2 | 5 | 7 | 36 | 15 | 51 | 0 | 1 | 1 | 90 | 83 | 173 | 30 | 12 | 42 | 429 |
| 92 | Bryce Bennett | 121 | 51 | 172 | 12 | 13 | 25 | 56 | 42 | 98 | 0 | 4 | 4 | 85 | 63 | 148 | 36 | 49 | 85 | 532 |
| 93 | Douglas Coffin | 134 | 214 | 348 | 4 | 9 | 13 | 41 | 94 | 135 | 0 | 2 | 2 | 158 | 158 | 316 | 45 | 70 | 115 | 929 |
| 94 | Ellie Boldman Hill | 122 | 95 | 217 | 8 | 12 | 20 | 49 | 60 | 109 | 0 | 6 | 6 | 97 | 80 | 177 | 26 | 51 | 77 | 606 |
| 95 | Tom Steenberg | 133 | 100 | 233 | 8 | 15 | 23 | 34 | 55 | 89 | 0 | 4 | 4 | 97 | 87 | 184 | 26 | 43 | 69 | 602 |
| 96 | Carolyn Squires | 128 | 93 | 221 | 12 | 10 | 22 | 46 | 42 | 88 | 1 | 3 | 4 | 132 | 80 | 212 | 33 | 42 | 75 | 622 |
| 97 | Nancy Wilson | 128 | 121 | 249 | 7 | 17 | 24 | 48 | 75 | 123 | 1 | 1 | 2 | 102 | 123 | 225 | 45 | 60 | 105 | 728 |
| 98 | Jenifer Gursky | 245 | 155 | 400 | 9 | 24 | 33 | 73 | 66 | 139 | 0 | 3 | 3 | 164 | 118 | 282 | 43 | 35 | 78 | 935 |
| 99 | Kimberly Dudik | 178 | 147 | 325 | 7 | 10 | 17 | 80 | 78 | 158 | 1 | 5 | 6 | 168 | 126 | 294 | 48 | 96 | 144 | 944 |
| 100 | Champ Edmunds | 108 | 61 | 169 | 3 | 4 | 7 | 40 | 41 | 81 | 1 | 0 | 1 | 84 | 60 | 144 | 21 | 21 | 42 | 444 |
| Totals | | 11950 | 8053 | 20003 | 1720 | 1178 | 2898 | 4523 | 3735 | 8258 | 1143 | 836 | 1979 | 10692 | 7547 | 18239 | 3591 | 2679 | 6270 | 57647 |