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MONTANA CONSTITUTIONAL CONVENTION
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GENERAL GOVERNMENT AND

CONSTITUTIONAL AMENDMENT COMMITTEE

Room 410, Capitol Building

January 26, 1972
10:00 a.m.

Committee Chairman: Mark Etchart

MINUTES OF THE SEVENTH MEETING OF THE GENERAL GOVERNMENT
AND CONSTITUTIONAL AMENDMENT COMMITTEE

Discussion of Article IX; Discussion of Article XIX

Roll Call:

Mark Etchart, Chairman	Present
Paul K. Harlow, V. Chairman	Present
Don E. Belcher	Present
Bruce M. Brown	Present
Lyman W. Choate	Present
Otto T. Habedank	Present
Peter "Pete" Lorello	Present
Robert Vermillion	Present

INTERESTED PERSONS TESTIFYING:

<u>Name</u>	<u>Address</u>	<u>Occupation</u>
Robert S. Watt	Missoula	Lobbyist, Montana Student Presidence Assoc
Kenneth Rohyans	Helena	Executive Director, Mont. Assoc. of Retarded Children
Steve Coldiron	Helena	Lobbyist, Montana State Low Income Organ.
J. J. Schmidt	Great Falls	County Clerk & Records Office
Helen Kovich	Great Falls	County Clerk & Records Office
Charles Mahoney	Clancy	Delegate

The meeting recessed at noon and reconvened at 1:30 p.m. with adjournment at 4:30 p.m.

The SEVENTH meeting of the General Government and Constitutional Amendment Committee was called to order by Chairman Etchart. Roll call was taken and the minutes of the last meeting were read and approved.

Mr. Robert S. Watt, lobbyist for the Montana Student Presidents Association testified on Article IX, Suffrage and Elections. The general concensus of the students is that the residence requirement for voting be as brief as possible and the period between election and registration also be as short as possible. He stated that in this state there is no danger of the students taking over the government because of the small number of students so there should be no restrictions on the voting age. Mr. Watt said there is the assumption that a person who moves to town and gets a job is permanent while the student is not. Mr. Brown said a residence is a matter of intent. Mr. Watt was asked if he would object if the committee drew up a proposal leaving the age up to legislature and he said he thought the students would agree to that. (See attachment #1).

Mr. Grady stated that of the percentage of students that vote, 40 - 60% vote in the university towns. After the first couple of years at school they change their residence because they loose touch with the home issues.

Mr. Harlow wondered if there was some way to make it so that the Clerk and Recorder wouldn't become the judge and jury at an election. Mr. Watt doesn't know if there is any state authority to enforce the matter in elections to follow the law of procedures. Mr. Harlow said under the laws, the citizen can file his complaint but most of the people don't go to that much trouble.

Mr. Brown read his proposal on Article IX and it was opened for discussion. A few minor changes were made.

Mr. Habedank moved that we don't use subtitles and leave it to Style and Drafting to decide. The motion carried.

Mr. Vermillion said if a citizen is qualified to vote he should be able to run for office. Mr. Habedank said he wouldn't mind leaving out the reference to age but he thinks it is very necessary that as a class you have to meet certain qualifications. Mr. Vermillion thinks the people will look at all the qualifications of the person running for office. He doesn't think the legislature has the right to set up the qualification of age. Mr. Habedank moved that we pass Sections 11, 12 and 13 until we find out whether another committee is handling this matter. Mr. Belcher seconded it and the motion carried.

Mr. Kenneth Rohyans, Executive Director of the Montana Association of Retarded Children from Helena testified on Article IX. He believes that a new statement referring to mental incompetency should be a statute and not a constitutional provision because there are so many changes being made today in mental health. The terms idiot, imbecile and moron were used for classifications in the days when the constitution was written, but they are no longer used for classification. (Attachment #2).

Mr. Brown read his proposal and asked what Mr. Rohyans' opinion was on it. Mr. Rohyans didn't think there would be any objection to it.

Mr. Etchart stated that the Organic Act is not exactly accurate on the description of the boundaries of Montana and the Montana constitution is more accurate.

Mr. Steve Coldiron representing the Low Income Organization testified on Article IX, Section 2. He suggested a change in the wording of Section 2 to provide for full restoration of rights for a person who has served time for a felony. Mr. Brown read his new proposal which gives the person the privilege of voting while on parole. Mr. Coldiron said his organization would go along with that.

Mr. Habedank said Mr. Mahoney's Delegate Proposal No. 27 was referred to this committee in regards to Sections 8 and 9 of Article XIX. Mr. Habedank read his proposal on Article XIX and it was open for discussion. Mr. Etchart suggested that Mr. Mahoney be asked to testify on his proposal. Mr. Habedank said that Mr. Mahoney's proposal was an entirely different proposal as it deals with the initiative for a constitutional convention while Mr. Habedank's deals with constitutional amendments.

Mr. J. J. Schmitz from Great Falls representing the County Clerk and Recorders Association testified on absentee voting. Helen Kovich also testified on this subject. Mr. Schmitz stated quite a sum of money could be saved in cities and counties if the law concerning counting of absentee votes would be changed. The cost of counting paper ballots is continuously going up, he said, and with the age requirement lowered, college students will be voting more by absentee ballots. They said they made this proposal at the last two legislatures and were told it was not a legislative matter. Instead of sending the absentee ballots to the individual towns to be counted after the voting is done, their proposal is to have an auxiliary counting board under the provisions of a judge and handle it like a jury to avoid the information getting out about the election before it was over. At the end of the day this board would certify the votes and add the cities vote as they come into the county. Mr. Schmitz said if there are discrepancies in counting they happen in the paper ballots. This method would provide for better coverage for the news media, he said. (See attachment #3).

Mr. Belcher asked what the provision was that stopped a clerk and recorder from now activating the proposed method. Mr. Schmitz said the statutes are very precise in that the ballots must be returned to the individual voting places and counted by the election boards in that precinct.

Mr. Habedank asked what provision in the constitution prohibits the legislature from adopting the proposed system. He said they have met with several legislative committees and were told the proposal is a constitutional matter. Mr. Choate said that Section 9 of Article IX is the only one that makes reference to that subject. Mr. Brown read his proposal on that subject and asked them if they had any objections since it says the legislature will have to pass laws

to take care of absentee ballots. Mr. Brown stated that most state constitutions don't provide for a way to count absentee ballots.

The secretary read their proposal on this matter and Mr. Etchart stated that this convention was called to streamline the constitution and get rid of some of the legislative matters. Mr. Etchart said when we run into matters that are legislative, they are being referred to the Legislative Council.

Delegate Charles Mahoney testified on his Delegate Proposal No. 27. He feels he is making it easier to amend the constitution. He is changing the vote from a 2/3 vote in both houses to a majority of the members elected to each house. He is changing the percent of the number of signatures needed to 10% of the states legal voters. He also wants the amendments published in at least one paper for four weeks previous to the election. He wants to let the legislature submit up to six amendments and limit the people to two. The two with the greatest number of signatures at the end of four months will be placed on the ballot. The veto power of the governor shall not extend to the constitution.

Mr. Brown said what he feared about a legislative matter having a simple majority is that the legislature would get into the habit of putting controversial matters into the constitution.

Mr. Habedank's proposal was read and he said that would be okay with him. He said he just wanted to open it up to the people and give them up to two amendments to the constitution. Mr. Mahoney also said he would have no objection of going to 2/3 of the entire membership of both houses.

Mr. Habedank asked what Mr. Mahoney would think of an initiative for the people to call a constitution but not an amendment. Mr. Mahoney thought the people should have the right to amend.

Mr. Habedank thought Mr. Mahoney's proposal fit right behind his proposal and they could be incorporated.

There being no further business the meeting was adjourned at 4:30 p.m.

Mark Etchart

CHAIRMAN

Bobbie Murphy

SECRETARY