

**COMMITTEE OF THE WHOLE
CITY COUNCIL CHAMBERS
140 WEST PINE STREET
MISSOULA MONTANA
AUGUST 10, 2011, 11:05 AM**

Members present: Ed Childers, President; Stacy Rye, Vice President; Dick Haines; Lyn Hellegaard; Bob Jaffe; Renee Mitchell; Pam Walzer; Jason Wiener; Jon Wilkins and Cynthia Wolken

Members absent: Dave Strohmaier; Marilyn Marler

Others present: Vickie Zeier; Paul Bohan, Bryce Bennett

I. Administrative Business

Minutes dated [July 18, 2011](#) were approved as submitted

II. Public Comment on items not listed on the agenda--None

III. Regular Agenda

- A. Resolution declaring the City's preference for a mail-in election as prescribed in MCA 13-19-202. ([memo](#)) – Regular Agenda (Jason Wiener) (Referred to committee: 08/08/2011)

MOTION: The committee recommends the city council adopt a [resolution](#) notifying the Missoula County Election Administrator of the city's desire to conduct the 2011 City General Election by mail ballot in accordance with 13-19-202 Montana Code Annotated (MCA).

Vickie Zeier, County Clerk and Recorder/Elections Administrator, said she sent a [memo](#) to the city council asking if the council was interested in conducting the 2011 Municipal General Election by mail ballots. If so, she needs to submit a "Mail Ballot Plan to the Secretary of State's office no later than September 9, 2011. She has four questions for the council:

- Are there any changes to the Election Day ballot drop sites?
- Conduct the election by ward or precinct—will the election be conducted by ward or precinct?
- Date to mail ballots—how many days before the election to mail the ballots?
- Postage to return ballots—Do you wish to pay from the return postage?

Jason Wiener stated the resolution is similar to the 2009 resolution. The resolution addresses one of Ms. Zeier's questions as to how many days prior to the election do the ballots get sent out. Mr. Wiener suggested 15 days should suffice.

Mr. Wiener motioned to adopt the resolution as amended by the city attorney's email.

Marty Rehbein stated the amount budgeted for Fiscal Year 2012 is only for the general election by Ward and not by precinct. The amount does not include return postage so if the council wants to add either of those items they would need to do a budget amendment.

Ed Childers asked if there was anyone opposed to doing a ballot by mail. No one spoke against the mail-in ballots.

Lyn Hellegaard stated she would like Ms. Zeier to discuss the safe guards in place to assure the public the mail in ballots are secured and can not be tampered with.

Ms. Zeier stated in the recent school bond election there were two errors. The mailing service company issued a few duplicate ballots but Montana Votes does not allow for two ballots. In the city election, they will not be using the mail service because of the time frame to get the ballots printed, stuffed in envelopes and in the mail within 10 days of the certification. The second error that occurred was a jurisdiction received their ballots 2 days late. Both errors have been corrected.

Lyn Hellegaard asked when the mail in ballots come into the court house, where are they kept? Are they kept in a secure location? Ms. Zeier stated when the ballots are received whether at the court house or other locations they are brought to the fair grounds. They are kept in building 15 which is equipped with security cameras. Once the ballots have been reconciled they are put in sealed boxes until Election Day. There is a reconciliation process which tells who's ballot, day it was processed and the day it was sealed.

Renee Mitchell stated the ballots should be received at least 15 days before the election. Ms. Mitchell motioned to amend the resolution to receive the mail ballots 20 days before elections.

Mr. Childers asked Ms. Zeier what the law currently states, is it a mailed date or a received date. Ms. Zeier stated Montana law says it is a mail date. The ballots must be mailed within 15 to 25 days. The ballots can be received up until 8:00 PM on Election Day. The Elections office receives a rush of ballots in the beginning and more walk-ins towards the end of the election.

Jon Wilkins stated he felt the 15 days is adequate time.

Stacy Rye asked, what is the mail date? Mr. Wiener said October 24 would be the 15 days before and October 19 would be 20 days before the November 8 election.

Dick Haines asked if there is any recognition in the process for registered voters of the military, people living in other states or over seas but still vote in Missoula, or any snowbirds. Ms. Zeier stated people are required to register where they will be during this time and this is where the ballot will be mailed. About 85 percent of the military and overseas people vote via the internet.

Bob Jaffe stated he is leaning towards the shorter amount of time.

Ms. Mitchell stated she thought this would give people more time to do research.

Public Comment

Paul Bohan asked about the out of state residency. He knows many students don't follow rules and wonders about when students go home for the summer. When they come back in the fall they are considered residents after 30 days. He also stated fraud is possible when voting with mail-in ballots especially when people who were prior tenants receive ballots and the new tenants decide to fill them out.

On the motion to amend the resolution to 20 days instead of 15 days failed by a vote of 3 ayes (Hellegaard, Haines, Mitchell) and 7 nays.

Ms. Mitchell asked about the residency requirement and what happens if they are registered in another town or city in Montana. How is this checked? Ms. Zeier stated since 2005 the state of Montana uses Montana Votes which is a statewide voter

database. If a voter registers in Missoula but voted in Billings during the last election, their information is pulled from the database and is updated with the new information. If a voter from another county shows up and votes, their ballot maybe considered a provisional ballot in case they have voted in the other county already. Once the ballot has been approved then it will be counted. Currently, there is not a federal database in place so the elections office can not control out of state voters.

Jon Wilkins stated he agrees with Mr. Bohan as he likes to go to the polling place to see and visit with some of his neighbors but the cost of a polling place is outrageous. Also, there is more participation with the mail ballots. What is the residency requirement? Ms. Zeier stated it is 30 days and it is a state law.

Mr. Wilkins asked what safe guards are in place for a mail-in ballot if a person is no longer living in the residence. Ms. Zeier stated mail-in ballots can not be forwarded. In 2009 the city election had 9453 undeliverable ballot. Once an undeliverable ballot is received, a forward able notice is sent to the elector stating they need to correct their address within 30 days. If they do not correct their address then they do not receive a notice. In the primary in the 2007 election the city election had 11,650 undeliverable envelopes which many were students. Every envelope with a signature is verified.

Mr. Wiener stated if you miss being at the polls then become an election judge. If an undeliverable ballot can not be delivered during the school election then it can be inactive for the city election too.

Mr. Childers asked if the committee would like to conduct the election by ward or precinct. All indicated Ward would be good.

Mr. Childers asked about the drop sites for ballots. Mr. Wiener suggested another drop site in ward 6. The committee decided to add Franklin School as a drop site.

Mr. Wiener asked since Russell school and the fairgrounds are fairly close together would it be better to not have Russell school as a drop site. Ms. Hellegaard and Ms. Mitchell both stated they would like to keep Russell school as a drop site for the convenience.

Pam Walzer clarified the memo indicates Hellgate school and she would like to clarify it is known as Hellgate Elementary School.

Ms. Rehbein indicated the drop sites will be:

- Cold Springs School
- Courthouse (elections office and drop box on west side of courthouse)
- Fairgrounds Fine Arts Building #15
- Hellgate Elementary School
- Lowell School
- Paxson School
- Rattlesnake School
- Russell School
- Franklin School

Mr. Childers asked what would it cost for return postage?

Ms. Zeier stated it will cost depends on the number of returns. In the 2009 election showed 13, 700 returns times 44 cents. Ms. Rehbein indicated the return postage was not budgeted.

Ms. Zeier stated if the postage is not included when it is mailed then her postage due account is charged for the postage. She then bills the city for the postage. She also indicated no ballot will be rejected because of postage due.

Public Comment

Bryce Bennett, Forward Montana, stated he supports the general resolution. He also supports the mail ballots because it provides more opportunity for voters. He also passed along a [letter](#) from Jenifer Gursky from the Associated Students of The University of Montana.

Paul Bohan commented on the residency requirements from other states in order to vote in the election.

On the motion to adopt resolution as amended by city attorney's email, the motion passed unanimously.

IV. Held in committee

1. Mayor's Update – Ongoing in Committee. (Mayor Engen)
2. Updates from Council representatives on the Health Board, Community Forum, Transportation Policy Coordinating Committee, other boards and commissions as necessary. – (Ongoing in Committee)
3. Joint meeting of the Mayor, City Council and County Commission; a facilitated quarterly OPG review as directed in the [Interlocal Agreement](#) (Agenda)—Ongoing (Mayor Engen)
4. Joint meeting between the Missoula City Council and the Missoula County Public Schools' Board of Trustees ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/17/07)
5. Examination of Office Planning and Grants ([memo](#))—Regular Agenda (Lyn Hellegaard) (Referred to committee: 09/08/08)

V. Adjournment

The meeting was adjourned at 12:00 PM.

Respectfully submitted,

Nikki Rogers
Deputy City Clerk