

# ***2008 Voter Information Pamphlet***



## ***From Secretary of State Brad Johnson***

Dear Montana Voter,

Welcome to the 2008 Voter Information Pamphlet! Voting is one of our most cherished rights. It's also one of our most fundamental responsibilities. But it's not enough just to vote. Democracy works best when we all cast an **informed** vote.



This year, the ballot includes three ballot issues on which you'll be invited to vote. This pamphlet presents to you the full text and ballot language of each of those issues, arguments for and against each issue, and rebuttals to both those arguments. It's a chance to study the messages of the supporters and opponents of each ballot issue, and come to an informed decision about how you want to vote.

Montana's Constitution gives us as citizens the right to directly initiate change in our government. This is done through the initiative and referendum process where individuals, groups and the legislature propose constitutional or statutory changes. Citizens gather signatures on initiative petitions to have those proposed changes placed on the ballot so that all registered voters may have a voice in that decision.

This year the ballot will include a statutory initiative proposed by citizens as well as a legislative referendum and one constitutional amendment proposed by the legislature.

In addition to the ballot issues, the pamphlet includes a number of items that we hope will assist you in voting. You will find information on each of the political parties as well as contact information for local election offices and facts about Montana's election laws.

You can use the Internet to find more information about elections and voting at <http://montanavotes.net> or at the official Secretary of State's Web site at <http://sos.mt.gov>. In addition, you can call my office toll-free at 1-888-884-VOTE (8683).

Informed participation in our democracy is crucially important. Our government is never better than we demand it to be or worse than we allow it to be. I hope you'll take the time to carefully read the Voter Information Pamphlet, to study the issues, and ask your own questions. Most of all, I hope you'll cast an informed vote on November 4. Your vote is your voice in government. Make your voice be heard.

A handwritten signature in black ink that reads "Brad Johnson". The signature is written in a cursive, flowing style.

Brad Johnson, Secretary of State

Published in 2008 by the Office of the Montana Secretary of State. Cover photo of the State Capitol at night by Donnie Sexton of Travel Montana, reprinted with permission.

If you would like to receive additional copies of the VIP, or would like to receive it in large print, in Braille, on a CD, electronically, online, or in another accessible format, please contact the Secretary of State's Office at 1-888-884-VOTE (8683), go to our Web site at <http://sos.mt.gov>, or email [soselec-tion@mt.gov](mailto:soselec-tion@mt.gov).

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### Ballot Issue Reminder Worksheet

- ◆ Bring your ID to vote!
- ◆ If you forget your ID, ask the poll workers what options are available to you.
- ◆ If you make a mistake or damage your ballot, don't try to correct it — ask your election official for a replacement ballot.
- ◆ AutoMARK ballot marking machines are available to help any voter who wants extra assistance in voting.

## **What Is the Voter Information Pamphlet?**

The Voter Information Pamphlet (or VIP) is published by the Secretary of State to provide Montana voters with information on statewide ballot issues. The Secretary of State distributes pamphlets to county election officials, who mail a VIP to each household with an active registered voter.

### ***Who writes the information in the VIP?***

The Attorney General writes an explanatory statement for each ballot issue. The statement, not to exceed 100 words, is required to be a true and impartial explanation of the purpose of each measure in easy-to-understand language. The Attorney General also prepares the fiscal statement, if necessary, and “for” and “against” statements for each issue. These statements appear on the ballot.

Pro and con arguments and rebuttals are written by committees appointed by the sponsors of the issues and by state officials. Argument submissions are limited to one page and rebuttals to a half page. All arguments and rebuttals are

printed as filed by the committees and do not necessarily represent the views of the Secretary of State or the State of Montana.

### ***Can I get the VIP in a different format?***

If you would like to receive the Voter Information Pamphlet in large print, in Braille, on a CD, electronically, online, or in another accessible format, please contact the Secretary of State’s Office at 1-888-884-VOTE (8683), go to our website at <http://sos.mt.gov>, or email [soselec@mt.gov](mailto:soselec@mt.gov).

The Secretary of State has a telecommunications device for the deaf (TDD) at (406) 444-9068. Alternative accessible formats of this document will be provided upon request.

For more information on elections, visit the Secretary of State’s Web site at <http://sos.mt.gov>. You also may contact the office directly on a toll-free hotline set up to answer questions on registering and voting; that number is 1-888-884-VOTE (8683).

## **Disclaimer**

The information that follows for each proposed ballot issue is the official ballot language written by the Attorney General's office, the text of each issue, and the arguments and rebuttals for and against each issue. The arguments and rebuttals were prepared by committees appointed to support and oppose each issue. The opinions expressed therein do not necessarily represent the views of the Secretary of State or the State of Montana. The State also does not guarantee the truth or accuracy of any statement therein.

## **Constitutional Amendment No. 44 Ballot Language**

AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VIII, SECTION 13, OF THE MONTANA CONSTITUTION TO ALLOW UP TO 25 PERCENT OF CERTAIN PUBLIC FUNDS TO BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK; AND PROVIDING AN IMMEDIATE EFFECTIVE

DATE.

The 2007 Legislature submitted this proposal for a vote. This measure would amend the Montana Constitution to allow up to 25 percent of all state trust fund assets to be invested in private corporate capital stock. Currently, the Constitution allows only Retirement Funds and Workers’ Compensation Insurance Funds to be invested in private corporate capital stock.

In the short term, it is expected that income

*(Continued on page 5)*

# Constitutional Amendment No. 44

(Continued from page 4)

will be reduced while trust monies are transferred from bonds to stocks. In the long term, if historical investment performance continues, trust fund income may increase because aggregate stock values are expected to appreciate, while bond values do not.

## Complete Text of C-44

AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VIII, SECTION 13, OF THE MONTANA CONSTITUTION TO ALLOW UP TO 25 PERCENT OF CERTAIN PUBLIC FUNDS TO BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Article VIII, section 13, of The Constitution of the State of Montana is amended to read:

**"Section 13. Investment of public funds and public retirement system and state compensation insurance fund assets.** (1) The legislature shall provide for a unified investment program for public funds and public retirement system and state compensation insurance fund assets and provide rules therefor, including supervision of investment of surplus funds of all counties, cities, towns, and other local governmental entities. Each fund forming a part of the unified investment program shall be separately identified. Except as provided in subsections (3) and (4), ~~no public~~ up to 25 percent of public funds shall may be invested in private corporate capital stock in the same manner that a prudent expert acting in a fiduciary capacity and familiar with the circumstances would use. The investment program shall be audited at least annually and a report thereof submitted to the governor and legislature.

(2) The public school fund and the permanent funds of the Montana university system and

[] FOR allowing up to 25% of all public funds presently restricted to fixed income investments to be invested in private corporate capital stock.

[] AGAINST allowing up to 25% of all public funds presently restricted to fixed income investments to be invested in private corporate capital stock.

all other state institutions of learning shall be safely and conservatively invested in:

(a) Public securities of the state, its subdivisions, local government units, and districts within the state, or

(b) Bonds of the United States or other securities fully guaranteed as to principal and interest by the United States, or

(c) ~~Such other safe investments bearing a fixed rate of interest as may be provided by law.~~ that a prudent expert acting in a fiduciary capacity and familiar with the circumstances would use in investing a fund guaranteed against loss or diversion.

(3) Investment of public retirement system assets shall be managed in a fiduciary capacity in the same manner that a prudent expert acting in a fiduciary capacity and familiar with the circumstances would use in the conduct of an enterprise of a similar character with similar aims. Public retirement system assets may be invested in private corporate capital stock, and the restrictions in subsection (1) on the percentage that may be invested in private capital stock do not apply.

(4) Investment of state compensation insurance fund assets shall be managed in a fiduciary capacity in the same manner that a prudent expert acting in a fiduciary capacity and familiar with the circumstances would use in the conduct of a private insurance organization. State compensation insurance fund assets may be invested in private corporate capital stock. However, the stock investments shall not exceed 25 percent of the book value of the state compensation insurance fund's total invested assets."

(Continued on page 6)

**Section 2. Effective date.** This amendment is effective upon approval by the electorate.

**Section 3. Submission to electorate.** This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2008 by printing on the ballot the full title of this act and the following:

FOR allowing up to 25% of all public funds presently restricted to fixed income investments to be invested in private corporate capital stock.

AGAINST allowing up to 25% of all public funds presently restricted to fixed income investments to be invested in private corporate capital stock.

## **Argument For C-44**

A smart mechanic or carpenter knows that having the right tool at the right time makes the job easier, faster and makes them money. That is what C-44 is about.

Constitutional Amendment 44 would correct an outdated part of Montana's Constitution that may be costing our state millions of dollars a year. Through the vote of the people our Constitution has already been amended to allow investments in private corporate capital stock for many of our state funds, generating greater investment returns. This amendment to the Constitution would give us the opportunity to grow all of our investments with existing tax dollars.

C-44 adds another tool to the toolbox of investing. This tool allows 0% to 25% of our trust funds to be invested in equities. When that tool is used prudently and at the right time we can see our trust funds grow. We need to get smart like the mechanic and the carpenter by providing the tools to get the job done.

Montana is one of the few states not allowing the equity investment tool to add to schools funds and other trusts. It is understandable to be concerned about making poor investments. Our state investment managers have a legal duty to invest public funds wisely. Currently our Constitution only lets the managers invest our money in

bonds. When bonds' interest goes down, the managers' toolboxes are empty. They cannot presently take advantage of the tool to invest prudently in an equity that could make up for lower interest rates on bonds or take advantage of a great price on a growing and secure equity to make our trusts more money. That is called a lost opportunity – an opportunity that we Montanans cannot afford to lose.

One hundred twenty-five of one hundred fifty legislators voted to put C-44 on the ballot because they trust your common sense and your requirement to make good investments. Our wise grandmothers told us, "Don't put all your eggs in one basket!" Diversity in our investments is the same. An investment variety reduces the risks that exist when we only have one type of investment, in other words, when all our eggs are in one basket. Investment diversity provides the opportunity to earn greater returns for trust funds, therefore for all citizens. Grandma is right. Many investment baskets are right for Montana.

All Montanans deserve the best opportunities in every aspect of their lives. C-44 provides the right tools to get the job done right and increase our investments for all.

Vote FOR C-44.

## **Argument Against C-44**

Putting money into the stock market could hardly be considered an experience that is immune to loss; if it was, everyone would invest without fear. C-44 proposes to change the Constitution of Montana, to make it fearless when it comes to investing our money in a "unified investment program for public funds and public

retirement system and state compensation insurance fund assets."

In 2002, similar constitutional amendments were defeated in C-36 (60% to 39%) and C-39 (65% to 35%). Vote again **against** investment strategies that put public funds in the stock mar-

*(Continued on page 7)*

# Argument Against C-44

(Continued from page 6)

ket.

Should C-44 become law, corporations similar to Enron, the Montana Power Company, and predatory mortgage lending companies would be lobbying our government bureaucrats in order to sell their overvalued stock to the Montana public fund. At the same time we would be taxing all of Montana's taxpayers, including our small, locally-owned, independent businesses that do not have the resources to hire high-priced lobbyists to sell their stock to the government, to cover any losses which would be created by the big corporations.

It would be bad policy to allow the big corporations, in which the Legislature could have your money invested, to go broke. The government would be under intense pressure to give special protections to these corporations to protect the taxpayers' investment. This likely would end up creating state-sanctioned monopolies, bailouts and other special treatment for these big corporations at the expense of our small, independent businesses.

This initiative claims to protect funds of the Montana university system and all other state institutions of learning by allowing only 25% of such funds to be invested in private corporations

and funds. Article X, Section 3 of the Montana Constitution states: *"The public school fund shall forever remain inviolate, guaranteed by the state against loss or diversion."* In plain English this means that, should any such investment in private corporations lose value, the Montana Constitution would require you as a taxpayer to pay higher taxes to make up the loss.

Furthermore, if we are going to be cautious and only allow 25% of the school and state compensation insurance funds to be invested in private investments, why would we allow all of our other state employee retirement funds to be invested in such investments?

C-44 would change the Constitution of the State of Montana, and put the public funds at the mercy of the stock market. At this time, when the stock market is so unpredictable, it is neither logical nor prudent to put Montana taxpayers' dollars at such a risk.

The current constitutional provision has safely protected our assets in the past, and there is no valid argument for changing it now.

We urge you to cast your **vote against C-44**. A vote against C-44 is a vote to protect Montana's small corporations and to protect your hard-earned tax dollars from the volatilities of the stock market. Thank you for your consideration.

# Constitutional Amendment 44 Rebuttals

## Proponents' Rebuttal

Wise investments in equities over the long term have proven themselves through history. From December 31, 1925 through December 31, 2007, large company stocks returned 10.4% annually, while bonds returned only 5.5% annually.

Montana's Constitution already allows investments of public funds for the retirement system and workers' compensation. Over the past 5 years through June 30, 2008, the equity portion of the State Fund portfolio has returned 7.61% annually, while the fixed income portion returned 3.87%. Montanans voted to change the Constitution to allow these equity investments because it is good business.

C-44 is good for all Montanans. The lost opportunities to invest in equities have cost us millions. Prudent investment of funds is a legal requirement of the Board of Investments. The risk is small but the potential gains are huge. Taxpayers and school kids deserve more.

Right now the only tool we have is bond investing. Bond investments are eroded by inflation and increases in the cost of living – not so with stocks. We are throwing away money that could enhance our trusts if we don't vote FOR C-44.

Vote for C-44 to make all our trust funds grow.

# **Constitutional Amendment 44 Rebuttals**

## **Opponents' Rebuttal**

If the bureaucrats put 25% of our eggs into one basket that falls to the ground, **you** have to replace those eggs through increased taxes. Contrary to the proponents' statement that "we can see our trust funds grow," the Legislature's fiscal note on C-44 states: "*Realized capital gains cannot be used to 'grow' these trusts because by law all income, including any realized gains are appropriated by the Legislature . . .*" (emphasis added). C-44 would allow the state's purchase of risky stock, which would not grow our public school trust funds; yet, if these stocks fail, the losses to these trust funds have to be made up by the taxpayer. Our current investment requirements provide a **guaranteed** return, which keeps us from having to reimburse losses

with increased taxes.

Putting aside the Montana Constitution and laws that C-44 would violate, when our country is in a recession it is simply not wise to invest in the stock market.

This is not a time for greed, it is a time for caution with our dollars.

Despite the simplified attempt to explain the enormous potential consequences to our wallets by passing C-44, our money and present laws require careful consideration, instead of adages and metaphors that incorrectly state the issue on the ballot.

Thank you for making the educated vote to protect Montanans' money, and casting your ballot **against C-44**.

## **Credits**

The PROPONENT argument and rebuttal for C-44 were prepared by State Senator Vicki Cocchiarella, State Representative Dave McAlpin, and State Senator Dave Lewis.

The OPPONENT argument and rebuttal for C-44 were prepared by State Senator Jerry O'Neil and Jaime MacNaughton.

# **Legislative Referendum No. 118**

## **Ballot Language**

AN ACT REFERRED BY THE LEGISLATURE

AN ACT SUBMITTING A 6-MILL LEVY FOR SUPPORT OF THE MONTANA UNIVERSITY SYSTEM TO THE ELECTORATE; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

The 2007 Legislature submitted this proposal for a vote. This proposal asks Montana voters to continue the 6-mill levy to support the university system. Without voter approval, the current 6 mill levy to support the university system will

expire in January 2009. If passed, this proposal would be effective on January 1, 2009 and terminate January 1, 2019.

According to 2009 revenue estimates, the projected annual revenue from the 6-mill levy is \$12,505,000 for 2007 and is estimated to grow at an average growth rate of 3.36% each year through tax year 2018.

FOR imposing a levy of 6 mills for the support of the Montana university system.

AGAINST imposing a levy of 6 mills for the support of the Montana university system.



# Complete Text of LR-118

AN ACT SUBMITTING A 6-MILL LEVY FOR SUPPORT OF THE MONTANA UNIVERSITY SYSTEM TO THE ELECTORATE; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1. Tax levy for university system.** There is levied upon the taxable value of all real estate and personal property subject to taxation in the state of Montana 6 mills for the support, maintenance, and improvement of the Montana university system. The funds raised from the levy must be deposited in the state special revenue fund.

**Section 2. Codification instruction.** Section 1 is intended to be codified as an integral part of Title 15, chapter 10, part 1, and the provi-

sions of Title 15, chapter 10, part 1, apply to section 1.

**Section 3. Effective dates.** (1) Except as provided in subsection (2), this act is effective upon approval by the electorate.

(2) If approved by the electorate, section 1 is effective January 1, 2009.

**Section 4. Termination.** Section 1 terminates January 1, 2019.

**Section 5. Submission to electorate.** This act shall be submitted to the qualified electors of Montana at the general election to be held in November 2008 by printing on the ballot the full title of this act and the following:

FOR imposing a levy of 6 mills for the support of the Montana university system.

AGAINST imposing a levy of 6 mills for the support of the Montana university system.

## Argument For LR-118

For nearly 90 years, Montanans have demonstrated our shared commitment to higher education by supporting a renewable statewide property tax known as the "6 Mill Levy." The 6 Mill Levy came about in 1920 because Montanans back then believed what we know to be true today, namely that education is the key to both increased opportunity and greater productivity for our children, our communities, our state, and our nation.

Montanans have kept their commitment to future generations by approving the 6 Mill Levy in every decade since 1920. Parents and grandparents, brothers and sisters, co-workers and neighbors across Montana have banded together for more than 60 years to ensure the passage of the 6 Mill Levy for our benefit. Now, it is our turn. By passing the 6 Mill Levy, on the ballot as LR-118, in 2008 we can renew this commitment to our children and grandchildren.

It is important to understand that the 6 Mill Levy is NOT A TAX INCREASE. It was set at 6 mills in 1948, and has not been increased in 60 years. The 6 mills are a tiny fraction of a home owner's taxes (just \$12 on a \$100,000 house), but they account for about 9% of the total state support for higher education.

The levy funding directly supports the degree programs at our state's four year colleges, as well as vital skill and technical training at Montana's five colleges of technology. The levy pays for educational programs for nearly 42,000 students. It is not used for constructing or renovating buildings or stadiums. The levy supports the education and training necessary for Montana students to pursue useful and productive careers.

As has been the case in the past, this year's 6 Mill Levy effort enjoys broad support from across Montana. For example, groups as diverse as the Montana Chamber of Commerce, the Montana State AFL-CIO, the Montana Farmers Union and the Montana Farm Bureau were among the very first groups to sign on to support passage of LR-118.

The 6 Mill Levy is the traditional building block in our state's system of funding higher education. It helps keep the quality of educational programs up, and the cost to students down. The university levy set at 6 mills was a good deal for Montana in 1948, and it's a good deal now. By supporting LR-118, we will be continuing an important Montana tradition and building a bright future for Montana's students.

# **Argument Against LR-118**

## **6-Mill Tax – Reasons to Vote NO**

As legislators, we both voted to refer this 6-mill tax to Montana voters. However, we also believe the voters need and deserve to hear both sides of the argument. LR-118 seeks to renew a \$12,505,000 property tax for 10 more years, with increases starting at \$400,000 annually. The total 10-year taxes are \$150 million, which all goes to the universities as extra funding.

Voters may oppose this tax for many different reasons:

Obtaining a college education is admirable. Forcing someone else to pay for it is NOT admirable. Especially when many of the Montanans paying this extra tax can't afford to go to college themselves. Why should a high school graduate, making wages nearly dead last in the country, be forced to pay college costs of others who will soon be making substantially more than her? Low-wage Montanans are being taxed to the absolute limit.

Big government opponents may oppose this tax because they feel Montana government generally (and the university system specifically) are way too big already. Montana's University System (MUS) has obligated Montanans to almost \$300,000,000 in debt. MUS is constructing fancy new buildings and spending money at an alarming rate – near \$900 million in '08, and soon to top \$1,000,000,000 annually. With only 36,000 students, this University bureaucracy blows through \$25,400 per student annually. Perhaps a little belt-tightening is in order; just like Montana's over-taxed, underpaid families are doing.

Others may object to how MUS spends these enormous sums. Those concerned about aca-

demic freedom may object that their tax dollars are used to discriminate against certain beliefs (e.g., conservative professors and students). People of faith may object to such things as UM's attempted suppression of a Christian group while funding "Sex-a-Palooza." Self-defense advocates may object to recent ill-advised university policies which disarm innocent students, leaving them defenseless and advertising an open invitation to some crazed, cowardly killer. Constitution defenders may be similarly outraged by this Second Amendment violation.

Accountability advocates may object that Montana judges have declared universities autonomous from any legislative spending oversight. Policy wonks may object to using semi-permanent property taxes to fund colleges; or object to the top-down bureaucratic method used to distribute this tax funding. If the 6-mill tax were defeated, perhaps it could be re-visited using a "bottom-up" funding approach – give the money to college-age eligible Montana students as scholarships to spend at the college of their choice. This would give students consumer power, and would bring healthy competition to a university system which shows signs of monopolistic excess – high spending and low response to consumer dissatisfaction. The bureaucratic planning approach is not working – why pump out three times as many teachers and social workers as can find employment in Montana, while Montana is desperate for machinists and nurses? Perhaps a more market-oriented funding mechanism would correct these errors.

Your disagreements with the universities are diverse. Unfortunately, there are no multiple choice questions on the ballot, only a Yes/No question. You decide.

***If you make a mistake or damage your ballot, don't try to correct it! Ask an election worker for a new one!***

# Legislative Referendum 118 Rebuttals

## Proponents' Rebuttal

The 6 Mill Levy is NOT A TAX INCREASE. Ten years ago, in fiscal year 1999, the 6 Mill Levy generated \$14.83 million. In fiscal year 2009 it is projected to generate \$13.36 million. You are reading that right. Contrary to what the opponents say, the 6 Mill Levy costs taxpayers LESS than it did a decade ago.

Further, the opponents call the 6 Mill Levy "extra funding." That is simply not a fair description. The 6 Mill Levy is more accurately described as the foundation for the funding of higher education.

In their argument, the opponents throw out some large numbers, few of which have anything to do with the 6 Mill Levy. For example, as best we can tell the \$300 million debt they use is almost entirely made up of the current \$269 mil-

## Opponents' Rebuttal

Proponents argue the 2008 university tax should be approved because it's always passed previously. But **prior support occurred before abuses and financial scandal occurred. Even then, support wasn't as predominant as advertised.** Of 9 previous votes, 4 barely garnered 50% margins, and one received only 58%.

Moreover, only 5 elections considered the current high 6-mill figure. **The 1920 university tax was only ¼ that figure, used to fund barebones, modest colleges.** Obviously, Montanans supported it. But humble, focused colleges grew into billion-dollar empires, with million-dollar budget discrepancies, grandiose "country club" gyms, and fine furniture and manicured landscaping far surpassing average Montana homes; whose homeowners are forcibly taxed to fund this opulence. Perhaps voting "NO" will send a message.

## Credits

The PROPONENT argument and rebuttal for LR-118 were prepared by State Senator Bob Hawks, State Representative Margaret Campbell, and Bob Brown.

lion in financing for a wide range of projects including long-planned reconstruction and deferred improvements for existing buildings.

Exactly contrary to what the opponents would have you believe, Montanans have quality higher educational opportunity at a bargain price. Only three states spend less per student enrolled in higher education than Montana.

The opponents argue the 6 Mill Levy is not an "honorable" way to finance public education. We disagree. Only through public support for higher education can we keep the opportunities it creates for everyone available to everyone. Montanans should be justifiably proud of our long and deep commitment to educational opportunity for all, not just for those who can afford it.

Arguing the 6-mills aren't used for construction is irrelevant; these mills cover other portions of the billionaire budget, freeing funds for empire construction.

Arguing that higher university spending creates "greater productivity" is false. After nationwide data analysis, university economist Vedder concluded ". . . *for higher education, increases in [government] spending were associated with reductions in economic growth*" (**Impact of Government Spending on Economic Growth**). Why? Because every education dollar government spends is confiscated from the private sector, which would've spent that dollar far more productively than any oak and leather-clad university office could ever dream of. Suggestion – Vote against LR-118 and keep your money in your own pocket to spend on your own house and own children's education, thereby giving a real boost to Montana's economy.

The OPPONENT argument and rebuttal for LR-118 were prepared by House Speaker Scott Sales and State Senator Joe Balyeat.

# **Initiative No. 155**

## **Ballot Language**

### **A LAW PROPOSED BY INITIATIVE PETITION**

I-155 establishes the Healthy Montana Kids plan to expand and coordinate health coverage for uninsured children under the Children's Health Insurance Program (CHIP), the Montana Medicaid Program, and employer-sponsored health insurance. The State Health Department may: raise income eligibility levels for children under CHIP and Medicaid; simplify transitions between CHIP and Medicaid coverage; provide assistance for children in employer-sponsored insurance; and work with health care providers, schools, organizations, and agencies to encourage enrollment of uninsured children. Funding for I-155 will come from a share of the insurance premium

tax and federal matching funds.

I-155 costs an estimated \$22 million of state funds, paid from the treasury with a share of current revenues from the insurance premium tax. Actual expenditures will depend on other factors, including the amount of federal matching dollars and enrollment.

FOR expanding CHIP and Medicaid eligibility for uninsured children, coordinating children's health coverage, and encouraging enrollment of eligible children.

AGAINST expanding CHIP and Medicaid eligibility for uninsured children, coordinating children's health coverage, and encouraging enrollment of eligible children.

## **Complete Text of I-155**

Be it enacted by the People of the State of Montana:

### **NEW SECTION. Section 1. Short title.**

[Sections 1 through 9] may be cited as the "Healthy Montana Kids Plan Act".

### **NEW SECTION. Section 2. Purpose.** The purposes of [sections 1 through 9] are to:

- (1) create the healthy Montana kids plan, which offers health coverage to uninsured children by increasing eligibility for the children's health insurance program and the Montana medicaid program and by helping families cover their children under employer-sponsored plans;
- (2) provide for active enrollment of children in the plan; and
- (3) fully utilize available federal funds to provide health coverage for children.

### **NEW SECTION. Section 3. Definitions.** For purposes of [sections 1 through 9], the following definitions apply:

- (1) "Comprehensive" means health insurance having benefits at least as extensive as those provided under the children's health insurance program.
- (2) "Department" means the department of public health and human services provided for in 2-

15-2201.

(3) "Enrollee" means a child who is enrolled or in the process of being enrolled in the plan, including children already enrolled in the programs described in [section 4(2)].

(4)(a) "Enrollment partner" means an organization or individual approved by the department to assist in enrolling eligible children in the plan.

(b) An enrollment partner may be but is not limited to:

- (i) a licensed health care provider;
- (ii) a school;
- (iii) a community-based organization; or
- (iv) a government agency.

(5) "Health coverage" means a program administered by the department or a disability insurance plan, referred to in 33-1-207(1)(b), that provides public or private health insurance for children.

(6) "Income" has the meaning provided in 15-30-171(9)(a).

(7) "Plan" means the healthy Montana kids plan established in [section 4].

(8) "Premium" means the amount of money charged to provide coverage under a public or private health coverage plan.

*(Continued on page 13)*

# Complete Text of I-155

(Continued from page 12)

(9) "Presumptive eligibility" has the meaning provided in 42 CFR 457.355.

**NEW SECTION. Section 4. Healthy Montana kids plan.** (1) There is a healthy Montana kids plan that provides comprehensive health coverage to uninsured children who are residents of the state.

(2) The plan includes and coordinates access to health coverage for enrollees in the children's health insurance program and the Montana medicaid program.

(3) The department shall administer the plan.

(4) To the extent permitted by federal law, the department shall use the name of the plan on documents associated with programs described in subsection (2), including but not limited to advertising, brochures, applications, and membership cards.

(5) State funding of the plan is contingent upon the availability of federal matching funds through the children's health insurance program or the Montana medicaid program.

**NEW SECTION. Section 5. Rulemaking -- active enrollment -- plan coordination.** (1) The department shall adopt rules necessary to implement [sections 1 through 9], including plan administration, plan enrollment, outreach efforts, and standards of performance to allow enrollment partners to assist in enrolling children in the plan or other health coverage plans administered by the department.

(2) The rules must:

(a) establish a process for identifying and approving enrollment partners;

(b) create and define an active enrollment process;

(c) promote seamless movement between programs described in [section 4(2)];

(d) promote accessible enrollment through enrollment partners;

(e) provide, to the extent permitted by law, a single point of access in the department for plan members;

(f) define income for purposes of determining eligibility for children's health coverage programs within the plan;

(g) provide for presumptive eligibility; and

(h) encourage enrollment partners to actively enroll as many eligible, uninsured children as possible in the plan or in an employer-sponsored plan as described in [section 6].

(3) The rules may include the development of enrollment partner training, technical assistance programs, and performance measures.

(4) The rules may provide for an exemption from the active enrollment process based upon an individual showing of:

(a) religious conviction;

(b) private insurance that offers creditable coverage, as defined in 42 U.S.C. 300gg(c), obtained by the parents for the child from a private group or individual health insurance issuer or under a self-funded employer health plan; or

(c) other compelling circumstances.

(5) The rules governing eligibility and premium assistance must be consistent with [sections 1 through 9]. Rules may include but are not limited to financial standards and criteria for income, nonfinancial criteria, family responsibility, residency, the application process, termination of eligibility, definition of terms, and confidentiality of applicant and recipient information.

**NEW SECTION. Section 6. Enrollment in employer-sponsored plans.** The department may:

(1) provide premium assistance to families who have access to one or more employer-sponsored comprehensive group health insurance plans in order to provide coverage for eligible children. The premium assistance may not exceed the cost of coverage for that child under the plan.

(2) provide assistance to employers who establish a premium-only health benefits plan under section 125 of the Internal Revenue Code, 26 U.S.C. 125, for the purpose of enrolling children in such a plan and allowing their families to pay any premium with pretax dollars.

**NEW SECTION. Section 7. Federal financial participation.** The department shall request any necessary state plan amendments or waivers of federal requirements in order to allow receipt of the maximum available federal funds to facilitate implementation of [sections 1 through 9], subject to appropriation of necessary matching state

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funds.

**NEW SECTION. Section 8. Exemption from resource test.** An otherwise applicable eligibility resource test provided for in 53-6-113(6) and 53-6-131(7) does not apply to plan applicants.

**NEW SECTION. Section 9. Special revenue account.** (1) There is an account in the state special revenue fund to the credit of the department for the purposes provided in subsection (2).

There must be paid into the account the amounts collected under 33-2-708(3)(b). Any interest or income derived from the account must be deposited in the account.

(2) Money in the account:

(a) is to be used solely to cover the number of additional enrollees in the plan that exceeds the number of enrollees as of [the effective date of this act], within the limits provided in 53-4-1004, 53-6-131, and [sections 1 through 9], and to cover the costs of enrollment, including premium assistance, under [section 6(1)], and to pay administrative costs associated with expanded eligibility, and to establish and maintain a reserve; and

(b) may be used only to match federal funds available under the children's health insurance program and the Montana medicaid program.

(3) The unexpended balance of an appropriation from the account must remain in the account and may be used only for the purposes stated in subsection (2).

(4) The special revenue account does not affect and is not exclusive of any other sources of funding for the programs described in [section 4(2)], including the special revenue account provided for in 53-4-1012.

(5) If the department determines that there is insufficient funding for the purposes of subsection (2), it may reduce eligibility requirements for participants in the children's health insurance program as provided in 53-4-1004(4).

**Section 10. Section 33-2-708**

**"33-2-708. Fees and licenses.** (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of \$1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in

Montana.

(b) The commissioner shall collect certain additional fees as follows:

(i) nonresident insurance producer's license:

(A) application for original license, including issuance of license, if issued, \$100;

(B) biennial renewal of license, \$50;

(C) lapsed license reinstatement fee, \$100;

(ii) resident insurance producer's license lapsed license reinstatement fee, \$100;

(iii) surplus lines insurance producer's license:

(A) application for original license and for issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(iv) insurance adjuster's license:

(A) application for original license, including issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(v) insurance consultant's license:

(A) application for original license, including issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(vi) viatical settlement broker's license:

(A) application for original license, including issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(vii) resident and nonresident rental car entity producer's license:

(A) application for original license, including issuance of license, if issued, \$100;

(B) quarterly filing fee, \$25;

(viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), \$50;

(ix) 50 cents for each page for copies of documents on file in the commissioner's office.

(c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.

(2) (a) The commissioner shall charge a fee of

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\$75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than \$1,500 to a sponsoring organization submitting courses or programs for review in any biennium.

(b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).

(3) (a) The Except as provided in subsection (3)(b), the commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109.

(b) The commissioner shall deposit 33% of the money collected under 33-2-705 in the special revenue account provided for [section 9].

(c) All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.

(4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded."

**Section 11.** Section 53-4-1004

**"53-4-1004. (Temporary) Eligibility for program -- rulemaking.** (1) To be considered eligible for the program, a child:

(a) must be 18 years of age or younger;

(b) must have a combined family income at or below ~~175%~~ 250% of the federal poverty level or at a lower level determined by the department of public health and human services as provided in subsection (4);

(c) may not already be covered by private insurance that offers creditable coverage, as defined in 42 U.S.C. 300gg(c), for 3 months prior to enrollment in the program or since birth, whichever period is less;

(d) may not be eligible for medicaid benefits; and

(e) must be a United States citizen or qualified alien and a Montana resident.

(2) The department of public health and human services shall adopt rules that establish the program's criteria for residency. The criteria must

conform as nearly as practicable with the residency requirements for medicaid eligibility.

(3) Subject to 53-4-1009(3), rules governing eligibility may also include financial standards and criteria for income and resources, treatment of resources, and nonfinancial criteria.

(4) If the department determines that there is insufficient funding for the program, it may lower the percentage of the federal poverty level established in subsection (1)(b) in order to reduce the number of persons who may be eligible to participate or may limit the amount, scope, or duration of specific services provided.

(Terminates on occurrence of contingency--sec. 15, Ch. 571, L. 1999.)"

**Section 12.** Section 53-6-131

**"53-6-131. Eligibility requirements.** (1) Medical assistance under the Montana medicaid program may be granted to a person who is determined by the department of public health and human services, in its discretion, to be eligible as follows:

(a) The person receives or is considered to be receiving supplemental security income benefits under Title XVI of the Social Security Act, 42 U.S.C. 1381, et seq., and does not have income or resources in excess of the applicable medical assistance limits.

(b) The person would be eligible for assistance under the program described in subsection (1)(a) if that person were to apply for that assistance.

(c) The person is in a medical facility that is a medicaid provider and, but for residence in the facility, the person would be receiving assistance under the program in subsection (1)(a).

(d) The person is under 21 years of age and in foster care under the supervision of the state or was in foster care under the supervision of the state and has been adopted as a child with special needs.

(e) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(d) and:

(i) the person's income does not exceed the income level specified for federally aided categories of assistance and the person's resources are within the resource standards of the federal sup-

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plemental security income program; or

(ii) the person, while having income greater than the medically needy income level specified for federally aided categories of assistance:

(A) has an adjusted income level, after incurring medical expenses, that does not exceed the medically needy income level specified for federally aided categories of assistance or, alternatively, has paid in cash to the department the amount by which the person's income exceeds the medically needy income level specified for federally aided categories of assistance; and

(B) has resources that are within the resource standards of the federal supplemental security income program.

(f) The person is a qualified pregnant woman or child as defined in 42 U.S.C. 1396d(n).

(g) The person is under 19 years of age and lives with a family having a combined income that does not exceed 185% of the federal poverty level. The Department may establish lower income levels to the extent necessary to maximize federal matching funds provided for in [section 4].

(2) The department may establish income and resource limitations. Limitations of income and resources must be within the amounts permitted by federal law for the medicaid program. Any otherwise applicable eligibility resource test prescribed by the department does not apply to enrollees in the healthy Montana kids plan provided for in [section 4].

(3) The Montana medicaid program shall pay, as required by federal law, the premiums necessary for medicaid-eligible persons participating in the medicare program and may, within the discretion of the department, pay all or a portion of the medicare premiums, deductibles, and coinsurance for a qualified medicare-eligible person or for a qualified disabled and working individual, as defined in section 6408(d)(2) of the federal Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, who:

(a) has income that does not exceed income standards as may be required by the Social Security Act; and

(b) has resources that do not exceed standards

that the department determines reasonable for purposes of the program.

(4) The department may pay a medicaid-eligible person's expenses for premiums, coinsurance, and similar costs for health insurance or other available health coverage, as provided in 42 U.S.C. 1396b(a)(1).

(5) In accordance with waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department of public health and human services may grant eligibility for basic medicaid benefits as described in 53-6-101 to an individual receiving section 1931 medicaid benefits, as defined in 53-4-602, as the specified caretaker relative of a dependent child under the section 1931 medicaid program. A recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage, as provided in 53-6-101.

(6) The department, under the Montana medicaid program, may provide, if a waiver is not available from the federal government, medicaid and other assistance mandated by Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, and not specifically listed in this part to categories of persons that may be designated by the act for receipt of assistance.

(7) Notwithstanding any other provision of this chapter, medical assistance must be provided to infants and pregnant women whose family income does not exceed 133% of the federal poverty threshold, as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(l)(2)(A)(i), and whose family resources do not exceed standards that the department determines reasonable for purposes of the program.

(8) Subject to appropriations, the department may cooperate with and make grants to a non-profit corporation that uses donated funds to provide basic preventive and primary health care medical benefits to children whose families are ineligible for the Montana medicaid program and who are ineligible for any other health care coverage, are under 19 years of age, and are enrolled in school if of school age.

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(9) A person described in subsection (7) must be provided continuous eligibility for medical assistance, as authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).

(10) Full medical assistance under the Montana medicaid program may be granted to an individual during the period in which the individual requires treatment of breast or cervical cancer, or both, or of a precancerous condition of the breast or cervix, if the individual:

- (a) has been screened for breast and cervical cancer under the Montana breast and cervical health program funded by the centers for disease control and prevention program established under Title XV of the Public Health Service Act, 42 U.S.C. 300k, or in accordance with federal requirements;
- (b) needs treatment for breast or cervical cancer, or both, or a precancerous condition of the breast or cervix;
- (c) is not otherwise covered under creditable coverage, as provided by federal law or regulation;

## Argument For I-155

Tonight in Montana, over 30,000 children will go to bed without health coverage.

In fact, if the children we propose to cover through the Healthy Montana Kids Plan lived in any of 18 other states in America, they would already be eligible for health coverage similar to that proposed in I-155. Over the past few years, things have gotten worse instead of better when it comes to covering Montana kids in need. A 2007 study of census data showed that the uninsured rate for Montana kids in poverty increased from 19% to 29% in just four years, while nationally that same rate dropped from 22% to 20% during the same period.

Montana families deserve better.

It is time to turn this around and the Healthy Montana Kids Plan – I-155 – does just that. Here's how.

(d) is not eligible for medical assistance under any mandatory categorically needy eligibility group; and

(e) has not attained 65 years of age."

**NEW SECTION. Section 13. Codification instruction.** [Sections 1 through 9] are intended to be codified as an integral part of Title 53, chapter 4, and the provisions of Title 53, chapter 4, apply to [sections 1 through 9].

**NEW SECTION. Section 14. {standard} Contingent termination.** (1) [Section 11], amending 53-4-1004, terminates on the date that the director of the department of public health and human services certifies to the governor that the federal government has terminated the program or that the federal funding for the program has been discontinued.

(2) The governor shall transmit a copy of the certification to the code commissioner.

(3) Any excess funds remaining upon the termination of the program must be transferred to the general fund.

**New Section. Section 15. {standard}** This act is effective upon approval by the electorate.

### The Healthy Montana Kids Plan will:

Provide comprehensive health coverage to the 30,000 uninsured Montana children who live in families that make up to about \$50,000 per year.

Increase eligibility for the Children's Health Insurance Program and children's coverage under Montana's Medicaid program.

Create a new brand for children's health care services called the Healthy Montana Kids Plan that embraces CHIP and Medicaid for children, eliminating any stigma associated with these older public programs.

Allow eligible kids to be placed on a parent's employer-sponsored plan, saving the state money

*(Continued on page 18)*

## **Argument For I-155**

*(Continued from page 17)*

and covering more kids.

Create an "active enrollment" process that works with hospitals, schools and others to enroll all eligible uninsured children.

### **I-155 is a good investment.**

The program is funded by putting roughly \$22 million every year in existing premium taxes paid by insurance companies to the state of Montana into a special revenue account that can only be used to provide new coverage for uninsured children.

That investment of existing Montana revenue will trigger an influx into Montana of an estimated \$70 million in federal matching funds that are available to states. That means for every \$1 we invest here, we get over \$3 in matching funds that will be spent right here at home.

A recent analysis of the impact of I-155 conducted by the Bureau of Economic Research at the University of Montana showed that Montana's economy will see a net gain of \$2.50 for every \$1 in state funds expended to cover kids.

### **Passing I-155 is the right thing to do for Montana's kids and families.**

With the stroke of a pen you can change the lives of thousands of Montana families. By voting FOR I-155 you will be providing Montana children with the same opportunity afforded to kids in 18 other states. You will be giving them a better chance to succeed in school and to stay healthy through a well-designed program that embraces public and private coverage options and improves Montana's economy.

To learn more, or to get involved, log on to [www.healthymontanakids.org](http://www.healthymontanakids.org). Thanks in advance for your support.

## **Argument Against I-155**

Vote "No" on I-155

During these unstable economic times, a large increase in the CHIP program is not fiscally responsible.

Until recently the State had vacancies for CHIP and had to advertise for children to join the program. Children are defined in law as people 19 years of age, or younger, but a waiver can allow "children" up to 25 years of age to receive the benefit. The Governor's budget office assumes that 80% of the new enrollees to this program will be from families that drop private insurance to participate in the new programs. According to the Department of Revenue this initiative will make over 127,000 Montanans eligible for this benefit, an increase from 90,000 at the present time. A family of four can earn somewhere between \$52,000 and \$60,000 per year and still have eligible children.

Uninsured middle-class kids are not the biggest problem that Montana faces.

By anyone's measure the escalating cost of

treating unhealthy and chronically ill adults is a much bigger concern. I-155 directs your money to our health care system in a way that has little impact on the treatment of chronic diseases. Chronic diseases, such as diabetes, heart disease, cancer, Alzheimer's, and strokes are the largest and fastest growing drivers of increased health care costs in this country. Seventy-five cents of every dollar spent in this country on health care goes to treat people with chronic diseases.

Under I-155, the CHIP program is not a means-tested benefit. A parent could be a millionaire and his or her child could still receive the benefit if the parent's wages were low enough at the time of application. The \$22 million dollar hit to the state's checkbook in 2010 and every year thereafter could mean less money for schools and other existing programs. Couple this with an increased federal contribution, and you add more red ink to the already huge federal deficit and growing national debt.

Our job as citizens and public policy makers

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# Argument Against I-155

*(Continued from page 18)*

is to use our tax money as strategically and efficiently as possible to get the most benefit for all.

## I-155 Rebuttals

### Proponents' Rebuttal

The opponents to I-155 open their argument with the strong statement that investing money at this time is "not fiscally responsible." In fact, there has never been a better time to make this important investment. Recent revenue figures show that the State will go into the 2009 legislative session with a surplus of nearly \$400 million, almost 20 times the cost of I-155.

The opponents' argument that the cost of providing health coverage to Montana children (roughly \$22 million) "could mean less money for schools and other existing programs" simply does not make sense. The opponents know that I-155 is paid for by existing revenue (a premium tax paid by insurance companies), and with a budget surplus of nearly \$400 million it is clear that resources are more than sufficient to pay for this important program.

The opponents argue that covering children not currently insured is "not the biggest problem that Montana faces." The families of over 30,000 Montana kids might disagree. In every community across the state we will see positive change and the influx of federal dollars that will match our investment with over \$3 for every \$1 we invest. Independent research shows that passage of I-155 will result in a big net financial gain for Montana. The opponents may not think this is our "biggest problem" but in our view it is a pretty BIG SOLUTION.

It's the right thing to do and the right time to do it. Vote FOR I-155.

### Credits

The PROPONENT argument and rebuttal for I-155 were prepared by State Auditor John Morrison, State Senator Carol Williams, and Dr. Pat Cobb.

We urge that you save this pot of money for a better use. Please vote "No."

### Opponents' Rebuttal

The problem with the opposition's argument is that the "children" covered can be up to 25 years of age, and the family can make over \$50,000 a year. "The children" covered can be adults from families that make a good middle class income. It is welfare for those that do not need it that uses both federal and state money. The federal money adds to the run away national debt and the state money is money that could be better spent on things like education, roads, and etc.

The Governor's budget office estimates that 80% of those children currently with insurance will move off of private insurance to the government's taxpayer paid insurance (currently called CHIP or SCHIP). According to the Governor's Budget Office this will add 60 more employees to the state payroll.

**When  
Montanans  
vote, Montana  
always wins!**

The OPPONENT argument and rebuttal for I-155 were prepared by State Senator John Esp, State Representative John Sinrud, and State Senator Jim Shockley.

# ***Political Parties of Montana***

## **Constitution Party**

The Constitution Party believes the purpose of government is to secure the Inalienable Rights of life, liberty and property to every citizen. Today, actions of both federal and state governments have become antithetical to those rights. To correct this we must:

- ◆Restore the United States to “One Nation Under God.”
- ◆Return to Constitutionally Limited Government.
- ◆Protect the Inalienable Right to Life of All, including the Unborn and Infirm.
- ◆Protect the Individual Right to Keep and Bear Arms.
- ◆Restore National Sovereignty, including withdrawal from the U.N.
- ◆Maintain a Strong National Defense.
- ◆Replace the Income Tax with a system of Tariffs, Duties and Excise Taxes.
- ◆Oppose NAFTA, GATT and the WTO.
- ◆Stop ALL Unconstitutional Spending.
- ◆Abolish the Federal Reserve and Restore Constitutional Money.
- ◆Defend and Protect Marriage and the Family.
- ◆End Federal Subsidies for and Control of Education and Welfare.
- ◆Protect our Borders through Comprehensive Immigration Reform.
- ◆Return Control over Elections to the People.
- ◆Abolish Special Interest Entitlements (corporate welfare).

We invite all who love liberty and justice to join with us in our pursuit of restoring our civil government to our country’s founding principles.

Jonathan D. Martin, State Chairman  
Constitution Party of Montana  
2212 2<sup>nd</sup> Ave. S.  
Great Falls, MT 59405-2804  
(406) 727-5924  
National: [www.constitutionparty.com](http://www.constitutionparty.com)  
State: [www.cpomt.webhop.org](http://www.cpomt.webhop.org)  
E-mail: [5martins@in-tch.com](mailto:5martins@in-tch.com)

## **Democratic Party**

Montana Democrats are the Party of working families, seniors, and farmers and ranchers from all across Montana. We've kept our promise and created good paying jobs, supported public schools, promoted alternative energy and made healthcare more affordable for families.

We are building a better Montana by:

- ◆Improving access to public lands, streams and rivers for hunting, fishing and recreation.
- ◆Seriously investing in alternative and renewable energy like wind, biofuels, and clean coal to wean us off of our dependence on foreign oil and lead us to a clean, green energy future.
- ◆Helping thousands of small businesses provide health coverage for their employees and making sure that every child in our state has access to quality, affordable health care.
- ◆Providing historic funding increases for Montana classrooms and higher education.

We did this without raising taxes. In fact, we eliminated the business equipment tax for more than 13,000 small businesses to help them be more productive and profitable.

In 2007 we secured a \$400 property tax rebate for every Montana homeowner, to help families cope with high utility and gas prices—and we did it by giving the money to hardworking Montanans, not to big out-of-state corporations.

Montana Democratic Party  
P.O. Box 802  
Helena, MT 59624  
(406) 442-9520  
[www.montanademocrats.org](http://www.montanademocrats.org)

# ***Political Parties of Montana Continued***

## **Libertarian Party**

The Montana Libertarian Party is the real choice for less government, lower taxes, and more freedom. The Libertarian Party believes in economic and personal freedom. People should be free to make their own choices, provided they don't infringe on the equal right of others to do the same. Government's only role should be to protect people's right to make their own choices in life, so they can reap the rewards of their successes and bear personal responsibility for their own mistakes.

The Montana Libertarian Party is dedicated to:

- ◆Reducing tax burdens and government spending, so that people can keep more of their money.
- ◆Improving education by empowering parents not bureaucrats, to make important decisions for our children.
- ◆Protecting the right to keep and bear arms, and the elimination of Victim Disarmament laws.
- ◆Safer neighborhoods by punishing violent criminals rather than wasting resources prosecuting victimless crimes.
- ◆A cleaner environment through PRIVATE property rights, legal accountability, and personal responsibility.

If you're tired of the promises of the majority, we invite you to join us as we fight for everyone's liberty on every issue, all the time.

Montana Libertarian Party  
P.O. Box 4803  
Missoula, MT 59806  
www.lp.org — www.mtlp.org  
(406) 721-9020  
MTLPinfo@aol.com

## **Republican Party**

The core philosophy of the Montana Republican Party is rooted in personal responsibility and individual liberty. We believe the people, not the government, know best how to address the challenges facing our state and nation. Montana Republicans stand for a lean, efficient government, more local control over decision-making, and greater personal freedom.

Our major initiatives in 2009 will include ensuring every child in Montana has a quality education that prepares them to compete for good jobs in Montana; working to reduce waste, fraud and abuse in government spending; developing Montana's natural resources in an environmentally responsible way to help create jobs; and working to ensure that every Montanan has access to affordable health insurance.

Republican elected officials have a proven track record of fiscal responsibility on the state and federal level, both in controlling government spending and providing tax relief. The tax relief that we provided over the last decade has spurred Montana's economy and is directly responsible for the economic growth we're experiencing today. Voting for Republican candidates will ensure that type of growth into the future.

Montana Republican Party  
PO Box 935  
Helena, MT 59624  
(406) 442-6469  
[www.mtgop.org](http://www.mtgop.org)

The preceding statements have been prepared by the political parties. They do not necessarily represent the views of the Secretary of State or the State of Montana, but are included to provide information to the voters on the political parties that have qualified for the ballot.

# ***Voting in Montana Elections***

## **Registering To Vote**

Registering to vote is easy! You can fill out a card at your county elections office, generally the county courthouse. Cards are also available online at <http://sos.mt.gov>, in most phone books, and at your driver's license bureau.

## **Late Registration**

If you miss the regular registration deadline, late registration is available at any time right up through the close of polls on election day, except between 12:00 p.m. and 5:00 p.m. on the day before the election.

An elector who chooses this option must still have been a resident of Montana for at least 30 days before the election. A statewide voter database will ensure that individuals do not vote in multiple counties.

## **Voting Absentee**

In order to vote absentee, you will need to fill out an application, available from your county election administrator or on the Secretary of State's website at <http://sos.mt.gov>. You may apply for an absentee ballot up until noon on the day before the election. When you receive your absentee ballot, fill in all of your choices. Then, place the ballot in the secrecy envelope that is provided for your use, follow all enclosed directions, and send the ballot to your county election administrator.

## **Provisional Ballots**

You have the option to vote a provisional ballot if your identity or eligibility to vote is questioned. If you are a provisional voter, an election judge will give you a ballot with a special provisional envelope for you to fill out.

## **How Do I Vote A Ballot?**

Be sure to follow the voting instructions. Always mark your choice for only one issue or candidate, except where the instructions tell you that you can vote for more than one.

If you damage your ballot, make a mistake on it, or overvote, do not throw away your ballot, try to erase it, or scratch out a mistake – just ask an election judge for a replacement ballot. If you overvote on an office or issue (mark more than the number of choices you are permitted to mark), your vote on that office or issue will not be counted. You may skip any offices without invalidating your ballot.

## **Voting Systems For People With Disabilities**

All voters have the option to use voting equipment specially designed for those with visual or mobility impairments. These voting systems, known as AutoMARKs, were purchased by the Secretary of State's office using federal funding.

A person using the AutoMARK may make his or her choices by pressing on the touch screen or by using a keypad that has raised buttons in the shape of arrows for ease of use, and which also includes markings for people who are able to read Braille. Voters may also ask an election judge for headphones, which voters can use to hear a computer voice that will read the ballot to them. The AutoMARK will allow individuals to confirm their choices, will mark a ballot based on those choices, and lastly, will print a regular paper ballot for deposit in the ballot box.

No one is required to vote on the AutoMARK systems, and they will not tabulate any individual's votes.

# ***Voting in Montana Elections Continued***

## **Voting at the Polls**

Find the location of your polling place on your voter registration confirmation card. Or, you can call your county election administrator for the location. See the list starting on page 24.

When you enter your polling place, an election judge will greet you, ask your name, and confirm that you are registered to vote in that precinct. He or she will also ask you to show one form of ID. This can be any current photo ID that shows your name (for example, a driver's license, school ID, state ID, or tribal ID) or a current utility bill, bank statement, paycheck, voter confirmation notice, government check or other government document that shows your name and current address.

If you forget your ID, you have many options. You can return to the polls when you have it, fill out a polling place elector ID form, or vote a provisional ballot, which will be counted if your identity and eligibility to vote can be verified.

## **Permanent Absentee List**

You have the right to request that an absentee ballot be mailed to you for each election in which you are eligible to vote a ballot. You can specify on your absentee ballot application or on your absentee ballot materials that you would like absentee ballots mailed to you in future elections.

If you choose to be placed on the permanent absentee list, you have the responsibility to complete and return an address confirmation form sent out twice each year. If you do not complete and return this form to your county election administrator, you will not receive absentee ballots unless you later request them.



# Contact Info For County Election Offices

Beaverhead  
2 S Pacific St No 3  
Dillon MT 59725  
Phone: 683-3720  
Fax: 683-3778  
dscott@co.beaverhead.mt.us

Chouteau  
Box 459  
Fort Benton MT 59442  
Phone: 622-5151  
Fax: 622-3012  
joann59442@yahoo.com

Fergus  
712 W Main  
Lewistown MT 59457  
Phone: 535-5242  
Fax: 535-9023  
clerkrecorder@co.fergus.mt.us

Big Horn  
PO Box 908  
Hardin MT 59034  
Phone: 665-9730  
Fax: 665-9738  
cmaxwell@co.bighorn.mt.us

Custer  
1010 Main  
Miles City MT 59301  
Phone: 874-3343  
Fax: 874-3452  
m.wehri@co.custer.mt.us

Flathead  
800 S Main  
Kalispell MT 59901  
Phone: 758-2453  
Fax: 758-5877  
electionweb@flathead.mt.gov

Blaine  
PO Box 278  
Chinook MT 59523  
Phone: 357-3240  
Fax: 357-2199  
sboardman@co.blaine.mt.gov

Daniels  
Box 247  
Scobey MT 59263  
Phone: 487-5561  
Fax: 487-5583  
clerkrec@danielsco.mt.gov

Gallatin  
311 W Main Rm 103  
Bozeman MT 59715  
Phone: 582-3055  
Fax: 582-3068  
charlotte.mills@gallatin.mt.gov

Broadwater  
515 Broadway St  
Townsend MT 59644  
Phone: 266-3443  
Fax: 266-3674  
treas@co.broadwater.mt.us

Dawson  
207 West Bell  
Glendive MT 59330  
Phone: 377-3058  
Fax: 377-1717  
dawclerk@midrivers.com

Garfield  
Box 7  
Jordan MT 59337  
Phone: 557-2760  
Fax: 557-2765  
gcsr@midrivers.com

Carbon  
PO Box 887  
Red Lodge MT 59068  
Phone: 446-1220  
Fax: 446-2640  
elections@co.carbon.mt.us

Deer Lodge  
800 Main  
Anaconda MT 59711  
Phone: 563-4060  
Fax: 563-4001  
clerk-recorder@  
anacondadeerlodge.mt.gov

Glacier  
512 E Main  
Cut Bank MT 59427  
Phone: 873-3609  
Fax: 873-3613  
glaciercounty@yahoo.com

Carter  
Box 315  
Ekalaka MT 59324  
Phone: 775-8749  
Fax: 775-8750  
ccnrc@midrivers.com

Fallon  
Box 846  
Baker MT 59313  
Phone: 778-7106  
Fax: 778-2048  
falloncc@midrivers.com

Golden Valley  
PO Box 10  
Ryegate MT 59074  
Phone: 568-2231  
Fax: 568-2428  
berryml@midrivers.com

Cascade  
Box 2305  
Great Falls MT 59403  
Phone: 454-6803  
Fax: 454-6725  
elections@co.cascade.mt.us

Granite  
Box 925  
Philipsburg MT 59858  
Phone: 859-3771  
Fax: 859-3817  
graclerk@co.granite.mt.us



# Contact Info For County Election Offices

Hill  
315 4th St  
Havre MT 59501  
Phone: 265-5481 x221  
Fax: 265-2445  
mellemd@co.hill.mt.us

Jefferson  
Box H  
Boulder MT 59632  
Phone: 225-4020  
Fax: 225-4149  
bramey@jeffco.mt.gov

Judith Basin  
Box 427  
Stanford MT 59479  
Phone: 566-2277 x109  
Fax: 566-2211  
akelly@co.judith-basin.mt.us

Lake  
106 4th Ave E  
Polson MT 59860  
Phone: 883-7268  
Fax: 883-7230  
knewgard@lakemt.gov

Lewis & Clark  
316 N Park Ave Rm 168  
Helena MT 59623  
Phone: 447-8338  
Fax: 457-8598  
pdehart@co.lewis-clark.mt.us

Liberty  
Box 459  
Chester MT 59522  
Phone: 759-5365  
Fax: 759-5395  
clerk@co.liberty.mt.gov

Lincoln  
512 California  
Libby MT 59923  
Phone: 293-7781 x200  
Fax: 293-8577  
lcclerk@libby.org

Madison  
Box 366  
Virginia City MT 59755  
Phone: 843-4270  
Fax: 843-5264  
pkaatz@madison.mt.gov

McCone  
Box 199  
Circle MT 59215  
Phone: 485-3505  
Fax: 485-2689  
clerk@midrivers.com

Meagher  
Box 309  
White Sulphur Springs MT  
59645  
Phone: 547-3612 x2  
Fax: 547-3388  
clowe@meaghercounty.org

Mineral  
Box 550  
Superior MT 59872  
Phone: 822-3520  
Fax: 822-3579  
kjasper@co.mineral.mt.us

Missoula  
200 W Broadway  
Missoula MT 59802  
Phone: 523-4751  
Fax: 523-2921  
vzeier@co.missoula.mt.us

Musselshell  
506 Main  
Roundup MT 59072  
Phone: 323-1104  
Fax: 323-3303  
mshlcocr@midrivers.com

Park  
414 E Callender St  
Livingston MT 59047  
Phone: 222-4111  
Fax: 222-4193  
clerkrecorder@parkcounty.org

Petroleum  
Box 226  
Winnett MT 59087  
Phone: 429-5311  
Fax: 429-6328  
mbrindley@mt.gov

Phillips  
Box 360  
Malta MT 59538  
Phone: 654-2423  
Fax: 654-2429  
clerkrecorder@  
phillipscounty.mt.gov

Pondera  
20 4th Ave SW  
Conrad MT 59425  
Phone: 271-4000  
Fax: 271-4070  
clerkrec@3rivers.net

Powder River  
Box 200  
Broadus MT 59317  
Phone: 436-2361  
Fax: 436-2151  
kamende@prco.mt.gov

Powell  
409 Missouri  
Deer Lodge MT 59722  
Phone: 846-3680 x223  
Fax: 846-3891  
dsgmt2001@yahoo.com

## **Contact Info For County Election Offices**

Prairie  
Box 125  
Terry MT 59349  
Phone: 635-5575  
Fax: 635-5576  
clerkrecorder@prairie.mt.gov

Ravalli  
215 S 4th St Ste C  
Hamilton MT 59840  
Phone: 375-6550  
Fax: 375-6554  
rplettenberg@  
ravallicounty.mt.gov

Richland  
201 W Main  
Sidney MT 59270  
Phone: 433-1708  
Fax: 433-3731  
plewis@richland.org

Roosevelt  
400 2nd Ave S  
Wolf Point MT 59201  
Phone: 653-6250  
Fax: 653-6289  
chansen@rooseveltcountry.org

Rosebud  
Box 47  
Forsyth MT 59327  
Phone: 346-7318  
Fax: 346-7551  
gcuster@rosebudcountymt.com

Sanders  
Box 519  
Thompson Falls MT 59873  
Phone: 827-6922  
Fax: 827-6970  
clerk&recorder@  
sanderscounty.mt.gov

Sheridan  
100 W Laurel Ave  
Plentywood MT 59254  
Phone: 765-3403  
Fax: 765-2609  
mlynch@co.sheridan.mt.us

Silver Bow  
155 W Granite Rm 208  
Butte MT 59701  
Phone: 497-6342  
Fax: 497-6328  
mmcMahon@bsb.mt.gov

Stillwater  
Box 149  
Columbus MT 59019  
Phone: 322-8000  
Fax: 322-8007  
pmishler@stillwater.mt.gov

Sweet Grass  
Box 888  
Big Timber MT 59011  
Phone: 932-5152  
Fax: 932-3026  
sgclerk1@cablemt.net

Teton  
Box 610  
Choteau MT 59422  
Phone: 466-2693  
Fax: 466-3244  
paula@3rivers.net

Toole  
226 1st St S  
Shelby MT 59474  
Phone: 424-8300  
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tcclerk@3rivers.net

Treasure  
Box 392  
Hysham MT 59038  
Phone: 342-5547  
Fax: 342-5547  
clerkrecorder@rangeweb.net

Valley  
501 Court Sq Box 2  
Glasgow MT 59230  
Phone: 228-6226  
Fax: 228-9027  
lNyquist@co.valley.mt.us

Wheatland  
Box 1903  
Harlowton MT 59036  
Phone: 632-4891  
Fax: 632-4880  
wccr@mtintouch.net

Wibaux  
PO Box 199  
Wibaux MT 59353  
Phone: 796-2481  
Fax: 796-2625  
wibauxco@midrivers.com

Yellowstone  
Box 35002  
Billings MT 59107  
Phone: 256-2740  
Fax: 254-7940  
dwinslow@  
co.yellowstone.mt.gov

## ***Ballot issue Reminder Worksheet***

If you want a reminder to take with you to the polling place to remember your decisions about ballot issues, you can fill out this worksheet and take it with you.

### **Constitutional Amendment No. 44**

- FOR allowing up to 25% of all public funds presently restricted to fixed income investments to be invested in private corporate capital stock.
- AGAINST allowing up to 25% of all public funds presently restricted to fixed income investments to be invested in private corporate capital stock.

### **Legislative Referendum No. 118**

- FOR imposing a levy of 6 mills for the support of the Montana university system.
- AGAINST imposing a levy of 6 mills for the support of the Montana university system.

### **Initiative No. 155**

- FOR expanding CHIP and Medicaid eligibility for uninsured children, coordinating children's health coverage, and encouraging enrollment of eligible children.
- AGAINST expanding CHIP and Medicaid eligibility for uninsured children, coordinating children's health coverage, and encouraging enrollment of eligible children.

***Study the issues.  
Bring your ID.  
VOTE!***

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## ***Key Election Reminders***

- ◆ Remember, if you damage your ballot, make a mistake on it, or overvote, do not throw away your ballot, try to erase it, or scratch out a mistake. Just ask an election judge for a new one.
- ◆ November 4 is Election Day. The polls are open from 7 a.m. to 8 p.m. in most localities. Precincts of 400 or fewer voters may open their polling places at noon. Check your local media or county election officials (see the list starting on page 24 of this pamphlet) for the polling times and places in your area.
- ◆ Don't forget to bring your ID when you vote!
- ◆ It's not too late to register to vote! Montana's late registration law allows eligible Montanans to register and vote right up until the close of polls on election day (except between noon and five p.m. on the day before the election). If you're eligible to vote but haven't registered, visit your county election office (a list is in this pamphlet) to register to vote.

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