

## **The Political Process and Reform in Montana**

### **Montana's Implementation of the Help America Vote Act**

*Alan Miller, BA*

### **The Montana Legislative Assembly and Term Limits: A Critical Look Back**

*Jerry Calvert, PhD*

### **Lobbying Reform in Montana: Not Quite Ready?**

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### **Single Member Districts Are Better**

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### **Transparency and Accountability: Fundamental Principles of Democracy**

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### **An Important Notice to Our Readers**

The Local Government Center is going through a major transition this summer. Judy Mathre and Kenneth Weaver will be leaving the Center on June 30th. The Local Government Center will continue its work of providing training, research and technical assistance to our local governments. We are also expanding our activities. Heather McCartney has recently been hired to the new position of Administrative Assistant (see her introduction on page 45). We are in the process of a statewide search for a new Associate Director. In addition, a nationwide search is underway to hire a Community Development Extension Specialist who will be located in the Local Government Center. Sociologist Dr. Steven Swinford, an expert on conducting surveys, is partnering with the Local Government Center to provide his services to our constituents as well. A survey of the status of city attorneys in Montana is underway and the results will be available in July. Thank you to our municipal clerks for the overwhelming response to the survey. We will also have two graduate students working as Research Assistants in the Center this fall.

We wish Judy and Ken well in their future endeavors, and hope the future changes in the Local Government Center will serve the needs of our constituents.

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## **Introduction**

**By Jane Jelinski, MPA**

**N**o matter how we elect our representatives, conduct our legislative process, govern our school districts, try as we might to get it just right, we continue to “muddle through.”

In 1959, a noted public administrator, Charles Lindblom, published “The Science of Muddling Through,” to describe how public policy is developed. He explained that because of the complexity of public policy issues, the limits on time and resources, the impossibility of having absolutely all the facts, and the political context, public policy is necessarily developed, in most cases, by “muddling through.”

The state of Montana laid an impressive foundation for its unique vision of governing back when the new Montana Constitution was adopted in 1974. Since that time, the legislature and the citizens of the state have amended the Constitution numerous times, trying to address modern problems, trying to get it just right. Every time the legislature meets, they pass laws to address current issues of importance, sometimes changing what prior legislatures have enacted, sometimes building on their work. And again, trying to get it just right. Citizens exercise their right to petition by initiative in virtually every election, trying to get it just right. This is a never ending process and we will never get it just right.

This issue of the Montana Policy Review is focused on the political process and reform in Montana. No matter how we elect our representatives, conduct our legislative process, govern our school districts, try as we might to get it just right, we continue to “muddle through.” You will see that the issues raised in one article overlap into issues raised in other articles. Term limits, ethics, campaign financing, and transparency emerge throughout. Technology too plays an important role in each of these issues, and undoubtedly will continue to grow in importance in delivering public ser-

vice and information.

This issue is unique in that it includes research from a number of our political science students and masters in public administration graduate students. Whether you agree with their conclusions or not, it is evident that they have acquired a notable level of competence in conducting research, struggling through public policy analysis and writing. The quality of their research is excellent and they raise important public policy questions. Those of us who have the privilege of teaching, get enormous pleasure out of watching their progress through the education process. We also enjoy witnessing our graduates using their new skills to go out into the world and take their place as professionals who work in the arena of public policy as city managers, mayors, county commissioners, legislators, and even policy advisors for the executive branch. Our graduates are everywhere and we are proud of them. I am also proud of the fact that this issue includes research produced by my colleagues at MSU and again includes an article authored by personnel from that “other” university and others by personnel from the Secretary of State’s Office and the Lieutenant Governor’s Office. This is a collaborative project, intended to explore some of the enormous challenges we face in our efforts to govern and be governed.

By the time this publication reaches the post office, Montana’s primary election will be over and the winners will go forward to compete in the general election in November. This has been a particularly robust primary campaign season in many parts of the state, with more candidates filing for the legislature than I can remember in a very long time. It is remarkable that primary elections draw so little attention from the voters when so much is at stake.

Think about the job of a state legislator. They get to leave their families and jobs for four months, rent a tiny apartment in the state capitol, work approximately twelve to fifteen hours a day, and get paid less than it costs them to live out of town for the term. And then they get to go home and answer the phone, explain their actions, and get ready to run another campaign. The job of a legislator is difficult, demanding and expensive.

Regardless of the outcome of this election, I urge every citizen of this state, to thank their candidates for stepping up to the plate, whether they won or lost.

The role of state legislators - policy-making, representation and oversight - seem to grow in importance over the years. We learn from our mistakes, we try new approaches, we confront new problems, and we try to get it just right.

As we examine the reforms that Montana has accomplished, and those that need to be improved, it helps to remember that we will never get it just right. In spite of having to muddle through because of the complexity of public policy issues, Montana has a lot to be proud of, and, we have much more work ahead.

*Jane Jelinski, MPA, is the Director of the Local Government Center and an Instructor in the Political Science Department at MSU-Bozeman.*



## **Montana's Implementation of the Help America Vote Act — PL 107-252 By Alan Miller, BA**

**H**AVA  
*represents the most  
significant reform  
of federal election  
law since the Voting  
Rights Act of 1965.*

**O**n October 29, 2002, President George W. Bush signed the Help America Vote Act, or HAVA, into law. Conceived in the wake of the controversial 2000 presidential election in Florida, HAVA represents the most significant reform of federal election law since the Voting Rights Act of 1965. It is interesting to note that 82% of all U.S. House of Representatives, across all party lines, voted for HAVA. Also, 92% of all U.S. Senators voted for HAVA, again without respect to political affiliation. With the passage of HAVA, Congress has required states to improve their elections and has provided funding with which to do so.

In order to implement the provisions of the Help America Vote Act (HAVA), the Secretary of State's office initiated a punch card buyout, trained counties on the requirements for identification and provisional balloting, provided funding for precinct counters, arranged for paid advertisements regarding voters' new rights and responsibilities under HAVA, successfully encouraged the legislature to adopt a paper ballot requirement for electronic voting systems, and purchased and contracted for training on a centralized statewide voter database and for voting systems purchased by the state and equipped for individuals with disabilities.

Consistent with the above activities, the state's efforts have been particularly focused on the following areas:

### **Access for Individuals With Disabilities**

- In partnership with the Montana Advocacy Program, the state co-sponsored a Voting System Vendor Fair last year to review voting systems specifically equipped for individuals with disabilities. Attended by over 100 members of the disabled community and advocates as well as state and county election officials, the event garnered a great

deal of praise. Individuals with disabilities completed in-depth surveys on their assessments of the systems, and the voting system that was ultimately purchased was the clear choice of those surveyed.

- The Secretary of State's office provided funding for the Montana Council on Developmental Disabilities to provide transportation to the polls on election day. The office also provided community-based organization grants to agencies that serve persons with disabilities to ensure that they could get the word out to their members and clients about accessibility.
- In recognition of the above efforts, Elaine Graveley, the state's Election Deputy, was honored with a Courage and Advocacy Award from the Montana Advocacy Program, Montana Council on Developmental Disabilities, and the University of Montana Rural Institute.

### **Identification and Provisional Ballots**

- Under a program called the Voter Verification Service, county election officials were able to verify driver's license numbers given by people at the polling places as part of their form of identification. This was quite successful in reducing the number of provisional ballots that might have otherwise been cast.
- The Voter Verification Service is a result of an alliance between the state government and the private sector. It was cooperatively developed and is supported by the Secretary of State's office, The Department of Justice, the Department of Administration's Information Technology Services Division, and Montana Interactive, LLC.
- The Secretary of State's Voter Verification Service was selected for the Council of State Government's Innovations Awards Program and was featured in the November/December edition of State News magazine.

### **Voter and Election Official Education Programs**

- The Secretary of State provided grants of \$5,000 each to over 90 community-based organizations to assist with education. These grants proved invaluable to the state's efforts to spread the word about the new election changes under HAVA. Interest groups throughout Montana produced television commercials, held informative presentations, provided promotional materials and brochures, and staffed booths at events around the state in order to inform their members and the general public about HAVA.
- The Secretary of State's elections office has been especially active in HAVA education through trade shows, Pow-Wows, state and county fairs, college events, and conventions, and has purchased and distributed popular promotional items to remind voters of identification requirements, educate them on the effects of overvotes and undervotes, and notify them of their right to vote provisionally.

- After initial regional trainings of county election officials, the state elections office staff traveled around the state to train county election judges on all election day procedures, and especially on identification requirements and provisional balloting.

### **Upcoming HAVA Efforts**

- The state is again contracting with specially trained staff from the Montana Advocacy Program to survey polling places to ensure that they are accessible to individuals with disabilities. Election officials from counties whose polling places do not yet meet federal accessibility requirements will be permitted to apply for newly available grant funding to update their polling places and to educate their county election judges on facilitating accessibility. Counties have been awarded grants of up to \$5,000 for each polling place, with the potential for a future round of funding as needs arise.
- Montana is finalizing the implementation of the statewide voter database, including training state and county election officials at over a dozen regional meetings. All suggested improvements will be carefully logged by an innovative tracking system and reviewed by the Election Technology Task Force, made up of state election officials and a representative sample of county election administrators. The state will continue to improve the system throughout the year to ensure that any and all concerns are addressed and resolved.
- The State is on schedule for implementation of new voting systems equipped for individuals with disabilities. Montana has purchased the systems and contracted for extensive training, maintenance, and in-person support for them. The systems will mark a regular ballot that will be counted by hand or by a separate counting system. The new accessible systems will allow for individuals with disabilities and other interested electors to privately mark their ballots, while at the same time ensuring the security of the election process through the use of paper ballots that will provide a record of the votes cast in the event of an election dispute.
- The Secretary of State's staff plans to continue attending regional education events across the state and will produce new advertisements and Public Service Announcements to inform the public about the latest changes under HAVA, and about the implementation of the statewide voter registration database and the proper use of the new voting systems equipped for individuals with disabilities.

*Alan Miller, BA, is the Elections Specialist in the Office of the Montana Secretary of State*



**The Montana Legislative Assembly  
and Term Limits: A Critical Look Back  
By Jerry Calvert, PhD**

**P***rior to the endorsement of term limits, the Montana Legislative Assembly was characterized by high turnover caused primarily by incumbents who had opted out of a “career” in the legislature.*

**B**etween 1990 and 1996 a reform movement hit the states with quick and devastating force. Voters in 18 states were presented with ballot initiatives designed to limit the terms served by members of Congress, statewide officeholders, and state legislatures. The specific details of these initiatives varied, but they had one thing in common. All passed by substantial majorities and most sought to impose eight year term limits on elected officeholders. Montana was one of those states and it is the purpose of this article to examine the effects of term limits on the Montana Legislative Assembly.

Presented to Montana’s voters in 1992, Constitutional Initiative 64 called for limiting U.S. Senators to two six year terms, U.S. House members to three two year terms, and statewide officeholders and state legislators to eight consecutive years. Thus state senators (who are elected to a four year term) would be limited to only two consecutive terms while house members (two years for each term) could only serve four consecutive terms. CI-64 was approved by almost 70% of the voters and passed by heavy margins in all of the state’s 56 counties.

In advocating term limits for Montana’s Congressional delegation, elected state officials, and state legislators, proponent’s assertions in support of CI-64 can be summarized as follows. Term limits would end the corrosive and corrupting effects of political “careerism” in which, it was alleged, the seeking of public office becomes an end in itself. Second, electoral competition would necessarily increase because the imposition of mandatory terms would eliminate the advantage that incumbents usually enjoy in terms of name recognition and campaign donations. Third, because proponents constantly talked about how term limits would lead to a “citizen legislature,” there is an implication that this reform will lead to a more diverse legislature especially as regards the representation of women and minorities.

### **Evidence of Careerism**

Those who want to make service in the legislature a career should, we might assume, want to stick around, especially beyond the eight years mandated by CI-64. But in fact, prior to its passage, turnover among our state legislators was relatively high, and this turnover was due primarily because many incumbents made a decision not to run for another term, often well short of the eight year deadline set by CI-64.

In the ten year period immediately prior to the beginning of the term limits clock, an average of 26.4% of senate seats and 16.8% of house seats were vacated by the voluntary withdrawal of the incumbent. In the 1974-1982 election cycle, the voluntary leave taking rates for the senate and house were 22.1% and 19.3% respectively (Table 1). In contrast, the percentage of seats vacated by the electoral defeat of an incumbent has been and continues to be much less.

In short, prior to the voters' endorsement of term limits, the Montana Legislative Assembly was characterized by high turnover caused primarily by incumbents who had opted out of a "career" in the legislature. Thus, by any reasonable definition, Montana's legislature had been composed mostly of men and women who were not "career politicians" before the passage of CI-64.

### **Evidence of Increased Electoral Competition**

Contrary to proponents' claims, term limits have in fact led to a net decrease in electoral competition since the term limits clock started. Political scientists measure the level of competitiveness in various ways. Three of the most often used are the average success rate of incumbents, the mean percent of contested races (defined as

two major party candidates facing each other for each seat), and the number of legislative districts that change hands from one party to the other at least once during a 10 year apportionment period, what we call "district swing."

These three indicators of competition are summarized in Table 2. As can be seen, the mean or average success rate of incumbents seeking another term actually increased after the term limits clock began to run in 1993. More dramatic yet, the percentage of house and senate districts that were contested also decreased, especially for the state senate during the 1994-2002 period. Finally, the level of partisan swing also decreased. During the 10 year period in which the term limit clock was ticking, more than 90% of state senate districts stayed with the same party while it was 72% for the house, a percentage of "safe" seats that was considerably higher compared to the two decades before term limits were enacted.

But the most telling evidence is the senate and house districts vacated by term-limited incumbents in the 2000 and 2002 elections. In the senate, there were 30 such districts and 29 stayed with the same party that had held the seat previously. In the same two elections, 43 house districts opened up and 40 of those stayed with the same party. Hence, any notion of increased inter-party competition fostered by imposing term limits has simply not been borne out by the evidence.

### **Diversity**

Although not made explicitly by CI-64 proponents beyond rhetorical reference to a "citizen legislature," the term limits movement as a national movement claimed that term limits would open up greater electoral opportunities for women and minorities and

thus the term-limited state legislatures will become more demographically diverse, and by implication, more representative of a greater diversity of viewpoints and concerns. In the 2001 session of the Montana legislature there were 34 women and 5 Native American state legislators; in 2003 those numbers were 37 and 6. But significant increases in the number of women in the Montana legislative assembly preceded term limits. In the 1985 session the legislature was still the bastion of ranchers and farmers and small business people. Women held 18 of the 150 legislative seats. Ten years later seats held by women had increased to 31.

The picture concerning Native American representation was also independent of term limits. The 1985 legislature had only three. Ten years later only two sat. But in 2001 and 2003 there were five. The cause was the creation of majority-minority districts by the Montana Districting and Apportionment Commission acting under the guidelines established by the Voting Rights Act and Federal Court decisions concerning the constitutionality of majority-minority districts.

The most telling data, however, comes from the term limited legislative districts in the 2000 and 2002 elections. Of the 28 state senate districts opened by term limits in those two elections, only three women replaced males and all three were of the same party as the departing men. In the House with 41 open seats, 5 women replaced men who had held the seat, but only one also represented a change of the district from one party to the other.

### **Term Limits and Institutional Memory**

Mostly absent from the debate in 1992 was a clear sense of how limiting terms would affect the performance of the

state legislature. Now, with the experience of having had a term limited body, it is time to take a look.

In the 1997 Associated Press story, several incumbent members of the Legislature who were facing the imminent prospect of the end of their legislative life worried aloud that future legislatures would be less effective and more destructively partisan because there would be no critical mass of experienced members to show them the ropes. The passing of time has proved them right.

In the Montana Legislative Assembly before term limits, there was, as we have said, high turnover. But there also was a minority with real experience in the legislative process. In the Senate in the sessions just before and after passage of CI-64, 42% of the members had served eight years or more; in the House that number was 22% in 1991 and 24% in the 1993 session.

In the 2001 and 2003 sessions, a critical mass remained in the 50 member Senate. In the 2001 session 35% had served eight years or more because many of them had prior experience in the lower chamber. In 2003 that group was 40% of the state senate.

But in the House it was a disaster. In the 2001 session only one member had at least eight years experience while half had just been elected for the first time. Two years later just two out of 100 members had eight years under their belt while 29 out of the 100 were first termers.

A Republican legislator who was to be term limited out in 2000 observed in 1997, "Government is very complicated and it takes time to learn how the system works. The more experienced ones provide information on how the system works, what's possible, and what's been tried before." Speaking on the issue of interpersonal relationships, another forced retiree said in the

same news account, “The trust you strive for over the years, the integrity you build up—it takes a long time to get that closeness. They’ll never get a chance to get that close [under a term limits regime].”

In the wake of the first term-limited Montana Legislative Assembly, GOP lawmakers tended to be cautiously upbeat about the experience while Democrats expressed growing frustration (in part no doubt because they were the minority party at that time). Senate Minority Leader Steve Doherty called the 2001 session “more disorganized, sloppy [and] inefficient” compared to previous sessions and that “the damage, eventually, to the system will be permanent and widespread.”

The damage, borne of high turnover and absence of enough experienced legislators (especially in the House) was manifest in a growing and destructive partisan divide in the 2003 session. Many legislators, both Democrats and Republicans, had now seen enough. A Democratic house member noted: “Since 1999, I’ve just seen incredible deterioration in the legislative process as a result of [a] lack of knowledge, the lack of experience, the lack of trust, the lack of communication and the lack of relationships.” A GOP senator, termed out for the 2004 election, observed: “[I]t takes a while to learn who to go to and where to go to get information. By the time people know where to get all the accurate information they need, why, they’re termed out.”

The trend data on experience in the Legislature over time is indeed telling. For example, the mean number of years served by state senators in the 1981 session was 5.4 and in 1991, 6.2. But in the House a different picture emerged. In the 1981 session, 12% had eight years or more experience. Ten years later it was 22%. But thanks to term limits, the 2001 session of the House was terribly bereft of experience. As has

been noted, only one out of the 100 members had eight years of service while half of that body had never served before. The contrast produced substantial inequality and tension between the more seasoned state senators and a house top heavy with greenhorns.

In reaction to the presumed ill effects of the eight year term, House Bill 277 was introduced to extend legislative terms from 8 to 12 years and was placed on the November, 2004 ballot as Constitutional Referendum 42. It is important to note that HB 277 received 74 yes votes in the House and 37 in the Senate and it was a bipartisan effort. On that third and final reading of the bill, majorities of Republicans joined majorities of Democrats in both houses to put the question to the people.

Nonetheless, Constitutional Amendment 42 was soundly defeated by Montana’s voters with 69% voting no and was rejected in all of Montana’s 56 counties. Part of the reason for this drubbing was that no visible and effective campaign was organized on behalf of CA-42, and in the absence of a good selling job, it is not surprising that this modest adjustment upward in term limits was soundly rejected by voters.

### **Conclusion: A Bad Idea Whose Time Has Passed**

The term limits idea represents a singular lesson in the old adage that you should be careful about what you ask for. Driven by the widespread beliefs in the American culture that most politicians are unaccountable and corrupt, voters rushed to the polls in the early 1990s to register their anger.

Now, it is time to evaluate what Montana voters have done. It is not a pretty picture. The promise of term limits was

grounded on a patently false premise - that the legislature was sodden with a cadre of “professional politicians” who needed to be ousted and replaced by a “citizen legislature.” In fact, as this article has shown, the legislature before turnover was a body of citizen-legislators that was characterized by high turnover in personnel, elections that were mostly non-competitive, and where few districts moved from one party column to the other. Uplifting tales about the ordinary citizen thrust into a position of power and then through “common sense” and “basic goodness” masters the governmental process, overcoming all obstacles, especially those corrupt professional politicians, is a fine and entertaining story. It’s entertaining. It’s uplifting. It’s not true. We know that experience matters in any vocation from dishwashing to brain surgery and we should treat those who seek legislative office with the same respect by rewarding those who do well by the public and return them to office while expelling those who do not .

***\* Note on Primary Sources***

Data reported in the tables are derived from analysis of the canvass of state legislative elections for the years covered. Most of this information has not posted on the Internet nor is it readily available in any easily accessible state publication. But canvasses for the state legislature are housed in the Secretary of State’s office.

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**Table 1: Mean Rates of Voluntary Withdrawal and Eviction in the Montana Legislature**

<b>Montana Senate</b>		
	Voluntary withdrawal	Eviction
1974-1982	2.1%	19.3
1984-1992	26.4	16.8
1994-2002	26.2	8.8
<b>Montana House</b>		
1974-1982	23.0%	14.8%
1984-1992	16.0	12.6
1994-2002	21.0	7.8

**Table 2: Measures of Competition in Montana Legislative Elections**

**I. Mean Success Rate of Incumbents Seeking Reelection**

	<b>Senate</b>	<b>House</b>
1974-1982	74.8%	79.1%
1984-1992	77.2	84.9
1994-2002	87.6	91.3

**II. Mean Percent of Contested Races\***

<b>Contested Races:</b>	<b>Senate</b>	<b>House</b>
1974-1982	37.0%	33.2%
1984-1992	35.8	25.6
1994-2002	16.0	24.0

\*Contested - victor won by 55% or less of the vote

**III. Legislative District Swing**

**Percentage of districts that did not change parties for entire reapportionment period**

	<b>Senate</b>	<b>House</b>
1974-1982	64%	50%
1984-1992	74	61
1994-2002	90	72



## **Lobbying Reform in Montana: Not Quite Ready? By Ryan Seher, BS**

### **Introduction**

**I**n light of the recent scandals in Washington, DC, lobbying reform has gained nationwide attention. Amid investigations and indictments of several high profile lawmakers, the U.S. House of Representatives and the U.S. Senate are considering major reforms of their ethics laws.

On the state level, reform is far outpacing the efforts on the federal level. The Center for Public Integrity, a non-profit government watchdog organization that promotes transparency in government, found that 47 of the 50 states have tougher lobbying laws than the federal government and 24 states have strengthened their laws since 2003 [1].

In the 2005 legislative session, newly elected Governor Brian Schweitzer sought to strengthen Montana's lobbying laws. Seeking to institute a revolving door provision, the governor hoped to curb the influence of former legislators in the lobbying process. Specifically, the governor's proposal would have prohibited a former legislator from lobbying for two years, for an entity that would benefit from his or her "advantage, unavailable to others, of matters with which the legislator was directly involved during the term of office" [2]. In other words, a legislator could not lobby on issues in which he or she had sponsored legislation or dealt with in committee. The proposal, however, failed to gain support and died in committee.

With the Washington, D.C. lobbying scandals fresh in their minds, are Montana's legislators ready to tackle lobbying reform again? Or is the current law effective in maintaining an open and transparent process? This study aims to answer those questions and discover whether or not it is time for Montana to revisit lobbying reform.

### **Methodology**

To gauge support for lobbying reform in Montana, each of the one hundred-fifty state legislators was mailed a survey asking a range of questions regarding Montana's lobbying law.

**T**he Center for Public Integrity, a non-profit government watchdog organization that promotes transparency in government, found that 47 of the 50 states have tougher lobbying laws than the federal government and 24 states have strengthened their laws since 2003

Specifically, the legislators were asked if they thought the current law is effective or not, if the law needs strengthening, and whether or not they would be inclined to support various proposals to strengthen Montana's lobbying law. The proposals include (1) the governor's revolving door provision; (2) a measure to make lobbyists file *individual* spending reports with the state versus their employers filing reports for *all* of their lobbyists, which is Montana's current policy; and (3) a proposal to allow lobbyists to register and file spending reports electronically [3].

Of the one hundred-fifty legislators, thirty-eight returned the survey completed, with comments, and two returned the survey incomplete but with comments, representing 27 percent of the legislators. Of those who returned the survey, 66 percent are Democrat and 34 percent are Republican.

### Survey Results

The thirty-eight legislators who returned the survey have varying views on Montana's lobbying law, but a majority, 51 percent, believes the law is effective and 56 percent think the law does not need to be changed. Republicans are almost unanimous, 92 percent, in their support for the current law, while the Democrats are more divided, with 65 percent believing the law needs to be changed and 35 percent supporting it in its current state.

Support for the different policy proposals was mixed. On the governors' revolving door provision there was only 47 percent support while 53 percent were opposed. Republicans were again virtually unanimous in their opposition, with 92 percent opposed and Democrats were again more divided, with 67 percent supporting the provision and 33 percent opposed. Members of both parties were supportive of the proposal to make individual lobbyists

file spending reports, 74 to 26 percent, and the proposal to allow electronic registering and filing, 94 to 6 percent.

### Findings

The results of the surveys tell us several important things about Montana's chances for lobbying reform. Though only a small percentage of legislators returned the survey, the majority opposition to the governor's reform, while close, is significant. With Republicans virtually united in their opposition and 33 percent of Democrats opposing the revolving door provision, the governor would have trouble getting the proposal through a closely divided legislature. In the 2005 legislative session, the House of Representatives was equally divided between Republicans and Democrats and the Democrats in the Senate had a four-seat majority, [4] and the prospects for a close legislative election in 2006 are high [5]. Unless the governor can persuade several Democrats and more than a few Republicans, the provision is unlikely to become law in the 2007 session.

In defending their opposition to the revolving door provision, several legislators cited the information gained from former legislators and without that information, their job would be made much more difficult. Because Montana has a citizen—not professional—legislature, individual members do not have the resources to acquire all of the information needed to make informed decisions on issues before the legislature. If the revolving door provision becomes law, the opponents argue, a crucial source of information will no longer exist.

On the other side, supporters of the revolving door provision do not think that former legislators-turned-lobbyist are in any way corrupt, but cite the need for fairness in the lobbying process. Former legislators who lobby directly after leaving office have

more sway with current members, opponents say, providing them and their clients with an unfair advantage over other professional and citizen lobbyists.

The other reform measures enjoyed significant support and, if considered in the 2007 legislative session, would have a good chance of passing. The proposals, while not major reform, would help make the lobbying process more open and transparent.

### **Conclusion**

This study shows that even with lobbying scandals still making front-page head-

lines and significant support from a popular governor [6], legislators in Montana are not ready for lobbying reform. Though his prospects might seem hopeless, Governor Schweitzer has other means of making his lobbying reforms law. Just after this survey was sent to the state's legislators, the governor launched a ballot initiative campaign, taking his reform proposals directly to the people of Montana. If the governor's initiative, I-153, gathers the required signatures and is placed on the 2006 ballot, the people of Montana will have the last say in deciding the future of lobbying in the Montana State Legislature.

*Ryan Seher is a second year graduate student in the MSU - Bozeman Master of Public Administration Program.*

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### **Endnotes**

1. Rush, Lea and David Jimenez, "States Outpace Congress in Upgrading Lobbying Laws," Center for Public Integrity website.

2. From the text of HB 383, quoted in Johnson, Charles, "Schweitzer Pushes for Stiffer State Ethics Laws," The Billings Gazette, January 21, 2005.

3. These policy proposals, except the governor's proposal, were adapted from the Center for Public Integrity's 2003 Lobby Disclosure Ranking. The Center faulted Montana for not mandating individual lobbyist spending reports and for not offering lobbyists an electronic registration and filing option. Both are low cost ways of improving the openness and transparency of the lobbying disclosure process.

4. From the Montana State Legislature website, <http://www.leg.state.mt.us/css/default.asp>.

5. "GOP, Dems gear up to fight for '07 seats," Billings Gazette, January 26, 2006. See also Gouras, Matt, "After big win for Democrats, both parties ready for rematch," The Associated Press State and Local Wire, November 13, 2005.

6. As of November 2005, Schweitzer has an approval rating of 68 percent, which is the highest of all statewide officeholders. See Pickett, Mary, "Schweitzer gets majority nod in poll," Billings Gazette, November 10, 2005.

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<http://www.publicintegrity.org/hiredguns/nationwide.aspx?st=MT&Display=DrStateNumbers>
- Johnson, Charles. “Schweitzer Pushes for Stiffer State Ethics Laws.” The Billings Gazette. January 21, 2005.
- Montana State Legislature website. Obtained from the world wide web on April 25, 2006: <http://www.leg.state.mt.us/css/default.asp>.
- Pickett, Mary. “Schweitzer gets majority nod in poll.” Billings Gazette. November 10, 2005.
- Rush, Lea and David Jimenez, “States Outpace Congress in Upgrading Lobbying Laws.” Center for Public Integrity. Obtained from the world wide web on April 25, 2006:  
<http://www.publicintegrity.org/hiredguns/report.aspx?aid=781>



## **Accessibility of Montana's Campaign Finance Data** By Robin Crough, BA

**M**ontana's law happens to be one of the best, coming in at third in the entire nation with a grade of A-.

**T**ransparency is one of the top requirements for public officials, and citizens have demonstrated an active interest in knowing what their legislators are doing, especially when it comes to spending and receiving money. The issue of campaign finance reform has been at the top of both the state and national agenda for years. So then, how does Montana's campaign disclosure law compare with the rest of the nation? And more importantly, how accessible are the records for interested citizens and public officials alike?

For the past few years the Campaign Disclosure Project, made up of the California Voter Foundation, the Center for Governmental Studies, and the UCLA School of Law (and supported by PEW Charitable Trusts), has conducted a study of state disclosure law and accessibility. The study ranks each state overall, as well as in the individual categories of disclosure law, electronic filing program, disclosure content accessibility, and online contextual and technical usability. The study's grading rubric and methodology are both available on their website – [www.campaigndisclosure.org](http://www.campaigndisclosure.org). The category of campaign disclosure law is weighted the most heavily in the overall score, with 40%. Montana's law happens to be one of the best, coming in at third in the entire nation with a grade of A-. The reasons behind this high ranking are many. First of all, candidates in Montana are required to disclose details such as employer and occupation on all contributors giving \$35 or more. Some strengths that the study acknowledges in addition to the state's excellent expenditure disclosure are the filing schedule, reporting of loan details, and enforcement. Moreover, the strict law was well written, allowing it to stand up against pressure from the courts. In the fall of 2001, the U.S. District Court in Billings upheld the constitutionality of I-118, limiting the amount of money a candidate can receive from any one source: \$450 for candidates running for state-wide office per election, and \$100

per election for legislative office. No state had had such low limits upheld prior to the ruling [1]. Although the ruling was later withdrawn, the precedent set was impressive. Montana's current limits are still relatively low, with limits of \$500 for Governor/Lieutenant Governor, \$250 for statewide office, and \$130 for other public offices. Montana's campaign disclosure law has been recognized as one of the best, however there are issues regarding disclosure that require just as much attention, if not more, than the law itself.

Despite Montana's high ranking on disclosure law, the state has received an overall score of "F" for the third year in a row. The incredibly poor accessibility of records has given Montana the ranking of 46<sup>th</sup> in the nation for the year of 2005, falling from last year's 43<sup>rd</sup>. Only Alabama, South Dakota, South Carolina, and Wyoming rank worse. Montana's grade is so poor because of F's in the categories of electronic filing program (ranking 38<sup>th</sup>), disclosure content accessibility (ranking 48<sup>th</sup>), and online contextual and technical usability (ranking 49<sup>th</sup>). There is absolutely no campaign finance data on the website of the Commissioner of Political Practices, which makes it inherently impossible for Montana to score well. Only two other states in the entire nation have no data on their respective websites – South Carolina and Wyoming – and they ranked 49<sup>th</sup> and 50<sup>th</sup>. However, Montana is not alone in its poor grade. Only thirty-four states passed, meaning sixteen states received an F. There is a general trend of improvement, which means that the state's move from 43<sup>rd</sup> to 46<sup>th</sup> is especially poor. While Montana may have great disclosure law, it really means nothing when the records are not easily accessible to those who need to see them.

There is some useful information available about the state, and the future

looks promising. The Federal Election Commission makes available on their website records of the national candidates running for Congress. A great amount of financial data is accessible, including contributions from both individuals and non-party (i.e. PACs) and committees on every candidate [2]. Unfortunately, the site does not provide access to candidates running for the state legislature. Information on these candidates is available, and extensive, if you have the time. The Campaign Disclosure Project admits that the access to paper copies in the Helena office of the Commissioner of Political Practices as well as county election offices is very good. The Commissioner's website also has reporting calendars and ethics forms available online, including the Business Disclosure Statement and Multiple Public Employment Disclosure Statement. Most importantly, the site contains the Contribution Limits Summary, which provides a list of allowable contributions and contributors, a valuable asset to any legislator. It is hoped that actual finance data will be available online in the near future. The Office of the Commissioner has been developing an electronic filing system since 2004, and has some good contextual information already available online. The agency originally expected a campaign finance database to be available by late 2005, but as of May 2006, nothing has come to fruition. The Commissioner of Political Practices expects the online filing system to be fully operational by the end of 2006. However, since he also expects that this year's candidates will complete their 2006 filings under the current paper system, there will probably not be complete information until candidates start filing for the 2008 season. Only when Montana makes campaign disclosure data available online will citizens and public officials have a feasible way to access the information, hope-

fully mending the state's damaged reputation.

Montana has a great start to being ranked one of the top states when it comes to campaign finance disclosure. The state's law is already third in the nation, and with effort put into making campaign data available online, Montana's very poor grade could be greatly improved. Great disclosure law means very little when accessibility for citizens is so difficult. Even though extensive information is available in offices around the state, Montana received the poor grade for a reason. Citizens simply rely on the internet for information these days, and rarely travel in order to get government information. It is crucial that Montana provides better access for its citizens and public officials when it comes to campaign finance data. The wealth of information provided by the law demands a system that can not only make access feasible for the average citizen, but also convenient. Montana needs to focus on creating a comprehensive database available from the website of the Commissioner of Political Practices in order to justify, as well as do justice to, the expansive and highly-ranked law put into place.

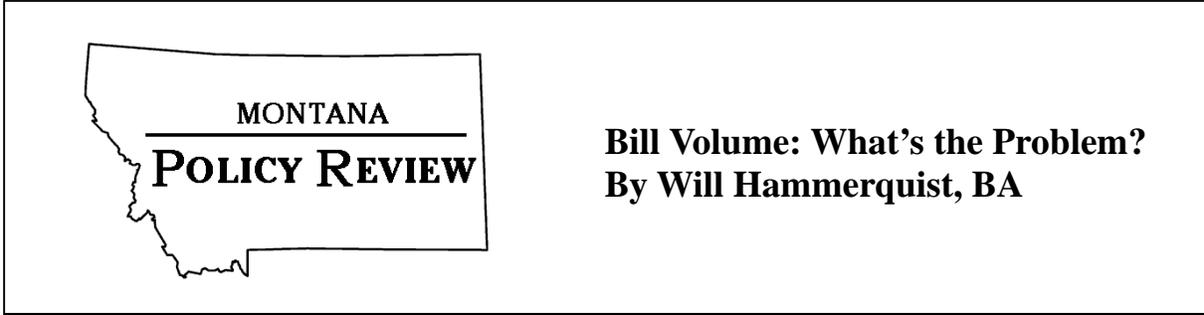
**I** *t is crucial that Montana provides better access for its citizens and public officials when it comes to campaign finance data.*

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### **Endnotes**

1. Montana Public Interest Group: Campaign Reform.  
<http://www.montpirg.org/issues/cfr.html>
2. Federal Election Commission: Summary Reports Search.  
<http://www.fec.gov/finance/disclosure/srssea.shtml>.

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## Introduction

**P**rior to 1995 there was no significant trend in the number of bills introduced on a session to session basis.

**M**uch discussion has been held in recent years over the impacts of the escalating volume of bills being introduced in the Montana Legislature.

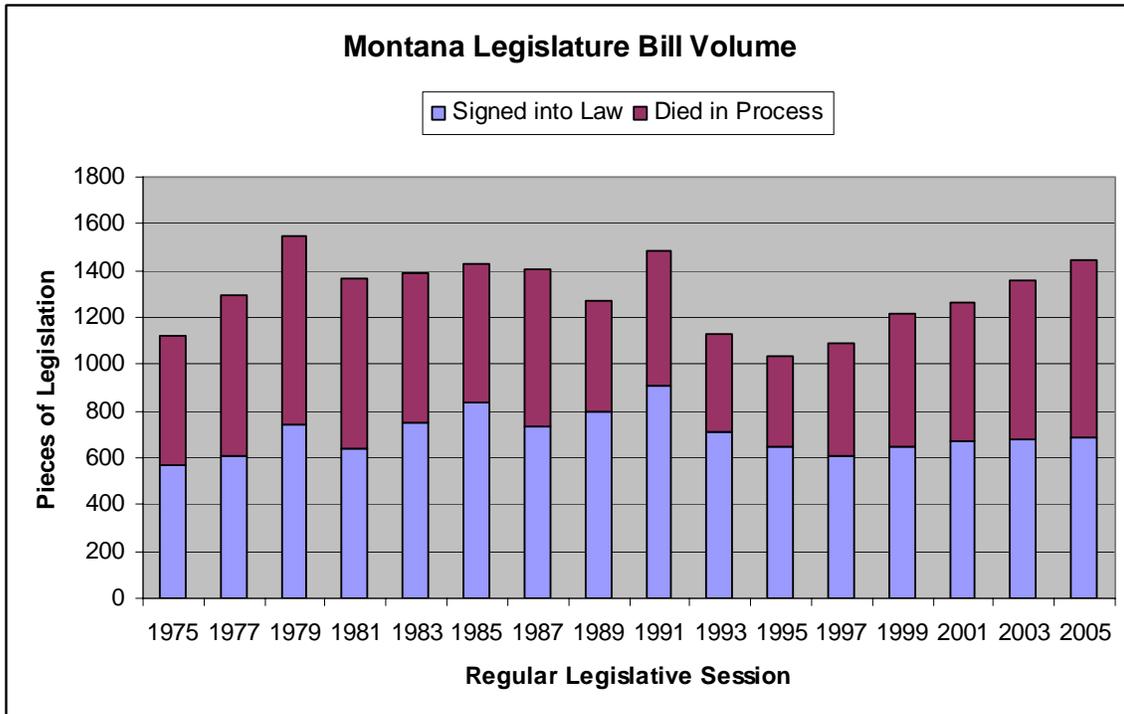
During the six most recent regular legislative sessions the number of bills introduced in the Montana Legislature has increased 40 percent. This is a 6 percent increase on a session to session basis, and on a per legislator basis this increase is equal to nearly 3 addition bills per member.

Is Montana in the midst of an ever-escalating crisis of bill volume inflation? Is the Montana legislative process straining under the burden of this increase? These are excellent questions, and conventional wisdom often says the answer to both is yes. However, deeper analysis provides a different conclusion.

## The Historical Context

It is important to note that prior to the steady growth of the past six legislative sessions, there was no real trend—up or down—in the volume of bills introduced in the Montana Legislature. In other words, prior to 1995 there was no significant trend in the number of bills introduced on a session to session basis. In fact, the 1979 legislative session still holds the record for the greatest bill volume since Montana moved to biennial sessions in 1975. Figure 1 provides a clear depiction of this reality:

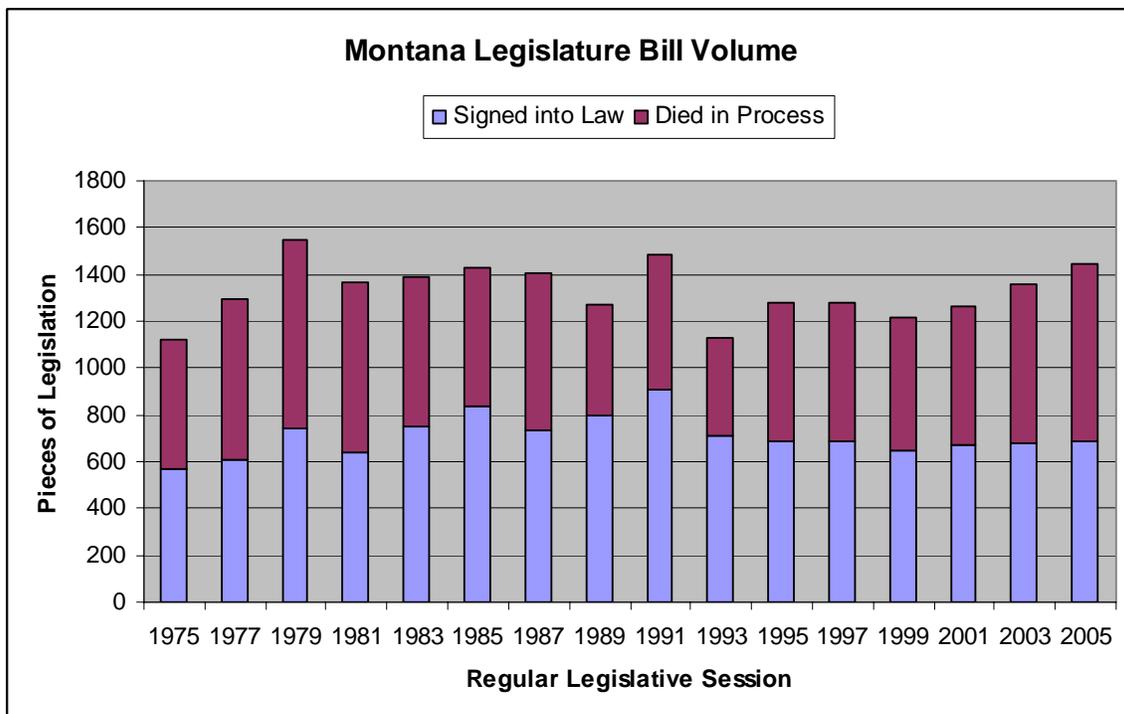
**Figure 1: Actual Bill Volume**



The second key factor to consider is the record low number of bills introduced during the 1995 and 1997 legislative sessions, which represent the first third of the current upward trend. The 1995 and 1997 legislative sessions rank last and second-to-last, respectively, in bill volume over the past thirty years.

Let us review the same graph (Figure 2) and hypothetically adjust the bill volume of the 1995 and 1997 legislative sessions to the thirty-year median.

**Figure 2: Adjustment to 1995 and 1997 bill volume**



This adjustment clearly demonstrates that the 1995 and 1997 legislative sessions were anomalies with respect to bill volume. Therefore, the perceived decadal trend of steadily escalating bill volume is the result of an erroneous point of reference.

This hypothesis is supported by two additional localized factors. The first is term limits. Much of the body's institutional memory has been removed from elected office with the enactment of term limits. As a result, the vast majority—if not all—Montana legislators have only served during the current period of increasing bill volume. There are few, if any members who remember that 1,486 bills were introduced during the 1991 session, let alone the record of 1,551 bills during the 1979 session.

The second factor supporting the hypothesis is the fact that the 1995 and 1997 sessions are also anomalous with respect to the partisan composition of the chambers. Montana voters have a long history of balancing party control within the State Legislature; for example, from 1981 to 1991 Montana voters were represented by 356 Democrats and 344 Republicans in the Montana Legislature [1].

This changed significantly in 1995 and 1997, and these two legislative sessions represent the greatest period of dominance by a single party in Montana since World War II; Republican legislators comprised nearly two-thirds of the Montana Legislature during these two sessions [2]. Recent electoral returns have provided a much more balanced composition to the body. The 50-50 partisan split in the Montana House during the 2005 session epitomizes this reality, which is much more consistent with historical election returns.

## Impacts to the Legislative Process

As previously stated, recent increases in Montana's legislative bill volume are not a new phenomenon; rather, these increases mark a return to historical levels. Often individuals who express concern over bill volume levels couch their remarks in terms of impacts to the legislative process. In essence, they are concerned over the dilutive effects of additional legislation (e.g. work) within a fixed resource environment.

The statement that the legislative process is a fixed resource environment is highly accurate. The Montana Constitution limits the work of the legislature to 90 legislative days by 150 legislators; however, it is questionable to assume that an increase in bill volume has a dilutive effect on the legislative process.

Data clearly demonstrates that the recent expansion of introduced legislation has not coincided with an increase in the amount of legislation that is actually signed into law. Specifically, during the same ten year period from 1995 to 2005 that experienced a 40 percent growth in bill introduction there was only a 5 percent increase in bill passage. Put simply, more bills do not lead to more codification.

The absolutely fixed resources of the legislature act as a physical constraint on the number of bills that are passed; therefore, it may be more helpful to examine bill volume increases as a healthy component within the legislative process, as these increases result in more competition and a higher quality of bills that rise to the threshold of passage.

Supporting this hypothesis is the fact that during the anomalous 1995 session, in addition to having the fewest number of bills introduced, this session also had the highest rate of bill passage with 63 percent of introduced legislation being signed into law, while the aggregate average since 1975 is 54 percent.

### Conclusion

Six consecutive legislative sessions of increasing bill volume are not indicators of a trend that will continue into the future; rather, this increase is attributable to an erroneous point of reference that is not reflective of the previous twenty years of legislative history in terms of partisan composition, bill volume, and bill passage rate. This erroneous point of reference is magnified by effectuation of term limits, which have created the perception among elected officials that bill volume is an inherently inflationary component of the legislative process.

**T** here are few, if any members who remember that 1,486 bills were introduced during the 1991 session, let alone the record of 1,551 bills during the 1979 session.

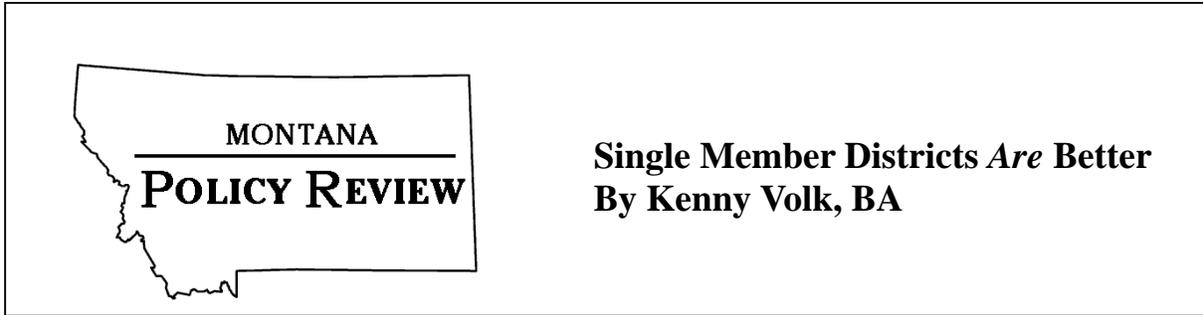
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### Endnotes

1. Bennion, Jon. *Big Sky Politics*. Five Valley's Publishing. Missoula, 2004.
2. 197 Republicans and 103 Democrats served in the 1995 and 1997 Legislative Sessions.

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*Will Hammerquist, BA, is the Policy Advisor for Montana's Lieutenant Governor John Bohlinger*



**A** campaign to change the way school board trustees are elected has emerged in Great Falls, Montana. Currently, seven trustees serve Great Falls Public Schools on an at-large basis, representing the nearly 70,000 person constituency comprising the school district. However, a petition written by Great Falls High School graduate and Harvard University student Travis Kavulla would, if it is approved by voters in a future school election, split the at-large district into seven single-member zones from which trustees would be elected. Since Kavulla’s petition “collected 3,100 signatures” [1] (more than the requisite 10% of the school district’s registered voters), the question shown on the petition will appear on the Great Falls school election ballot. Specifically, the petition states: “STATEMENT OF PURPOSE: This initiative would create seven (7) single-member trustee districts within School District No. 1 and High School District A in accordance with the map attached hereto.” [2].

If voters approve the petition, trustees elected from the newly drawn districts would begin serving on the board in 2007. The trustees elected under the old, at-large system, however, would be allowed to serve out the duration of their three-year terms as trustees elected from the new districts are phased in each year. This, explains Kavulla, “would allow seasoned board members to pass along their experience to newer trustees. The petition’s goal is long-term so as

to allow the school board to change gradually and not suddenly.” [3]

There lies an irony in Kavulla’s pursuit. As editor-in-chief of *The Harvard Salient* – the leading conservative publication at the liberal Ivy League school – he is leading a decidedly left-wing, progressive campaign in his red home state of Montana.

As public institutions and vehicles of educational development, school boards have “historically embodied ‘nonpolitical’ ideals championed by Progressive reformers at the dawn of the 20<sup>th</sup> century.” [4] The Progressive Era, among its best intentioned legacies, left a strong “desire to remove politics from education” [5] when crafting policy. At almost every level throughout the nation, school elections conform to this Progressive mantra – they are almost entirely bereft of party affiliations. “Of the 765 respondents reporting [to Hess] that local board members are elected, more than 89 percent report that elections are nonpartisan. In other words, candidates are identified as members of a political party in just 10 percent of school elections ... Not only are board elections divorced from political competition, they are often isolated from more high-profile campaigns. Less than half of district elections (46.5 percent) are never held on the same day as such elections. Approximately a third of districts (34.2 percent) always hold board elections on the same day as mayoral or city council elections, while 35.7 percent never hold them on such elections.” [6] Elections for the Great Falls School District take place on a

separate day than the city's mayoral and city council elections, as do all school elections in Montana.

The Progressive Era also imparted a heritage of citizen choice. Today, school boards are elected rather than appointed by an overwhelming majority of school districts. "More than 93 percent of the boards are currently elected, while 3.8 percent of boards have both elected and appointed members. Just 2.8 percent ... of boards are entirely appointed." [7] However, there is a greater divergence among boards on *how* their members are elected. Most school boards in the United States choose their trustees by holding at-large elections. "More than 56 percent of members are elected at-large, and 41 percent are elected by subdistricts. The smallest districts, for reasons that are not clear, are the least likely to elect board members at-large. Districts with fewer than 5,000 students are only slightly more likely to elect board members at-large than by subdistrict, while large districts are somewhat more likely to do so. For reasons that are not immediately clear, medium-sized districts are more likely to elect their board members districtwide than are either large or small districts." [8] The Great Falls School District, with its enrollment totals falling within the 5,000-24,999 bracket, follows Hess' criterion of what is a "medium district." [9] According to this more detailed distribution, only 35.3 percent of medium districts elect their trustees with single-member district systems.

If Kavulla's petition passes, Great Falls would resist the conventional tendencies of districts its size, but it would reflect a growing trend of school districts in general that are switching to single-member systems. In the past thirty years, more and more districts have adopted single-member models. The "big changes came in the 1970s and 1980s ... [and] over 100 school districts

have switched to single-member district systems since 1994," [10] with more seemingly willing to convert.

### **Advantages Of Single-Member Trustee District Systems**

According to Kavulla, single-member trustee districts improve school boards in two ways:

1). *They facilitate more communication between trustees and constituents.*

With a population of nearly 70,000, the Great Falls School District encompasses a large, diverse, and often times, divided constituency – and it is only, according to Hess, a "medium-sized" district. All seven trustees, under the current at-large system of election, are singularly responsible for nearly all 70,000 constituents. Single-member trustee districts defer such massive responsibility, allowing for a smaller scale and more efficient representation of public operation. By campaigning in one specific, zoned district instead of one entire school district, candidates can feasibly mingle door-to-door, attend neighborhood council meetings regularly, and personally get to know their constituents. And once elected, trustees can stay in touch with their smaller constituencies (of approximately 9,700 people per district if the petition passes in Great Falls) more easily than can a trustee responsible for representing nearly 70,000 constituents. Of course, the larger the district, the more difficult representing everyone becomes. Single-member trustee districts, then, offer a palatable remedy.

They also allow for a more close-knit, functional board. Publicly critical of the Great Falls School Board as an "insular" [11] body, Kavulla touts this point especially: "By bringing trustees more to the grassroots/neighborhood level, the school

board can become a participatory forum – meant for listening, talking about new ideas, and hearing specific dilemmas that need to be addressed in certain parts of the district – and foster a closer connection between the people and their public education system.” [12]

2). *They promote greater diversity on school boards.*

While diverse interests should be accordingly reflected on governing bodies with diverse members, this is especially so with schools. Kavulla has made this a thematic point throughout his campaign. “It’s been said that all politics is local – but this is especially true with school politics, where the decisions made by the school board impact neighborhood schools,” [13] he said. After all, different schools include different types of students from a wide and varied socio-economic spectrum. School boards exist to serve as the elected, representative voice of the public. While administrators like the superintendent, assistant superintendent, curriculum director, and school principals operate within policy-crafting roles and as technocrats, board trustees do not. They needn’t be doctors or lawyers or former educators to excel as passable trustees. Rather, they as representatives are most effective and are the best trustees when their views and actions as board members are the *most representative* of their constituents’ views. It is unlikely, then, that a career academic or a white-collar professional from an affluent neighborhood could better represent an urban, poorer neighborhood than could a caring, blue-collar yeoman who resides in, and is intimately in touch with the needs and issues of his/her urban, poorer district.

Kavulla accounts for this. His map, as state law requires him to draft and attach to

the petition, in his words, “has been drawn to combine neighborhoods that have factors in common – including feeder areas for the school system and socio-economic status – to try to give each district a consistent internal makeup.” [14]

### **Criticisms (and refutations) Of The Proposed Single-Member Trustee District System In Great Falls**

Over the course of molding public opinion in favor of single-member districts – he has given, by his count, “about 15 public presentations on the issue” [15] – Kavulla has encountered two consistent worries about a single-member district system.

1). *There is doubt over whether or not candidates will emerge to fill all seven seats.*

Great Falls Superintendent of Schools, Dr. Bryan Dunn, “personally isn’t a fan of electing trustees by neighborhood districts” [16] because representing the school board, he feels, should be left to the best possible candidates, no matter where they live. Several former Great Falls School Board trustees – all of whom, at the time, stood to lose their seats if the petition passed – seconded the superintendent’s concerns. Former board member (and chairman) Mick Taleff opposed the change because he questioned whether there would be enough interested and qualified candidates to fill board seats, also maintaining that board members voted favorably on issues regardless of where they live. “I regard everyone in the community as my constituent and do not favor anyone over anybody else,” [17] he remarked during his bid for re-election. (Although he was the incumbent chairman, he was soundly defeated, finishing fifth out of seven candidates [18] – clearly, the public did not share

his view on single-member districts among other issues.) Another former board member (and vice-chairwoman) at the time, Elna Hensley, echoed Taleff's opinions. In a candidate forum, she urged caution. "The pool of people interested in running might be so small that we'd have trouble filling seats," [19] she said. Hensley, too, despite her incumbency and position of leadership, was ousted from public office as well, finishing sixth out of the seven candidates. [20]

While the education establishment – bureaucrats who stand to undergo a massive structural shakeup from a mandate not drawn by its own collective hand – may doubt whether or not people will run for all seven seats, Travis Kavulla does not. His arguments are convincing. "It seems unlikely," he says, "that there are not seven civic-minded people spread through the school district (of nearly 70,000 people) who would be willing to serve as trustees." [21] He explains that neighborhood councils – bodies requiring more members – always manage to fill their seats. "Currently, there are already 45 elected positions in the city's nine neighborhood councils, which collectively represent an area that is 10,000 people smaller than the school district. These councils have residency requirements, and with the exception of a couple of vacancies left by people who move out of their neighborhoods, they are completely filled." [22] Indeed, if neighborhood councils – bodies with less public visibility and less-coveted positions – can fill 45 seats without issue, surely the more prestigious school board can fill its smaller quota of seven seats.

Kavulla also cites recent, empirical evidence from Great Falls and elsewhere that refutes Dunn's assertion that the district "has had trouble getting people to run here anyway." [23] Kavulla continues, "Whenever there's been a vacancy, there

have always been a lot of applicants or challengers. [Two years ago], four challengers competed [for] one vacant seat." [24] Last year, seven candidates competed for three seats. And this year, two candidates ran for one seat while four candidates applied to fill a vacancy. Kavulla also points to the case in Billings, where single-member trustee districts were successfully implemented in 2003. Despite facing similar concerns there, candidates still emerged to serve on the board. "Many predicted that there would be no candidates for Zones One & Two – the poorest, urban districts of Billings. The filings [in 2004] proved critics wrong; both fielded candidates, and one [had] multiple competitors." [25] When comparing the methods and motivations of each side in forming their arguments, it becomes clear that Kavulla trumps his critics. On one hand, the education hierarchy – officials who have lost, or who stand to lose power if the petition is passed – have sanctioned a platform of unfounded conjecture, while the conservative Kavulla, meanwhile, supplies rational, empirical arguments to bolster his progressive proposal.

2). *Some believe single-member trustee districts will divide both the school board and the community.*

At a neighborhood council meeting on April 6, 2005, Kavulla presented his petition to the Neighborhood Council Six for an up-or-down vote to endorse the measure. He was countered by the aforementioned former trustees, Taleff and Hensley, who denounced his petition as "a solution looking for a problem." [26] They lamented the inherently divisive nature of the proposal, which, according to Kavulla, is a flawed argument. He supplied two reasons why. First, he said, "Merely changing the way trustees are elected will not change the type

of people who run to be a trustee. As a rule, they will care about education issues and want to look out for all the district's children, because in the end, their public education experience culminates in just two high school facilities [Great Falls High School and C.M. Russell High School]." [27] The trustees in attendance did not offer a rejoinder.

Second, Kavulla claimed that division is actually *good* for the board. "Because of their more diverse roots, the districted trustees may have different ideas and education priorities. After all, Loy is not Longfellow is not Meadowlark. [28] But that's not a bad thing. Disagreement and debate is part of the democratic process, and it already exists in the school board, where some controversial decisions are on split votes. If anything, single-member districts provide a new safeguard to make sure everyone is represented equally and to make sure everyone's voice is heard." [29] Kavulla submits an eloquent, spot-on point of view. Although proponents of the status quo may belittle the single-member proposal by framing the issue – highlighting the "division" it would create – the truth is that *there already is division* on the board. Instead of splitting up an already-splintered community, separating the school district into smaller, socio-economically homogenous zones would allow skirmishes over education decisions to be fought fairly now. Perhaps it's not surprising, then, that "for the past decade, [the] majority of trustees have lived in one geographic area that contains only 12% of the school district's population," [30] and that this same majority now clings so desperately to its stranglehold on school politics. Single-member trustee districts would end the political monoculture and finally and fundamentally eliminate the specter of neighborhood bias on the Great Falls School Board.

## Summation

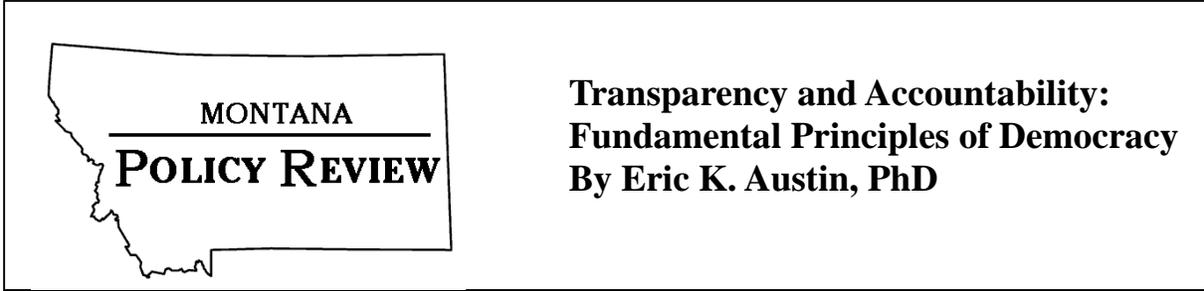
The Progressive Era sought to remove partisan inducements from school politics while still allowing voters license to choose their representatives. While single-member election systems are generally the preferred models for selecting public officials, school boards usually come to form through at-large districts. There is a growing trend, however, towards single-member trustee districts. Travis Kavulla's efforts in Great Falls, if successful, would effect another victory for Progressive primacy in education. And they should. The two major points of contention – 1) that not enough candidates may surface within single-member districts and that 2) single-member districts would divide the board and the community – are unfounded and outright fallacious. The only real evidence brought forth, from either side, supports Kavulla's claim that seats on the board will be filled because they have been before, in Great Falls and in Billings. And protests deploring the inevitable partition of the Great Falls School Board come from the incumbents as masked *ad populum* appeals meant to obscure the fact that division has saturated school politics all along – but to the benefit of the establishment. The most rational, reasonable, democratic, and *Progressive* alternative to the beleaguered status quo is for Great Falls residents to acquiesce to the emergent trend towards single-member pluralities and adopt the petition to split the Great Falls School Board into single-member districts.

*Kenny Volk, B.A., graduated with honors in the Political Science Department, MSU-Bozeman and plans to attend law school*

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## Endnotes

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2. Official Petition.
3. Kavulla.
4. Hess, Frederick, M., "School Boards at the Dawn of the 21st Century: Conditions and Challenges of District Governance," A report prepared for the National School Boards Association, p. 32, 2002.
5. Hess, p. 33.
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10. Stover, Del, "More School Boards Switch to Electing Members by District," *School Board News*, April, 1996.
11. Minutes of the Regular Meeting of the Board of Trustees, Great Falls School Board, March 14, 2005, <http://www.gfps.k12.mt.us/Board%20minutes/Minutes3-14-05.htm>.
12. Kavulla.
13. Ibid.
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16. Wilmot, Paula, "GFH grad pushing new plan to elect school board," *Great Falls Tribune*, February 14, 2005.
17. Johnson, Peter, "School board forum amiable," *Great Falls Tribune*, April 14, 2005.
18. Johnson, Peter, "What's next? Changes may come fast, furiously," *Great Falls Tribune*, May 4, 2005.
19. Johnson, Peter, "School board forum amiable," *Great Falls Tribune*, April 14, 2005.
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21. Kavulla.
22. Ibid
23. Dunn, Bryan, Interview, May 24, 2006.
24. Kavulla.
25. Ibid.
26. Great Falls Neighborhood Council Six, Meeting Minutes, 2005, [http://www.ci.great-falls.mt.us/people\\_offices/ncouncils/nc6mins05.htm](http://www.ci.great-falls.mt.us/people_offices/ncouncils/nc6mins05.htm).
27. Kavulla
28. Loy, Longfellow, and Meadowlark are different elementary schools in Great Falls. Loy Elementary School enrolls a high population of students from military families, Longfellow Elementary School educates some of Great Falls' poorest students, and Meadowlark Elementary School mostly instructs students from affluent Great Falls families.
29. Kavulla
30. Ibid.



## Introduction

**P**ublic information allows citizens to examine the activities of a government and is the basis of informed debate about those activities.

Two fundamental tenets of democracy underlie the need for the disclosure of public information access to the activities of government: popular sovereignty and the Constitutional scheme of checks and balances. From the perspective of popular sovereignty, the people cannot govern themselves in a democracy if the institutions of government can deny access to information that bears on the issues the public is supposed to decide. Secrecy, or the withholding of information enables officials to shape policy without the input of outside individuals or groups. Moreover, the demands of checks-and-balances require adequate information to allow an oversight function to take place. Secrecy allows agencies to hide mistakes or conceal misbehavior.

Public information, in general terms, refers to that information which is universally available or which is not controlled or limited in its availability for strategic or security purposes. Public information includes both the records held by a public body, regardless of the form or source, as well as access to the decision making processes of government at all levels. The primary issue associated with the necessity of publicly available information revealing the actions of government is the assurance and maintenance of accountability and transparency, qualities deemed to be critical features of governance in a democracy. Public information allows citizens to examine the activities of a government and is the basis of informed debate about those activities.

## Rationale and Implications

The enactment of federal legislation, as well as Montana's state and local level counterparts ensuring openness and access to information, are based on and intended to advance a

number of characteristics of good government. First, they are based on the presumption that government information, in any of its various forms should be available to the public unless it is specifically exempted. Second, they build on the notion that formal process should govern the access in terms of timeliness, necessary characteristics of an appropriate request, right of appeal or review of decisions. Third, they establish a means for a judicial review of denials or refusals that will ultimately resolve disputes. These laws serve the individual citizen by being clearly intelligible in application and effective in achieving the desired results.

Underpinning all these aspects of law and process is a fundamental assumption that the effective functioning of a democracy lies in an alert and articulate public, active in the affairs of the state. Without that participation, a democratic government cannot be truly said to exist. It is hoped that through such processes, seemingly reasonable decisions can be developed, presented, argued, altered and finally settled. A lingering challenge however is the remaining legitimate need to limit and protect public information in some situations.

As is the case with many principles associated with democratic governance, tension exists between the necessity of information for ensuring accountability on the one hand, and the need to ensure secrecy or privacy in some circumstances on the other. There are a range of situations where official or public information is legitimately withheld. The need for secrecy with respect to issues of national defense or foreign relations is well established, though since the Vietnam conflict, the tensions between demands for disclosure of military activities

and the need for secrecy are quite well known. Further, individuals have a constitutionally justifiable concern that information regarding their personal characteristics, associations or activities not be universally available. The protection of individual privacy also applies to personnel decisions within public agencies. Finally, private organizations expect that proprietary information regarding their operations, such as proposals for contracts, patent applications and other information that could affect competitive advantage be kept confidential. Although the laws described below contain provisions allowing agencies to respond to such privacy needs, and other legislation, such as the Privacy Act of 1974, has also been established for this purpose, the tensions between openness and secrecy will remain.

Beyond the use of public information and access to government decision making as a tool for ensuring accountability in a democracy, one further concern associated with openness and access should be noted. Here, the issue is the nature and availability of information and the role it plays in the decision-making processes. The rationale for arguing that a wide range of publicly available information be available to public bodies for decision making purposes suggests that secrecy isolates decision-makers, and narrows the knowledge available to them for decisions. There are at least two aspects to this rationale. First, from the perspective of democratic theory, public information would include the views and opinions of the public and extends the operation of democracy beyond narrow practices of voting. Second, extending the range of public information available to decision makers should have the effect of improving the quality of their decisions.

## Federal and State Legislative Response

The historical development of the notion of access to information and open meetings parallels the development of the American government. The executive branch, starting during the Washington administration established the precedent for the President and agency heads to manage and limit dissemination of information as a way to promote efficient and effective government. Although the systematic practice of record keeping did not become widespread until regulatory and administrative responsibilities of government grew dramatically in the late 19<sup>th</sup> and early 20<sup>th</sup> century, the general practice of tightly controlling the availability of information continued. By the 1940's the issues of executive secrecy necessitated in some agencies by the Second World War had come to be seen as encompassing too many aspects of administration. Following the end of World War II, a series of federal laws were passed that provide many of the basic mechanisms that ensure access to and openness of the activities of government.

Based on the theory that administrative operations and procedures are public property to which the public and not just elites are entitled, the Administrative Procedures Act (APA) was passed in 1946. The APA required federal agencies to publish information about their organization, powers, procedures and rules in the Federal Register, but allowed those agencies to retain information if the public was not "properly and directly concerned" or if the information should be "held confidential for good cause." In 1966 the Freedom of Information Act (FOIA), which provides the basic authority and procedures for the public to petition agencies for otherwise unreleased documents, was passed. While there

is a range of exemptions within the Act that allow agencies to withhold information, FOIA does provide the judicially enforceable right to access the records of federal agencies. The Federal Advisory Committee Act (FACA), is intended, in part, to open federal advisory panel proceedings, purposes, memberships and activities to wider public scrutiny. Finally, the Government in the Sunshine Act of 1976 realized the principle of ensuring open discussion prior to decisions being made by further opening government meetings to the public.

Montana's Constitution and state code includes similar statutes, some of which were enacted long before the Federal APA, FOIA, Sunshine or FACA acts were signed into law. For example, Sections 8 and 9 in Article II of the Constitution guarantee the right to participation and access to government activities and public organizations. Montana's original freedom of information statute, which is now embodied in Section 2-6-102 MCA, was adopted in 1895, just a few short years after gaining statehood. This section of the Code entitles citizens to inspect and copy any public documents. The code does place some limits on access, though only where privacy and security interests clearly exceed the merits of public disclosure. Montana's statutes Section 2-3-203 MCA also ensures that the meetings of public agencies be open to the public. This statute, originally enacted in 1963, also includes provisions for restricting access. These provisions can be exercised for example, in cases when individual privacy must be protected or when an agency is determining strategies for use in active litigation. Here again, closure of meetings requires that the demands of privacy must outweigh the advantages of disclosure.\*

## Principles of Openness and Access in Practice

It is no longer, if it ever was, adequate to adhere only to the letter of the law with regard to openness and access. Public bodies have an obligation to consider taking all practicable steps to not only make government activities and decisions accessible, but to actively take public activities to citizens as a means of promoting substantive engagement and participation. Several principles and related practices merit consideration.

Most public officials are well aware of the notice requirements of sunshine or open meetings laws and have established routines for where and when public meetings are announced. This is one area where local governments, especially small, remote localities have encountered issues of practicability head on. In the absence of daily newspapers or other routine information sources, localities frequently rely on postings in courthouses and other public buildings. However, as the costs of telecommunications technologies decline and access to them increases, governments have the opportunity to consider and adopt new and additional outlets to disseminate not only meeting schedules, but also to make available agendas, proposals being considered and other documents prior to public meetings.

In Montana, Great Falls ([http://www.ci.greatfalls.mt.us/people\\_offices/boards\\_commissions/com\\_members.htm](http://www.ci.greatfalls.mt.us/people_offices/boards_commissions/com_members.htm)),

Billings (<http://www.ci.billings.mt.us/Government/council.php> ) and Missoula (<http://www.ci.missoula.mt.us/citycouncil/councomm.htm> ) are among the cities which have established the practice of making their City Commission's documents available via the internet. Not only does the advanced availability of such documents improve the quality of dialogue among public officials, it has the potential to improve the quality of citizen participation as well.

These same technologies offer opportunities for making the meetings themselves more widely accessible as well, through not only public access TV, but also using streaming audio or video technology as well. It is also important to give regular attention to the timing of not only notices of public meetings, but the timing of the meetings themselves. A critical aspect of active and substantial citizen involvement is ensuring not only that people are given adequate advanced notice of public forums, but also that those events are scheduled at times and in places that maximize attendance and minimize conflicts with other work, family and community obligations. Increasingly, governments are going even further and taking open meetings out of the courthouse and into the community as means of increasing access and involvement.

Beyond increasing access to government and its decision-making processes, another principle of openness is that of disclosure. Most governments have clear standards for the disclosure of conflicts of interests especially those with personal, financial impacts. Additional steps, such as the disclosure of ex parte communications may merit consideration as well.

## Concluding Comments

The openness of government and access to public information are critical for maintaining the practices of a healthy democracy. Not only do these practices ensure accountability to

citizens, they have the potential to improve the quality and responsiveness of government decision making. While information technology advances support effort to extend openness and access, ultimately, it is on-going attentiveness both on the part of elected officials and citizens that ensures that practices remain effective.

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\* In addition to the sections of the Montana Code Annotated that are noted above, the Code includes the following:

- Notice and Opportunity to Be Heard—Section 2-3-101 to 2-3-105 MCA
- Open Meetings—2-3-201 to 2-3-203 & 2-3-211 to 2-3-213 & 2-3-211 MCA
- Requirements of Municipalities—7-1-4131, 7-1-4142 to 7-1-4144 MCA
- Requirements of Counties—7-5-2122 & 7-5-2125 MCA

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## Direct Democracy in Montana By Bob Brown, MEd

**A** rich and powerful elite controls our political process. Politicians don't care about real people. Sound familiar? It's been a common theme in our political discourse for most of U.S. history.

A century ago the people of Montana did something about it. They took a bold step in taking their government back from special interests they felt were dominating it. Sentiment especially strong in the West a hundred years ago was that political power could be wrested away from the controlling interests and returned to the people if the people could make the laws themselves.

In their 1904 conventions, both Montana Republicans and Democrats placed planks in their respective party platforms in support of an amendment to the state constitution that would make it possible for the people of the state to take the initiative themselves to make or repeal a law. By gathering the signatures of their fellow citizens, people could place a proposal for a law or a constitutional amendment on the state general election ballot. If passed, the law or amendment would go into effect without ever going through the legislature.

In keeping with the party platforms, initiative legislation was introduced in the 1905 Montana legislature. The Anaconda Company realized it couldn't defeat the popular legislation head on, so it adopted a time-honored strategy of the minority in a legislative body—kill 'em with confusion. Competing red herring bills popped up throughout the legislative process. Minor points of difference were magnified. Egos became involved. Attempting to cut its way through a blizzard of conflicting amendments, a confused, divided and angry House of Representatives deadlocked, failing by a single vote to pass any amended version of the initiative bill.

Champagne corks popped at ACM headquarters but the public reaction just about blew the dome off the capitol. In the

**I** know of nothing more in accord with the genius and spirit of democratic institutions than what is popularly known as direct legislation.

*Joseph K. Toole*

following days “disgruntled” citizens overwhelmed the state house corridors demanding passage of an initiative bill.

Miraculously a compromise was reached. Below packed galleries of citizens seething with public spirit, the legislature unanimously voted to place the people’s initiative amendment to the state constitution on the 1906 general election ballot. That fall, 100 years ago this November, it was approved, to no one’s surprise, by a six to one majority and remains a constitutional right of the people of Montana to the present day.

In championing the citizen’s initiative a century ago, Montana Governor Joseph K. Toole proclaimed, “I know of nothing more in accord with the genius and spirit of democratic institutions than what is popularly known as ‘direct legislation.’”

Many states don’t have the citizen’s initiative. Montana is fortunate to be one that does. A century after Montanans dramatically won this powerful right, the initiative is very much alive. Already in this election cycle more than twenty ballot issues have been submitted and eleven of them are in varying stages of review by the Legislative Services Division, the Attorney General and the Secretary of State. One of them was presented by the Montana legislature.

Five have already been approved for signature gathering, and others will follow.

The initiative is fundamental to our Montana political culture, but we see signs today of this right being hijacked by those more interested in manipulating the public interest than in protecting it. Increasingly in recent years ballot measures have been placed before the voters so that a political party will have an issue on which to run to improve its chances in the election. Both parties do it. It’s becoming a part of the election year routine.

When presented with a petition to sign in this election year, voters should ask, “Whose petition is this, and what am I signing it for? Are the signature-gatherers paid professionals? Is the real motive behind the initiative to give a political party a horse to ride across the finish line on election day?”

By June 23, the signatures of five percent of the state’s voters must be submitted to qualify an initiative for the November election ballot. Ten percent are needed to qualify an initiative to amend the constitution. A majority is necessary to pass an initiative once it is on the ballot. So, our signatures carry far more weight in the political process than our votes. Before signing, read carefully and ask questions. Make your signature count.

*Bob Brown is a Senior Fellow at the Center for the Rocky Mountain West at U.M-Missoula. He is a former MT Secretary of State and State legislator*

## TRENDS IN MONTANA LOCAL GOVERNMENT

By Judy Mathre, BS, Associate Director

During 2004-05 the Local Government Center gathered information from 127\*\* municipal governments, 54 county governments and 2 city/county consolidated governments. Averages were then calculated by classification for a number of different characteristics describing local government in Montana. Trends over the five year period (fiscal years 2001-2005) were measured by averaging data according to city or county class. Classification for municipalities is based upon population, but for counties it is based upon county taxable value.

### MUNICIPAL GOVERNMENT

**Table 1**  
**Municipal Government Classification and Population**

CLASS	POPULATION LIMITS OF CLASS	NUMBER	AVERAGE POPULATION 2004	% CHANGE IN POPULATION 2000—2004
1	More than 10,000	7	43,104	8.5%
2	5,000—10,000	3	7,164	2.1
3	1,000—5,000	40	2,660	2.3
TOWN	Less than 1,000	77	486	-1.2
Average*			3,677	0.5

\*Overall average is determined by dividing total municipal population by 127.

\*\* No data was available from Bainville and Dutton.

**Comment:** The population for 2000 is based on the federal decennial census, while that for 2004 is based upon estimates from the Census Bureau. Average municipal populations appear to have increased statewide between 2000-2004 in all municipal classes except for towns.

There was growth in the Flathead area (Kalispell and Whitefish, 22.2%), in the Bitterroot Valley (Stevensville, 17.8%, Hamilton, 17.2%, Darby, 14.6%) and in the Gallatin Valley (Belgrade, 23%, Bozeman, 17.8%). About half (64 municipalities) had some growth, the rest (63) lost population. Most of those losing population were small to begin with or are in Eastern Montana.

**Table 2**  
**Average Municipal Taxable Valuation**

CLASS	MILL VALUE 2005	% CHANGE 2001—2005
1	\$59,703.40	12.9%
2	6,802.86	2.3
3	4,293.08	-1.0
TOWN	497.51	2.0
AVERAGE*	5,105.23	1.7

\* Overall Average calculated by dividing total by 127.

**Comment:** During the five year period 2001-2005 property tax valuations increased in all classes of cities, except for Class 3, which decreased slightly. Inflation increased an average of about 2 % per year during this time while taxable value increased an average of 0.3% per year.

The 2003 Legislature passed the following bills which had an impact on property tax revenue. SB 65 revised the eligibility requirements and income levels used to determine the property tax exemption for disabled veterans and veteran’s spouses. Residential property of qualifying veterans is exempt from property taxation. SB 65 also expanded eligibility for this program by providing a partial exemption from property tax for veterans with incomes above the 100% exemption level.

SB 461 addressed the valuation increases from the reappraisal cycle that ended on December 31, 2002. The new valuations established for agricultural and forest land, and Class 4 residential, commercial and industrial properties took effect in tax year 2003. The new valuations reflect the change in market values that occurred since the last reappraisal in tax year 1997. Between 1997 and 2002, the value of residential property increased by about 24% on average statewide. SB 461 addressed the property tax impacts that otherwise would have occurred under reappraisal in the following manner:

- Increases in valuation arising from reappraisal are phased-in in equal increments over a six year period;
- Decreases in valuation arising from reappraisal are implemented immediately;
- The taxable valuation rate applied to agricultural land and Class 4 residential and commercial properties is gradually phased down from 3.3% in tax year 2004 to 3.01% in tax year 2008;
- The Class 4 residential property homestead exemption is gradually increased from 31.4% in tax year 2004 to 34% in tax year 2008; and
- The Class 4 commercial property “comstead” exemption is gradually increased from 13.3% in tax year 2004 to 15% in tax year 2008.

The gradual increase in the homestead exemption percentage and gradual decrease in the tax class percent, largely prevents an increase in property taxes paid over the cycle, assuming that mill levies do not change. However, mill levies do change. So, along with other factors such as where the property is located, the relative distribution of all types of property in the taxing jurisdiction, and the percentage change in market value under reappraisal, the result is varying property tax outcomes for properties across the state.

SB 461 also recognized the fact that for some properties with exceptionally large percentage increases in reappraisal value the general program designed to mitigate reappraisals impacts may not prevent a significant increase in property taxes. In these situations SB 461 implemented the Extended Property Tax Assistance Program. Residential properties that have an increase in taxable value of at least 24%, and a tax liability increase of \$250 or more, are eligible for assistance under this program, provided the property owner's income is below \$75,000.

(See *Biennial Report of the Montana Department of Revenue - July 1, 2002 to June 30, 2004*, p. 77-79.)

**Table 3**  
**Average Municipal Mill Levies**

CLASS	General Fund Mills Levied 2005	% Change General Fund Mills 2001—2005	Total Mills Levied 2005	% Change Total Mills 2001—2005
1	106.00	18.4%	153.30	22.1%
2	148.05	18.8	182.20	22.1
3	117.72	14.7	149.91	20.7
TOWN	109.96	20.5	126.01	19.8
<b>AVERAGE*</b>	<b>113.09</b>	<b>18.6</b>	<b>136.37</b>	<b>20.3</b>

\*Overall average determined by dividing total by 127.

**Comment:** Taxable value from 2001-2005 increased at the rate of about 0.3% per year. General fund mill levies increased on average 3.7% *per year* and increases in total mill levies averaging 4.1% *per year*. Total mills levied increased the least in Class 3 cities, however, the rate of increase was relatively uniform in all classes.

**Table 4**  
**Average Municipal General Fund Appropriation, Total Funds Appropriation**  
**and Per Capita Appropriation**

CLASS	General Fund Appropriation 2005	% Change 2001—2005	Total** Appropriation 2005	% Change 2001—2005	Total Approp. Per Cap. 2005
1	\$16,318,939	22.6	\$19,071,970	20.7	\$462.85
2	2,763,752	14.7	3,208,588	24.2	529.55
3	1,103,166	24.9	1,251,336	24.1	469.39
TOWN	198,652	35.3	218,890	34.5	390.08
AVERAGE*	1,452,395	30.7	1,676,798	30.1	422.28

\*Overall average determined by dividing total by 127.

\*\* Does not include enterprise fund activities.

**Comment:** Municipal total funds appropriation grew at about 6.0% *per year* on average. Per capita appropriations for all funds averaged \$422.28, and ranged from \$390.08 for towns to \$529.55 for Class 2 cities. The statewide average increased from the FY 2001 average of \$368.91, and the FY 2004 average of \$408.92. Per capita calculations are derived by dividing the total tax supported funds appropriated for each municipality by the population of that city or town. Census Bureau data for 2000 and population estimates for 2004 were used to determine the per capita appropriations for FY 2001 and FY 2005.

**Table 5**  
**Average Municipal Fund Balances**

CLASS	General Fund Balance	% Change 2001—2005
1	\$3,141,775	-9%
2	502,811	2
3	372,828	27
TOWN	80,685	82
AVERAGE*	360,195	56

\* Overall average determined by dividing the total by 127.

**Comment:** General fund balances increased over the five year period for all except Class I cities suggesting that municipalities except for Class 1 cities are, in general, maintaining their fiscal stability. The average increase for all municipalities from FY 2001- 2005 was 56%, which was greater than the 47% increase for the five year period 2000-2004. In FY 2005, 30 municipalities had general fund balances of 25% or less of their general fund appropriations while 97 had fund balances greater than 25% of their general fund appropriation.

**Table 6**  
**Average Municipal Full Time Employees (FTE)**

CLASS	AVERAGE 2001 FTE	AVERAGE 2005 FTE
1	340	352
2	69	73
3	20	21
TOWN	4	3
AVERAGE*	29	30

Overall average determined by dividing the total by 127.

**Comment:** There was an increase of only one in the average number of municipal full-time employees from FY 2001 to FY 2005. Most of the increase occurred in Class 1 cities.

## COUNTY GOVERNMENT

**Table 7**  
**County Classification and Population**

CLASS	Taxable Valuation	# Of Counties	Ave. Population 2004	% Change Pop. 2000—2004
1	Over \$50 million	13	50,997	2.7%
2	\$30—50 million	12	9,996	-1.2
3	\$20—30 million	6	9,201	-1.3
4	\$15—20 million	4	8,182	-3.2
5	\$10—15 million	10	3,562	-3.4
6	\$5—10 million	8	2,264	-2.2
7	Less than \$5 million	3	795	-6.0
AVERAGE*			16,553	-1.1

\* Overall average determined by dividing the total by 56.

**Comment:** Population losses occurred in all classes except for Class 1 counties. The average rate of loss of -0.3% from 2000-2004 contrasts with an average county population increase of 5.2% from 1990 - 2000. Figures used for 2000 federal decennial census are the most accurate while the 2004 figures are estimates which are revised each year until the next decennial census occurs.

**Table 8**  
**Average County Taxable Valuation**

CLASS	MILL VALUE	% Change In Mill Value 2001—2205
1	\$90,929.63	9.8%
2	23,375.94	3.0
3	17,956.83	-3.8
4	13,930.01	-3.5
5	9,291.02	6.9
6	5,727.43	-7.2
7	2,934.73	-9.4
<b>AVERAGE*</b>	<b>31,761.27</b>	<b>2.0</b>

\*Overall average determined by dividing total by 56.

**Comment:** Taxable value increased in classes 1, 2 and 5, but decreased in classes 3, 4, 6 and 7 during the 2001-2005 time period. See Comment under Table 2 explaining the impacts of legislation on taxable value.

**Table 9**  
**Average County Mills Levied**

CLASS	General Fund Mills Levied 2005	% Change Gen. Fund Mills 2001—2005	Total Mills Levied 2005	% Change Total Mills 2001-2005
1	29.46	20.9%	128.70	29.7%
2	37.50	44.3	119.02	24.3
3	41.40	40.3	139.75	25.5
4	36.99	8.8	157.27	30.1
5	44.98	8.1	158.69	26.6
6	56.03	31.2	172.80	29.1
7	47.54	40.9	137.30	45.4
<b>AVERAGE*</b>	<b>40.54</b>	<b>27.4</b>	<b>141.97</b>	<b>28.3</b>

\* Overall average determined by dividing total by 56.

**Comment:** Increases in total mills levied ranged from 24.3% in Class 2 counties to 45.4% in Class 7 counties over the five year period. The average annual increase in total mills levied for all counties was 5.7 % each year.

**Table 10**  
**Average County Total Appropriation (Tax Supported Funds Only)**

CLASS	Total Funds Appropriation** 2005	% Change Appropriation** 2001—2005	Per Capita Appropriation All funds** 2005
1	\$23,173,457	23.5%	\$785.81
2	7,441,815	37.0	879.66
3	8,533,685	3.6	1,231.24
4	5,378,610	23.8	709.62
5	4,405,486	59.1	1,588.47
6	2,437,293	19.8	1,223.98
7	1,001,576	20.6	1,217.80
<b>AVERAGE*</b>	<b>9,461,272</b>	<b>30.0</b>	<b>1,077.28</b>

\*Overall average determined by dividing total by 56.

**Comment:** The appropriations from tax supported funds increased in all classes with a range of 3.6% in Class 3 counties to 59.1% in Class 5 counties. The average annual increase for all counties over five years was 6.0% per year. This compares with an annual average change in inflation of 2.0% per year, and an average annual change in taxable value of 0.4%.

Expenditures per capita were lowest in Class 4 counties, at \$709.62, and highest in Class 6 counties at \$1,231.24. The average for all counties was \$1,077.28. This increased from the FY 2001 average of \$793.21, and the 2004 average of \$999.32.

**\*\*TAX SUPPORTED FUNDS INCLUDED IN TOTAL COUNTY APPROPRIATION**

- |                        |                                  |  |
|------------------------|----------------------------------|--|
| 1. General Fund        | 13. Planning Fund                | 25. Soil Conservation                    |
| 2. Public Safety Fund  | 14. Hospital Fund                | 26. Cemetery                             |
| 3. Road Fund           | 15. Bond/Interest Fund           | 27. Emergency Disaster                   |
| 4. Poor Fund           | 16. Senior Citizen Fund          | 28. Rural Fire                           |
| 5. District Court Fund | 17. Comprehensive Insurance Fund | 29. Economic Development                 |
| 6. Bridge Fund         | 18. Health Insurance Fund        | 30. Developmentally Disabled             |
| 7. Weed Fund           | 19. Mental Health Fund           | 31. Port Authority                       |
| 8. Fair Fund           | 20. PERS                         | 32. Park Fund                            |
| 9. Library Fund        | 21. Workers Compensation Fund    | 33. Miscellaneous tax<br>supported funds |
| 10. Extension Fund     | 22. Unemployment Fund            |  |
| 11. Airport Fund       | 23. Ambulance Fund               |  |
| 12. Health Fund        | 24. Museum Fund                  |  |

**Table 11  
County Full Time Employees**

<b>CLASS</b>	<b>FULL TIME EMPLOYEES 2001</b>	<b>FULL TIME EMPLOYEES 2005</b>
<b>1</b>	<b>285</b>	<b>302</b>
<b>2</b>	<b>85</b>	<b>80</b>
<b>3</b>	<b>104</b>	<b>99</b>
<b>4</b>	<b>58</b>	<b>57</b>
<b>5</b>	<b>40</b>	<b>41</b>
<b>6</b>	<b>38</b>	<b>37</b>
<b>7</b>	<b>12</b>	<b>12</b>
<b>AVERAGE*</b>	<b>113</b>	<b>115</b>

- Overall average determined by dividing total by 56.

**Comment:** The average number of full-time employees increased from FY2001 to FY 2005 by 2 FTE. The greatest change in FTE occurred in Class 1 counties.

**MOST SIGNIFICANT CHANGES IN COUNTY POPULATION  
AND TAXABLE VALUE**

**Change in Population 2000 - 2004**

**Greatest population gain 2000 - 2004:**

1. Gallatin County	11.5%
2. Ravalli County	9.2%
3. Flathead County	9.1%
4. Jefferson County	8.0%
5. Golden Valley County	7.2%
6. Sanders County	7.0%
7. Lake County	5.3%
8. Yellowstone County	4.1%
9. Lewis & Clark County	4.0%
10. Missoula County	3.4%

**Greatest loss of population:**

1. Treasure County	-13.5%
2. Sheridan County	-11.8%
3. McCone County	-10.2%
4. Wibaux County	-9.1%
5. Phillips County	-8.7%
6. Daniels County	-8.6%
7. Wheatland County	-8.5%
8. Chouteau County	-6.6%
9. Liberty County	-6.4%
10. Judith Basin County	-5.9%

**Change in Taxable Value FY 2001 - 2005**

**Greatest increase in taxable value:**

1. Sweet Grass County	53.9%
2. Carter County	50.9%
3. Gallatin County	31.3%
4. Madison County	31.2%
5. Lake County	21.4%
6. Flathead County	21.1%
7. Ravalli County	20.6%
8. Silverbow County	17.0%
9. Missoula County	13.7%
10. Lewis & Clark County	8.2%

**Greatest loss of taxable value:**

1. Rosebud County	-15.7%
2. Wheatland County	-13.9%
3. Golden Valley County	-13.4%
4. Judith Basin County	-13.1%
5. Petroleum County	-11.9%
6. Chouteau County	-11.1%
7. Pondera County	-11.1%
8. Powder River County	-9.4%
9. Treasure County	-8.8%
10. Toole County	-8.0%

*Judy Mathre, MS, is the Associate Director of the Local Government Center, MSU-Bozeman.*

# Local Government Calendar 2006

## June

- 2. MACo Districts 8,9, & 12 Meeting, Whitehall
- 6. Primary Election
- 8. MACo Board Meeting, Helena
- 9. JPIA Defense Counsel Joint Retreat
- 13-16. Sheriff and Peace Officers Convention, Billings
- 27-28. Clerks of District Court Meeting, Virginia City

## July

- 1. Fiscal year begins
- 4. Independence Day
- 12-14. Montana Association of County Attorneys Annual Meeting, Whitefish

## August

- 8. Deadline for adoption of county and municipal budgets
- 4-8. NACo Annual Conference, Chicago

## September

- 4. Labor Day
- 11-15. Montana Association of Clerks and Records Annual Meeting, Glasgow
- 18-22. Montana Association of County Treasurers Annual Meeting, Miles City
- 24-28. Montana Association of Counties Annual Conference, Bozeman

## October

- 1: County and municipal budget and levies sent to the MT Department of Administration
- 4-6. Montana League of Cities & Towns Annual Conference, West Yellowstone
- 9. Columbus Day (observed)
- 31. Halloween

## November

- 7. Election Day
- 11. Veterans' Day
- 24. Thanksgiving

## December

- 11-15. Newly Elected Officials Orientation, Helena
- 25. Christmas Day

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## PUBLICATIONS

The following publications are available from the Local Government Center, Wilson Hall, Montana State University, Bozeman, MT 59717, or call (406-994-6694)

***Governing Montana at the Grass Roots: Local Government Structure, Process and Politics***

2nd Edition 2006, by Kenneth L. Weaver. The author examines the architecture, politics and needed reforms of Montana's local governments in the context of the American federal system and Montana state government. Included is a critical analysis of the Montana political system and a detailed description of how local politics shape the policy decisions of county and municipal officials. Other chapters detail local taxes and finances, functions of county and municipal governments and special districts, and self-government powers. Includes the U.S. and Montana Constitutions. (\$25.00 plus \$3.00 mailing and handling.)

***Montana's Local Government Review*** February 2001, by Kenneth L. Weaver and Judith A. Mathre.

The work documents the recommendations and electoral outcomes of every county and municipal Voter Review study commission for all three cycles of Montana's local government review. Included is an analysis and comparison of local government forms, functions and powers as well as sample charters for each type of local government. (\$20.00 plus \$3.00 shipping and handling)

***Coordination and Communication: A Look at Gallatin County Criminal Justice System Planning***

July 2002, Eric Bryson, Graduate Research Assistant, Local Government Center. (No charge).

***Fiscal Impacts of Alternative Development Patterns: Broadwater and Gallatin Counties, MT,***

October 1997, by Mark Haggerty. Paper details two county fiscal impact studies in Southwest Montana. In both studies the findings are clear: farmland and open space provide local governments with a surplus of revenue from property taxes and other revenue sources while residential development drains local government coffers. (No charge)

***Costs of County and Education Services in Gallatin County, Montana***

January 1996, by Mark Haggerty. Paper researches the revenue collected through taxes on different land uses (agriculture, residential, commercial, etc.) and compares this with the costs of providing services to each of these categories. Helps decision makers to understand the relationship between cost and revenue streams and alternative land uses. (No charge)

***Montana Policy Review, Spring 2005.*** "MSU Extension in the 21st Century: Serving Montana's Communities." A report on a variety of Extension programs throughout the state, including the rural health initiative, fire services training school, anti-meth programs, food safety training, land use planning noxious weed control, community development, emergency preparedness and GIS training. (No charge).

***Montana Policy Review, Summer 2004.*** "Creating a Culture of Ethics and Integrity in Montana's Law Enforcement Community." Toward a Code of Ethics for the Montana Sheriffs and Peace Officers Association.

***Montana Policy Review, Fall 2003.*** "Montana's Boards of Health in Action." An overview of the wide variety of local boards of health in Montana, an examination of their statutory authorities, innovative approaches to protect public health, and an example of training new boards of health. (No charge)

**Montana Policy Review, Fall 2002.** "An Introduction to Montana's Public Health System." This is a primer on Montana's public health system, the core functions of public health, challenges and achievements of public health and the roles and functions of each level of public health. (No charge)

**Montana Policy Review, Winter 2002.** "Land Use and Growth Policies" Includes articles on land use planning, growth management, making growth pay for itself, federal cropland protection, dealing with fires in Montana's wildland urban interface. (No charge)

**Montana Policy Review, Fall 1998.** "Where Do We Go From Here" Issues of tax reform, CI- 75, resort taxes, implementation of CHIP, and trends in Montana local government. (No charge)

**Montana Policy Review, Spring 1998.** "Welfare Reform: A Progress Report." Includes articles on Child Care Capacity, CHIP, School Lunch Program, Mean Spirited Politics, and the New West Boom Towns. (No charge)

**Montana Policy Review, Fall 1997.** "Patterns for Change." Includes articles concerning patterns for change; local government review, fiscal impacts of alternative development patterns, welfare reform, and property tax trends in Montana. (No charge)

**Montana Policy Review, Spring 1997.** "Property Taxes Can Be a Puzzle." This issue deals with property taxes and school finances, equalization, taxes from an agricultural perspective and the property tax freeze and other proposals. (No charge)

**Montana Policy Review, Fall 1996.** "Welfare Reform: The Montana Situation." Topics include reform issues facing Montana, tracking success, block grants, FAIM, welfare reform capacity of county government, Not-for-Profit's viewpoint, and time for action. (No charge)

**Montana Policy Review, Spring 1996.** "Land Use: Public Decisions and Private Rights." Fiscal impacts of different land uses; Ecosystem Management and Planning; Devolution; and Governing use of Natural Resources. (No charge)

**Montana Local Government Profiles.** This wall chart, updated annually, presents census, budgetary, taxation, and government structure data for Montana's 128 incorporated municipalities and 56 counties. This quick reference tool provides important overview information at a glance. The latest edition includes FY 2005 fiscal data and 2004 census data. (No charge)

### **An Introduction**

Hello dear readers! A 2005 graduate of Montana State University with a BS in Agricultural Education, I have spent my energies focusing on outreach and extension education. I have worked in Russia with the Farmer-to-Farmer program to assist food producers and processors in making their way into the global market. In Mali, West Africa, I assisted the US Peace Corps in developing methods of introducing new technologies and Mali middle schools with adapting discovery-based learning methods into their curriculum. Most recently, I was an instructor at Little Big Horn College and managed a family gardening and nutrition project. Currently I share my time between the LGC and the College of Engineering where I work as a tribal college liaison and Native student advisor.

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