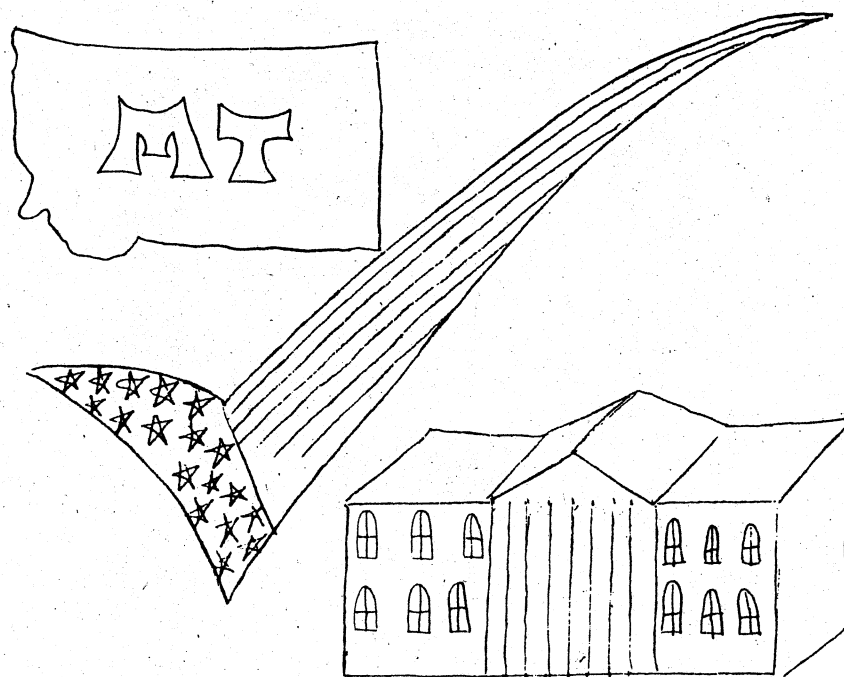


# 1998 VOTER INFORMATION PAMPHLET

Vote on November 3rd!

## Vote Today For Changes That Affect Tomorrow



The cover's drawing was done by Melanie Overcast of Zurich Elementary School, winner of the Voter Information Pamphlet cover contest.

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*Published by Secretary of State Mike Cooney*

**P.O. Box 202801 - Helena, Montana 59620 - Phone: 1-888-884-VOTE (8683)**

**Web Site: [www.state.mt.us/sos/](http://www.state.mt.us/sos/)**

**DID YOU KNOW THAT ONLY 27% OF ELIGIBLE VOTERS  
SHOWED UP TO VOTE FOR THE JUNE PRIMARY?**

As we watched the returns come in for the June primary, it was apparent this would be a record setting election, but unfortunately for all the wrong reasons. More Montanans voted in the general election in 1916 than voted in the 1998 primary. The last time fewer Montanans voted in a primary was 1966. The primary's turnout of 27% was the lowest in Montana's history for any state election.

**SECRETARY OF STATE MIKE COONEY  
SECRETARY OF STATE VERNER BERTELSEN**



**BUILDING EXCELLENT STATEWIDE TURNOUT**

Since the Primary election, we have been working with folks from around the state to remind everyone just how important it is to vote. We have reached schools, businesses, service organizations, the media and more. All in an effort to remind electors that being part of a democracy requires all of us to participate.

We'd like to thank everyone for their time, their efforts and their dedication. Your response and willingness to help has been outstanding.

*Now it's up to each of us.....*

**WON'T YOU JOIN US NOVEMBER 3RD & BECOME  
ONE OF MONTANA'S BEST?**



**If you are not registered to vote or know someone who is not, remember that October 5th is the deadline for registering.** Below you will find a voter registration card that you may complete, clip out, and mail in an envelope to your county election administrator.

If you have questions on voter registration or elections in general, please contact my office directly on the toll free hot-line I have set up for this specific purpose. That number is **1-888-884-VOTE (8683)**. Large print versions of this pamphlet, as well as an audio version on cassette are available through your local library or by calling our toll free number.

**See you at the polls on Tuesday, November 3rd!**

Sincerely,

**Mike Cooney**  
**Secretary of State**

**You have the right to vote** if you are at least 18 years old, a citizen of the United States, and have resided in Montana for at least 30 days. You can register to vote even if you do not yet satisfy the age or residency requirements as long as you will by the election.

**Your right to vote** is secured by being properly registered in the precinct where you reside. You have the right to register to vote by completing a registration card and delivering it to your county election administrator, either in person or by mail, 30 days before the election. You must notify the election administrator of any changes you make in your name or place of residence.

**If you are registered but failed to respond to a confirmation mailing sent by the county election administrator (or did not vote in the 1996 general election),** you are placed on an inactive list. Electors on the inactive list may reactivate their registration by notifying their county election administrator of their current address, which must be in the same county, or by appearing and voting in a federal election. After being placed on the inactive list, the voter's registration will be canceled if he or she does not vote in the two subsequent federal elections.

FOR OFFICE USE ONLY	Polling Place	Date	Pct.	Ward	Sch.	Hse.	Sen.	FD	HD	SC	Reg. #
1. NAME (PLEASE PRINT Last, First, Middle)					7. IF YOU'VE CHANGED YOUR NAME, PRINT FORMER NAME						
2. COUNTY					8. PLACE LAST REGISTERED TO VOTE CITY COUNTY STATE						
3. ADDRESS WHERE YOU LIVE (Street, City, Zip OR Sec., Twp. & Range)					9. VOTER DECLARATION (Read and sign below) I swear/affirm that: a) I'm a U.S. citizen; b) I'll be at least 18 years old on or before the next election; c) I'll have lived in this county for at least 30 days before the next election; d) I'm neither in a penal institution for a felony conviction nor found of unsound mind by a court; e) If I don't now meet these qualifications, I will by the next election; and f) I've provided true information, to the best of my knowledge under penalty of perjury. If I've given false information, I may be subject to a fine or imprisonment or both under Federal or State laws.						
4. ADDRESS WHERE YOU GET YOUR MAIL (if different from #3)											
5. YOUR TELEPHONE NUMBER (406)											
6. DATE OF BIRTH (month/day/year)					SIGNATURE						
					DATE						

## **VIP and Voting Information**

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

The Voter Information Pamphlet (or VIP) is a publication printed by the Secretary of State to provide Montana voters with information on statewide ballot measures. The Secretary of State distributes the pamphlets to the county election administrators who mail a VIP to each household with a registered voter.

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

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

Pro and con arguments and rebuttals are written by the members of the appropriate committee. Arguments are limited to one page and rebuttals to a half page. All arguments and rebuttals are printed exactly as filed by the committees and do not necessarily represent the views of the Secretary of State or the State of Montana.

### ***What if I can't vote on election day?***

You can vote an absentee ballot if you cannot get to the polls because you: 1) expect to be absent from your precinct or county on election day, 2) are physically incapacitated, 3) suffer from chronic illness or general ill health, 4) are a handicapped or elderly voter assigned to an inaccessible polling place, or 5) have a health emergency between 5 p.m. on October 30th and noon on election day.

If you qualify for an absentee ballot, contact your county election administrator (usually the clerk and recorder) to request an absentee ballot application. Absentee ballots may be requested starting August 20th. Absentee ballot applications, except for health emergencies, will be accepted up to noon the day before the election.

### ***How can I find out if I am registered?***

If you have voted since the last presidential election, you are still registered to vote. If you are not sure if you are or where you are registered, you should contact your county election administrator. The registration deadline for the general election is October 5th.

### ***Who is eligible to register?***

Anyone who is a citizen of the U.S., at least 18 years of age, and a resident of Montana and the county for 30 days by the date of the election may register to vote.

## CONSTITUTIONAL AMENDMENT NO. 33

### AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

An act submitting to the qualified electors of Montana an amendment to Article II, Section 28, of the Montana Constitution providing that criminal laws must be based on principles of public safety and restitution for victims as well as prevention and reformation.

The Legislature submitted this proposal for a vote. The Montana Constitution currently provides that laws concerning criminal punishment are based upon the principles of prevention and reformation. This proposal would amend the Constitution to include public safety and restitution as additional principles upon which the criminal laws are to be founded. If approved the measure would take effect July 1, 1999.

- FOR revising the principles of criminal laws to include public safety and restitution.
- AGAINST revising the principles of criminal laws to include public safety and restitution.

The PROPONENT argument and rebuttal for this measure were prepared by Tom Esch, Senator Ric Holden and Representative Rod Bitney.

The OPPONENT argument and rebuttal for this measure were prepared by Senator Mike Halligan, Representative David Ewer and Mae Nan Ellingson.

## ARGUMENT FOR

FOR revising the principles of criminal laws to include public safety and restitution.

The rights of criminals are protected by Article II section 28 ("Rights of the Convicted") of the Montana Constitution. Our Constitution presently does not even mention the victims of crimes. The current language of Article II, Section 28 speaks to the need of deterring future criminals by punishment and reformation. It fails to speak to the full need for public safety or restitution of losses incurred by victims. The proposed amendment would guarantee that victims of crime would have constitutional protections that would serve to balance the heavy, criminal end of the scales of justice.

Crime is no small issue. According to the Montana Board of Crime Control, in one year alone, more than \$19 million was reported lost in property crimes alone, of which only 18 percent (\$3.5 million) was recovered. This "loss" figure does not include the dollars not earned because of lost wages, medical and hospital expenses, and increased security measures.

Crime is a huge issue. At any one time, there are over 8,000 convicted felons in our state under some form of supervision or incarceration, plus untold numbers of criminals serving sentences for misdemeanor. At the most conservative estimate, there would be at least one victim per criminal, at least 8,000 victims, so no less than 10 percent of our state's population is a "current" victim. Many, many more fellow citizens have been suffering the effects of crime.

So far, more than 20 states have adopted victims' rights amendments in an effort to help restore balance to their systems. But Montanans can only be helped if they, too, vote to restore balance by amending public safety and restitution into our Constitution.

The approval of this Constitutional amendment would be one step in reforming a criminal justice system which far too often focuses only on the rights of the criminal. Focusing our lawmakers' attention upon the safety of the public, upon the losses of crime victims, and upon restitution of those losses by those who cause them, is an important step that this State should take to improve our criminal justice system and make it more responsive to the needs of all Montanans.

A vote for Constitutional Amendment No 33 is a vote for greater public safety, a vote for greater peace of mind, and a vote for greater redress to victims when they need it most.

ARGUMENT AGAINST

The constitution already addresses an appropriate philosophy for dealing with those who break the law. Montana statutes have many penalties including fines, jail sentences, community service, treatment programs, as well as restitution.

The Constitution appropriately sets general principles and the legislature enacts specific corrective actions to address the changing needs of society.

Changing the Montana Constitution is unnecessary and will not further enhance the public safety for Montanans.

No rebuttal submitted by proponent.

**OPPONENTS' rebuttal of those supporting the issue**

The proponents argue that voting for C-33 will restore a balance between the rights of criminals and of victims. The proposed constitutional amendment is not needed to achieve that balance. Montana currently has comprehensive laws extending rights and benefits to victims. Montana law already requires judges to emphasize restitution in sentencing criminals (46-18-101, M.C.A.). Almost all sentences handed down impose restitution. In fact, restitution is legally required to victims who suffer financial loss (46-18-201, M.C.A.). Montana law also provides victims the right to make statements during sentencing hearings and offer opinions regarding the appropriate sentence as well as the effects of the crime on the victim (46-18-115, M.C.A.). Montana statutes go farther still. To protect a victim, the court may restrict a defendant's employment, freedom of association, or any other limitation to protect the victim and society. Sex offenders can be forcibly treated with drugs to reduce the likelihood of additional sex offenses (45-5-512, M.C.A.).

Even in non-violent cases, a judge under Montana law, when sentencing a defendant **MUST** consider the safety of the public and whether restitution has been made to the victim (46-18-225). Montana law has an entire section, the Crime Victims Compensation Act of Montana (53-9-1, et seq.) which in great detail enables victims to receive compensation as a result of crime.

There is not an imbalance in our criminal code. Legislators have not ignored victims, their families or our community and neither do our judges. Clearly, victims should have rights, but amending the Montana Constitution will not make Montana a safer state and voters should not be misled into thinking it will. The greatest good that the State can do for its citizens is to minimize the chances of them becoming victims of crime in the first place. There is no right that the State can grant to a rape victim or the parents of a murdered child that can begin to replace the pain of loss caused by the crime. Vote NO on C-33.