

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO ELECTIONS; REQUIRING AN ELECTOR TO
5 PRESENT A DRIVER'S LICENSE OR PHOTO IDENTIFICATION CARD TO ELECTION JUDGES IN ORDER TO
6 VOTE; REQUIRING ELECTION ADMINISTRATORS TO ISSUE VOTER REGISTRATION NUMBERS
7 CORRESPONDING TO THE NUMBER OF AN INDIVIDUAL'S DRIVER'S LICENSE OR THE NUMBER ON A
8 PHOTO IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF JUSTICE; REQUIRING THE
9 SECRETARY OF STATE TO MAINTAIN A STATEWIDE LIST OF ELECTORS IN AN ELECTRONIC FORMAT
10 ACCESSIBLE BY ELECTION ADMINISTRATORS; DELETING THE REQUIREMENT FOR ELECTION
11 ADMINISTRATORS TO PROVIDE THE SECRETARY OF STATE WITH A WRITTEN LIST OF ELECTORS AND
12 A SUPPLEMENTAL LIST PRIOR TO ELECTIONS; DELETING THE REQUIREMENT FOR ELECTION
13 ADMINISTRATORS TO NOTIFY OTHER COUNTIES OF ELECTORS WHO MAY BE REGISTERED IN MORE
14 THAN ONE COUNTY; REQUIRING COUNTY ELECTION ADMINISTRATORS TO PROVIDE WEEKLY
15 NOTIFICATION TO THE SECRETARY OF STATE OF THE REGISTRATION OF ELECTORS; REQUIRING THE
16 SECRETARY OF STATE TO IDENTIFY AND DELETE DUPLICATE NAMES OF ELECTORS AND THE NAMES
17 OF DECEASED ELECTORS FROM THE SECRETARY OF STATE'S STATEWIDE LIST OF ELECTORS;
18 REQUIRING LOCAL REGISTRARS TO NOTIFY THE SECRETARY OF STATE OF DECEASED ADULTS;
19 AUTHORIZING THE SECRETARY OF STATE AND THE DEPARTMENT OF JUSTICE TO ADOPT RULES;
20 REQUIRING THE DEPARTMENT OF JUSTICE TO ISSUE PHOTO IDENTIFICATION CARDS WITH AN
21 IDENTIFYING NUMBER; AMENDING SECTIONS 13-2-114, 13-2-115, 13-2-123, AND 13-2-515, MCA;
22 AND PROVIDING EFFECTIVE DATES."

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25
26 **Section 1.** Section 13-2-114, MCA, is amended to read:

27 **"13-2-114. Registration numbers to be assigned.** (1) The registration form for each elector must
28 be assigned a number by the election administrator, using a system of numbering that best accommodates
29 the filing system and list preparation method used. The election administrator may adopt the use of the
30 elector's social security number as the registration number. If social security numbers are used, they may

1 not be:

2 (a) provided to the secretary of state to be included on the list of electors required by 13-2-123,
3 unless an elector's driver's license number is the same as the elector's social security number, in which
4 case the elector's social security number may be used;

5 (b) printed on lists of registered voters prepared by the election administrator or by the secretary
6 of state; or

7 (c) released as public information.

8 (2) If social security numbers are used as the registration number, the election administrator may
9 assign an alternative number for any elector who does not have a social security number or who declines
10 to provide the number. A system of assigning alternative numbers must be developed in consultation with
11 the secretary of state. For all electors newly registered after [the effective date of this section], the
12 election administrator shall assign a number that is the same as the elector's driver's license number or
13 the number on the identification card issued pursuant to [section 11].

14 (3) Upon receipt by the election administrator of a properly completed registration card, the
15 registration of the elector is complete and the election administrator shall assign a registration number."

16

17 **Section 2.** Section 13-2-115, MCA, is amended to read:

18 **"13-2-115. Registration lists to be prepared.** (1) Except as provided in subsections (6) and (7),
19 immediately after registration is closed, the election administrator shall prepare and must have printed lists
20 of all registered electors in each precinct. Names of electors must be listed alphabetically, with their
21 residence address or with a mailing address if located where street numbers are not used. A preliminary
22 list of registered electors may be printed before the close of registration for an election. If a preliminary
23 list is printed, a supplementary list must be printed after the close of registration.

24 (2) A copy of the list of registered voters must be displayed at the polling place. Extra copies of
25 the lists must be retained by the election administrator and furnished to an elector upon request.

26 (3) The list of registered electors prepared for a primary election may be used for the general
27 election if a supplemental list giving the additions and deletions since the primary list was prepared is
28 printed. The election administrator may prepare lists for a special election, but lists are not required to be
29 printed for special elections.

30 (4) Lists of registered voters need not be printed if the election will not be held.

1 (5) The election administrator shall forward a list of all registered electors in the county to the
2 secretary of state, as provided in 13-2-123. The secretary of state shall use the lists submitted by election
3 administrators to compile and maintain a list of all registered electors in the state. The list must be
4 maintained in an electronic format in which each elector is identified by the elector's registration number
5 issued by the election administrator pursuant to 13-2-114. The list must be accessible by the county
6 election administrators. Upon written request, the secretary of state shall furnish to any elector, for
7 noncommercial use, a current list of registered electors. Upon delivery of the list to the elector, the
8 secretary of state shall charge and collect a fee commensurate with the cost of compiling and maintaining
9 the list and of reproducing the list in the format requested by the elector.

10 (6) If a law enforcement officer or reserve officer, as defined in 7-32-201, requests in writing that,
11 for security reasons, the officer's and the officer's spouse's residential address, if the same as the
12 officer's, not be disclosed, the registrar may not include the address on any list of registered voters but
13 shall list only the name or names.

14 (7) (a) Upon the request of an individual, an election administrator may not include the individual's
15 residential address on any list of registered voters but shall list only the name or names if the individual:

16 (i) proves to the election administrator that the individual, or a minor in the custody of the
17 individual, has been the victim of partner or family member assault, stalking, custodial interference, or
18 other offense involving bodily harm or threat of bodily harm to the individual or minor; or

19 (ii) proves to the election administrator that a temporary restraining order or injunction has been
20 issued by a judge or magistrate to restrain another person's access to the individual or minor.

21 (b) Proof of the victimization is conclusive upon exhibition to the election administrator of a
22 criminal judgment, information and judgment, or affidavit of a county attorney clearly indicating the
23 conviction and the identity of the victim.

24 (c) Proof of the issuance of a temporary restraining order or injunction is conclusive upon
25 exhibition to the election administrator of the temporary restraining order or injunction."

26

27 **Section 3.** Section 13-2-123, MCA, is amended to read:

28 **"13-2-123. Election administrator to provide list of electors to secretary of state.** (1) The election
29 administrator in each county shall provide to the secretary of state a list by precinct of all registered
30 electors in the county. The list must be provided in the manner and at the time required by [section 6] and

1 must include the following information, when possible, for each elector:

2 (a) name;

3 (b) mailing address;

4 (c) precinct number;

5 (d) registration number assigned by the county election administrator pursuant to 13-2-114;

6 (e) residence address;

7 (f) telephone number;

8 (g) date of birth;

9 (h) gender;

10 (i) legislative house district;

11 (j) date of registration; and

12 (k) whether the elector's name is on the active or inactive list of electors.

13 (2) (a) Except as provided in subsection (2)(b), the list provided pursuant to subsection (1) must
14 be a paper copy.

15 (b) If the county election administrator also maintains the information in other media, such as on
16 a computer disk or tape, ~~and the secretary of state requests the information in that media,~~ the county
17 election administrator shall also provide the list in that media.

18 ~~(3) In odd-numbered years, the list of electors required by subsection (1) must be delivered to the
19 secretary of state by December 15.~~

20 ~~———(4) In even-numbered years, the list of electors required by subsection (1) must be delivered to
21 the secretary of state:~~

22 ~~———(a) for a primary election, no later than July 1, and the list must indicate any changes made up
23 to and including the date of the June primary; and~~

24 ~~———(b) for a general or special election, 30 days prior to the close of registration before the election.~~

25 ~~———(5) Each election administrator may provide the secretary of state with a supplemental list of
26 electors in even-numbered years, giving the additions, deletions, and changes made between the time that
27 the previous list was compiled and the close of registration."~~

28

29 **Section 4.** Section 13-2-515, MCA, is amended to read:

30 **"13-2-515. Inquiry as to previous registration -- notices of changes.** (1) The election administrator

1 shall check each new registration to ascertain whether the elector has listed previous registration in
 2 another ~~county of this state or another~~ state. If the elector has been previously registered, the election
 3 administrator shall enter ~~his~~ the elector's name name on a notice or may photocopy the registration form.

4 ~~——(2) At least once a week and not more than 3 days after the close of registration, the election~~
 5 ~~administrator shall forward the notices or photocopies for counties in this state to the election~~
 6 ~~administrator of the county where the elector was previously registered. A list or other record shall be kept~~
 7 ~~of notices or photocopies sent.~~

8 ~~——(3)(2)~~ Once a month and not more than 3 days after the close of registration, the election
 9 administrator shall forward the notices or photocopies for other states to the secretary of state or chief
 10 election official of the state where the elector was previously registered. A list or other record ~~shall~~ must
 11 be kept of notices or photocopies sent."

12

13 NEW SECTION. Section 5. Photo identification of electors required at polling places. Before being
 14 allowed to cast a ballot, an elector shall present to an election judge a photo identification card that shows
 15 that the elector is the same elector who is registered to vote. An elector failing to display a photo
 16 identification card may not cast a ballot. For the purposes of complying with this section, an elector may
 17 display to the election judge only:

18 (1) a driver's license showing a picture of the elector; or

19 (2) an identification card issued pursuant to [section 11].

20

21 NEW SECTION. Section 6. Election administrator to provide elector information to secretary of
 22 state. Each election administrator shall provide to the secretary of state, on a weekly basis, the information
 23 or changes in the information required by 13-2-123(1) for each elector registered or for whom the
 24 information changed. The secretary of state shall use the information provided by an election administrator
 25 pursuant to this section to update on a weekly basis the secretary of state's statewide list of electors
 26 required by 13-2-115(5).

27

28 NEW SECTION. Section 7. Secretary of state to compare local registration to statewide list --
 29 notice to elector -- deletion of duplicate registration. The secretary of state shall, at times determined by
 30 the secretary of state, compare electors registered in a county to the statewide list of electors maintained

1 by the secretary of state. The secretary of state shall determine whether an elector is registered in more
2 than one county and, if an elector does appear to be registered in more than one county, advise the elector
3 of that fact by nonforwardable, first-class mail and request confirmation of the elector's registration. If
4 an elector confirms the elector's county of registration, the secretary of state shall delete any conflicting
5 registration shown in the secretary of state's statewide list of electors and shall notify the election
6 administrator in the county for which the elector's registration is deleted of the fact of that deletion. If
7 an elector to whom the secretary of state has sent a notice of duplicate registrations under this section
8 fails to respond to the notice, the secretary of state shall cancel the earlier of the elector's registrations
9 and notify the elector of that fact by nonforwardable, first-class mail.

10

11 NEW SECTION. **Section 8. Secretary of state to use local registrar's notification of deaths to**
12 **update statewide list of electors.** Upon receipt from a local registrar, as defined in 50-15-101, of
13 notification pursuant to [section 10] that an elector has died, the secretary of state shall delete the name
14 of the elector from the secretary of state's statewide list of registered electors.

15

16 NEW SECTION. **Section 9. Rulemaking authorized.** The secretary of state may adopt rules to
17 implement [sections 5 through 8].

18

19 NEW SECTION. **Section 10. Local registrar to notify secretary of state of filing of death**
20 **certificate.** The local registrar shall, at the time that a death certificate for an adult is filed with the
21 registrar, notify the secretary of state of the name and address of the deceased.

22

23 NEW SECTION. **Section 11. Department to issue photo identification cards.** (1) The department
24 shall, at each place where photographs are taken for the issuance of driver's licenses, provide applications
25 for an identification card issued by the department. The department shall provide the identification card
26 as required by this section to an individual requesting the card who complies with the requirements of this
27 section.

28 (2) A card issued by the department must contain:

29 (a) a color photograph of the individual to whom the card is issued;

30 (b) an identification number determined by the department in consultation with the secretary of

1 state and county clerks and recorders; and

2 (c) identification as determined by the department showing that the card has been issued by the
3 department.

4 (3) If social security numbers are used by the department for the purposes of this section, the
5 department shall assign an alternative number for those individuals who do not have a social security
6 number or who desire to use a number other than their social security number.

7 (4) An identification card issued pursuant to this section may be issued only upon proof, by a birth
8 certificate, that the applicant is 18 years old or older.

9 (5) The department shall provide the identification card at no cost to the applicant.

10 (6) The department may adopt rules to implement this section.

11

12 NEW SECTION. Section 12. Codification instruction. (1) [Section 10] is intended to be codified
13 as an integral part of Title 50, chapter 15, part 4, and the provisions of Title 50, chapter 15, part 4, apply
14 to [section 10].

15 (2) [Section 11] is intended to be codified as an integral part of Title 61, chapter 5, and the
16 provisions of Title 61, chapter 5, apply to [section 11].

17

18 NEW SECTION. Section 13. Severability. If a part of [this act] is invalid, all valid parts that are
19 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
20 applications, the part remains in effect in all valid applications that are severable from the invalid
21 applications.

22

23 NEW SECTION. Section 14. Effective dates. (1) Except as provided in subsection (2), [this act]
24 is effective July 1, 2002.

25 (2) [Sections 9, 11(6), 12, and 13 and this section] are effective on passage and approval.

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