

## 1 SENATE BILL NO. 234

2 INTRODUCED BY M. COONEY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTION LAWS; PROVIDING THAT RULES  
5 ADOPTED BY THE SECRETARY OF STATE REGARDING THE VERIFICATION OF VOTER REGISTRATION  
6 INFORMATION MAY NOT BE MORE STRINGENT THAN THE FEDERAL HELP AMERICA VOTE ACT OF  
7 2002; PROVIDING THAT ELECTORS REGISTERING IN PERSON TO VOTE DO NOT NEED TO PROVIDE  
8 PHOTO IDENTIFICATION OR OTHER DOCUMENTS REQUIRED OF ELECTORS WHO REGISTER BY MAIL;  
9 PROVIDING THAT ONLY PROVISIONALLY REGISTERED ELECTORS ARE REQUIRED TO PROVIDE  
10 IDENTIFICATION DOCUMENTS WHEN VOTING; AND AMENDING SECTIONS 13-2-109, 13-2-110,  
11 13-13-114, AND 13-15-107, MCA."

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

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15 **Section 1.** Section 13-2-109, MCA, is amended to read:16 **"13-2-109. Rulemaking on sufficiency and verification of voter registration information.** (1) The  
17 secretary of state shall adopt rules:18 (a) to implement the provisions of 13-2-110 and this section concerning how election administrators  
19 determine whether the information provided by an elector on an application for voter registration is:

20 (i) sufficient to be accepted and processed; or

21 (ii) insufficient to be accepted and processed;

22 (b) establishing procedures for verifying the accuracy of voter registration information;

23 (c) establishing standards for determining whether an elector may be legally registered or provisionally  
24 registered and the effect of that registration on identification requirements; and

25 (d) establishing procedures for notifying electors about the status of their applications and registration.

26 (2) The rules may not conflict with or be more stringent than 42 U.S.C. ~~15301, et seq. 15483~~, 13-2-110,  
27 or 13-2-208."

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29 **Section 2.** Section 13-2-110, MCA, is amended to read:30 **"13-2-110. Application for voter registration -- sufficiency and verification of information --**

1 **identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by mail  
 2 by completing and signing an application for voter registration and providing the application to the election  
 3 administrator in the county in which the elector resides before the close of registration as provided in 13-2-301.

4 (2) An individual applying by mail shall send the application to the election administrator, postage paid,  
 5 no later than 15 days after the date it is signed. An application for voter registration properly executed and  
 6 postmarked on or before the day registration is closed must be accepted for 3 days after the close of registration.

7 (3) Each application for voter registration must be accepted and processed as provided in rules adopted  
 8 under 13-2-109.

9 (4) Except as provided in subsection (5):

10 (a) an applicant for voter registration shall provide the applicant's driver's license number; or

11 (b) if the applicant does not have a driver's license, the applicant shall provide the last four digits of the  
 12 applicant's social security number.

13 (5) If an applicant does not have a driver's license or social security number:

14 (a) an applicant appearing in person before the election administrator ~~shall provide:~~

15 ~~—— (i) current and valid photo identification, including but not limited to a valid driver's license, a school~~  
 16 ~~district or postsecondary education photo identification, or a tribal photo identification, with the individual's name;~~  
 17 ~~or~~

18 ~~—— (ii) a current utility bill, bank statement, paycheck, government check, or other government document~~  
 19 ~~that shows the individual's name and current address. must be assigned a voter identification number as~~  
 20 ~~provided in subsection (8):~~

21 (b) an applicant applying to register by mail shall ~~also~~ enclose with the completed application for voter  
 22 registration a copy of:

23 (i) a current and valid photo identification, ~~including but not limited to~~ such as a valid driver's license,  
 24 a school district or postsecondary education photo identification, or a tribal photo identification, with the  
 25 ~~individual's~~ elector's name and current address; or

26 (ii) if the elector does not have a photo identification with the elector's name and current address, a  
 27 current utility bill, bank statement, paycheck, government check, or other government document that shows the  
 28 individual's name and current address.

29 (6) (a) If information provided on an application for voter registration is sufficient to be accepted and  
 30 processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall register the

1 elector as a legally registered elector.

2 (b) If information provided on an application for voter registration was sufficient to be accepted but the  
3 applicant failed to provide the information required in subsection (4) or (5) or if the information provided was  
4 incorrect or insufficient to verify the individual's eligibility to vote, the election administrator shall register the  
5 applicant as a provisionally registered elector.

6 (7) Each applicant for voter registration must be notified of the elector's registration status pursuant to  
7 rules adopted under 13-2-109.

8 (8) The secretary of state shall assign to each elector whose application was accepted a unique  
9 identification number for voting purposes and shall establish a statewide uniform method to allow the secretary  
10 of state and local election officials to distinguish legally registered electors from provisionally registered electors.

11 (9) The provisions of this section may not be interpreted to conflict with voter registration accomplished  
12 under 13-2-221, 13-21-201, 13-21-203, and 61-5-107 and as provided for in federal law."  
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14 **Section 3.** Section 13-13-114, MCA, is amended to read:

15 **"13-13-114. Voter identification and marking precinct register book before elector votes --**  
16 **provisional voting.** (1) ~~(a) Before an~~ An elector whose name appears in the precinct register as a legally  
17 registered elector and who is offering to vote in person is not required to show identification, shall sign the  
18 precinct register, and must be provided with a regular ballot to vote.

19 ~~(2) An elector is permitted to~~ whose name appears in the precinct register as a provisionally registered  
20 elector and who is offering to vote in person shall sign the precinct register and must receive a regular ballot or  
21 to vote; if:

22 (a) the elector shall present presents to an election judge a current photo identification showing the  
23 elector's name and current address. ~~If the; or~~

24 (b) in the case of an elector who does not present have photo identification with the elector's name and  
25 current address, including but not limited to a valid driver's license, a school district or postsecondary education  
26 photo identification, or a tribal photo identification, the elector shall present presents a current utility bill, bank  
27 statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check,  
28 or other government document that shows the elector's name and current address.

29 ~~(b) An elector who provides the information listed in subsection (1)(a) may sign the precinct register and~~  
30 ~~must be provided with a regular ballot to vote.~~

1           ~~(e)~~(3) If ~~the~~ information provided in ~~subsection (1)(a)~~ to an election judge by an elector differs from  
 2 information in the precinct register but an election judge determines that the information provided is sufficient  
 3 to verify the voter's identity and eligibility to vote pursuant to 13-2-512, the elector may sign the precinct register,  
 4 complete a transfer form or new registration form to correct the elector's voter registration information, and vote  
 5 a regular ballot.

6           ~~(d)~~(4) An election judge shall write "transfer form" or "registration form" beside the name of any elector  
 7 submitting a form.

8           ~~(2)~~(5) If the information presented under subsection ~~(1)~~ (2) is insufficient to verify ~~the~~ a provisionally  
 9 registered elector's identity and eligibility to vote or if ~~the~~ an elector's name does not appear in the precinct  
 10 register, the elector may sign the precinct register and cast a provisional ballot as provided in 13-13-601.

11           ~~(3)~~(6) If the elector is not able to sign the elector's name to the precinct register, a fingerprint or other  
 12 identifying mark may be used.

13           ~~(4)~~(7) If the elector fails or refuses to sign the elector's name or, if unable to write, fails to provide a  
 14 fingerprint or other identifying mark, the elector may cast a provisional ballot as provided in 13-13-601."  
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16           **Section 4.** Section 13-15-107, MCA, is amended to read:

17           **"13-15-107. Handling and counting provisional and challenged ballots.** (1) To verify eligibility to  
 18 vote, an elector who casts a provisional ballot in person shall provide information to the election administrator  
 19 as listed below:

20           (a) present in person at the office of the election administrator by 5 p.m. on the day after the election  
 21 a photo identification or other identifying document as described in 13-13-114~~(1)(a)~~(2);

22           (b) send by facsimile or electronic mail by 5 p.m. on the day after the election a copy or scanned  
 23 document that meets the identification requirements of 13-13-114~~(1)(a)~~(2); or

24           (c) mail a copy or nonreturnable original document described in 13-13-114~~(1)(a)~~(2) in a self-addressed  
 25 return envelope provided by the election administrator. If the elector mails a document, the postmark on the  
 26 envelope must be for the day of the election or the day following the election.

27           (2) The election administrator shall determine prior to an election whether an absentee voter has  
 28 provided sufficient identification to allow a ballot to be counted. If the information is insufficient, the election  
 29 administrator shall follow procedures described in 13-13-241 to allow an absentee elector who failed to provide  
 30 proper identifying information in the outer return envelope to verify eligibility to vote. An absentee elector whose

1 ballot is determined to be provisional has until 5 p.m. on the day after the election to provide valid identification  
2 information either in person, by facsimile, by electronic mail, or by mail postmarked on the day of the election  
3 or the day after the election.

4 (3) A provisional ballot must be counted if the election administrator verifies the elector's eligibility  
5 pursuant to rules adopted under 13-13-603. However, a provisional ballot may not be counted if the election  
6 administrator cannot verify the elector's eligibility under the rules.

7 (4) The election administrator shall provide an elector who cast a provisional ballot but whose ballot was  
8 not counted with the reasons why the ballot was not counted.

9 (5) A provisional ballot cast by an elector whose voter information is verified before 5 p.m. on the day  
10 after the election must be removed from its provisional envelope, grouped with other ballots in a manner that  
11 allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot."

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