

1 HOUSE BILL NO. 277

2 INTRODUCED BY M. MENAHAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON WHO WILL BE 18 YEARS OF AGE
5 ON OR BEFORE A GENERAL ELECTION IS A QUALIFIED ELECTOR FOR THE PRIMARY ELECTION; AND
6 AMENDING SECTIONS 13-1-111 AND 13-13-301, MCA."

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

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10 **Section 1.** Section 13-1-111, MCA, is amended to read:11 **"13-1-111. Qualifications of voter.** (1) A person may not vote at elections unless the person is:

12 (a) registered as required by law;

13 (b) 18 years of age or older, except as provided in subsection (4);14 (c) a resident of the state of Montana and of the county in which the person offers to vote for at least 30
15 days, except as provided in 13-2-514; and

16 (d) a citizen of the United States.

17 (2) A person convicted of a felony does not have the right to vote while the person is serving a sentence
18 in a penal institution.19 (3) A person adjudicated to be of unsound mind does not have the right to vote unless the person has
20 been restored to capacity as provided by law.21 (4) A person who will be 18 years of age on or before the day of the general election is a qualified elector
22 for the primary election."

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24 **Section 2.** Section 13-13-301, MCA, is amended to read:25 **"13-13-301. Challenges.** (1) An elector's right to vote may be challenged at any time by any registered
26 elector by the challenger filling out and signing an affidavit stating the grounds of the challenge and providing any
27 evidence supporting the challenge to the election administrator or, on election day, to an election judge.

28 (2) A challenge may be made on the grounds that the elector:

29 (a) is of unsound mind, as determined by a court;

30 (b) has voted before in that election;

- 1 (c) has been convicted of a felony and is serving a sentence in a penal institution;
- 2 (d) is not registered as required by law;
- 3 (e) is not 18 years of age or older unless the elector is eligible to vote under 13-1-111(4);
- 4 (f) has not been, for at least 30 days, a resident of the county in which the elector is offering to vote; or
- 5 (g) is a provisionally registered elector whose status has not been changed to a legally registered voter.
- 6 (3) When a challenge has been made under this section:
- 7 (a) prior to the close of registration under 13-2-301, the election administrator shall question the
- 8 challenger and the challenged elector and may question other persons to determine whether the challenge is
- 9 sufficient or insufficient to cancel the elector's registration under 13-2-402; or
- 10 (b) after the close of registration or on election day, the election administrator or, on election day, the
- 11 election judge shall allow the challenged elector to cast a provisional paper ballot, which must be handled as
- 12 provided in 13-15-107.
- 13 (4) (a) In response to a challenge, the challenged elector may fill out and sign an affidavit to refute the
- 14 challenge and swear that the elector is eligible to vote.
- 15 (b) If the challenge was not made in the presence of the elector being challenged, the election
- 16 administrator or election judge shall notify the challenged elector as soon as possible of who made the challenge
- 17 and the grounds of the challenge and explain what information the elector may provide to respond to the
- 18 challenge. The election administrator or, on election day, the election judge shall also provide to the challenged
- 19 elector a copy of the challenger's affidavit and any supporting evidence provided. If the challenge is made more
- 20 than 5 days before an election, "as soon as possible", as used in this subsection (4)(b), means no later than 5
- 21 days after the challenge.
- 22 (5) The secretary of state shall adopt rules to implement the provisions of this section and shall provide
- 23 standardized affidavit forms for challengers and challenged electors."

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