

1 HOUSE BILL NO. 180

2 INTRODUCED BY C. EDMUNDS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CLOSE OF VOTER REGISTRATION; AMENDING
5 SECTIONS 13-2-115, 13-2-301, 13-2-514, 13-19-207, 13-19-303, 13-21-104, 13-21-201, 13-21-203, AND
6 13-21-210, MCA; AND REPEALING SECTION 13-2-304, MCA."

7

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

9

10 **Section 1.** Section 13-2-115, MCA, is amended to read:11 **"13-2-115. Certification of statewide voter registration list -- local lists to be prepared.** (1)

12 Immediately after regular registration is closed under 13-2-301, the secretary of state shall certify the official
13 statewide voter registration list.

14 (2) Each election administrator shall have printed from the certified statewide voter registration database
15 lists of all registered electors in each precinct in the county. Except as provided in subsections (5) and (6), names
16 of electors must be listed alphabetically, with their residence address or with a mailing address if located where
17 street numbers are not used.

18 (3) A copy of the list of registered electors in a precinct must be displayed at the precinct's polling place.
19 Extra copies of the lists must be retained by the election administrator and furnished to an elector upon request.

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

21 (5) If a law enforcement officer or reserve officer, as defined in 7-32-201, requests in writing that, for
22 security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's, not be
23 disclosed, the secretary of state or an election administrator may not include the address on any generally
24 available list of registered electors but may list only the electors' names.

25 (6) (a) Upon the request of an individual, the secretary of state or an election administrator may not
26 include the individual's residential address on any generally available list of registered electors but may list only
27 the elector's name if the individual:

28 (i) proves to the election administrator, as provided in subsection (6)(b), that the individual, or a minor
29 in the custody of the individual, has been the victim of partner or family member assault, stalking, custodial
30 interference, or other offense involving bodily harm or threat of bodily harm to the individual or minor; or

1 (ii) proves to the election administrator, as provided in subsection (6)(c), that a temporary restraining
 2 order or injunction has been issued by a judge or magistrate to restrain another person's access to the individual
 3 or minor.

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

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

9

10 **Section 2.** Section 13-2-301, MCA, is amended to read:

11 **"13-2-301. Close of regular registration -- notice -- changes.** (1) The election administrator shall:

12 (a) close ~~regular~~ registrations for 30 days before any election; and

13 (b) publish a notice specifying the day ~~regular~~ registrations will close ~~and the availability of the late~~
 14 ~~registration option provided for in 13-2-304~~ in a newspaper of general circulation in the county at least three times
 15 in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in
 16 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest
 17 number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or
 18 broadcast of the notice.

19 (2) Information to be included in the notice must be prescribed by the secretary of state.

20 (3) An application for voter registration properly executed and postmarked on or before the day ~~regular~~
 21 registration is closed must be accepted ~~as a regular registration~~ for 3 days after ~~regular~~ registration is closed
 22 under subsection (1)(a).

23 (4) An individual who submits a completed registration form to the election administrator before the
 24 deadlines provided in this section is allowed to correct a mistake on the completed registration form until 5 p.m.
 25 on the 10th day following the close of ~~regular~~ registration, and the qualified elector is then eligible to vote in the
 26 election.

27 (5) An elector who misses the deadlines provided for in this section may register to vote or change the
 28 elector's voter information and vote in the next election, ~~except as otherwise provided in 13-2-304.~~"

29

30 **Section 3.** Section 13-2-514, MCA, is amended to read:

1 **"13-2-514. Change of residence to another county.** (1) Except as provided in subsection (2)(a), an
 2 elector who changes residence to a different county within this state shall register in the new county of residence
 3 in order to vote in any election.

4 (2) An elector who changes residence to a different county 30 days or less before an election may:

5 (a) vote in person or by absentee ballot in the precinct and county where previously registered; or

6 (b) update the elector's registration information and vote in the elector's new county of residence, subject
 7 to the regular registration provisions of 13-2-301 ~~or the late registration provisions of 13-2-304.~~

8 (3) The registration information of an elector whose information is changed pursuant to this section must
 9 be updated in the statewide voter registration list pursuant to rules adopted under 13-2-108."

10

11 **Section 4.** Section 13-19-207, MCA, is amended to read:

12 **"13-19-207. When materials to be mailed.** (1) Except as provided in subsection (2), for any election
 13 conducted by mail, ballots must be mailed no sooner than the 25th day and no later than the 15th day before
 14 election day.

15 (2) (a) All ballots mailed to electors on the active list must be mailed the same day.

16 (b) At any time before noon on the day before election day, a ballot may be mailed or, upon request,
 17 provided in person at the election administrator's office to:

18 (i) an elector on the inactive list after the elector reactivates the elector's registration as provided in
 19 13-2-222; ~~or~~

20 ~~—— (ii) an individual who registers under the late registration option provided for in 13-2-304.~~

21 (c) An elector on the inactive list shall vote at the election administrator's office on election day if the
 22 elector reactivates the elector's registration after noon on the day before election day.

23 ~~(d) An elector who registers pursuant to 13-2-304 on election day or on the day before election day must
 24 receive the ballot and vote it at the election administrator's office."~~

25

26 **Section 5.** Section 13-19-303, MCA, is amended to read:

27 **"13-19-303. Voting by elector when absent from place of residence during conduct of election.**

28 (1) A qualified elector who will be absent from the county during the time the election is being conducted may:

29 (a) vote in person in the election administrator's office as soon as ballots are available and until noon
 30 the day before the ballots are scheduled to be mailed; or

1 (b) make a written request, signed by the applicant and addressed to the election administrator, that the
 2 ballot be mailed to an address other than the address that appears on the registration card. Written requests must
 3 be accepted until noon the day before the ballots are scheduled to be mailed.

4 (2) (a) Ballots mailed to electors on the active list pursuant to this section must be mailed the same day
 5 that all other ballots are mailed, except that a ballot requested pursuant to Title 13, chapter 21, may be sent to
 6 the elector as soon as the ballot is available.

7 (b) A ballot may be provided pursuant to this section until noon on the day before election day if, after
 8 the ballots are mailed to active electors,†

9 (†) an inactive elector reactivates the elector's registration as provided in 13-2-222; or

10 ~~— (ii) an individual registers under the late registration option provided for in 13-2-304.~~"

11

12 **Section 6.** Section 13-21-104, MCA, is amended to read:

13 **"13-21-104. Adoption of rules on electronic registration and voting -- acceptance of funds.** (1) The
 14 secretary of state shall adopt reasonable rules under the rulemaking provisions of the Montana Administrative
 15 Procedure Act to implement 13-21-207. The rules are binding upon election administrators.

16 (2) The rules must provide that:

17 (a) there are uniform statewide standards concerning electronic registration and voting;

18 (b) regular absentee ballots for a primary, general, or special election are available in a format that allows
 19 the ballot to be electronically transmitted to a United States elector as soon as the ballots are available pursuant
 20 to 13-13-205;

21 (c) a United States elector may, ~~subject to 13-2-304,~~ register until the close of registration in 13-2-301
 22 and vote up to the time that the polls close on election day;

23 (d) a United States elector is allowed to cast a provisional ballot if there is a question about the elector's
 24 registration information or eligibility to vote; and

25 (e) a ballot cast by a United States elector and transmitted electronically will remain secret, as required
 26 by Article IV, section 1, of the Montana constitution. This subsection (2)(e) does not prohibit the adoption of rules
 27 establishing administrative procedures on how electronically transmitted votes must be transcribed to an official
 28 ballot. However, the rules must be designed to protect the accuracy, integrity, and secrecy of the process.

29 (3) The secretary of state may apply for and receive a grant of funds from any agency or office of the
 30 United States government or from any other public or private source and may use the money for the purpose of

1 implementing this chapter."

2

3 **Section 7.** Section 13-21-201, MCA, is amended to read:

4 **"13-21-201. Registration of United States electors -- simultaneous application for absentee ballot.**

5 (1) A United States elector may register with the election administrator in the elector's county of residence by
6 properly completing, signing, and returning:

7 (a) the voter registration form;

8 (b) the federal post card application; or

9 (c) the federal write-in absentee ballot as provided in 13-21-205.

10 (2) A registration application under subsection (1)(a) or (1)(b) must be received by the election
11 administrator by the time specified in ~~13-2-304 for late registration~~ 13-2-301.

12 (3) A registration application using a federal post card application or the federal write-in absentee ballot
13 transmission envelope must be considered a simultaneous application for absentee ballots under 13-21-210."

14

15 **Section 8.** Section 13-21-203, MCA, is amended to read:

16 **"13-21-203. Registration of United States electors after return.** (1) A United States elector who has
17 returned to the elector's residence too late to register at the time and place required for ~~regular~~ registration under
18 13-2-301 may register:

19 ~~—— (a) under the late registration provisions of 13-2-304; or~~

20 ~~—— (b) up to noon on the day before the election for the purpose of voting at the next election after the date~~
21 ~~of the elector's return.~~

22 (2) The elector shall execute a sworn affidavit qualifying the elector under this section to be filed in the
23 office of the elector's registration. The county registrar shall provide to the person registering under the provisions
24 of this section a certificate stating the precinct in which the elector is entitled to vote. This certificate must be
25 presented to the election judges of that precinct at the time of voting."

26

27 **Section 9.** Section 13-21-210, MCA, is amended to read:

28 **"13-21-210. Application for absentee ballots.** (1) (a) A United States elector may apply for a regular
29 absentee ballot as follows:

30 (i) by making a written request, which must include the elector's birth date and signature; or

1 (ii) by properly completing, signing, and returning to the election administrator the federal post card
2 application.

3 (b) A person who holds a power of attorney from an absent uniformed services elector may apply for an
4 absentee ballot for that election on behalf of the uniformed services elector. The applicant shall provide a copy
5 of the power of attorney authorizing the request for an absentee ballot along with the application.

6 (2) An application for a regular absentee ballot must be received by the appropriate county election
7 administrator by the time specified in ~~13-2-304 for late registration~~ 13-2-301.

8 (3) An application under this section is valid for all state and local elections in the calendar year in which
9 the application is made and the next two regularly scheduled federal general elections unless an elector requests
10 to be mailed an absentee ballot for each subsequent election in which the elector is eligible to vote or only for
11 each subsequent federal election in which the elector is eligible to vote for as long as the elector remains eligible
12 to vote and resides at the address provided in the initial application.

13 (4) If an elector fails to provide the address confirmation required by 13-13-212, the elector will be
14 removed from the permanent absentee ballot list. An elector who is removed from the permanent absentee ballot
15 list will continue to receive absentee ballots during the period covered in the elector's initial application under this
16 section.

17 (5) The elector's county election administrator shall provide the elector with a regular absentee ballot
18 for the elections described in subsection (3) as soon as the ballots are printed."

19
20 **NEW SECTION. Section 10. Repealer.** The following section of the Montana Code Annotated is
21 repealed:

22 13-2-304. Late registration -- late changes -- nonapplicability for school elections.

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