

## 1 SENATE BILL NO. 405

2 INTRODUCED BY OLSON, DEBBY BARRETT, BLASDEL, D. BROWN, KNUDSEN, SALES, SONJU,  
3 TUTVEDT, VANCE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROTECTING THE INTEGRITY OF MONTANA ELECTIONS BY  
6 ~~REVISING~~ ENDING LATE VOTER REGISTRATION AND ON THE FRIDAY BEFORE ELECTION DAY AND  
7 ELIMINATING ELECTION DAY REGISTRATION; ENSURING COMPLIANCE WITH THE NATIONAL VOTER  
8 REGISTRATION ACT; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED  
9 ELECTORS OF MONTANA AT A SPECIAL ELECTION TO BE HELD CONCURRENTLY WITH THE 2014  
10 PRIMARY ELECTION; AMENDING SECTIONS 13-2-301, 13-2-304, 13-19-207, AND 61-5-107, MCA; AND  
11 PROVIDING AN EFFECTIVE DATE."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14  
15 **Section 1.** Section 13-2-301, MCA, is amended to read:

16 **"13-2-301. Close of regular registration -- notice -- changes.** (1) The election administrator shall:

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

18 (b) publish a notice specifying the day regular registrations will close and the availability of the late  
19 registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times  
20 in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in  
21 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest  
22 number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or  
23 broadcast of the notice.

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

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

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

1 election.

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

4

5 **Section 2.** Section 13-2-304, MCA, is amended to read:

6 **"13-2-304. Late registration -- late changes -- nonapplicability for school elections.** (1) Except as  
7 provided in subsections (2) and (3), the following provisions apply:

8 (a) An elector may register or change the elector's voter registration information after the close of regular  
9 registration in 13-2-301 and vote in the election if the election administrator in the county where the elector  
10 resides receives and verifies the elector's voter registration information prior to ~~the close of the polls on election~~  
11 ~~day.~~

12 ~~\_\_\_\_\_ (b) Late registration is closed from noon to 5 p.m. on the day Friday before the election.~~

13 ~~(c)(b)~~ Except as provided in 13-2-514(2)(a), an elector who registers or changes the elector's voter  
14 information pursuant to this section may vote in the election only if the elector obtains the ballot from and returns  
15 it to the location designated by the county election administrator.

16 (2) If an elector has already been issued a ballot for the election, the elector may change the elector's  
17 voter registration information only if the original voted ballot has not been received at the county election office  
18 and if the original ballot that was issued is marked by the issuing county as void in the statewide voter registration  
19 database prior to the change.

20 (3) The provisions of subsection (1) do not apply with respect to an elector's registration to vote in a  
21 school election held pursuant to Title 20."

22

23 **Section 3.** Section 13-19-207, MCA, is amended to read:

24 **"13-19-207. When materials to be mailed.** (1) Except as provided in subsection (2), for any election  
25 conducted by mail, ballots must be mailed no sooner than the 25th day and no later than the 15th day before  
26 election day.

27 (2) (a) All ballots mailed to electors on the active list and provisionally registered list must be mailed the  
28 same day.

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

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

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

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

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

8

9 **Section 4.** Section 61-5-107, MCA, is amended to read:

10 **"61-5-107. Application for license, instruction permit, or motorcycle endorsement.** (1) Each  
11 application for an instruction permit, driver's license, commercial driver's license, or motorcycle endorsement must  
12 be made upon a form furnished by the department. Each application must be accompanied by the proper fee,  
13 and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a  
14 period of 6 months from the date of application. A voter registration form for mail registration as prescribed by the  
15 secretary of state and in compliance with the National Voter Registration Act of 1993, Public Law 103-31, 42  
16 U.S.C. 1973gg, et seq., must be attached to each driver's license application. If the applicant wishes to register  
17 to vote, the department shall accept the registration and forward the form to the election administrator.

18 (2) Each application must include the full legal name, date of birth, sex, residence address of the  
19 applicant [and the applicant's social security number], must include a brief description of the applicant, and must  
20 provide the following additional information:

21 (a) the name of each jurisdiction in which the applicant has previously been licensed to drive any type  
22 of motor vehicle during the 10-year period immediately preceding the date of the application;

23 (b) a certification from the applicant that the applicant is not currently subject to a suspension, revocation,  
24 cancellation, disqualification, or withdrawal of a previously issued driver's license or any driving privileges in  
25 another jurisdiction and that the applicant does not have a driver's license from another jurisdiction;

26 (c) a brief description of any physical or mental disability, limitation, or condition that impairs or may  
27 impair the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle  
28 on the highway;

29 (d) a brief description of any adaptive equipment or operational restrictions that the applicant relies upon  
30 or intends to rely upon to attain the ability to exercise ordinary and reasonable control in the safe operation of a

1 motor vehicle on the highway, including the nature of the equipment or restrictions; and

2 (e) if the applicant is a foreign national whose presence in the United States is temporarily authorized  
3 under federal law, the expiration date of the official document issued to the applicant by the bureau of citizenship  
4 and immigration services of the department of homeland security authorizing the applicant's presence in the  
5 United States.

6 [(3) The department shall keep the applicant's social security number from this source confidential,  
7 except that the number may be used for purposes of subtitle VI of Title 49 of the U.S.C. or as otherwise permitted  
8 by state law administered by the department and may be provided to the department of public health and human  
9 services for use in administering Title IV-D of the Social Security Act.]

10 (4) (a) When an application is received from an applicant who is not ineligible for licensure under  
11 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the  
12 applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year  
13 period. The driving record may be transmitted manually or by electronic medium.

14 (b) When received, the driving records must be appended to the driver's record created and maintained  
15 in this state. The department may rely on information contained in driving records received under this section to  
16 determine the appropriate action to be taken against the applicant upon subsequent receipt of a report of a  
17 conviction or other conduct requiring suspension or revocation of a driver's license under state law.

18 (5) An individual who is under 26 years of age but at least 15 years of age and who is required to register  
19 in compliance with the federal Military Selective Service Act, 50 App. U.S.C. 453, must be provided an opportunity  
20 to fulfill those registration requirements in conjunction with an application for an instruction permit, driver's license,  
21 commercial driver's license, or state identification card. If under 18 years of age but at least 15 years of age, an  
22 individual must be provided an opportunity to be registered by the selective service system upon attaining 18  
23 years of age. Any registration information supplied on the application must be transmitted by the department to  
24 the selective service system. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L.  
25 1999.)"

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27 **NEW SECTION. Section 5. Effective date.** [This act] is effective upon approval by the electorate.

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29 **NEW SECTION. Section 6. Submission to electorate.** [This act] shall be submitted to the qualified  
30 electors of Montana at the general election to be held in November A SPECIAL ELECTION TO BE HELD CONCURRENTLY

1 WITH THE PRIMARY ELECTION HELD IN THE SPRING OF 2014 by printing on the ballot the full title of [this act] and the  
2 following:

3  YES on Legislative Referendum No. \_\_\_\_

4  NO on Legislative Referendum No. \_\_\_\_

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6 COORDINATION SECTION. SECTION 7. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 30 IS PASSED AND  
7 APPROVED, THEN [THIS ACT] IS VOID.

8 - END -