

HOUSE BILL NO. 490
INTRODUCED BY R. STOKER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR VOTER REGISTRATION AS A MEMBER OF A POLITICAL PARTY OR AS AN INDEPENDENT VOTER; PROVIDING THAT ONLY ELECTORS REGISTERED AS A MEMBER OF A POLITICAL PARTY MAY VOTE IN THAT PARTY'S PRIMARY ELECTION; PROVIDING FOR DESIGNATION OF A POLITICAL PARTY AT THE NEXT PRIMARY ELECTION; AMENDING SECTIONS 13-2-110, 13-2-123, 13-10-209, AND 13-10-301, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 13-2-110, MCA, is amended to read:

"13-2-110. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes. (1) An individual may apply for voter registration in person or by mail

by completing and signing an application for voter registration and providing the application to the election administrator in the county in which the elector resides before the close of registration as provided in 13-2-301.

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

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

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

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

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

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

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

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

or

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that

shows the individual's name and current address.

(b) an applicant applying to register by mail shall also enclose a copy of:

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

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

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

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

(7) An application for voter registration must contain a space in which the applicant can designate the political party of which the applicant is a member. The application must also contain a space in which the applicant can register as an independent voter. An application in which a political party designation is not made must be treated as an application for an independent voter.

~~(7)(8)~~ Each applicant for voter registration must be notified of the elector's registration status pursuant to rules adopted under 13-2-109.

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

~~(9)(10)~~ The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-221, 13-21-201, 13-21-203, and 61-5-107 and as provided for in federal law."

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

"13-2-123. Election administrator to provide list of electors to secretary of state. (1) The election administrator in each county shall provide to the secretary of state the following information, when possible, for each elector:

(a) name;

- (b) mailing address;
 - (c) precinct number;
 - (d) residence address;
 - (e) telephone number;
 - (f) driver's license number or last four digits of the elector's social security number;
 - (g) date of birth;
 - (h) gender;
 - (i) legislative house district;
 - (j) political party affiliation, if any;
 - ~~(k)~~(k) date of registration;
 - ~~(l)~~(l) whether the elector's name is on the active or inactive list of electors; and
 - ~~(m)~~(m) whether the elector is a legally registered elector or a provisionally registered elector.
- (2) The information must be provided in accordance with rules adopted under 13-2-108."

Section 3. Section 13-10-209, MCA, is amended to read:

"13-10-209. Arrangement and preparing of primary ballots. (1) (a) Ballots for a primary election must be arranged and prepared in the same manner and number as provided in chapter 12 for general election ballots, except there must be separate ballots for each political party entitled to participate. The name of the political party must appear at the top of the separate ballot for that party and need not appear opposite each candidate's name.

(b) Nonpartisan offices and ballot issues may be prepared on separate ballots or may appear on the same ballot as partisan offices if:

- (i) each section is clearly identified as separate;
- (ii) the nonpartisan offices and ballot issues appear on each party's ballot; and
- (iii) with respect to ballot issues, written approval is obtained as provided in 13-27-502.

(2) An election administrator does not need to prepare a primary ballot for a political party if:

- (a) the party does not have candidates for more than half of the offices to appear on the ballot; and
- (b) no more than one candidate files for nomination by that party for any of the offices to appear on the ballot.

(3) If, pursuant to subsection (2), a primary ballot for a political party is not prepared, the secretary of state shall certify that a primary election is unnecessary for that party and shall instruct the election administrator to certify the names of the candidates for that party for the general election ballot only.

(4) The separate ballots for each party must have the same appearance. Each set of party ballots must bear the same number. If prepared as a separate ballot, the nonpartisan ballot must have a different appearance than the party ballots but must be numbered in the same order as the party ballots.

(5) If a ballot issue is to be voted on at a primary election, it may be placed on the nonpartisan ballot or a separate ballot. A separate ballot may have a different appearance than the other ballots in the election but must be numbered in the same order.

(6) Each elector must receive a set of ballots that includes the political party in which the elector is registered, nonpartisan, and ballot issue choices. An elector registered as an independent elector may not receive a political party ballot."

Section 4. Section 13-10-301, MCA, is amended to read:

"13-10-301. Casting of ballot. (1) Unless otherwise provided by law, the conduct of the primary election, the voting procedure, the counting, tallying, and return of ballots and all election records and supplies, the canvass of votes, the certification and notification of nominees, recounts, procedures upon tie votes, and any other necessary election procedures must be at the same times and in the same manner as provided for in the laws for the general election.

(2) At a primary election, the elector shall cast votes on only ~~one of the party ballots~~ ballot of the party in which the elector is registered as a member; ~~preparing the~~ The ballot must be prepared as provided in 13-13-117. After casting votes on any other ballots received other than the party ballots, the elector shall ensure the proper disposition of the ballots in accordance with instructions provided pursuant to 13-13-112.

(3) The election judge shall handle the elector's ballot as prescribed in 13-13-117."

NEW SECTION. Section 5. Transition. In order to implement the provisions of [sections 1 through 4], a registered elector may declare a party affiliation prior to receiving a ballot at the next primary election. The election administrator shall update the elector's registration to reflect the party designation.

NEW SECTION. Section 6. Applicability. (1) [Sections 1 through 4] apply to new voter registrations on or after [the effective date of this act].

(2) [Section 5] applies to voter registrations in effect before [the effective date of this act].

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