

SENATE BILL NO. 33

INTRODUCED BY D. WANZENRIED

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ELECTRONIC VOTER REGISTRATION FOR QUALIFIED MONTANA ELECTORS POSSESSING A VALID MONTANA DRIVER'S LICENSE OR STATE-ISSUED IDENTIFICATION CARD; EXTENDING RULEMAKING AUTHORITY; AMENDING SECTIONS 13-2-109, 13-2-110, 13-2-205, AND 13-2-207, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Electronic registration.** (1) An individual who has a valid Montana driver's license or state identification card may submit a voter registration application electronically on the secretary of state's website.

(2) The applicant shall attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) The applicant shall affirmatively assent to use the applicant's driver's license or state identification card signature for voter registration purposes.

(4) A voter registration application submitted electronically is otherwise considered a registration by mail.

(5) For each electronic application, the secretary of state shall obtain a digital copy of the applicant's driver's license or state identification card signature from the motor vehicle licensing agency in the department of justice.

(6) The secretary of state may establish procedures that provide additional security measures necessary to ensure the accuracy and integrity of voter registration applications submitted electronically.

**Section 2.** Section 13-2-109, MCA, is amended to read:

**"13-2-109. Rulemaking on sufficiency and verification of voter registration information.** (1) The secretary of state shall adopt rules:

(a) to implement the provisions of 13-2-110, section 1, and this section concerning how election administrators determine whether the information provided by an elector on an application for voter registration



1 is:

- 2 (i) sufficient to be accepted and processed; or  
 3 (ii) insufficient to be accepted and processed;  
 4 (b) establishing procedures for verifying the accuracy of voter registration information;  
 5 (c) establishing standards for determining whether an elector may be legally registered or provisionally  
 6 registered and the effect of that registration on identification requirements; and  
 7 (d) establishing procedures for notifying electors about the status of their applications and registration.  
 8 (2) The rules may not conflict with 42 U.S.C. 15301, et seq., or 13-2-208."

9

10 **Section 3.** Section 13-2-110, MCA, is amended to read:

11 **"13-2-110. Application for voter registration -- sufficiency and verification of information --**  
 12 **identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by mail  
 13 by completing and signing an application for voter registration and providing the application to the election  
 14 administrator in the county in which the elector resides.

15 (2) Except for a late registration as provided for in 13-2-304, an individual may apply for voter registration  
 16 electronically pursuant to [section 1].

17 ~~(2)(3)~~ An individual applying by mail shall send the application to the election administrator, postage paid,  
 18 no later than 15 days after the date it is signed.

19 ~~(3)(4)~~ Each application for voter registration must be accepted and processed as provided in rules  
 20 adopted under 13-2-109.

21 ~~(4)(5)~~ Except as provided in subsection ~~(5)~~ (6):

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

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

25 ~~(5)(6)~~ (a) If an applicant does not have a driver's license or social security number, the applicant shall  
 26 provide as an alternative form of identification:

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

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

1 (b) The alternative form of identification must be:

2 (i) an original version presented to the election administrator if the applicant is applying in person; or

3 (ii) a copy of any of the required documents, which must be enclosed with the application, if the applicant  
4 is applying by mail.

5 ~~(6)~~(7) (a) If information provided on an application for voter registration is sufficient to be accepted and  
6 processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall register the  
7 elector as a legally registered elector.

8 (b) If information provided on an application for voter registration was sufficient to be accepted but the  
9 applicant failed to provide the information required in subsection ~~(4)~~ (5) or ~~(5)~~ (6) or if the information provided  
10 was incorrect or insufficient to verify the individual's identity or eligibility to vote, the election administrator shall  
11 register the applicant as a provisionally registered elector.

12 ~~(7)~~(8) Each applicant for voter registration must be notified of the elector's registration status pursuant  
13 to rules adopted under 13-2-109.

14 ~~(8)~~(9) The secretary of state shall assign to each elector whose application was accepted a unique  
15 identification number for voting purposes and shall establish a statewide uniform method to allow the secretary  
16 of state and local election officials to distinguish legally registered electors from provisionally registered electors.

17 ~~(9)~~(10) The provisions of this section may not be interpreted to conflict with voter registration  
18 accomplished 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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20 **Section 4.** Section 13-2-205, MCA, is amended to read:

21 **"13-2-205. Procedure when prospective elector not qualified at time of registration.** An individual  
22 who is not eligible to register because of residence or age requirements but who will be eligible on or before  
23 election day may apply for voter registration pursuant to 13-2-110 and [section 1] and be registered subject to  
24 verification procedures established pursuant to 13-2-109."

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26 **Section 5.** Section 13-2-207, MCA, is amended to read:

27 **"13-2-207. Confirmation of registration.** (1) The Except as provided in subsection (3), the election  
28 administrator shall give or mail to each elector a notice, confirming registration and giving the location of the  
29 elector's polling place. A notice sent to an elector to whom the notice is not personally given must be sent by  
30 nonforwardable, first-class mail, which must conform to postal regulations to ensure address corrections are

1 received. If the notice is returned as undeliverable, the application for voter registration may not be placed on the  
2 register of electors kept by the election administrator.

3 (2) The election administrator shall investigate the reason for the return of any mailed notices and mail  
4 a confirmation notice to the elector. The notice must conform to postal regulations to ensure return, not  
5 forwarding, of undelivered notices.

6 (3) If the elector registers electronically pursuant to [section 1], the notice confirming registration and  
7 giving the location of the elector's polling place must be delivered electronically."

8  
9 NEW SECTION. Section 6. Codification instruction. [Section 1] is intended to be codified as an  
10 integral part of Title 13, chapter 2, part 2, and the provisions of Title 13, chapter 2, part 2, apply to [section 1].

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12 NEW SECTION. Section 7. Effective date. [This act] is effective January 1, 2012.

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