

HOUSE BILL NO. 209

INTRODUCED BY C. SCHREINER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTION LAWS RELATED TO THE DESIGNATION OF AN AGENT TO ASSIST AN ELECTOR WITH THE REGISTRATION AND VOTING PROCESS; PROVIDING THAT THE USE OF AN AGENT IS A REASONABLE ACCOMMODATION; AND AMENDING SECTION 13-1-116, MCA."

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

Section 1. Section 13-1-116, MCA, is amended to read:

"13-1-116. Fingerprint, mark, or agent for disabled electors -- rulemaking. (1) Except as otherwise specified by law, the provisions of this section apply.

(2) Whenever a signature is required by an elector under a provision of this title and the elector is unable because of a disability to provide a signature, the elector may provide a fingerprint, subject to subsection (6), or an identifying mark or may request that an agent, election administrator, or election judge sign for the elector as provided in this section.

(3) If an elector is unable to provide a fingerprint or an identifying mark and the elector has not established an agent pursuant to subsection (4), the election administrator or an election judge may sign for the elector after reviewing and verifying the elector's identification.

(4) (a) An elector who is unable to provide a signature may apply to the election administrator to have another person designated as an agent for purposes of providing a signature or identifying mark required pursuant to this title and ~~for delivering the disabled elector's absentee ballot application to the county election administrator as provided in 13-13-213~~ for providing any other assistance to the elector throughout the registration and voting process. The use of an agent is a reasonable accommodation under the provisions of 49-2-101(19)(b).

(b) An application for designation of an agent by an elector under this section must be made on a form prescribed by the secretary of state. The secretary of state shall by rule establish the criteria that must be met and the process that must be followed in order for a person to become a designated agent for a disabled elector pursuant to this subsection (4).

(5) If an agent, election administrator, or election judge signs or marks a document for an elector

1 pursuant to this section, the agent, election administrator, or election judge shall initial the signature or mark.

2 (6) A disabled elector may not be required to provide a fingerprint."

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