

SENATE BILL NO. 297

INTRODUCED BY J. HINKLE, D. ANKNEY, M. BLASDEL, D. BROWN, E. BUTTREY, P. CONNELL, J. FIELDER, F. GARNER, T. GAUTHIER, S. GUNDERSON, B. HARRIS, A. HERTZ, S. HINEBAUCH, D. HOWARD, L. JONES, D. KARY, B. KEENAN, M. LANG, W. MCKAMEY, F. MOORE, M. NOLAND, A. OLSZEWSKI, R. OSMUNDSON, K. REGIER, T. RICHMOND, S. SALES, D. SALOMON, R. SHAW, J. SMALL, C. SMITH, F. SMITH, N. SWANDAL, R. TEMPEL, F. THOMAS, B. TSCHIDA, B. USHER, G. VANCE, S. VINTON, G. VUCKOVICH, R. WEBB, J. WELBORN, D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO VOTERS IN SCHOOL DISTRICT ELECTIONS; PROVIDING THAT CERTAIN INDIVIDUALS WHO OWN REAL PROPERTY IN A SCHOOL DISTRICT MAY VOTE IN AN ELECTION ON A BOND OR A LEVY; PROVIDING RESTRICTIONS; AND AMENDING SECTIONS 13-13-301, 20-20-301, AND 20-20-311, MCA."

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

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

**"13-13-301. Challenges.** (1) An elector's right to vote may be challenged at any time by any registered elector by the challenger filling out and signing an affidavit stating the grounds of the challenge and providing any evidence supporting the challenge to the election administrator or, on election day, to an election judge.

(2) A challenge may be made on the grounds that the elector:

- (a) is of unsound mind, as determined by a court;
  - (b) has voted before in that election;
  - (c) has been convicted of a felony and is serving a sentence in a penal institution;
  - (d) is not registered as required by law;
  - (e) is not 18 years of age or older;
  - (f) has not been, for at least 30 days, a resident of the county in which the elector is offering to vote, except as provided in 13-2-514 and 20-20-301(2);
  - (g) is a provisionally registered elector whose status has not been changed to a legally registered voter;
- or
- (h) does not meet another requirement provided in the constitution or by law.

1 (3) When a challenge has been made under this section, unless the election administrator determines  
2 without the need for further information that the challenge is insufficient:

3 (a) prior to the close of registration under 13-2-301, the election administrator shall question the  
4 challenger and the challenged elector and may question other persons to determine whether the challenge is  
5 sufficient or insufficient to cancel the elector's registration under 13-2-402; or

6 (b) after the close of registration or on election day, the election administrator or, on election day, the  
7 election judge shall allow the challenged elector to cast a provisional paper ballot, which must be handled as  
8 provided in 13-15-107.

9 (4) (a) In response to a challenge, the challenged elector may fill out and sign an affidavit to refute the  
10 challenge and swear that the elector is eligible to vote.

11 (b) If the challenge was not made in the presence of the elector being challenged, the election  
12 administrator or election judge shall notify the challenged elector of who made the challenge and the grounds of  
13 the challenge and explain what information the elector may provide to respond to the challenge. The notification  
14 must be made:

15 (i) within 5 days of the filing of the challenge if the election is more than 5 days away; or

16 (ii) on or before election day if the election is less than 5 days away.

17 (c) The election administrator or, on election day, the election judge shall also provide to the challenged  
18 elector a copy of the challenger's affidavit and any supporting evidence provided.

19 (5) The secretary of state shall adopt rules to implement the provisions of this section and shall provide  
20 standardized affidavit forms for challengers and challenged electors."

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22 **Section 2.** Section 20-20-301, MCA, is amended to read:

23 **"20-20-301. Qualifications of elector.** (1) An Except as provided in subsection (2), an individual is  
24 entitled to vote at school elections if the individual has the qualifications set forth in 13-1-111 and is a resident  
25 of the school district or, in a school district that has been apportioned into single-member trustee districts  
26 according to 20-3-337, a resident of the trustee district.

27 (2) Subject to subsection (3), an individual who is the owner of real property in a school district but does  
28 not reside in the district may vote in an election on a proposition for a district bond or levy held under the  
29 provisions of Title 20 if the individual:

30 (a) owns a minimum of 50% of the fee title interest in the real property;

1           (b) is registered to vote in Montana; and

2           (c) files proof that the individual is registered to vote and owns the required property with the election  
3 administrator at least 40 days prior to the election in which the individual intends to vote.

4           (3) (a) An individual who votes as allowed in subsection (2) may only vote once in the election regardless  
5 of the number of properties the individual owns in the district.

6           (b) If there are two individuals who jointly own the same real property, only one is entitled to vote under  
7 the provisions of subsection (2) in the election."

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9           **Section 3.** Section 20-20-311, MCA, is amended to read:

10           **"20-20-311. Voter registration.** ~~Voter~~ Except as provided in 20-20-301(2) and (3), voter registration for  
11 school elections must be as provided in Title 13, chapter 2."

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