

SENATE BILL NO. 143

INTRODUCED BY M. CUFFE

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A BILL FOR AN ACT ENTITLED: "AN ACT ENDING LATE VOTER REGISTRATION ON THE FRIDAY BEFORE ELECTION DAY AND ELIMINATING ELECTION DAY REGISTRATION; AMENDING SECTIONS 13-2-301, 13-2-304, 13-19-207, AND 61-5-107, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

- (a) close regular registrations for 30 days before any election; and
- (b) publish a notice specifying the day regular registrations will close and the availability of the late registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or broadcast of the notice.

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

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

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

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

"13-2-304. Late registration -- late changes. (1) Except as provided in subsection (2) and 13-21-104(2)(c), the following provisions apply:

- (a) An elector may register or change the elector's voter registration information after the close of regular registration as provided in 13-2-301 and vote in the election if the election administrator in the county where the



1 elector resides receives and verifies the elector's voter registration information prior to ~~the close of the polls on~~
 2 ~~election day.~~

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

4 ~~(e)(b)~~ Except as provided in 13-2-514(2)(a) and subsection ~~(4)(d)~~ (1)(c) of this section, an elector who
 5 registers or changes the elector's voter information pursuant to this section may vote in the election only if the
 6 elector obtains the ballot from and returns it to the location designated by the county election administrator.

7 ~~(d)(c)~~ With respect to an elector who registers late pursuant to this section for a school election
 8 conducted by a school clerk, the elector may vote in the election only if the elector obtains from the county
 9 election administrator a document, in a form prescribed by the secretary of state, verifying the elector's late
 10 registration. The elector shall provide the verification document to the school clerk, who shall issue the ballot to
 11 the elector and enter the verification document as part of the official register.

12 (2) If an elector has already been issued a ballot for the election, the elector may change the elector's
 13 voter registration information only if the original voted ballot has not been received at the county election office,
 14 or received by the school district if the district is administering the election, and if the original ballot that was
 15 issued is marked by the issuing county as void in the statewide voter registration system, or by the school district
 16 if the district is administering the election, prior to the change."

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

19 **"13-19-207. When materials to be mailed.** (1) Except as provided in 13-13-205(2) and subsection (2)
 20 of this section, for any election conducted by mail, ballots must be mailed no sooner than the 20th day and no
 21 later than the 15th day before election day.

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

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

26 (i) an elector on the inactive list after the elector reactivates the elector's registration as provided in
 27 13-2-222; or

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

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

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

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

5 **"61-5-107. Application for license or motorcycle endorsement.** (1) Each application for a learner
6 license, driver's license, commercial driver's license, or motorcycle endorsement must be made on a form
7 furnished by the department. Each application must be accompanied by the proper fee, and payment of the fee
8 entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from
9 the date of application. A voter registration form for mail registration as prescribed by the secretary of state and
10 in compliance with the National Voter Registration Act of 1993, Public Law 103-31, 52 U.S.C. 20501, et seq., must
11 be attached to each driver's license application. If the applicant wishes to register to vote, the department shall
12 accept the registration and forward the form to the election administrator.

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

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

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

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

24 (d) a brief description of any adaptive equipment or operational restrictions that the applicant relies upon
25 or intends to rely upon to attain the ability to exercise ordinary and reasonable control in the safe operation of a
26 motor vehicle on the highway, including the nature of the equipment or restrictions; and

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

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

5 (4) (a) When an application is received from an applicant who is not ineligible for licensure under
6 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the
7 applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year
8 period. The driving record may be transmitted manually or by electronic medium.

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

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

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22 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2019.

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