

Amendments to Senate Bill No. 169  
3rd Reading Copy

Requested by Geraldine Custer  
For the (H) State Administration

Prepared by K.V. Aldrich  
03/16/2021, 01:33:04

1. Title, line 18.

**Following:** "13-13-114,"

**Strike:** "AND"

**Following:** "13-13-602,"

**Insert:** "AND 13-15-107,"

2. Page 2, line 3.

**Following:** "(a)"

**Strike:** "valid"

3. Page 2, line 3.

**Following:** "number"

**Insert:** ";"

**Strike:** "or state identification card;"

4. Page 2, line 4.

**Strike:** "valid military"

**Insert:** "Montana state"

5. Page 2, line 4.

**Following:** "card"

**Insert:** "number issued pursuant to 61-12-501"

**Following:** "card;"

**Insert:** "or"

6. Page 2, line 5 through line 6.

**Strike:** "valid" on line 5 through "~~(b)~~ (d)" on line 6

7. Page 2, line 8.

**Following:** "applicant"

**Strike:** "does not have"

8. Page 2, line 9.

**Strike:** "identification or"

**Insert:** "is unable to provide"

9. Page 2.

**Following:** line 10

**Insert:** "(i) a military identification card, a tribal photo identification card, a United States passport, a photo identification card issued by a Montana college or university, or a Montana concealed carry permit; or"

10. Page 2, line 11.

**Strike:** "(i)"

**Insert:** "(ii) (A)"

11. Page 2, line 11.

**Strike:** "a current and valid"

**Insert:** "any other form of"

12. Page 2, line 11 through line 12.

**Strike:** ", including" on line 11 through "identification" on line 12

13. Page 2, line 12.

**Following:** "~~identification~~"

**Strike:** ", "

14. Page 2, line 13.

**Strike:** "(ii)"

**Insert:** "(B)"

15. Page 2, line 17.

**Following:** "a"

**Insert:** "readable"

16. Page 3, line 9.

**Strike:** "subsections (1) (b) and (1) (c)"

**Insert:** "subsection (2)"

17. Page 3, line 11.

**Following:** "OF"

**Strike:** "current photo"

18. Page 3, line 12.

**Following:** ":",

**Insert:** "(i)"

**Following:** "a"

**Strike:** "valid"

19. Page 3, line 12.

**Strike:** "VALID"

**Insert:** "Montana"

20. Page 3, line 12.

**Following:** "card"

**Insert:** "issued pursuant to 61-12-501"

21. Page 3, line 13.

**Strike:** the first "valid"

**Following:** "card,"

**Strike:** "or valid"

22. Page 3, line 13.

**Strike:** ":",

**Insert:** ", United States passport, photo identification card issued by a Montana college or university, or Montana concealed carry permit;"

23. Page 3, line 14.

**Strike:** "(b)"

**Insert:** "(ii)"

24. Page 3, line 14 through line 15.

**Strike:** "If" on line 14 through "provide" on line 15

25. Page 3, line 15.

**Strike:** "."  
**Insert:** "; or"

26. Page 3, line 16 through line 17.  
**Strike:** subsection (c) in its entirety

27. Page 3, line 18.  
**Strike:** "(i)"  
**Insert:** "(iii) (A)"

28. Page 3, line 22.  
**Strike:** "(ii)"  
**Insert:** "(B)"

29. Page 3, line 22.  
**Following:** "(ii)"  
**Strike:** "current"

30. Page 3, line 24.  
**Strike:** "(d)"  
**Insert:** "(b)"  
**Renumber:** subsequent subsections

31. Page 3, line 24.  
**Following:** "in"  
**Strike:** "this"

32. Page 3, line 24.  
**Strike:** "(1)"  
**Insert:** "(1) (a)"

33. Page 3, line 26.  
**Following:** the first "in"  
**Strike:** "this"

34. Page 3, line 26.  
**Strike:** "(1)"  
**Insert:** "(1) (a)"

35. Page 4, line 4.  
**Following:** the first "the"  
**Insert:** "elector is unable to present the information required by subsection (1) or if the"

36. Page 4, line 15 through line 19.  
**Strike:** ", a" on line 15 through "~~or~~" on line 19  
**Insert:** ":"

37. Page 4, line 20.  
**Following:** "(a) a"  
**Insert:** "Montana driver's license number, Montana state identification card number issued pursuant to 61-12-501, or the last four digits of the applicant's social security number;  
(b) a readable copy of a military identification card, a tribal photo identification card, a United States passport, a photo identification card issued by a Montana college or university, or a Montana concealed carry permit; or

(c) (i) any other form of photo identification with the individual's name; and  
(ii) a"

38. Page 4, line 22 through line 24.

**Strike:** "or" on line 22 through "identification" on line 24

39. Page 5.

**Following:** line 3

**Insert:** "**Section 4.** Section 13-15-107, MCA, is amended to read:

**"13-15-107. Handling and counting provisional and challenged ballots.** (1) To verify eligibility to vote, a provisionally registered individual who casts a provisional ballot has until 5 p.m. on the day after the election to provide valid identification or eligibility information either in person, by facsimile, by electronic means, or by mail postmarked no later than the day after the election.

(2) ~~(a)~~—If a legally registered individual casts a provisional ballot because the individual failed to provide sufficient identification as required pursuant to 13-13-114(1)(a);

(a) the elector has until 5 p.m. on the day after the election to provide identification information pursuant to the requirements of 13-13-114 or as provided in subsection (3) of this section; and

(b) the election administrator shall compare the signature of the individual or the individual's agent designated pursuant to 13-1-116 on the affirmation required under 13-13-601 to the signature on the individual's voter registration form or the agent's designation form.

~~(b)~~—If the signatures match, the election administrator shall handle the ballot as provided in subsection (5).

~~(c)~~—If the signatures do not match and the individual or the individual's agent fails to provide valid identification information by the deadline, the ballot must be rejected and handled as provided in 13-15-108.

(3) If a legally registered individual casts a provisional ballot but is unable provide the identification information pursuant to the requirements of 13-13-114, the elector may verify the elector's identity by:

(a) presenting a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address; and

(b) executing a declaration pursuant to subsection (4) that states that the elector has a reasonable impediment to meeting the identification requirements.

(4) The secretary of state shall prescribe the form of the declaration described in subsection (3). The form must include:

(a) a notice that the elector is subject to prosecution for false swearing under 45-7-202 for a false statement or false information on the declaration;

(b) a statement that the elector swears or affirms that the information contained in the declaration is true, that the person described in the declaration is the same person who is signing the declaration, and that the elector faces a reasonable impediment to procuring the identification required by 13-13-114;

(c) a place for an elector to indicate one of the following impediments:

(i) lack of transportation;

(ii) lack of birth certificate or other documents needed to obtain identification;

(iii) work schedule;

(iv) lost or stolen identification;

(v) disability or illness;

(vi) family responsibilities; or

(vii) photo identification has been applied for but not received;

(d) a place for the elector to sign and date the declaration;

(e) a place for the election administrator or an election judge to sign and date the declaration;

(f) a place to note the polling place at which the elector cast a provisional ballot; and

(g) a place for the election administrator or election judge to note which form of identification required by subsection (3)(a) the elector presented.

~~(3)(5)~~ A provisional ballot must be counted if the election administrator verifies the individual's identity or eligibility pursuant to rules adopted under 13-13-603. However, if the election administrator cannot verify the individual's identity or eligibility under the rules, the individual's provisional ballot must be rejected and handled as provided in 13-15-108. If the ballot is provisional because of a challenge and the challenge was made on the grounds that the individual is of unsound mind or serving a felony sentence in a penal institution, the individual's provisional ballot must be counted unless the challenger provides documentation by 5 p.m. on the day after the election that a court has established that the individual is of unsound mind or that the individual has been convicted and sentenced and is still serving a felony sentence in a penal institution.

~~(4)(6)~~ The election administrator shall provide an individual who cast a provisional ballot but whose ballot was or was not counted with the reasons why the ballot was or was not counted.

~~(5)~~(7) A provisional ballot must be removed from its provisional envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other provisional ballot if the individual's voter information is:

- (a) verified before 5 p.m. on the day after the election; or
- (b) postmarked by 5 p.m. on the day after election day and received and verified by 3 p.m. on the sixth day after the election.

~~(6)~~(8) Provisional ballots that are not resolved by the end of election day may not be counted until after 3 p.m. on the sixth day after the election." "

**Renumber:** subsequent sections

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.