

1 HOUSE BILL NO. 563

2 INTRODUCED BY J. DOOLING

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; PROVIDING FOR
5 THE SECURE TRANSFER OF UPDATED VOTER REGISTRATION INFORMATION FROM THE
6 DEPARTMENT OF JUSTICE TO THE SECRETARY OF STATE; SPECIFYING DUTIES FOR THE
7 SECRETARY OF STATE AND THE COUNTY ELECTION ADMINISTRATORS; PROVIDING A LIMITATION
8 ON INFORMATION SHARING; PROVIDING CONDITIONS FOR BALLOT COLLECTION; PROVIDING
9 PROHIBITIONS ON THE COLLECTION OF ABSENTEE BALLOTS; PROVIDING RULEMAKING AUTHORITY;
10 AMENDING SECTIONS 13-2-110, 13-2-222, 13-35-702, 13-35-703, AND 61-5-107, MCA; REPEALING
11 SECTION 13-35-704, MCA; AND PROVIDING EFFECTIVE DATES."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
15 NEW SECTION. **Section 1. Short title.** [Sections 1 through 7] may be cited as the "Montana Voter
16 Address Verification Act".

17
18 NEW SECTION. **Section 2. Information transfer when applying for new or updated driver's
19 license or state identification card.** (1) At the time of processing an application for a driver's license or
20 motorcycle endorsement under 61-5-107 or a state identification card under 61-12-501 or an application to
21 renew, update, correct, or replace a driver's license, motorcycle endorsement, or state identification card, the
22 department of justice shall use information in the statewide voter registration database to determine whether
23 the applicant is already registered to vote and check whether complete information is in the database.

24 (2) If the check of the statewide voter registration database indicates that the applicant is registered to
25 vote, but the information provided in the application is different or more complete than the applicant's
26 information in the statewide voter registration database or the applicant is an inactive or provisionally registered
27 elector, the department of justice, utilizing an automated system or database that provides for the electronic
28 transfer of information, shall provide for the secure electronic transfer to the secretary of state of the applicant's

1 full name, date of birth, driver's license or state identification number, residence address, mailing address, if
 2 different from the residence address, county of residence, and an electronic image of the person's signature.

3 (3) (a) If the check of the statewide voter registration database indicates that the applicant is not
 4 registered to vote, an applicant must be provided with the opportunity to register to vote as part of the
 5 department of justice's application process. If the applicant provides a document proving the applicant is not a
 6 United States citizen, the department of justice may not transfer the applicant's information to the secretary of
 7 state, and the applicant may not be offered the opportunity to register to vote.

8 (b) If the applicant indicates eligibility to register, including United States citizenship by signed
 9 affidavit, and chooses to register in accordance with subsection (3)(c), the department of justice shall provide
 10 for the secure electronic transfer to the secretary of state of the applicant's full name, date of birth, driver's
 11 license or state identification number, residence address, mailing address, if different from the residence
 12 address, county of residence, and an electronic image of the person's signature.

13 (c) Along with the opportunity to register to vote as part of the department of justice's application
 14 process, the department of justice shall provide applicants in accordance with this subsection with:

15 (i) eligibility requirements for voter registration and a statement that if the person does not meet the
 16 eligibility requirements, the person should decline to register to vote;

17 (ii) an option that allows the applicant to register to vote or to decline voter registration;

18 (iii) the penalties for submission of a false voter registration application pursuant to 13-35-209;

19 (iv) a statement that, if the person declines to register to vote, the decision to decline is confidential,
 20 and the information will only be used for election administration purposes; and

21 (v) a statement that, if the person registers to vote, the information and site of registration will remain
 22 confidential, and the information will only be used for election administration purposes.

23
 24 **NEW SECTION. Section 3. Secretary of state to add or update voter information received from**
 25 **department of justice -- notification of county election administrators.** (1) With respect to voter information
 26 transferred to the secretary of state under [section 2], the secretary of state shall ensure that:

27 (a) an applicant's information is securely uploaded to the statewide voter registration database;

28 (b) if there is not already a voter information file for the applicant's information, a new voter

1 information file is created; and

2 (c) if there is an existing voter information file for the applicant, the voter information file is updated
3 with the information transferred from the department of justice.

4 (2) After an applicant's voter information file is created or updated, the secretary of state shall ensure
5 that:

6 (a) the county election administrator of the county in which the applicant resides is notified of the
7 added or updated voter information; and

8 (b) if the transferred information indicates a change of address to another county, the county election
9 administrator in the county where the applicant previously resided is notified of the address change.

10 (3) If the secretary of state determines that an applicant is not eligible to register as a legally
11 registered elector or provisionally registered elector, the secretary of state shall ensure that the information is
12 not used to register the applicant to vote.

13

14 **NEW SECTION. Section 4. County election administrator to confirm registration status.** (1)

15 After receiving notification from the secretary of state as provided for in [section 3] of a new or updated voter
16 information file in the statewide voter registration database for an applicant residing in the county, the county
17 election administrator shall check the information and determine the applicant's voter registration status as
18 provided in this section.

19 (2) If the applicant's voter information is sufficient pursuant to 13-2-109 to confirm the applicant's
20 eligibility for voter registration or to update the applicant's voter registration, the county election administrator
21 shall confirm that the elector is registered as a legally registered elector in the county.

22 (3) If the applicant's voter information is not sufficient pursuant to 13-2-109 for the applicant to be a
23 legally registered elector or to update the applicant's voter registration, the county election administrator shall
24 confirm that the applicant is registered as a provisionally registered elector pursuant to 13-2-110(5)(b).

25 (4) If the applicant's voter information is not sufficient for either legal or provisional registration, the
26 county election administration shall note the deficiencies in the statewide voter registration database and
27 confirm that the applicant is not registered to vote.

28 (5) If the applicant was an inactive elector, the county election administrator shall change the elector's

1 status to active.

2

3 **NEW SECTION. Section 5. Notification to elector.** (1) For each elector residing in the county
4 whose existing voter information file has been updated in the statewide voter registration database under
5 [sections 1 through 7], the county election administrator shall send an address change notice to the elector's
6 address of residence by nonforwardable mail, including a postage prepaid, preaddressed return form with
7 which the voter may verify or correct the voter's new address information. If the voter returns the address
8 change notice and indicates that the newly recorded address of legal residence is incorrect, the county election
9 administrator shall update the elector's voter information file and registration status accordingly.

10 (2) The notice provided under this section may be combined with the notice required under 13-2-207.

11

12 **NEW SECTION. Section 6. Automated system requirements.** (1) The department of justice shall
13 electronically transmit to the secretary of state the information as required by [section 2] on a schedule
14 established by the secretary of state, in a format agreed on by the department of justice and secretary of state,
15 and in a manner that allows election officials to review, translate, and upload the information to the statewide
16 voter registration database in a secure manner.

17 (2) The secretary of state shall establish adequate and reasonable technological security
18 requirements for the exchange or transfer of voter information between the department of justice and the
19 secretary of state pursuant to [sections 1 through 7].

20 (3) Before commencing any information exchange or transfer pursuant to [sections 1 through 7] and
21 no later than the date on which the exchange or transfer is required to begin, the department of justice must be
22 in compliance with the technological security requirements established by the secretary of state under this
23 section.

24 (4) The system required by [section 2] for the transfer of voter registration information must be audited
25 for quality of data prior to becoming operational and must be subject to regular audits and random checks after
26 becoming operational to ensure accuracy and reliability. The audits must be performed by experts certified by
27 the secretary of state in consultation with the department of justice.

28

1 **NEW SECTION. Section 7. Rulemaking and coordination.** (1) The department of justice and the
2 secretary of state shall adopt rules to administer the provisions of [section 2].

3 (2) The secretary of state shall adopt rules to administer the provisions of [sections 3 through 6].

4 (3) The department of justice and the secretary of state shall coordinate as necessary to administer
5 the provisions of [sections 1 through 7].

6
7 **NEW SECTION. Section 8. Absentee ballots -- collection prohibitions.** (1) A person who provides
8 or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing,
9 ordering, requesting, collecting, delivering, or otherwise physically possessing more than two absentee ballots
10 for each election in addition to the person's own ballot or a ballot belonging to an immediate family member,
11 commits a misdemeanor.

12 (2) For the purposes of this section, the term "immediate family" means a person's spouse or the
13 parent, child, grandparent, or sibling of the person or the person's spouse.

14

15 **Section 9.** Section 13-2-110, MCA, is amended to read:

16 **"13-2-110. Application for voter registration -- sufficiency and verification of information --**
17 **identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by
18 mail, postage paid, by completing and signing the standard application form for voter registration provided for in
19 13-1-210 and providing the application to the election administrator in the county in which the elector resides.

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

22 (3) Except as provided in subsection (4):

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

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

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

28 (i) a current and valid photo identification, including but not limited to a school district or

1 postsecondary education photo identification or a tribal photo identification, with the individual's name; or

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

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

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

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

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

11 (b) If information provided on an application for voter registration was sufficient to be accepted but the
12 applicant failed to provide the information required in subsection (3) or (4) or if the information provided was
13 incorrect or insufficient to verify the individual's identity or eligibility to vote, the election administrator shall
14 register the applicant as a provisionally registered elector.

15 (6) Each applicant for voter registration must be notified of the elector's registration status pursuant to
16 rules adopted under 13-2-109.

17 (7) The secretary of state shall assign to each elector whose application was accepted a unique
18 identification number for voting purposes and shall establish a statewide uniform method to allow the secretary
19 of state and local election officials to distinguish legally registered electors from provisionally registered
20 electors.

21 (8) The provisions of this section may not be interpreted to conflict with voter registration
22 accomplished under 13-2-221, 13-21-221, and ~~64-5-107~~ sections 1 through 7 and as provided for in federal
23 law."

24

25 **Section 10.** Section 13-2-222, MCA, is amended to read:

26 **"13-2-222. Reactivation of elector.** (1) The name of an elector must be moved by an election
27 administrator from the inactive list to the active list of a county if an elector meets the requirements for
28 registration provided in this chapter and:

1 (a) appears at a polling place in order to vote, submits an application to vote by absentee ballot in a
 2 polling place election or mail ballot election, or votes in a mail ballot election conducted under Title 13, chapter
 3 19;

4 (b) notifies the county election administrator in writing of the elector's current residence, which must
 5 be in that county; ~~or~~

6 (c) completes a reactivation form provided by the county election administrator that provides current
 7 address information in that county; or

8 (d) the elector's voter information has been updated in accordance with the provisions of [sections 1
 9 through 7].

10 (2) After an elector has complied with subsection (1)(a), (1)(b), ~~or (1)(c)~~, or (1)(d), the county election
 11 administrator shall place the elector's name on the active voting list for that county.

12 (3) An elector reactivated pursuant to subsection (1)(a) is a legally registered elector for purposes of
 13 the election in which the elector voted."
 14

15 **Section 11.** Section 13-35-702, MCA, is amended to read:

16 **"13-35-702. Definitions.** As used in this part, the following definitions apply:

17 ~~(1) "Acquaintance" means an individual known by the voter.~~

18 ~~(2) "Caregiver" means an individual who provides medical or health care assistance to the voter in a~~
 19 ~~residence, nursing care institution, hospice facility, assisted living center, assisted living home, residential care~~
 20 ~~institution, adult day health care facility, or adult foster care home.~~

21 ~~(3)(1)~~ (1) "Collect" means to gain possession or control of a ballot.

22 ~~(4)(2)~~ (2) "Family member" means an individual who is related to the voter by blood, marriage, adoption,
 23 or legal guardianship.

24 ~~(5)(3)~~ (3) "Household member" means an individual who resides at the same residence as the voter."
 25

26 **Section 12.** Section 13-35-703, MCA, is amended to read:

27 **"13-35-703. Ballot collection prohibited -- exceptions.** (1) ~~Except as provided in subsection (2), a~~
 28 ~~person may not knowingly collect a voter's voted or unvoted ballot unless authorized by the voter as provided in~~

1 subsection (2).

2 ~~(2) This section does not apply to:~~

3 ~~(a) an election official;~~

4 ~~(b) a United States postal service worker or other individual specifically authorized by law to transmit~~
5 ~~United States mail;~~

6 ~~(c) a caregiver;~~

7 ~~(d) a family member;~~

8 ~~(e) a household member; or~~

9 ~~(f) an acquaintance.~~

10 ~~(3) An individual authorized to collect a voter's ballot pursuant to subsections (2)(c) through (2)(f) may~~
11 ~~not collect and convey more than six ballots.~~

12 (2) Except as provided in subsection (3), a voter may authorize another person to collect and convey
13 the voter's voted ballot. A signature envelope for a mail or absentee ballot must provide space to enter the
14 name, signature, and address of the person authorized by the voter to collect and convey the voter's ballot.

15 (3) A candidate or a member of a candidate's paid campaign staff, including volunteers reimbursed
16 for time spent on campaign activity, is prohibited from collecting and conveying a ballot for a voter unless the
17 person is the voter's family member or household member.

18 (4) Except for election officials and United States postal service workers or other individuals
19 specifically authorized by law to transmit United States mail, a person authorized to collect and convey a ballot
20 may not receive any form of compensation based on the number of ballots the person collects.

21 (5) Except for election officials and the United States postal service, an individual, group, or
22 organization may not provide any form of compensation based on the number of ballots a person collects.

23 (6) A person may not knowingly collect a voter's unvoted ballot."

24

25 **Section 13.** Section 61-5-107, MCA, is amended to read:

26 **"61-5-107. Application for license or motorcycle endorsement.** (1) Each application for a learner
27 license, driver's license, commercial driver's license, or motorcycle endorsement must be made on a form
28 furnished by the department. Each application must be accompanied by the proper fee, and payment of the fee

1 entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from
2 the date of application. ~~A voter registration form for mail registration as prescribed by the secretary of state
3 must be attached to each driver's license application. If the applicant wishes to register to vote, the department
4 shall accept the registration and forward the form to the election administrator.~~

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

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

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

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

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

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

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

27 (4) (a) When an application is received from an applicant who is not ineligible for licensure under 61-
28 5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the

1 applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year
2 period. The driving record may be transmitted manually or by electronic medium.

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

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

15

16 NEW SECTION. Section 14. Repealer. The following section of the Montana Code Annotated is
17 repealed:

18 13-35-704. Record of delivery.

19

20 NEW SECTION. Section 15. Codification instruction. (1) [Sections 1 through 7] are intended to be
21 codified as an integral part of Title 13, chapter 2, and the provisions of Title 13, chapter 2, apply to [sections 1
22 through 7].

23 (2) [Section 8] is intended to be codified as an integral part of Title 13, and the provisions of Title 13
24 apply to [section 8].

25

26 NEW SECTION. Section 16. Severability. If a part of [this act] is invalid, all valid parts that are
27 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
28 the part remains in effect in all valid applications that are severable from the invalid applications.

1

2 NEW SECTION. Section 17. Effective dates. (1) [Sections 1 through 5, 9, 10, and 13] are effective
3 the earlier of:

4 (a) 2 years after [the effective date of sections 6 and 7]; or

5 (b) 5 days after the secretary of state notifies the code commissioner that the automated system and
6 information technology infrastructure required to implement the provisions of [sections 1 through 7] is functional.

7 (2) [Sections 6 through 8] and this section are effective on passage and approval.

8 (3) [Sections 11, 12, and 14] are effective October 1, 2021.

9

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