

1 HOUSE BILL NO. 613

2 INTRODUCED BY S. STEWART PEREGOY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION PROCEDURES ON INDIAN
5 RESERVATIONS; REQUIRING AT LEAST TWO PERMANENT SATELLITE ELECTION OFFICES SELECTED
6 BY EACH FEDERALLY RECOGNIZED INDIAN TRIBE; REQUIRING PRECINCT POLLING PLACE NOTICES
7 TO INCLUDE LOCATIONS ON INDIAN RESERVATIONS; AUTHORIZING THE USE OF A
8 NONTRADITIONAL ADDRESS AS AN ELECTOR'S RESIDENTIAL ADDRESS; AMENDING SECTIONS 13-3-
9 105, 13-13-114, 13-13-201, AND 13-19-307, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

12
13 NEW SECTION. **Section 1. Permanent reservation satellite election offices.** (1) For the purposes
14 of state and federal elections, the tribal government of a federally recognized Indian tribe may select at least
15 two satellite election offices within the boundaries of the Indian reservation, or if the tribe does not have a
16 reservation, in locations that would best serve the members of the tribe.

17 (2) The satellite election offices required under this section must be open as soon as mail ballots are
18 sent out by the election administrator and must remain open until the polls are closed on election day. The tribal
19 government may set the days and hours of operation during the period in which the satellite election offices are
20 open.

21 (3) A satellite election office operated under this section must provide services equivalent to the
22 services provided at the main election office of the county, including but not limited to access to replacement
23 ballots, in-person absentee voting, and late voter registration.

24 (4) A satellite election office is responsible for the collection of ballots from places of deposit
25 designated pursuant to 13-19-307(7).

26
27 **Section 2.** Section 13-3-105, MCA, is amended to read:

28 **"13-3-105. Designation of polling place.** (1) The county governing body shall designate the polling

1 place for each precinct no later than 30 days before a primary election. The same polling place must be used
2 for both the primary and general election if at all possible. Changes may be made by the governing body in
3 designated polling places up to 10 days before an election if a designated polling place is not available. Polling
4 places may be located outside the boundaries of a precinct.

5 (2) Not more than 10 days or less than 2 days before an election, the election administrator shall
6 publish in a newspaper of general circulation in the county a statement of the locations of the precinct polling
7 places. The notice must also include the location of any precinct polling places located within an Indian
8 reservation's boundaries. The election administrator shall include in the published notice the accessibility
9 designation for each polling place according to the classification in 13-3-207. Notice may also be given as
10 provided in 2-3-105 through 2-3-107.

11 (3) An election administrator may make changes in the location of a polling place if an emergency
12 occurs 10 days or less before an election. Notice must be posted at both the old and new polling places, and
13 other notice may be given by whatever means available. If the old polling place being relocated is within the
14 boundaries of an Indian reservation, the new location must also be located on the reservation.

15 (4) (a) Any building may be used as a polling place. The building must be furnished at no charge as
16 long as no structural changes are required in order to use the building as a polling place.

17 (b) If the building regularly used as a designated polling place is not available for an election because
18 of an unforeseen or temporary circumstance and no other suitable building is available free of charge, the
19 county may pay for use of a building as a temporary polling place for that election provided that the building
20 meets the polling place standards under this chapter. If a county pays for the use of a building as a temporary
21 polling place because of an unforeseen or temporary circumstance, the county shall provide with its regular
22 report on election costs to the secretary of state any costs incurred for use of a building pursuant to this
23 subsection (4)(b).

24 (5) The exterior of the voting systems, or of the booths in which they are placed, and every part of the
25 polling place must be in plain view of the election judges."
26

27 **Section 3.** Section 13-13-114, MCA, is amended to read:

28 **"13-13-114. Voter identification and marking precinct register book before elector votes --**

1 **provisional voting.** (1) (a) Before an elector is permitted to receive a ballot or vote, the elector shall present to
2 an election judge a current photo identification showing the elector's name. If the elector does not present photo
3 identification, including but not limited to a valid driver's license, a school district or postsecondary education
4 photo identification, or a tribal photo identification, the elector shall present a current utility bill, bank statement,
5 paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other
6 government document that shows the elector's name and current address.

7 (b) A tribal photo identification is not required to include a residential address or an expiration date to
8 be considered valid under this section.

9 (c) An elector may use a nontraditional address as a current address as long as the nontraditional
10 address contains enough detail to allow the elector to be assigned to the proper precinct.

11 ~~(b)(d)~~ An elector who provides the information listed in subsection (1)(a) may sign the precinct
12 register and must be provided with a regular ballot to vote.

13 ~~(e)(e)~~ If the information provided in subsection (1)(a) differs from information in the precinct register
14 but an election judge determines that the information provided is sufficient to verify the voter's identity and
15 eligibility to vote pursuant to 13-2-512, the elector may sign the precinct register, complete a new registration
16 form to correct the elector's voter registration information, and vote.

17 ~~(d)(f)~~ An election judge shall write "registration form" beside the name of any elector submitting a
18 form.

19 (2) If the information presented under subsection (1) is insufficient to verify the elector's identity and
20 eligibility to vote or if the elector's name does not appear in the precinct register or appears in the register as
21 provisionally registered and this provisional registration status cannot be resolved at the polling place, the
22 elector may sign the precinct register and cast a provisional ballot as provided in 13-13-601.

23 (3) If the elector fails or refuses to sign the elector's name or if the elector is disabled and a
24 fingerprint, an identifying mark, or a signature by a person authorized to sign for the elector pursuant to 13-1-
25 116 is not provided, the elector may cast a provisional ballot as provided in 13-13-601.

26 (4) (a) A federally recognized Indian tribe may designate one or more tribal government buildings to
27 serve as a residential address, mailing address, or both, for electors living within the boundaries of an Indian
28 reservation or on Indian lands.

1 **(b)** An elector may not use a tribally designated building as the elector's residential address if the
2 building is in a different precinct from the elector's actual location of residence.

3 **(5)** For the purposes of this section:

4 **(a)** "Nontraditional address" means an address that consists of a narrative description of the location
5 of the elector's residence and applies when a traditional address has not been assigned or affixed to the
6 elector's residence or when an elector resides on an Indian reservation or Indian lands.

7 **(b)** "Traditional address" means an address that consists of a street number, street name, and a city
8 or town as assigned by a local government. The traditional address may include an apartment number or unit
9 number and serves to identify the parcel or building of residence and the particular unit if the building is a
10 multiunit residence."

11

12 **Section 4.** Section 13-13-201, MCA, is amended to read:

13 **"13-13-201. Voting by absentee ballot -- procedures.** (1) A legally registered elector or provisionally
14 registered elector is entitled to vote by absentee ballot as provided for in this part.

15 (2) The elector may vote absentee by:

16 (a) marking the ballot in the manner specified;

17 (b) placing the marked ballot in the secrecy envelope, free of any identifying marks;

18 (c) placing the secrecy envelope containing one ballot for each election being held in the signature
19 envelope;

20 (d) executing the affirmation printed on the signature envelope; and

21 (e) returning the signature envelope with all appropriate enclosures by regular mail, postage paid, or
22 by delivering it to:

23 (i) the election office;

24 (ii) a polling place within the elector's county;

25 (iii) pursuant to 13-13-229, the absentee election board or an authorized election official; or

26 (iv) in a mail ballot election held pursuant to Title 13, chapter 19, a designated place of deposit within
27 the elector's county.

28 (3) Except as provided in 13-21-206 and 13-21-226, in order for the ballot to be counted, each elector

1 shall return it in a manner that ensures the ballot is received prior to 8 p.m. on election day.

2 (4) (a) A provisionally registered elector may also enclose in the outer signature envelope a copy of
3 the elector's photo identification showing the elector's name. The photo identification may be but is not limited
4 to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo
5 identification. If the provisionally registered elector does not enclose a photo identification, the elector may
6 enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration
7 issued pursuant to 13-2-207, government check, or other government document that shows the elector's name
8 and current address.

9 (b) A tribal photo identification is not required to include a residential address or an expiration date to
10 be considered valid under this section.

11 (c) An elector may use a nontraditional address as a current address as long as the nontraditional
12 address contains enough detail to allow the elector to be assigned to the proper precinct.

13 (5) For the purposes of this section:

14 (a) "Nontraditional address" means an address that consists of a narrative description of the location
15 of the elector's residence and applies when a traditional address has not been assigned or affixed to the
16 elector's residence or when an elector resides on an Indian reservation or Indian lands.

17 (b) "Traditional address" means an address that consists of a street number, street name, and a city
18 or town as assigned by a local government. The traditional address may include an apartment number or unit
19 number and serves to identify the parcel or building of residence and the particular unit if the building is a
20 multiunit residence."

21

22 **Section 5.** Section 13-19-307, MCA, is amended to read:

23 **"13-19-307. Places of deposit.** (1) (a) The election administrator shall designate the election
24 administrator's office and may designate one or more places in the political subdivision in which the election is
25 being conducted as places of deposit where ballots may be returned in person by the elector or the elector's
26 agent or designee.

27 (b) If the election administrator's office is not accessible pursuant to 13-3-205, the election
28 administrator shall designate at least one accessible place of deposit.

1 (2) Prior to election day, ballots may be returned to any designated place of deposit during the days
2 and times set by the election administrator and within the regular business hours of the location.

3 (3) On election day, each location designated as a place of deposit must be open as provided in 13-1-
4 106, and ballots may be returned during those hours.

5 (4) The election administrator may designate certain locations as election day places of deposit, and
6 any designated location functions as a place of deposit only on election day.

7 (5) Each place of deposit must be staffed by at least two election officials who, except for election
8 judges serving in elections under Title 20, chapter 20, are selected in the same manner as provided for the
9 selection of election judges in 13-4-102.

10 (6) The election administrator shall provide each designated place of deposit with an official ballot
11 transport box secured as provided by law.

12 (7) An Indian reservation must have at least one place of deposit for each town that is more than 10
13 miles away from a permanent satellite election office designated under [section 1]. The tribal government shall
14 choose the location for each place of deposit required under this subsection."

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16 NEW SECTION. Section 6. Notification to tribal governments. The secretary of state shall send a
17 copy of [this act] to each federally recognized tribal government in Montana.

18
19 NEW SECTION. Section 7. Codification instruction. [Section 1] is intended to be codified as an
20 integral part of Title 13, chapter 3, and the provisions of Title 13, chapter 3, apply to [section 1].

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22 NEW SECTION. Section 8. Effective date. [This act] is effective January 1, 2022.

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