

1 SENATE BILL NO. 169

2 INTRODUCED BY M. CUFFE

3 BY REQUEST OF THE SECRETARY OF STATE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING VOTER IDENTIFICATION LAWS;
6 REVISING CERTAIN IDENTIFICATION REQUIREMENTS FOR VOTER REGISTRATION, VOTING, AND
7 PROVISIONAL VOTING; AND AMENDING SECTIONS 13-2-110, 13-13-114, AND 13-13-602, MCA."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10

11 **Section 1.** Section 13-2-110, MCA, is amended to read:

12 **"13-2-110. Application for voter registration -- sufficiency and verification of information --**
13 **identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by
14 mail, postage paid, by completing and signing the standard application form for voter registration provided for in
15 13-1-210 and providing the application to the election administrator in the county in which the elector resides.

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

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

19 ~~(a)~~ an applicant for voter registration shall provide the applicant's:

20 (a) valid Montana driver's license number or state identification card; or

21 (b) valid military identification card;

22 (c) valid tribal photo identification card; or

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

25 (4) (a) If an applicant does not have a ~~Montana driver's license or social security number~~
26 identification or information in accordance with subsection (3), the applicant shall provide as an alternative form
27 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~~ and

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 61-5-107 and as provided for in federal law."
23

24 **Section 2.** Section 13-13-114, MCA, is amended to read:

25 **"13-13-114. Voter identification and marking precinct register book before elector votes --**

26 **provisional voting.** (1) (a) ~~Before~~ Except as provided in subsections (1)(b) and (1)(c), before an elector is
27 permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification
28 showing the elector's name. ~~If the elector does not present photo identification, including but not limited to a~~

1 valid Montana driver's license, or state identification card, valid military identification card, or valid tribal photo
 2 identification card.

3 (b) If an elector does not have identification in accordance with subsection (1)(a), the elector shall
 4 provide a valid voter registration card issued in accordance with 13-2-207.

5 (c) If an elector does not have identification or information in accordance with subsection (1)(a) or
 6 (1)(b), the elector shall provide as an alternative form of identification:

7 (i) a school district or postsecondary education photo identification, or a tribal photo identification, the
 8 elector shall present a current utility bill, bank statement, paycheck, notice of confirmation of voter registration
 9 issued pursuant to 13-2-207, government check, or other government document that shows the elector's name
 10 and current address; and

11 (ii) current photo identification that shows the elector's name, including but not limited to a school
 12 district or postsecondary education photo identification.

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

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

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

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

25 (3) If the elector fails or refuses to sign the elector's name or if the elector is disabled and a
 26 fingerprint, an identifying mark, or a signature by a person authorized to sign for the elector pursuant to 13-1-
 27 116 is not provided, the elector may cast a provisional ballot as provided in 13-13-601."
 28

1 **Section 3.** Section 13-13-602, MCA, is amended to read:

2 "**13-13-602. Fail-safe and provisional voting by mail.** (1) To ensure the election administrator has
3 information sufficient to determine the elector's eligibility to vote, an elector voting by mail may enclose in the
4 outer signature envelope, together with the voted ballot in the secrecy envelope, a copy of a current and valid
5 photo identification with the elector's name. The photo identification may be but is not limited to a valid Montana
6 driver's license or state identification card, valid military identification card, or valid tribal photo identification
7 card. If the elector does not enclose a copy of valid photo identification, the elector may enclose: or

8 (a) a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration
9 issued pursuant to 13-2-207, government check, or other government document that shows the elector's name
10 and current address or other information necessary to determine the elector's eligibility to vote; and

11 (b) current photo identification that shows the elector's name, including but not limited to a school
12 district or postsecondary education photo identification.

13 (2) The elector's ballot must be handled as a provisional ballot under 13-15-107 if:

14 (a) a provisionally registered elector voting by mail does not enclose with the ballot the information
15 described in subsection (1);

16 (b) the information provided under subsection (1) is invalid or insufficient to verify the elector's
17 eligibility; or

18 (c) the elector's name does not appear on the precinct register."
19

20 NEW SECTION. Section 4. Saving clause. [This act] does not affect rights and duties that matured,
21 penalties that were incurred, or proceedings that were begun before [the effective date of this act].
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23 NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are
24 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
25 the part remains in effect in all valid applications that are severable from the invalid applications.
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