

**Amendment - 2nd Reading-yellow - Requested by: Lyn Hellegaard - (H) Committee of the Whole**

- 2023

68th Legislature 2023

Drafter: Jaret Coles, 406-444-4022

HB0402.001.001

1 HOUSE BILL NO. 402  
2 INTRODUCED BY D. BEDEY, D. SALOMON, J. FULLER, B. LER, W. RUSK  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTOR REGISTRATION LAWS; REQUIRING THE  
5 SECRETARY OF STATE TO VERIFY THE CITIZENSHIP STATUS OF NEW APPLICANTS; REQUIRING THE  
6 MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF JUSTICE TO ASSIST IN VERIFICATION WHEN AN  
7 APPLICANT PROVIDES A DRIVER'S LICENSE IN THE APPLICATION; ~~REQUIRING THAT~~ PROHIBITING A  
8 PERSON WHOSE CITIZENSHIP STATUS IS NOT YET VERIFIED ~~BE ALLOWED TO VOTE~~ FROM VOTING;  
9 PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 13-2-109, MCA; AND PROVIDING AN  
10 IMMEDIATE EFFECTIVE DATE."

11  
12 WHEREAS, Article IV, section 2, of the Montana Constitution requires that an elector be a United  
13 States citizen; and

14 WHEREAS, verification of a person's citizenship is fundamental to fulfilling this constitutional  
15 requirement; and

16 WHEREAS, Article IV, section 3, of the Montana Constitution requires that the legislature "shall insure  
17 the purity of elections"; and

18 WHEREAS, in meeting its constitutional duty, the legislature should not enact laws that either conflict  
19 with the Supremacy Clause of the United States Constitution or place unreasonable conditions on those  
20 seeking to vote in Montana.

21  
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23  
24 **Section 1.** Section 13-2-109, MCA, is amended to read:

25 **"13-2-109. Rulemaking on sufficiency and verification of voter registration information.** (1) The  
26 secretary of state shall adopt rules:

27 (a) to implement the provisions of 13-2-110 and this section concerning how election

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1 administrators determine whether the information provided by an elector on an application for voter registration

2 is:

3 (i) sufficient to be accepted and processed; or

4 (ii) insufficient to be accepted and processed;

5 (b) establishing procedures for verifying the accuracy of voter registration information;

6 (c) establishing standards for determining whether an elector may be legally registered or

7 provisionally registered and the effect of that registration on identification requirements; ~~and~~

8 (d) establishing procedures for notifying electors about the status of their applications and

9 registration;

10 (e) by January 1, 2024, or as soon as practicable afterward, establishing procedures for verifying

11 the United States citizenship status of new applicants that must provide for:

12 (i) using information collected pursuant to 13-2-110(3) and (4) to verify citizenship status;

13 ~~(ii) designating a new registrant's citizenship status as verified, not yet verified, or noncitizen;~~

14 ~~(iii)(ii) requiring an applicant's registration to be accepted and processed while as provisional until~~

15 citizenship verification is ~~pending proven~~; and

16 ~~(iv)(iii) allowing prohibiting a person whose registration has been accepted and processed to vote~~

17 ~~while as provisional from voting until~~ citizenship verification is ~~pending proven~~.

18 (2) The motor vehicle division of the department of justice shall adopt rules by January 1, 2024, or

19 as soon as practicable afterward, necessary to assist the secretary of state in verifying the United States

20 citizenship status of applicants who submit their Montana driver's license pursuant to 13-2-110(3).

21 (2)(3) The rules ~~Rules~~ adopted pursuant to this section may not conflict with 42 U.S.C. 15301, et

22 seq., or 13-2-208."

23

24 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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- END -