

## HOUSE BILL NO. 557

INTRODUCED BY T. WINTER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ONLINE VOTER REGISTRATION; PROVIDING FOR THE SECURE ELECTRONIC TRANSFER OF THE APPLICANT'S SIGNATURE FROM THE DEPARTMENT OF JUSTICE OR A PARTICIPATING TRIBAL GOVERNMENT SO THAT THE SIGNATURE MAY BE INCLUDED IN THE STATEWIDE VOTER REGISTRATION SYSTEM; PROVIDING FOR RULEMAKING; AMENDING SECTION 13-2-110, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Online voter registration -- secure signature transfer -- optional tribal participation -- rulemaking.** (1) An individual who has a current Montana driver's license, permit, or motorcycle endorsement issued pursuant to 61-5-107, a state identification card issued pursuant to 61-12-501, or a tribal identification card issued by a tribal government, subject to subsection (7), and who meets the requirements of 13-1-111 or 13-2-205 may submit a secure electronic application for voter registration through a secure online system maintained by the secretary of state.

(2) An application under this section may not be made after the close of regular voter registration under 13-2-301.

(3) The electronic application must require the applicant to:

(a) affirmatively attest to the truth of the information provided on the application; and

(b) agree that the applicant's signature on an application under 61-5-107 or 61-12-501, or on an application for a tribal identification card, subject to subsection (7), may be used for voter registration purposes.

(4) If the applicant has provided consent pursuant to subsection (3)(b), the electronic image of the applicant's signature must be securely transmitted to the secretary of state:

(a) from the department of justice pursuant to [section 2]; or

(b) from the tribal government for an applicant with a tribal identification card, subject to subsection (7).

(5) The electronic image of the applicant's signature obtained pursuant to this section must be added to the statewide voter registration system and accessible to county election administrators.

(6) If the applicant's county election administrator confirms that the applicant is a qualified elector and

1 the electronic image of the applicant's signature has been added to the statewide voter registration system  
2 pursuant to [section 2], the applicant must be registered and notified as provided in 13-2-207.

3 (7) The provisions of this section related to tribal identification cards apply to tribal members and tribal  
4 governments only if the tribal government has entered into an agreement with the secretary of state to participate  
5 under the provisions of this section.

6 (8) The secretary of state shall adopt rules to administer the provisions of this section, coordinate as  
7 necessary with the department of justice, and ensure that the online voter registration process provided for  
8 pursuant to this section meets or exceeds data security standards for protecting sensitive personal information.

9

10 **NEW SECTION. Section 2. Secure transfer of signature for online voter registration -- rulemaking.**

11 (1) For an applicant for voter registration under [section 1], the secretary of state shall contact the department  
12 and the department shall securely transmit an electronic image of the applicant's signature collected under  
13 61-5-107 or 61-12-501 to the secretary of state in a manner prescribed in rules adopted by the secretary of state  
14 under [section 1] so that the signature may be included in the statewide voter registration system provided for  
15 in 13-2-107.

16 (2) The department shall adopt rules to implement the provisions of this section and coordinate as  
17 necessary with the secretary of state.

18

19 **Section 3.** Section 13-2-110, MCA, is amended to read:

20 **"13-2-110. Application for voter registration -- sufficiency and verification of information --**

21 **identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by mail,  
22 postage paid, by completing and signing the standard application form for voter registration provided for in  
23 13-1-210 and providing the application to the election administrator in the county in which the elector resides.

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

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

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

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

30 (4) (a) If an applicant does not have a Montana driver's license or social security number, the applicant

1 shall provide as an alternative form of identification:

2 (i) a current and valid photo identification, including but not limited to a school district or postsecondary  
3 education photo identification or a tribal photo identification, with the individual's name; or

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

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

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

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

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

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

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

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

22 (8) The provisions of this section may not be interpreted to conflict with voter registration accomplished  
23 under 13-2-221, 13-21-221, [section 1], and 61-5-107 and as provided for in federal law."

24

25 **NEW SECTION. Section 4. Notification to tribal governments.** The secretary of state shall send a  
26 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
27 Chippewa tribe.

28

29 **NEW SECTION. Section 5. Codification instruction.** (1) [Section 1] is intended to be codified as an  
30 integral part of Title 13, chapter 2, part 2, and the provisions of Title 13, chapter 2, part 2, apply to [section 1].

1           (2) [Section 2] is intended to be codified as an integral part of Title 61, chapter 5, part 3, and the  
2 provisions of Title 61, chapter 5, part 3, apply to [section 2].

3

4           NEW SECTION. **Section 6. Effective date.** [This act] is effective January 1, 2020.

5

- END -

6