

HOUSE BILL NO. 536

INTRODUCED BY G. CUSTER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND UPDATING VOTER REGISTRATION
5 PROCEDURES WHEN APPLYING FOR A DRIVER'S LICENSE, PERMIT, MOTORCYCLE ENDORSEMENT,
6 OR STATE IDENTIFICATION CARD; PROVIDING FOR VOTER REGISTRATION UNLESS THE APPLICANT
7 OPTS OUT; SPECIFYING DUTIES FOR THE SECRETARY OF STATE, COUNTY ELECTION
8 ADMINISTRATORS, AND THE DEPARTMENT OF JUSTICE; PROVIDING RULEMAKING AUTHORITY;
9 AMENDING SECTIONS 13-2-110, 61-5-107, AND 61-12-501, MCA; AND PROVIDING EFFECTIVE DATES."

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

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13 **NEW SECTION. Section 1. Secure voter registration through transfer of information collected**
14 **by department of justice -- rulemaking.** (1) Voter registration information and the electronic image of the
15 signature of an applicant for voter registration received by the secretary of state from the department of justice
16 pursuant to [section 2] must be added to the statewide voter registration system.

17 (2) For an applicant whose application for voter registration is received pursuant to [section 2], if the
18 county election administrator confirms that the applicant is a qualified elector and that the applicant's electronic
19 signature and other voter registration information has been added to the statewide voter registration system, the
20 county election administrator shall provide to the elector confirmation of registration and the elector's polling place
21 location in the manner specified in 13-2-207.

22 (3) The secretary of state shall adopt rules to implement this section and coordinate as necessary with
23 the department of justice.

24
25 **NEW SECTION. Section 2. Application for voter registration and transfer of information --**
26 **rulemaking.** (1) For a qualified applicant under 61-5-107(6) or 61-12-501(3) who does not opt out of registering
27 to vote, except as provided in subsection (2), the department shall:

28 (a) collect all the information requested on an application for voter registration and provide that an
29 electronic form of the application for voter registration is automatically populated by the information the applicant
30 provides when applying under 61-5-107(6) or 61-12-501(3); and

1 (b) securely transmit an electronic image of the applicant's signature to the secretary of state for inclusion
2 in the statewide voter registration system.

3 (2) Upon implementation of the technical capability, when collecting information from an applicant under
4 61-5-107(6) or 61-12-501(3), the department shall collect all the information requested in an application for voter
5 registration and ensure that the information, including the electronic image of the applicant's signature, is securely
6 transmitted to the secretary of state so that the information is included in the statewide voter registration system.

7 (3) A voter registration application received under subsection (1)(a) must be securely transmitted or
8 mailed to the appropriate county election administrator within 10 days of receiving the application.

9 (4) The department of justice shall adopt rules to implement the purposes of this section and coordinate
10 as necessary with the secretary of state.

11

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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18 **Section 4.** Section 61-5-107, MCA, is amended to read:

19 **"61-5-107. Application for license or motorcycle endorsement.** (1) Each application for a learner
20 license, driver's license, commercial driver's license, or motorcycle endorsement must be made on a form
21 furnished by the department. Each application must be accompanied by the proper fee, and payment of the fee
22 entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from
23 the date of application. ~~A voter registration form for mail registration as prescribed by the secretary of state must
24 be attached to each driver's license application. If the applicant wishes to register to vote, the department shall
25 accept the registration and forward the form to the election administrator.~~

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

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

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

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

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

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

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

18 (4) (a) When an application is received from an applicant who is not ineligible for licensure under
19 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the
20 applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year
21 period. The driving record may be transmitted manually or by electronic medium.

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

26 (5) An individual who is under 26 years of age but at least 15 years of age and who is required to register
27 in compliance with the federal Military Selective Service Act, 50 App. U.S.C. 453, must be provided an opportunity
28 to fulfill those registration requirements in conjunction with an application for a learner license, driver's license,
29 commercial driver's license, or state identification card. If under 18 years of age but at least 15 years of age, an
30 individual must be provided an opportunity to be registered by the selective service system upon attaining 18

1 years of age. Any registration information supplied on the application must be transmitted by the department to
2 the selective service system.

3 (6) If an applicant under subsection (1) is or will be at least 18 years of age by the next election, a U.S.
4 citizen, and does not opt out of registering to vote, the department shall forward the applicant's voter registration
5 information as provided in [section 2]. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch.
6 27, L. 1999.)"

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8 **Section 5.** Section 61-12-501, MCA, is amended to read:

9 **"61-12-501. Authority of department to issue identification cards -- lawful presence verification**
10 **-- voter registration.** (1) The department may issue an identification card to any person who maintains a
11 residence in this state and whose presence in the United States is authorized under federal law.

12 (2) When an applicant who is not a citizen of the United States applies for an identification card, the
13 department shall verify that the applicant is lawfully present in the United States by using the federal systematic
14 alien verification for entitlements program.

15 (3) If an applicant is or will be at least 18 years of age by the next election, a U.S. citizen, and the
16 applicant does not opt out of registering to vote, the department shall forward the applicant's voter registration
17 information as provided in [section 2]."

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19 **NEW SECTION. Section 6. Implementation.** (1) The secretary of state shall ensure that the next
20 significant programming change or update to the statewide voter registration system provided for in 13-2-107 after
21 [the effective date of this section] provides the system with the capability of receiving secure transfers of voter
22 registration information from the department of justice as provided in [section 2(2)].

23 (2) Costs associated with providing for this capability must be paid by the office of the secretary of state.
24 This section does not restrict the secretary of state from using federal grant money for the purposes of [this act]
25 if the use is authorized under terms of the grant.

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27 **NEW SECTION. Section 7. Codification instruction.** (1) [Section 1] is intended to be codified as an
28 integral part of Title 13, chapter 2, part 2, and the provisions of Title 13, chapter 2, part 2, apply to [section 1].

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

