

1 SENATE BILL NO. 206

2 INTRODUCED BY D. WANZENRIED

3 BY REQUEST OF THE SECRETARY OF STATE

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6 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ELECTRONIC VOTER REGISTRATION FOR
7 QUALIFIED MONTANA ELECTORS POSSESSING A VALID DRIVER'S LICENSE OR STATE-ISSUED
8 IDENTIFICATION CARD; EXTENDING RULEMAKING AUTHORITY; AMENDING SECTIONS 13-2-109,
9 13-2-110, AND 13-2-205, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

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

14 **"13-2-109. Rulemaking on sufficiency and verification of voter registration information.** (1) The
15 secretary of state shall adopt rules:

16 (a) to implement the provisions of 13-2-110, [section 4], and this section concerning how election
17 administrators determine whether the information provided by an elector on an application for voter registration
18 is:

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

20 (ii) insufficient to be accepted and processed;

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

22 (c) establishing standards for determining whether an elector may be legally registered or provisionally
23 registered and the effect of that registration on identification requirements; and

24 (d) establishing procedures for notifying electors about the status of their applications and registration.

25 (2) The rules may not conflict with 42 U.S.C. 15301, et seq., or 13-2-208."

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

28 **"13-2-110. Application for voter registration -- sufficiency and verification of information --**
29 **identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by mail,
30 postage paid, by completing and signing the standard application form for voter registration provided for in

1 13-1-210 and providing the application to the election administrator in the county in which the elector resides.

2 (2) Except for a late registration as provided for in 13-2-304, an individual may apply for voter registration
3 electronically pursuant to [section 4].

4 ~~(2)~~(3) Each application for voter registration must be accepted and processed as provided in rules
5 adopted under 13-2-109.

6 ~~(3)~~(4) Except as provided in subsection ~~(4)~~ (5):

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

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

10 ~~(4)~~(5) (a) If an applicant does not have a Montana driver's license or social security number, the applicant
11 shall provide as an alternative form of identification:

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

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

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

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

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

20 ~~(5)~~(6) (a) If information provided on an application for voter registration is sufficient to be accepted and
21 processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall register the
22 elector as a legally registered elector.

23 (b) If information provided on an application for voter registration was sufficient to be accepted but the
24 applicant failed to provide the information required in subsection ~~(3)~~ (4) or ~~(4)~~ (5) or if the information provided
25 was incorrect or insufficient to verify the individual's identity or eligibility to vote, the election administrator shall
26 register the applicant as a provisionally registered elector.

27 ~~(6)~~(7) Each applicant for voter registration must be notified of the elector's registration status pursuant
28 to rules adopted under 13-2-109.

29 ~~(7)~~(8) The secretary of state shall assign to each elector whose application was accepted a unique
30 identification number for voting purposes and shall establish a statewide uniform method to allow the secretary

1 of state and local election officials to distinguish legally registered electors from provisionally registered electors.
2 ~~(8)~~(9) The provisions of this section may not be interpreted to conflict with voter registration
3 accomplished under 13-2-221, 13-21-201, 13-21-203, and 61-5-107 and as provided for in federal law."
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5 **Section 3.** Section 13-2-205, MCA, is amended to read:

6 **"13-2-205. Procedure when prospective elector not qualified at time of registration.** An individual
7 who is not eligible to register because of residence or age requirements but who will be eligible on or before
8 election day may apply for voter registration pursuant to 13-2-110 and [section 4] and be registered subject to
9 verification procedures established pursuant to 13-2-109."
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11 NEW SECTION. **Section 4. Electronic registration.** (1) An individual who has a valid Montana driver's
12 license or state identification card and who meets the requirements of 13-1-111 or 13-2-205 may submit a voter
13 registration application electronically on the secretary of state's website.

14 (2) The applicant shall attest to the truth of the information provided on the application by affirmatively
15 accepting the information as true.

16 (3) The applicant shall affirmatively assent to use the applicant's driver's license or state identification
17 card signature for registration purposes.

18 (4) A voter registration application submitted electronically is otherwise considered a registration by mail.

19 (5) For each electronic application, the secretary of state shall obtain a digital copy of the applicant's
20 driver's license or state identification card signature from the motor vehicle licensing agency in the department
21 of justice.

22 (6) The secretary of state may establish procedures that provide additional security measures necessary
23 to ensure the accuracy and integrity of voter registration applications submitted electronically.
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25 NEW SECTION. **Section 5. Codification instruction.** [Section 4] is intended to be codified as an
26 integral part of Title 13, chapter 2, part 2, and the provisions of Title 13, chapter 2, part 2, apply to [section 4].
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28 NEW SECTION. **Section 6. Effective date.** [This act] is effective January 1, 2014.
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