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SENATE BILL NO. 220

INTRODUCED BY J. WINDY BOY, S. NOVAK, S. FYANT, C. NEUMANN, J. SOOKTIS, M. DUNWELL, J. MORIGEAU, S. WEBBER, D. FERN, D. HARVEY, G. LAMMERS, D. HAWK, D. HAYMAN, A. OLSEN, C.

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; REVISING ELECTIONS PROCEDURES ON INDIAN RESERVATIONS; REQUIRING AT LEAST ONE PERMANENT SATELLITE OFFICE SELECTED BY EACH FEDERALLY RECOGNIZED INDIAN TRIBE IN CONSULTATION WITH COUNTY OFFICIALS; REQUIRING PRECINCT POLLING PLACE NOTICES TO INCLUDE LOCATIONS IN INDIAN RESERVATIONS; AUTHORIZING THE USE OF A NONTRADITIONAL ADDRESS AS AN ELECTOR'S RESIDENTIAL ADDRESS FOR THE PURPOSES OF VOTER REGISTRATION AND VOTING; AMENDING SECTIONS 13-2-110, 13-3-105, 13-13-114, 13-13-201, 13-15-107, AND 13-19-307, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. Section 1. Permanent reservation satellite election offices. (1) For the purposes of state and federal elections, a county shall establish at least one satellite election office within the boundaries of an Indian reservation located within that county, unless the tribe, in consultation with the county, determines that a satellite office is unnecessary. The tribal government of a federally recognized Indian tribe may select at least one satellite election office location within the boundaries of the Indian reservation, or if the tribe does not have a reservation, in a location that would best serve the members of the tribe.

(2) The satellite election office required in subsection (1) must be open no later than within 7 days of the start of regular voter registration. The tribal government may set the days and hours of operation during the period in which the satellite election office is operating in consultation with the county election administrator.

(3) A satellite office operated in accordance with subsection (1) shall provide services equivalent to the services provided at the main election office of the county, including but not limited to:

(a) access to replacement ballots;

1 (b) in-person absentee voting; and

2 (c) late voter registration.

3 (4) A satellite election office is responsible for the collection of ballots from places of deposit
4 designated pursuant to 13-19-307(8).

5 (5) (a) Any building may be used as a satellite office. The county shall operate the satellite office,
6 and the tribe may not charge the county for use of any building on the reservation as a satellite office as long as
7 no structural changes are required in order to use the building as a satellite office.

8 (b) Tribes, counties, and the secretary of state may agree to training election officials to help staff
9 the satellite offices.

10

11 **Section 2.** 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), an applicant for voter registration shall provide the
19 applicant's:

20 (a) Montana driver's license number;

21 (b) Montana state identification card number issued pursuant to 61-12-501; or

22 (c) the last four digits of the applicant's social security number.

23 (4) (a) If an applicant is unable to provide information in accordance with subsection (3), the
24 applicant shall provide as an alternative form of identification:

25 (i) a military identification card, a tribal photo identification card, a United States passport, or a
26 Montana concealed carry permit; or

27 (ii) (A) any other form of photo identification, including but not limited to a school district or
28 postsecondary education photo identification with the individual's name; and

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

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

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

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

8 (c) A tribal photo identification card does not need to include a residential address or an expiration
9 date to be considered valid for use under this subsection (4).

10 (d) An elector may use a nontraditional address, as defined in 13-13-114, as a current address if
11 the nontraditional address contains enough detail to allow the elector to be assigned to the appropriate precinct.

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

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

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

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

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

27

28 **Section 3.** Section 13-3-105, MCA, is amended to read:

1 **"13-3-105. Designation of polling place.** (1) (a) ~~The~~ Except as provided in subsection (1)(b), the
2 county governing body shall designate the polling place for each precinct no later than 30 days before a primary
3 election.

4 (b) For polling locations within the boundaries of an Indian reservation, the tribal governing body
5 shall notify the county of the polling place location for each precinct no later than 30 days before a primary
6 election.

7 (c) The same polling place must be used for both the primary and general election if at all possible.
8 Changes may be made by the governing body in designated polling places up to 10 days before an election if a
9 designated polling place is not available. Polling places may be located outside the boundaries of a precinct.

10 (2) Not more than 10 days or less than 2 business days before an election, the election
11 administrator shall publish in a newspaper of general circulation in the county a statement of the locations of the
12 precinct polling places. The election administrator shall include in the published notice the location of any
13 precinct polling places located within an Indian reservation's boundaries. The election administrator shall
14 include in the published notice the accessibility designation for each polling place according to the classification
15 in 13-3-207. Notice may also be given as provided in 2-3-105 through 2-3-107.

16 (3) An election administrator may make changes in the location of a polling place if an emergency
17 occurs 10 days or less before an election. Notice must be posted at both the old and new polling places, and
18 other notice may be given by whatever means available. If the old polling place being relocated is within the
19 boundaries of an Indian reservation, the new location must also be located within the boundaries of that same
20 Indian reservation.

21 (4) (a) Any building may be used as a polling place. The building must be furnished at no charge
22 as long as no structural changes are required in order to use the building as a polling place.

23 (b) If the building regularly used as a designated polling place is not available for an election
24 because of an unforeseen or temporary circumstance and no other suitable building is available free of charge,
25 the county may pay for use of a building as a temporary polling place for that election provided that the building
26 meets the polling place standards under this chapter. If a county pays for the use of a building as a temporary
27 polling place because of an unforeseen or temporary circumstance, the county shall provide with its regular
28 report on election costs to the secretary of state any costs incurred for use of a building pursuant to this

1 subsection (4)(b).

2 (5) The exterior of the voting systems, or of the booths in which they are placed, and every part of
 3 the polling place must be in plain view of the election judges."

4

5 **Section 4.** Section 13-13-114, MCA, is amended to read:

6 **"13-13-114. Voter identification and marking precinct register book before elector votes --**

7 **provisional voting.** (1) (a) ~~Except as provided in subsection (2), before~~ Before an elector is permitted to
 8 receive a ballot or vote, the elector shall present to an election judge one of the following forms of current photo
 9 identification showing the elector's name:

10 (i) a Montana driver's license; ~~;~~ ;

11 (ii) ~~a~~ a Montana state identification card issued pursuant to 61-12-501; ~~;~~ ;

12 (iii) ~~a~~ a military identification card; ~~;~~ ;

13 (iv) ~~a~~ a tribal photo identification card; ~~;~~ ;

14 (v) ~~a~~ a United States passport; ~~or~~ ;

15 (vi) ~~a~~ a Montana concealed carry permit; ~~or~~ ;

16 (vii) ~~a school district or postsecondary education photo identification;~~ ~~or.~~ ;

17 (ii) ~~(A)(b) If the elector does not present photo identification, the elector shall present a current~~
 18 utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207,
 19 government check, or other government document that shows the elector's name and current address; ~~and~~

20 (B) ~~photo identification that shows the elector's name, including but not limited to a school district~~
 21 ~~or postsecondary education photo identification.~~

22 (c) ~~A tribal photo identification card does not need to include a residential address or an expiration~~
 23 ~~date to be considered valid for use under subsection (1)(a).~~

24 (d) ~~An elector may use a nontraditional address as a current address as long as the nontraditional~~
 25 ~~address contains enough detail to allow the elector to be assigned to the appropriate precinct.~~

26 (b)(e) An elector who provides the information listed in subsection (1)(a) may sign the precinct
 27 register and must be provided with a regular ballot to vote.

28 (e)(f) If the information provided in subsection (1)(a) differs from information in the precinct register

1 but an election judge determines that the information provided is sufficient to verify the voter's identity and
 2 eligibility to vote pursuant to 13-2-512, the elector may sign the precinct register, complete a new registration
 3 form to correct the elector's voter registration information, and vote.

4 (d)(g) An election judge shall write "registration form" beside the name of any elector submitting a
 5 form.

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

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

14 (4) (a) A federally recognized Indian tribe may designate one or more tribal government buildings
 15 to serve as a residential address, mailing address, or both, for electors living within the boundaries of an Indian
 16 reservation or on Indian lands.

17 (b) An elector may not use a tribally designated building as the elector's residential address if the
 18 building is in a different precinct from the elector's actual location of residence.

19 (5) For the purposes of this section, "nontraditional address" means an address that consists of a
 20 narrative description of the location of the elector's residence and applies when a residential address has not
 21 been assigned or affixed to the elector's residence or when an elector resides on an Indian reservation or
 22 Indian lands."

23

24 **Section 5.** Section 13-13-201, MCA, is amended to read:

25 **"13-13-201. Voting by absentee ballot -- procedures.** (1) A legally registered elector or provisionally
 26 registered elector is entitled to vote by absentee ballot as provided for in this part.

27 (2) The elector may vote absentee by:

28 (a) marking the ballot in the manner specified;

- 1 (b) placing the marked ballot in the secrecy envelope, free of any identifying marks;
- 2 (c) placing the secrecy envelope containing one ballot for each election being held in the signature
3 envelope;
- 4 (d) executing the affirmation printed on the signature envelope; and
- 5 (e) returning the signature envelope with all appropriate enclosures by regular mail, postage paid,
6 or by delivering it to:
- 7 (i) the election office;
- 8 (ii) a polling place within the elector's county;
- 9 (iii) pursuant to 13-13-229, the absentee election board or an authorized election official; or
- 10 (iv) in a mail ballot election held pursuant to Title 13, chapter 19, a designated place of deposit
11 within the elector's county.
- 12 (3) Except as provided in 13-21-206 and 13-21-226, in order for the ballot to be counted, each
13 elector shall return it in a manner that ensures the ballot is received prior to 8 p.m. on election day.
- 14 (4) (a) A provisionally registered elector may also enclose in the outer signature envelope a copy
15 of the elector's photo identification showing the elector's name. The photo identification may be but is not
16 limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal
17 photo identification. If the provisionally registered elector does not enclose a photo identification, the elector
18 may enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration
19 issued pursuant to 13-2-207, government check, or other government document that shows the elector's name
20 and current address.
- 21 (b) A tribal photo identification does not need to include a residential address or an expiration date
22 to be considered valid under this section.
- 23

24 **Section 6.** Section 13-15-107, MCA, is amended to read:

25 **"13-15-107. Handling and counting provisional and challenged ballots.** (1) To verify eligibility to
26 vote, a provisionally registered individual who casts a provisional ballot has until 5 p.m. on the day after the
27 election to provide valid identification or eligibility information either in person, by facsimile, by electronic
28 means, or by mail postmarked no later than the day after the election.

1 (2) If a legally registered individual casts a provisional ballot because the individual failed to
2 provide sufficient identification as required pursuant to ~~13-13-114(1)(a)~~ 13-13-114(1):

3 (a) the elector has until 5 p.m. on the day after the election to provide identification information
4 pursuant to the requirements of 13-13-114 or as provided in subsection (3) of this section; and

5 (b) the election administrator shall compare the signature of the individual or the individual's agent
6 designated pursuant to 13-1-116 on the affirmation required under 13-13-601 to the signature on the
7 individual's voter registration form or the agent's designation form. If the signatures match, the election
8 administrator shall handle the ballot as provided in subsection (7). If the signatures do not match and the
9 individual or the individual's agent fails to provide valid identification information by the deadline, the ballot must
10 be rejected and handled as provided in 13-15-108.

11 (3) If a legally registered individual casts a provisional ballot but is unable provide the identification
12 information pursuant to the requirements of 13-13-114, the elector may verify the elector's identity by:

13 (a) presenting a current utility bill, bank statement, paycheck, government check, or other
14 government document that shows the elector's name and current address; and

15 (b) executing a declaration pursuant to subsection (4) that states that the elector has a reasonable
16 impediment to meeting the identification requirements.

17 (4) The secretary of state shall prescribe the form of the declaration described in subsection (3).
18 The form must include:

19 (a) a notice that the elector is subject to prosecution for false swearing under 45-7-202 for a false
20 statement or false information on the declaration;

21 (b) a statement that the elector swears or affirms that the information contained in the declaration
22 is true, that the person described in the declaration is the same person who is signing the declaration, and that
23 the elector faces a reasonable impediment to procuring the identification required by 13-13-114;

24 (c) a place for an elector to indicate one of the following impediments:

25 (i) lack of transportation;

26 (ii) lack of birth certificate or other documents needed to obtain identification;

27 (iii) work schedule;

28 (iv) lost or stolen identification;

- 1 (v) disability or illness;
- 2 (vi) family responsibilities; or
- 3 (vii) photo identification has been applied for but not received;
- 4 (d) a place for the elector to sign and date the declaration;
- 5 (e) a place for the election administrator or an election judge to sign and date the declaration;
- 6 (f) a place to note the polling place at which the elector cast a provisional ballot; and
- 7 (g) a place for the election administrator or election judge to note which form of identification
- 8 required by subsection (3)(a) the elector presented.

9 (5) A provisional ballot must be counted if the election administrator verifies the individual's identity
10 or eligibility pursuant to rules adopted under 13-13-603. However, if the election administrator cannot verify the
11 individual's identity or eligibility under the rules, the individual's provisional ballot must be rejected and handled
12 as provided in 13-15-108. If the ballot is provisional because of a challenge and the challenge was made on the
13 grounds that the individual is of unsound mind or serving a felony sentence in a penal institution, the individual's
14 provisional ballot must be counted unless the challenger provides documentation by 5 p.m. on the day after the
15 election that a court has established that the individual is of unsound mind or that the individual has been
16 convicted and sentenced and is still serving a felony sentence in a penal institution.

17 (6) The election administrator shall provide an individual who cast a provisional ballot but whose
18 ballot was or was not counted with the reasons why the ballot was or was not counted.

19 (7) A provisional ballot must be removed from its provisional envelope, grouped with other ballots
20 in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other
21 provisional ballot if the individual's voter information is:

- 22 (a) verified before 5 p.m. on the day after the election; or
- 23 (b) postmarked by 5 p.m. on the day after election day and received and verified by 3 p.m. on the
24 sixth day after the election.

25 (8) Provisional ballots that are not resolved by the end of election day may not be counted until
26 after 3 p.m. on the sixth day after the election."

27

28 **Section 7.** Section 13-19-307, MCA, is amended to read:

1 **"13-19-307. Places of deposit -- poll watchers authorized.** (1) (a) The election administrator shall
 2 designate the election administrator's office and may designate one or more places in the political subdivision in
 3 which the election is being conducted as places of deposit where ballots may be returned in person by the
 4 elector or the elector's agent or designee.

5 (b) If the election administrator's office is not accessible pursuant to 13-3-205, the election
 6 administrator shall designate at least one accessible place of deposit.

7 (2) Prior to election day, ballots may be returned to any designated place of deposit during the
 8 days and times set by the election administrator and within the regular business hours of the location.

9 (3) On election day, each location designated as a place of deposit must be open as provided in
 10 13-1-106, and ballots may be returned during those hours.

11 (4) The election administrator may designate certain locations as election day places of deposit,
 12 and any designated location functions as a place of deposit only on election day.

13 (5) Each place of deposit must be staffed by at least two election officials who, except for election
 14 judges serving in elections under Title 20, chapter 20, are selected in the same manner as provided for the
 15 selection of election judges in 13-4-102.

16 (6) The election administrator shall provide each designated place of deposit with an official ballot
 17 transport box secured as provided by law.

18 (7) Poll watchers must be allowed as provided in 13-13-120 and 13-13-121 at each place of
 19 deposit during the days and times that the place of deposit is open for the return of ballots.

20 (8) An Indian reservation must have at least one place of deposit for each town that is more than
 21 13 miles away from a permanent satellite election office designated under [section 1]. The tribal government
 22 shall choose the location for each place of deposit required under this subsection."

23
 24 NEW SECTION. Section 8. Notification to tribal governments. The secretary of state shall send a
 25 copy of [this act] to each federally recognized tribal government in Montana.

26
 27 NEW SECTION. Section 9. Codification instruction. [Section 1] is intended to be codified as an
 28 integral part of Title 13, chapter 3, part 1, and the provisions of Title 13, chapter 3, part 1, apply to [section 1].

1

2 NEW SECTION. **Section 10. Effective date.** [This act] is effective January 1, 2026.

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- END -