

1 HOUSE BILL NO. 176

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9
 10 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LATE VOTER REGISTRATION; CLOSING LATE
 11 VOTER REGISTRATION ~~ON THE FRIDAY AT NOON THE DAY~~ BEFORE THE ELECTION; PROVIDING AN
 12 EXCEPTION SO MILITARY AND OVERSEAS ELECTORS MAY CONTINUE TO REGISTER THROUGH THE
 13 DAY OF THE ELECTION; ~~AND~~ AMENDING SECTIONS 13-2-301, 13-2-304, 13-13-301, 13-19-207, AND 13-
 14 21-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

15
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17
 18 **Section 1.** Section 13-2-301, MCA, is amended to read:

19 **"13-2-301. Close of regular registration -- notice -- changes.** (1) The election administrator shall:

20 (a) close regular registrations for 30 days before any election; and

21 (b) publish a notice specifying the day regular registrations will close and the availability of the late
 22 registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three
 23 times in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided
 24 in 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the
 25 largest number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third
 26 publication or broadcast of the notice.

27 (2) Information to be included in the notice must be prescribed by the secretary of state.

28 (3) An application for voter registration properly executed and postmarked on or before the day

1 regular registration is closed must be accepted as a regular registration for 3 days after regular registration is
2 closed under subsection (1)(a).

3 (4) An elector who misses the deadlines provided for in this section may register to vote or change
4 the elector's voter information and vote in the election, ~~except as otherwise as~~ as provided in 13-2-304."

5

6 **Section 2.** Section 13-2-304, MCA, is amended to read:

7 **"13-2-304. Late registration -- late changes.** (1) Except as provided in 13-21-104 and subsection (2)
8 of this section, the following provisions apply:

9 (a) An elector may register or change the elector's voter registration information after the close of
10 regular registration as provided in 13-2-301 and vote in the election if the election administrator in the county
11 where the elector resides receives and verifies the elector's voter registration information prior to ~~the close of~~
12 ~~the polls on election day.~~

13 ~~(b) Late registration is closed from noon to 5 p.m. on the day Friday NOON THE DAY before the election.~~

14 ~~(e)(b)~~ Except as provided in 13-2-514(2)(a) and subsection ~~(1)(d)~~ (1)(c) of this section, an elector who
15 registers or changes the elector's voter information pursuant to this section may vote in the election if the
16 elector obtains the ballot from the location designated by the county election administrator.

17 ~~(d)(c)~~ With respect to an elector who registers late pursuant to this section for a school election
18 conducted by a school clerk, the elector may vote in the election only if the elector obtains from the county
19 election administrator a document, in a form prescribed by the secretary of state, verifying the elector's late
20 registration. The elector shall provide the verification document to the school clerk, who shall issue the ballot to
21 the elector and enter the verification document as part of the official register.

22 ~~(e)(d)~~ An elector who registers late and obtains a ballot pursuant to this section may return the ballot
23 as follows:

24 (i) before election day, to a location designated by the county election administrator or school clerk if
25 the election is administered by the school district; or

26 (ii) on election day, to the election office or to any polling place in the county where the elector is
27 registered to vote or, if the ballot is for a school election, to any polling place in the school district where the
28 election is being conducted.

1 (2) If an elector has already been issued a ballot for the election, the elector may change the elector's
 2 voter registration information only if the original voted ballot has not been received at the county election office,
 3 or received by the school district if the district is administering the election, and if the original ballot that was
 4 issued is marked by the issuing county as void in the statewide voter registration system, or by the school
 5 district if the district is administering the election, prior to the change."

6

7 **Section 3.** Section 13-13-301, MCA, is amended to read:

8 **"13-13-301. Challenges.** (1) An elector's right to vote may be challenged at any time by any
 9 registered elector by the challenger filling out and signing an affidavit stating the grounds of the challenge and
 10 providing any evidence supporting the challenge to the election administrator or, on election day, to an election
 11 judge.

12 (2) A challenge may be made on the grounds that the elector:

13 (a) is of unsound mind, as determined by a court;

14 (b) has voted before in that election;

15 (c) has been convicted of a felony and is serving a sentence in a penal institution;

16 (d) is not registered as required by law;

17 (e) is not 18 years of age or older;

18 (f) has not been, for at least 30 days, a resident of the county in which the elector is offering to vote,
 19 except as provided in 13-2-514;

20 (g) is a provisionally registered elector whose status has not been changed to a legally registered
 21 voter; or

22 (h) does not meet another requirement provided in the constitution or by law.

23 (3) When a challenge has been made under this section, unless the election administrator determines
 24 without the need for further information that the challenge is insufficient:

25 (a) prior to the close of registration under 13-2-301, the election administrator shall question the
 26 challenger and the challenged elector and may question other persons to determine whether the challenge is
 27 sufficient or insufficient to cancel the elector's registration under 13-2-402; or

28 (b) after the close of regular registration under 13-2-301 ~~or on election day~~, the election administrator

1 or, on election day, ~~the either the election administrator or an~~ election judge shall allow the challenged elector
 2 to cast a provisional paper ballot, which must be handled as provided in 13-15-107.

3 (4) (a) In response to a challenge, the challenged elector may fill out and sign an affidavit to refute
 4 the challenge and swear that the elector is eligible to vote.

5 (b) If the challenge was not made in the presence of the elector being challenged, the election
 6 administrator or election judge shall notify the challenged elector of who made the challenge and the grounds of
 7 the challenge and explain what information the elector may provide to respond to the challenge. The notification
 8 must be made:

9 (i) within 5 days of the filing of the challenge if the election is more than 5 days away; or

10 (ii) on or before election day if the election is less than 5 days away.

11 (c) The election administrator or, on election day, the election judge shall also provide to the
 12 challenged elector a copy of the challenger's affidavit and any supporting evidence provided.

13 (5) The secretary of state shall adopt rules to implement the provisions of this section and shall
 14 provide standardized affidavit forms for challengers and challenged electors."

15

16 **Section 4.** Section 13-19-207, MCA, is amended to read:

17 **"13-19-207. When materials to be mailed.** (1) Except as provided in 13-13-205(2) and subsection
 18 (2) of this section, for any election conducted by mail, ballots must be mailed no sooner than the 20th day and
 19 no later than the 15th day before election day.

20 (2) ~~(a)~~ All ballots mailed to electors on the active list and the provisionally registered list must be
 21 mailed the same day.

22 ~~(b)~~ (3) (A) At any time before noon on the day before election day, a ballot may be mailed or, on
 23 request, provided in person at the election administrator's office to:

24 ~~(i)~~ an elector on the inactive list after the elector reactivates the elector's registration as provided in
 25 13-2-222; or

26 ~~(ii)~~ an individual who registers under the late registration option provided for in 13-2-304.

27 ~~(c)~~ (3) (B) An elector on the inactive list shall vote at the election administrator's office on election day
 28 if the elector reactivates the elector's registration after noon on the day before election day.

1 ~~(d)(4)~~ An elector who registers pursuant to 13-2-304 ~~on election day or on the day before election day~~
2 must receive the ballot ~~and vote it~~ at the election administrator's office."

3

4 **Section 5.** Section 13-21-104, MCA, is amended to read:

5 **"13-21-104. Adoption of rules on electronic registration and voting -- acceptance of funds. (1)**

6 The secretary of state shall adopt reasonable rules under the rulemaking provisions of the Montana

7 Administrative Procedure Act to implement this chapter. The rules are binding upon election administrators.

8 (2) The rules must provide that:

9 (a) there are uniform statewide standards concerning electronic registration and voting;

10 (b) regular absentee ballots for a primary, general, or special election are available in a format that
11 allows the ballot to be electronically transmitted to a covered voter as soon as the ballots are available pursuant
12 to 13-13-205;

13 (c) a covered voter may, ~~subject to 13-2-304~~, register and vote up to the time that the polls close on
14 election day;

15 (d) a covered voter is allowed to cast a provisional ballot if there is a question about the elector's
16 registration information or eligibility to vote;

17 (e) a covered voter with a digital signature is allowed the option of using the digital signature as
18 provided in 13-21-107; and

19 (f) a ballot cast by a covered voter and transmitted electronically will remain secret, as required by
20 Article IV, section 1, of the Montana constitution. This subsection (2)(f) does not prohibit the adoption of rules
21 establishing administrative procedures on how electronically transmitted votes must be transcribed to an official
22 ballot. However, the rules must be designed to protect the accuracy, integrity, and secrecy of the process.

23 (3) The secretary of state may apply for and receive a grant of funds from any agency or office of the
24 United States government or from any other public or private source and may use the money for the purpose of
25 implementing this chapter."

26

27 NEW SECTION. SECTION 6. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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- END -