

SENATE BILL 325

Introduced by Fritz, et al.

2/08	Introduced
2/08	Referred to State Administration
2/09	First Reading
2/09	Fiscal Note Requested
2/15	Fiscal Note Received
2/16	Fiscal Note Printed
2/18	Hearing
2/22	Tabled in Committee

1  
 2  
 3  
 4

*Senate* BILL NO. *325*

INTRODUCED BY *Rep. Russell* *Sen. Jensen*  
*Yellowknife*

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ELECTION  
 6 DAY VOTER REGISTRATION; PROVIDING A PROCEDURE TO ALLOW A  
 7 DESIGNATED PERSON AT A STATE AGENCY TO BE APPOINTED A DEPUTY  
 8 REGISTRAR TO PROVIDE VOTER REGISTRATION SERVICES; PROVIDING  
 9 FOR UNIFORM FORMS FOR VOTER REGISTRATION BY MAIL; AMENDING  
 10 SECTIONS 13-2-102, 13-2-203, 13-2-301, 13-2-302, 13-2-601,  
 11 13-13-114, 13-13-301, 13-13-304, AND 13-13-306, MCA; AND  
 12 PROVIDING A DELAYED EFFECTIVE DATE."

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

14 NEW SECTION. **Section 1.** Election day registration. The  
 15 registrar shall accept the voter registration of an  
 16 applicant who appears in person on election day. The  
 17 registrar shall issue to the applicant a certificate  
 18 entitling the applicant to be placed on the voting list at  
 19 the polling place. Only one certificate may be issued to an  
 20 applicant in any year.

21 **Section 2.** Section 13-2-102, MCA, is amended to read:

22 "13-2-102. Deputy registrars. (1) A notary public who  
 23 fulfills the requirements of subsection (4) may act as a  
 24 deputy registrar in the county in which he resides without  
 25 having been appointed by the county governing body. If a

1 notary public fails to fulfill the requirements of  
 2 subsection (4), he may not act as a deputy registrar.

3 (2) (a) The governing body of each county may at its  
 4 discretion appoint two or more deputy registrars for each  
 5 precinct in the county before March 1 of each even-numbered  
 6 year.

7 (b) The number of deputy registrars, if appointed,  
 8 shall be equally divided between the political parties  
 9 meeting the requirements of 13-10-601 unless one or more of  
 10 the parties fail to submit the list required in subsection  
 11 (3) or submit an incomplete list. A political party which  
 12 qualifies under 13-10-501 may request the appointment of  
 13 deputy registrars and shall submit a list for such the  
 14 appointments within 30 days of such qualification.

15 (c) An appointed deputy registrar must be a resident  
 16 elector in the precinct for which appointed but may register  
 17 electors in all precincts in the state.

18 (d) The chief administrative officer, or his designee,  
 19 of a state agency or a community-based public agency or  
 20 nonprofit corporation that contracts with the state agency  
 21 to carry out the obligations of the state agency may be  
 22 appointed as a deputy registrar to provide voter  
 23 registration services for agency employees and the public. A  
 24 person may complete a voter registration form or apply to  
 25 change a voter registration name or address if the person

-2- INTRODUCED BILL  
 SB 325



1 has the proper qualifications on the date of application.  
 2 Nonpartisan voter registration assistance, including  
 3 routinely asking members of the public served by the agency  
 4 whether they would like to register to vote and, if  
 5 necessary, assisting the person in preparing a voter  
 6 registration form, must be part of the job of a designated  
 7 employee of the agency.

8 (3) Deputy registrars shall be appointed from lists of  
 9 individuals recommended by the qualified political parties,  
 10 submitted by February 1 of even-numbered years. If no lists  
 11 are submitted by political parties, the governing body may  
 12 appoint two deputy registrars for each precinct without  
 13 party recommendations. Failure of the governing body to make  
 14 appointments in all precincts does not preclude making  
 15 appointments in some precincts.

16 (4) Each election administrator shall provide training  
 17 in registration procedures to all appointed deputy  
 18 registrars and any notary public requesting the training and  
 19 shall issue a certificate to each on successful completion  
 20 of the training. The training and certification must be  
 21 completed by March 15 of each even-numbered year. No one is  
 22 a qualified deputy registrar without a current certificate.  
 23 All certificates expire on March 15 of the following  
 24 even-numbered year.

25 (5) Each election administrator shall certify to the

1 secretary of state the name of each deputy registrar to whom  
 2 a certificate has been issued. The secretary of state shall  
 3 then compile a list of deputy registrars with current  
 4 certificates and make that list available to each election  
 5 administrator and the public.

6 (6) Deputy registrars shall forward all completed cards  
 7 to the county registrar within 3 days. Registration cards  
 8 properly executed before a deputy registrar prior to the  
 9 close of registration shall be accepted for 3 days after the  
 10 close of registration."

11 **Section 3.** Section 13-2-203, MCA, is amended to read:

12 "13-2-203. Registration by mail. (1) A qualified  
 13 individual may register by mailing, postage paid, a properly  
 14 completed registration form to the election administrator in  
 15 the county in which he resides.

16 (2) The election administrator shall send registration  
 17 forms for mail registrations to all qualified individuals  
 18 requesting them and shall, in addition, arrange for the  
 19 forms to be widely and conveniently available within the  
 20 county. ~~The mail registration form shall be designed as~~  
 21 prescribed by the secretary of state. A standard mail  
 22 registration form must be designed by the secretary of state  
 23 and used by all deputy registrars and election  
 24 administrators. A form prescribed by the secretary of state  
 25 explaining voter registration qualifications, deadlines, and

1 purge information shall must be distributed with the mail  
2 registration form.

3 (3) The elector shall complete, sign, and, except as  
4 provided in 13-2-212, either verify or affirm the mail  
5 registration form before a notary public or other officer  
6 empowered to administer oaths or complete and sign the form  
7 and obtain the signature, address, and voting precinct of at  
8 least one registered voter ~~in the county~~ who shall witness  
9 the facts stated on the registration form.

10 (4) The registration form must be received by the  
11 election administrator on or before the day of the close of  
12 registration ~~and must be returned to the administrator no~~  
13 ~~later than 15 days after the date it is signed by the~~  
14 ~~witness or officer before whom signed."~~

15 **Section 4.** Section 13-2-301, MCA, is amended to read:

16 "13-2-301. ~~Close of registration~~ Preparation of voting  
17 register ~~--- procedure.~~ (1) The election administrator shall  
18 ~~(a) close registrations for 30~~ prepare the official  
19 precinct register 20 days before any an election. ~~7 and~~  
20 ~~(b) publish a notice specifying the day registrations~~  
21 ~~will close on radio or television as provided in 2-3-105~~  
22 ~~through 2-3-107 or in a newspaper of general circulation in~~  
23 ~~the county at least once a week for 3 weeks before the close~~  
24 ~~of registration.~~

25 (2) ~~Information to be included in the notice shall be~~

1 ~~prescribed by the secretary of state.~~

2 (3) ~~An individual who submits a completed registration~~  
3 ~~form to the election administrator before the deadline~~  
4 ~~provided in subsection (1)(a) is allowed to correct a~~  
5 ~~mistake on the completed registration form until 5 p.m. on~~  
6 ~~the 10th day following the close of registration, and~~  
7 ~~thereafter the qualified elector is eligible to vote in the~~  
8 ~~next election."~~

9 **Section 5.** Section 13-2-302, MCA, is amended to read:

10 "13-2-302. Registration immediately before an election  
11 ~~--- cancellation of prior registration.~~ (1) An individual may  
12 register during the time when registration ~~is closed~~  
13 ~~preceding any election~~ the official precinct register is  
14 being prepared, and the election administrator shall keep  
15 his registration form in a separate file until it can be  
16 properly entered after the election.

17 (2) An individual who has registered under this section  
18 may register and vote on election day as provided in  
19 [section 1]. A person's election day registration replaces  
20 any prior registration. Notice of this provision must be  
21 posted on all registration forms."

22 **Section 6.** Section 13-2-601, MCA, is amended to read:

23 "13-2-601. Name on precinct register prima facie  
24 evidence of right to vote. (1) An elector may not vote at an  
25 election mentioned in this title unless his name appears on

1 election day in the copy of the official precinct register  
 2 furnished by the election administrator to the election  
 3 judges or unless he has registered that day under [section  
 4 1]. The fact that his name appears in the copy of the  
 5 precinct register is prima facie evidence of his right to  
 6 vote.

7 (2) The name of an elector who has been assigned to  
 8 vote in a precinct other than the precinct in which he is  
 9 registered, as provided in 13-3-213, must be printed on a  
 10 special addendum to the precinct register in a form  
 11 prescribed by the secretary of state. The fact that an  
 12 elector's name appears on a special addendum to the precinct  
 13 register is prima facie evidence of his right to vote in the  
 14 precinct."

15 **Section 7.** Section 13-13-114, MCA, is amended to read:

16 "13-13-114. **Marking precinct register book or**  
 17 **certificate before elector votes.** (1) Before an elector is  
 18 permitted to receive a ballot or vote, he shall sign his  
 19 name on the place designated in the precinct register unless  
 20 he has registered on election day under [section 1], in  
 21 which case subsection (2) applies. Before signing the  
 22 register, the elector shall state his name and current  
 23 address. If the name or address is not as listed in the  
 24 precinct register, the elector must complete a transfer form  
 25 or new registration form to correct the information. The

1 election judges shall write "transfer form" or "registration  
 2 form" beside the name of any elector submitting a form. No  
 3 elector may sign the precinct register unless his name and  
 4 address are the same as shown in the register or the proper  
 5 corrections have been made.

6 (2) Before an elector who has registered on election  
 7 day under [section 1] may receive a ballot or vote, he  
 8 shall, in the presence of the election judge in charge of  
 9 the precinct register, sign his name on the certificate  
 10 provided under [section 1]. The election judge shall take  
 11 the certificate to the election administrator with the  
 12 precinct register.

13 ~~(2)~~(3) The election judges shall require an elector not  
 14 able to sign his name to produce two electors who shall sign  
 15 an affidavit stating that the elector is the individual  
 16 whose name and address appears in the precinct register  
 17 before one or more of the election judges on a form  
 18 prescribed by the secretary of state. The affidavit shall be  
 19 filed by the election judges and returned to the election  
 20 administrator with the returns of the election. One of the  
 21 judges shall write the elector's name, noting the fact of  
 22 his inability to sign, and the names of the two electors  
 23 signing the affidavit.

24 ~~(3)~~(4) If the elector fails or refuses to sign his name  
 25 or, if unable to write, fails to procure two electors who

1 will take the oath required, he may not vote."

2 **Section 8.** Section 13-13-301, MCA, is amended to read:

3 "13-13-301. Challenges on election day. (1) An  
4 elector's right to vote may be challenged on election day by  
5 any registered elector by orally stating to the election  
6 judges the grounds of the challenge.

7 (2) An individual offering to vote may be orally  
8 challenged by any elector of the county upon the following  
9 grounds:

10 (a) that he is not the individual whose name appears on  
11 the register or certificate;

12 (b) that he does not reside at the residence listed  
13 unless the elector is voting under the provisions of  
14 13-2-512 and 13-2-514;

15 (c) that he is of unsound mind, as determined by a  
16 court;

17 (d) that he has voted before in that election; or

18 (e) that he has been convicted of a felony and is  
19 serving a sentence in a penal institution."

20 **Section 9.** Section 13-13-304, MCA, is amended to read:

21 "13-13-304. Duties of election judges in response to  
22 challenges. The election judges shall:

23 (1) test the qualifications of the elector challenged  
24 under oath if he applies to vote;

25 (2) compare the answers of the elector with the entries

1 in the precinct register or on his registration card; and

2 (3) not permit him to vote if the elector:

3 (a) is found to be disqualified because the answers  
4 given do not correspond to the entry in the precinct  
5 register or any transfer form or registration form submitted  
6 by the elector;

7 (b) is disqualified for any cause under the law;

8 (c) refuses to be sworn and to answer questions  
9 touching the matter of residence; or

10 (d) refuses to take an oath or affirmation as to his  
11 qualifications."

12 **Section 10.** Section 13-13-306, MCA, is amended to read:

13 "13-13-306. Proceedings pursuant to challenges --  
14 oaths. (1) If the challenge is on the ground that the  
15 individual is not the elector whose name appears on the  
16 official register or certificate, the election judges shall  
17 administer the following oath: "I, ..... (name of elector),  
18 do swear (or affirm) that I am the individual whose name is  
19 entered on the official register and precinct list or  
20 certificate."

21 (2) If the challenge is on the ground that the  
22 individual does not reside at the residence listed, the  
23 judges shall administer this oath: "I, ..... (name of  
24 elector), do swear (or affirm) that I reside at .....  
25 (state precise address), which is the address listed on the

1 official register."

2 (3) If the challenge is on the ground that the  
3 individual has voted before in that election, the judges  
4 shall administer this oath: "I, ..... (name of elector), do  
5 swear (or affirm) that I have not voted before in this  
6 election."

7 (4) If the challenge is on the ground that the  
8 individual has been convicted of a felony and is serving a  
9 sentence in a penal institution, the judges shall administer  
10 the following oath: "I, ..... (name of elector), do swear  
11 (or affirm) either that I have not been convicted of a  
12 felony or that, if I have been convicted of a felony, I am  
13 not serving a sentence in a penal institution."

14 (5) The election judges may administer any other oath  
15 relating to the individual's qualification to vote that they  
16 feel necessary."

17 NEW SECTION. **Section 11.** Codification instruction.  
18 [Section 1] is intended to be codified as an integral part  
19 of Title 13, and the provisions of Title 13 apply to  
20 [section 1].

21 NEW SECTION. **Section 12.** Effective date. [This act] is  
22 effective January 1, 1992.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0325, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for election day voter registration, and allowing a designated person at a state agency to be appointed a deputy registrar to provide voter registration services.

ASSUMPTIONS:

1. Counties will continue to act as sole repository for registration records.
2. Same day registration will take place at county courthouses only.
3. Registration cards prescribed by the Secretary of State will not change due to passage of SB0325.
4. The Secretary of State will provide registration materials to agencies for use in voter registration.
5. Agencies will not need additional FTE to perform voter registration as mandated in SB0325.
6. Expenses for printing and distribution of registration cards is based upon FY90 actual expenses.
7. Current law is represented by the executive budget recommendation for the Records Management Program in the Secretary of State's Office.

FISCAL IMPACT:

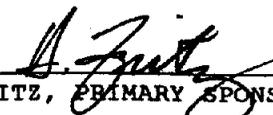
Office of the Secretary of State-Records Management

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Operating Expenses	391,400	392,400	1,000	440,200	441,300	1,100
<u>Funding:</u>						
General Fund	391,400	392,400	1,000	440,200	441,300	1,100
General Fund Impact			(1,000)			(1,100)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The impact on county governments will be significant, but is difficult to estimate. Same day registration will cause election administrators in each county to develop, staff, implement and fund a program to effectively administer the procedures of this act. Costs may include additional FTE on the local level as well as additional printing and computer costs.

  
 ROD SUNDSTED, BUDGET DIRECTOR      DATE 2-14-91  
 Office of Budget and Program Planning

  
 HARRY FRITZ, PRIMARY SPONSOR      DATE 2/16/91

Fiscal Note for SB0325, as introduced

**SB 325**