

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - SPECIAL SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **REP. DICK SIMPKINS, CHAIRMAN**, on Tuesday,  
November 30, 1993, at 8:30 a.m.

#### **ROLL CALL**

##### **Members Present:**

Rep. Dick Simpkins, Chairman (R)  
Rep. Wilbur Spring, Vice Chairman (R)  
Rep. Ervin Davis, Vice Chairman (D)  
Rep. Beverly Barnhart (D)  
Rep. Pat Galvin (D)  
Rep. Bob Gervais (D)  
Rep. Harriet Hayne (R)  
Rep. Gary Mason (R)  
Rep. Brad Molnar (R)  
Rep. Bill Rehbein (R)  
Rep. Sheila Rice (D)  
Rep. Sam Rose (R)  
Rep. Dore Schwinden (D)  
Rep. Carolyn Squires (D)  
Rep. Jay Stovall (R)  
Rep. Norm Wallin (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** None.

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing: Informal Presentation  
Executive Action: None.

SECRETARY OF STATE

Informational Testimony: Joe Kerwin, Elections & Legislative Bureau, Secretary of State's Office, gave a presentation on the new voter registrations. EXHIBITS 1, 2 & 3

ADJOURNMENT

Adjournment: 10 a.m.



REP. DICK SIMPKINS, Chairman



PAT BENNETT, Secretary

DS/PB

ID CARD

EXHIBIT 1  
11-30-93  
STATE ADMIN.

**PHOTO NUMBER**

I DO SOLEMNLY SWEAR  
THAT THE  
INFORMATION GIVEN IS  
TRUE AND CORRECT.

SEX	EYES	WT.	HEIGHT	HAIR
DATE OF BIRTH			NUMBER	

Issued by MONTANA DRIVER SERVICES  
FOR IDENTIFICATION PURPOSES ONLY (see reverse side)

X  
DATE CODE

YES NO

☐ ☐ 1. ARE YOU CURRENTLY LICENSED TO DRIVE IN ANY STATE? \_\_\_\_\_  
WHAT STATE? \_\_\_\_\_

IF YOU WISH TO REGISTER TO VOTE, OR CHANGE YOUR VOTER REGISTRATION ADDRESS, COMPLETE AND SIGN BELOW

RESIDENT ADDRESS IF DIFFERENT THAN ABOVE:

NAME AND ADDRESS ON LAST VOTER REGISTRATION (IF CHANGED): \_\_\_\_\_  
County

I, THE ABOVE NAMED PERSON, DO SOLEMNLY SWEAR (OR AFFIRM) UNDER OATH OR AFFIRMATION THAT THE INFORMATION SUPPLIED HEREIN IS TRUE, AND THAT I AM (1) A CITIZEN OF THE UNITED STATES, (2) AT LEAST 18 YEARS OLD, (3) A RESIDENT OF THE STATE AND COUNTY IN WHICH I INTEND TO VOTE FOR AT LEAST 30 DAYS, (4) NOT A CONVICTED FELON CURRENTLY SERVING A SENTENCE IN A PENAL INSTITUTION, AND (5) NOT DETERMINED BY A COURT TO BE OF UNSOUND MIND. IF I DO NOT NOW MEET THESE QUALIFICATIONS, I SWEAR THAT I WILL MEET ALL FIVE OF THESE QUALIFICATIONS BY THE NEXT ELECTION DAY.

SIGNED: X DATE: \_\_\_\_\_

PLACE OF BIRTH: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

WITNESS: X \_\_\_\_\_

Department of Justice Employee/Deputy Registrar

**ID CARD RECEIPT**  
**STATE OF MONTANA — DRIVERS SERVICES BUREAU**

#### YOUR RIGHT TO VOTE

1. You have the right to vote if you're at least 18, a citizen of the United States, and have resided in Montana for at least 30 days.
2. Your right to vote is secured by being properly registered in the precinct where you reside.
3. You have the right to register—either in person or by mail—simply by completing a registration card and delivering it to your county Election Administrator before the deadline (30 days prior to any election).
4. You have the right to register even if you do not yet satisfy the age or residency requirements as long as you will by the election.
5. Your right to vote must be maintained; you must participate in at least one general election—the presidential—every four years; and you must notify local election officials of any changes you make in your name or place of residence.
6. Your right to vote is abridged by missing any presidential election because your registration will be cancelled within 60 days. In that event, you need to re-register before your right to vote is secured again.

EXHIBIT 1DATE 11/30/93HB STATE ADMINISTRATION

FOR OFFICE USE ONLY	Polling Place	Date	Pct.	Ward	Sch.	Hse.	Sen.	FD	HD	SC	Reg. #
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1. NAME (PLEASE PRINT Last, First, Middle)

7. IF YOU'VE CHANGED YOUR NAME,  
PRINT FORMER NAME

2. COUNTY

8. PLACE LAST REGISTERED TO VOTE  
CITY COUNTY STATE3. ADDRESS WHERE YOU LIVE  
(Street, City, Zip OR Sec., Twp. & Range)9. VOTER DECLARATION (Read and sign below)  
I do solemnly swear or affirm, under penalty  
of law, that the information supplied herein  
is true and that I:4. ADDRESS WHERE YOU GET YOUR MAIL  
(if different from #3)

- am an United States citizen,
- will be at least 18 years old on or  
before the next election,
- will have lived in this state & county for at  
least 30 days before the next election,
- am neither in a penal institution for a  
felony conviction nor been determined  
by a court to be of unsound mind, and
- if I don't meet these qualifications, I will  
meet them by the next election day.

5. YOUR TELEPHONE NUMBER

(406)

6. DATE OF BIRTH (month/day/year)

SIGNATURE

DATE

PUBLIC LAW 103-31—MAY 20, 1993

107 STAT. 77

Public Law 103-31  
103d Congress

An Act

To establish national voter registration procedures for Federal elections, and for other purposes.

May 20, 1993  
[H.R. 2]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Voter Registration Act of 1993".

National Voter  
Registration Act  
of 1993.  
Inter-  
governmental  
relations.  
42 USC 1973<sup>gg</sup>  
note.  
42 USC 1973<sup>gg</sup>.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

**SEC. 3. DEFINITIONS.**

42 USC 1973<sup>gg-1</sup>.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

42 USC 1973gg-2. **SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) **NONAPPLICABILITY TO CERTAIN STATES.**—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

42 USC 1973gg-3. **SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.**

(a) **IN GENERAL.**—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) **LIMITATION ON USE OF INFORMATION.**—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) **FORMS AND PROCEDURES.**—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) **CHANGE OF ADDRESS.**—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) **TRANSMITTAL DEADLINE.**—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

#### **SEC. 8. MAIL REGISTRATION.**

42 USC 1973gg-4.

(a) **FORM.**—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration



form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) **AVAILABILITY OF FORMS.**—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) **FIRST-TIME VOTERS.**—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) **UNDELIVERED NOTICES.**—If a notice of the disposition of a mail voter registration application under section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the registrar may proceed in accordance with section 8(d).

42 USC 1973gg-5. **SEC. 7. VOTER REGISTRATION AGENCIES.**

(a) **DESIGNATION.**—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

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107 STAT. 81

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2), unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes—

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with \_\_\_\_\_", the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.**—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) **ARMED FORCES RECRUITMENT OFFICES.**—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

(d) **TRANSMITTAL DEADLINE.**—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

42 USC 1973gg-6. **SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.**

(a) **IN GENERAL.**—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) **CONFIRMATION OF VOTER REGISTRATION.**—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) **VOTER REMOVAL PROGRAMS.**—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which

the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the

area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

- (A) the name of the offender;
- (B) the offender's age and residence address;
- (C) the date of entry of the judgment;
- (D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

**“§ 3629. Reduced rates for voter registration purposes**

“The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.”.

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out “and 3626(a)–(h) and (j)–(k) of this title,” and inserting in lieu thereof “3626(a)–(h), 3626(j)–(k), and 3629 of this title”.

(3) Section 3627 of title 39, United States Code, is amended by striking out “or 3626 of this title,” and inserting in lieu thereof “3626, or 3629 of this title”.

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

“3629. Reduced rates for voter registration purposes.”.

Records.

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—

(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term “registrars’ jurisdiction” means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic

area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

#### SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

42 USC 1973gg-7.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

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(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

#### SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

42 USC 1973gg-8.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.



42 USC 1973gg-9. **SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.**

(a) **ATTORNEY GENERAL.**—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) **PRIVATE RIGHT OF ACTION.**—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) **ATTORNEY'S FEES.**—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) **RELATION TO OTHER LAWS.**—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

42 USC  
1973gg-10.

**SEC. 12. CRIMINAL PENALTIES.**

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United

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States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

42 USC 1973gg  
note.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

Approved May 20, 1993.

LEGISLATIVE HISTORY—H.R. 2 (S. 460):

HOUSE REPORTS: Nos. 103-9 (Comm. on House Administration) and 103-66 (Comm. of Conference).

SENATE REPORTS: No. 103-6 accompanying S. 460 (Comm. on Rules and Administration).

CONGRESSIONAL RECORD, Vol. 139 (1993):

Feb. 4, considered and passed House.

Mar. 10, 11, 15-17, S. 460 considered in Senate; H.R. 2, amended, passed in lieu.

May 5, House agreed to conference report.

May 6-8, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):

May 20, Presidential remarks.

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(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

#### SEC. 6. MAIL REGISTRATION.

42 USC 1973gg-4.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration

form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) **AVAILABILITY OF FORMS.**—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) **FIRST-TIME VOTERS.**—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) **UNDELIVERED NOTICES.**—If a notice of the disposition of a mail voter registration application under section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the registrar may proceed in accordance with section 8(d).

42 USC 1973gg-5. **SEC. 7. VOTER REGISTRATION AGENCIES.**

(a) **DESIGNATION.**—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2), unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes—

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with \_\_\_\_\_", the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.**—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) **ARMED FORCES RECRUITMENT OFFICES.**—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

(d) **TRANSMITTAL DEADLINE.**—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

42 USC 1973gg-6.

## **SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.**

(a) **IN GENERAL.**—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

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(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) **CONFIRMATION OF VOTER REGISTRATION.**—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) **VOTER REMOVAL PROGRAMS.**—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which

the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the



area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

- (A) the name of the offender;
- (B) the offender's age and residence address;
- (C) the date of entry of the judgment;
- (D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) **REDUCED POSTAL RATES.**—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

**“§ 3629. Reduced rates for voter registration purposes**

“The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.”.

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out “and 3626(a)–(h) and (j)–(k) of this title,” and inserting in lieu thereof “3626(a)–(h), 3626(j)–(k), and 3629 of this title”.

(3) Section 3627 of title 39, United States Code, is amended by striking out “or 3626 of this title,” and inserting in lieu thereof “3626, or 3629 of this title”.

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

“3629. Reduced rates for voter registration purposes.”.

Records.

(i) **PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.**—

(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) **DEFINITION.**—For the purposes of this section, the term “registrar’s jurisdiction” means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic

area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

**SEC. 9. FEDERAL COORDINATION AND REGULATIONS.**

42 USC 1973gg-7.

(a) **IN GENERAL.**—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

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(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) **CONTENTS OF MAIL VOTER REGISTRATION FORM.**—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

**SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.**

42 USC 1973gg-8.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

42 USC 1973gg-9. **SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.**

(a) **ATTORNEY GENERAL.**—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) **PRIVATE RIGHT OF ACTION.**—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) **ATTORNEY'S FEES.**—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) **RELATION TO OTHER LAWS.**—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

42 USC  
1973gg-10.

**SEC. 12. CRIMINAL PENALTIES.**

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United

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States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

**SEC. 13. EFFECTIVE DATE.**

42 USC 1973gg  
note.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

Approved May 20, 1993.

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**LEGISLATIVE HISTORY—H.R. 2 (S. 460):**

**HOUSE REPORTS:** Nos. 103-9 (Comm. on House Administration) and 103-66 (Comm. of Conference).

**SENATE REPORTS:** No. 103-6 accompanying S. 460 (Comm. on Rules and Administration).

**CONGRESSIONAL RECORD,** Vol. 139 (1993):

Feb. 4, considered and passed House.

Mar. 10, 11, 15-17, S. 460 considered in Senate; H.R. 2, amended, passed in lieu.

May 5, House agreed to conference report.

May 6-8, Senate considered and agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS,** Vol. 29 (1993):

May 20, Presidential remarks.

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## I. OVERVIEW

The State of Montana is in an excellent position to implement the National Voter Registration Act (NVRA) when the act goes into effect on January 1, 1995. Some statutory and administrative changes will have to be made, but with the recent removal of the witness requirement for mail registration, we should be able to bring Montana into compliance until the Fifty-Fourth Legislature can pass the necessary complementary legislation.

The two main areas that will require the most attention for implementation will be developing a new system for voter registration file maintenance and agency registration. Both of these matters, but agency registration in particular, will demand close cooperation between state and county government. The key to success in this regard will be defining a program that is flexible, complies with the NVRA, both in the letter and the spirit of the law, and does not overburden either the counties or the affected agencies.

While some agencies are mandated to provide voter registration services, the state must choose some other offices as well to provide these same services. In addition, federal and nongovernmental offices are encouraged to participate, so the system that is developed should not be designed solely with the mandated agencies in mind, but it should be developed to encourage other offices to provide voter registration.

The success of the Montana's "motor voter" program should be looked at as a model when considering implementing the NVRA. The program started in October, 1991, and has been registering an average of 1,800 Montanans a month. The reason this program has worked so well is the willingness and enthusiasm of the staff of the Motor Vehicle Division of the Department of Justice to implement this program. The enacting legislation was simple in nature so as not to restrict the motor vehicle staff and to allow them to work with the Secretary of State to develop a workable program. Similarly, this permits the program to be modified and improved without having to seek constant statutory change.

What must be kept in the forefront at all times, whether in terms of drafting a program, implementing one, or whenever dealing with election laws, is that the rights of Montanans come first. The rights of citizens to participate by registering and voting should never be impaired for administrative ease or convenience. Laws and policies should be drawn to give Montanans full opportunity to participate in elections that are fair and protected against abuse.

The first section of Article II of the Montana Constitution should serve as a guide to policy in this regard. That section reads:

**Popular sovereignty.** All political power is vested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

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### **II. SECTION BY SECTION ANALYSIS OF THE NVRA: IMPLICATIONS FOR MONTANA**

#### **SECTION 1. SHORT TITLE.**

This act will be called the "National Voter Registration Act of 1993."

#### **SECTION 2. FINDINGS AND PURPOSE.**

The act reaffirms that voting is a fundamental right which government, meaning federal, state, and local governments, should promote in a fair, nonbiased manner. The purposes of the NVRA is to increase the number of people registered for federal elections, making it easier for the public to participate in these elections, while at the same time protecting the integrity of the elections and the registration rolls.

#### **SECTION 3. DEFINITIONS.**

Defines elections as federal elections pursuant to the Federal Election Campaign Act of 1971.

#### **SECTION 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.**

(a) **IN GENERAL.** States must establish procedures to allow people to register for federal elections by an application that is made simultaneous with applying for a driver's license, by mail application, and by application in person either at election administrator's office or at an voter registration agency.

(b) **NONAPPLICABILITY TO CERTAIN STATES.** Exempts only those states that as of March 11, 1993 had with same-day registration or no registration.

*So Montana is not exempted now and cannot become exempted under current federal law.*

#### **SECTION 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.**

(a) **IN GENERAL.** An application for a driver's license or a renewal application will serve as an application for voter registration unless the voter does not sign the

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application. If a person using "motor voter" is already registered, their application will serve an update or change-of-address for registration purposes.

(b) **LIMITATION ON USE OF INFORMATION.** Information relating to a person who declines to register using "motor voter" may be used for any other purpose besides voter registration.

(c) **FORMS AND PROCEDURES.** A combined form is not necessary but encouraged. The form must indicate that if an individual declines to register this fact will remain confidential and that if an individual does register the office where they registered will remain confidential.

*Since no information that is included on the application for a driver's license may be repeated, Montana should keep using our combined form, although it may need to be slightly modified to comply with the NVRA.*

(d) **CHANGE OF ADDRESS.** A change of address for driver's licenses also serves as a change of address for voter registration unless the individual states otherwise.

(e) **TRANSMITTAL DEADLINE.** Voter registration cards must be transmitted to county election administrators no later than 10 days of receipt. When an application is received within 5 days of close of registration for an election (federal), then the cards must be transmitted within 5 days of receipt.

*Current state law allows cards to be accepted within 3 days if properly completed before the close of registration.*

### **SECTION 6. MAIL REGISTRATION.**

(a) **FORM.** States must accept the FEC-approved mail registration form for federal elections. This form, like the Federal Voting Assistance Program's card for military personnel, will probably be quite bulky. States must develop their own mail registration card that complies with the federal requirements (see Section 9 (b) **CONTENTS OF MAIL VOTER REGISTRATION FORM.**).

*This will mean only a small change if any to Montana's current card. The information on the "Your Right To Vote" section will have to be changed. The card itself, however, may have to include a statement indicating that declining to register will remain confidential as well the office where card is submitted.*

(b) **AVAILABILITY OF FORMS.** The Secretary of State will have make mail



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registration cards available for governmental and private entities and organized voter registration efforts.

*Current law requires that counties make cards available within the county and there is an Attorney General (38 A.G. Op. 107 (1980)) stating that cards must be made available without imposing any arbitrary limit. 13-2-203, MCA, may need to be changed to indicate that the Secretary of State will make cards available on a statewide basis and county election administrators will be responsible for making cards available within their county.*

(c) FIRST-TIME VOTERS. This allows states to require individuals who registered by mail to vote in person for the first time, if they have not voted in the county before and are not covered by the Uniformed and Overseas Citizens Absentee Voting Act or the Voting Accessibility for the Elderly and Handicapped Act.

*Montana does not now require this and should not in the future. It would be confusing to voters, require more administrative work for the counties, and, given Montana's formal and strict procedure for challenging voters, really is not necessary.*

(d) UNDELIVERED NOTICES. If notice of registration is sent by nonforwardable mail and returned, the individual may not be taken off the list, but the procedure for removing a person from the rolls may be started.

*Current law allows for a notice of registration sent by nonforwardable mail and allows a voter to be removed from the rolls if a diligent effort by the county election administrator to locate the voter fails. This law will have to be changed.*

### SECTION 7. VOTER REGISTRATION AGENCIES.

(a). DESIGNATION. Voter registration agencies designated by the state must include offices providing public assistance and providing state-funded programs primarily engaged in giving services to individuals with disabilities. "Public assistance" offices will include, at the least:

1. the food stamp program;
2. the Medicaid program;
3. W.I.C.; and
4. AFDC.

The state will have to determine other offices that will fall into this category.

Each state also must designate other offices for this same purpose. Examples of this

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second, discretionary type include public libraries, public schools, offices of city and county clerks, government revenue offices, unemployment compensation offices, fishing and hunting license bureaus, and offices providing services to handicapped not already designated.

Public schools would not yield a high number of registrants and high school government teachers could probably be easily convinced to give seniors or anyone who is eighteen the opportunity to register without requiring it. Libraries would offer a bigger pool, but who would be asked, anyone applying for a library card or anyone checking out a book?

Any discretionary agency chosen should not serve just one sector of the population so as to discriminate against any potential voter. They also must be accessible and used by the public. So choosing an agency that has one office in the state would not suffice nor would choosing an agency with offices throughout the state but that is not used by the public, such as the Department of Transportation's maintenance shops.

All voter registration agencies will distribute mail registration forms, offer assistance in completing the cards, and offer to transmit cards to the appropriate official. For this last point, cards should be distributed directly to the appropriate county rather than go through a central office such as the Secretary of State. Most applicants will be from the county where the office is located so the number of cards that will have to be sent to distant counties should be minimal. Cards also would be received sooner under this method.

Those providing voter registration services for these agencies cannot seek to influence an applicant, display anything indicating a political preference, discourage an applicant from registering, or do anything to lead the applicant to believe that whether or not the applicant registers has a bearing on the availability of services.

The voter registration form does not have to be part of a combined form, but it would be advisable. However, because the office where a person registers must be kept confidential, the state may want to develop an agency form for use throughout the state. This would protect against someone identifying where a person registered because of the form itself, but may preclude some agencies from using the combined form.

The form must include a statement asking the applicant if they would like to register to vote if they are not registered at the address where they now live. It also must include boxes for the applicant to indicate if they would or would not like to register, a statement that the applicant may get assistance in completing the card or may complete it in private, and a statement that the phone number of the appropriate official to contact if someone has interfered with the applicant's right to register.

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If the applicant marks neither box indicating a preference to register or not, the applicant will be considered to have declined.

*Having fishing and hunting license bureaus offer voter registration was considered in the last legislature, but the people selling the licenses usually are not public employees but work for a store that sells the licenses. This might make enforcement of the rules and procedures more difficult.*

*Other possibilities, if not already covered, are the Department of Family Services with offices in 61 cities throughout the state, and the Job Services offices located in 22 cities.*

*The statement giving the phone number of the official to call if there is a question of some impropriety should include the Commissioner of Political Practices, perhaps with an 1-800 number. It might be advisable to make this detachable, so the applicant will not have to memorize a number, but can call at his or her leisure. The number and warning statement also may be posted in a conspicuous location in the office, as an official interfering with a person's right to register is not likely to provide the person with the statement and phone number.*

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION. Federal and private offices are encouraged to participate in this program.

(c) ARMED FORCES RECRUITMENT OFFICES. Recruitment offices will be considered voter registration agencies and the Secretary of Defense will work with the state to develop and implement this program. The Federal Voting Assistance Program (FVAP) has indicated they will be responsible for this throughout the nation.

*State and county officials will have to work with the FVAP to ensure their program is compatible with Montana's voter registration system.*

(d) TRANSMITTAL DEADLINE. Voter registration cards must be transmitted to county election administrators no later than 10 days of receipt. When an application is received within 5 days of close of registration for an election (federal), then the cards must be transmitted within 5 days of receipt.

*Current state law allows cards to be accepted within 3 days if properly completed before the close of registration.*

## SECTION 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

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(a) **IN GENERAL.** For federal elections, allows people to register to vote if they submit their application to the driver's license office or voter registration agency before the close of registration or if the card is returned by mail and postmarked before the close of registration.

A voter can be removed from the rolls only at the voter's written request or by reason of a criminal conviction or mental incapacity as provided by state law (for Montana, this means serving in a penal institution for a felony conviction or having been determined by a court to be of unsound mind). The state also may institute a program to remove the names of ineligible voters by reason of death or change of residence. State law should be changed to formalize the procedure for notifying the election administrator of deaths.

If a person registered through a voter registration agency, the identity of the agency may not be disclosed to the public.

*Montana law will have to be changed to allow for postmarked cards being accepted. The transmittal deadline also must be changed from 3 to 5 days as noted earlier.*

*Counties will have to mail to each applicant a notice indicating the disposition of their registration, which Montana already allows.*

(b) **CONFIRMATION OF VOTER REGISTRATION.** Any purge program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1966. A person may not be removed because they did not vote.

(c) **VOTER REMOVAL PROGRAMS.** A state's purge program may use the Postal Service's change-of-address information. This program may allow the election administrator to update a voter's registration and send a notice of the change of address by forwardable mail along with a return form that has a return address printed and with postage paid, if the Postal Service's information indicates the voter has moved within the county.

Any purge must be completed no later than 90 days before a federal primary or election.

(d) **REMOVAL OF NAMES FROM VOTING ROLLS.** A voter cannot be removed for a changing residence unless the voter confirms in writing that he or she has moved out of the county, or has failed to respond to a confirmation notice and has not voted or appeared to vote in an election during the period beginning on the date of the notice and ending on the day after the following second federal general election.

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The notice is to be sent by forwardable mail. It must have a return form that has the address of the county election administrator's office where the card is mailed and sufficient postage attached. It must state what the voter must do to remain registered as well as the procedure for being able to vote at the polls if the voter does not return the card. It also must have a space for the voter to state his or her current address. There must be information on how the voter can continue to remain registered if he or she has moved out of the county. To accommodate this, the notice should be designed so as to also serve as a change-of-address update.

*Montana's law of removing electors who did not vote in the presidential election will have to be removed. The other reasons in state law for removing names (13-2-402, MCA) will still apply. (Although the NVRA does not specifically address challenges, court orders, and canceling when receiving notice that a person has registered elsewhere. We should confirm this.)*

### (e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.

1. A voter who has moved within the same precinct shall be permitted to vote in that same precinct even if they have not notified the county election administrator of the change. This is in compliance with current state law (13-2-512, MCA).
2. A voter who has moved from one precinct to another precinct within the county shall be permitted to vote at either the old polling place, new polling place, or a central location even if they have not notified the county election administrator of the change. This is in compliance with current state law (13-2-512, MCA).

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION. A voter's name may not be removed because of a change of address within the county.

(g) CONVICTION IN FEDERAL COURT. The U.S. Attorney shall notify the Secretary of State of each person who has been convicted of a felony in a federal court. This notice will include at least the offender's name, age, residence address, date of the judgment, a description of the offense, and the sentence. The Secretary of State will then notify the appropriate county.

*Montana does not allow a person serving a felony sentence in a penal institution to vote, but the felony must be a felony under state law. A voter cannot be denied the right to vote because of conviction of an offense in federal court that would not be a felony by Montana statutory definition (Melton v. Oleson, 165 M 424, 530 P2d 466 (1974), overruling State ex rel. Anderson v. Fousek, 91 M 448, 8 P2d 791 (1932)). The Secretary of State, or Attorney General, may have to make that determination before*

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*forwarding the notice to the appropriate county.*

(h) REDUCED POSTAL RATES. There is still some confusion on what postal rates will be available for mailings required under this act. Congress may not act on this question until 1994.

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES. Requires each state to maintain a record for at least two years of the implementation and all activities conducted for the purpose of maintaining the accuracy of the rolls. The FEC has taken this to mean that they will require each state keep a report of the names and addresses of each voter that was sent a confirmation mailing and a status as to whether each voter has responded to the mailing.

(j) DEFINITION. For Montana, the definition of "registrar's jurisdiction" would be county election administrator.

### SECTION 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL. The FEC shall develop, in consultation with the states, a mail registration card for national use and shall require the states to report to the FEC on the impact of the act. For this reporting, the FEC expects the states to report the number of people registered over the previous two years through:

- 1) motor vehicle offices,
- 2) public assistance agencies,
- 3) agencies providing services to the disabled,
- 4) armed forces recruitment offices, and
- 5) other means (in person, by mail, etc.).

For the purge system adopted by the state, the FEC will ask for information about:

- 1) the number of confirmation mailings sent out,
- 2) the number of responses,
- 3) the number of voters removed from the rolls, and
- 4) general information on the state's and counties' procedures.

*Montana will have to develop a system that allows a record to be kept of where an individual registered, but at the same time does not reveal where a specific individual registered. One possible options would be for the Secretary of State printing cards numbered sequentially which are then distributed to the different agencies. Each county would then be sent a master list indicating which card numbers belong to which type*

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*of agency so the county could record the number of cards they receive and the agency from which they originated.*

*Another option would be to include a stub that the county could detach when they receive a card. The stub would be coded in such a way as to indicate the agency of origin. The advantage of this program is that once the stub is removed, there is no way to link the card to an agency, thus protecting confidentiality.*

**(b) CONTENTS OF MAIL REGISTRATION FORM.** The states must develop a mail registration form for use in federal elections in their state. The form can only include such information as is necessary for the county election administrator to assess eligibility and administer the rolls. The card must include:

- 1) the eligibility requirements,
- 2) an attestation that the applicant meets the eligibility requirements,
- 3) the applicant's signature under penalty of perjury,
- 4) in identical print of the above, the eligibility requirements and penalties for false registration, (??)
- 5) a statement that a declination to register will remain confidential and used only for voter registration purposes, (??), and
- ✓ 6) a statement that the office where a voter submits a card will remain confidential and used only for voter registration purposes.

The card may not include any requirement for notarization or a witness.

**SECTION 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.**

Each state must choose a state officer to be the official responsible for the coordination of the NVRA.

*13-1-201, MCA, has designated the Secretary of State as the chief election officer of the state, so for consistency, the Secretary of State should be the one responsible for the NVRA in Montana.*

## SECTION 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL. The U.S. Attorney General may seek civil action as is necessary to carry out the act.

**(b) PRIVATE RIGHT OF ACTION.** Provides a mechanism for private citizens to take

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the appropriate civil action for a violation of the NVRA.

(c) ATTORNEY'S FEES. In civil action, the court may allow the prevailing party (other than the U.S. government) reasonable attorney fees.

(d) RELATION TO OTHER LAWS. This act does not supersede, restrict, or limit the Voting Rights Act of 1965.

### SECTION 12. CRIMINAL PENALTIES.

Establishes criminal penalties for voter registration fraud.

### SECTION 13. EFFECTIVE DATE.

*For Montana, since no state constitutional changes will be needed, the NVRA will be effective on January 1, 1995.*