

1 *House* BILL NO. *620*
 2 INTRODUCED BY *Scully* *VINCENT Travis* *Bill* *Clark*
 3 *J. Duvall* *Nancy* *Henderson* *et*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR VOTER *Jefferson*
 5 REGISTRATION ON AND IN THE THIRTY (30) DAY PERIOD BEFORE AN
 6 ELECTION DAY; ALLOWING ELECTORS WHO HAVE REGISTERED IN THIS
 7 PERIOD TO VOTE IN THE ELECTION; AMENDING SECTIONS 23-3011,
 8 23-3012, 23-3015, 23-3018, AND 23-3024, R.C.M. 1947;
 9 REPEALING SECTIONS 23-2704, 23-3016, AND 23-3017, R.C.M.
 10 1947."

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

12 Section 1. This act shall be known and may be cited as
13 the "Montana Poll Booth Registration Act".

14 Section 2. Section 23-3011, R.C.M. 1947, is amended to
15 read as follows:

16 "23-3011. Inquiry as to previous registration--
17 procedure. (1) The registrar shall question each person
18 registering to ascertain whether he has previously
19 registered in this state. If the person has previously
20 registered, the registrar shall enter his name in a separate
21 file which is indexed by counties. Cards for this purpose
22 shall be in the form prescribed by the secretary of state.

23 (2) Not more than three (3) days after ~~closing-the~~
24 ~~registration-books~~ the registration of the elector, the
25

1 registrar shall forward the cards to the registrar where the
2 applicant previously voted by registered or certified mail.
3 The delivery receipt shall be kept on file with other
4 election records.

5 (3) Upon receiving notice to cancel the registration of
6 an elector, the registrar shall immediately draw red lines
7 through the elector's name in the register and on the
8 registration card."

9 Section 3. Section 23-3012, R.C.M. 1947, is amended to
10 read as follows:

11 "23-3012. Lists of registered electors--precinct
12 register. ~~Immediately after registration is closed~~ Thirty
13 (30) days prior to an election, the registrar shall prepare
14 lists of all registered electors. He shall also prepare a
15 precinct register for each precinct and deliver it to the
16 judges of election prior to the opening of the polls."

17 Section 4. Section 23-3015, R.C.M. 1947, is amended to
18 read as follows:

19 "23-3015. Challenges prior to election--registrar's
20 duties--challenges on election day--election judges' duties.

21 (1) An elector may challenge the qualifications of another
22 elector any time not later than twenty (20) days prior to an
23 election. The challenge must:

24 (a) Be filed with the registrar and be signed by the
25 elector;

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1 (b) Be verified by the affidavit of the elector that
2 the elector designated is not entitled to vote;

3 (c) State the grounds of the challenge, objection, and
4 disqualification;

5 (d) Notify the elector within five (5) days by
6 registered United States mail that his qualifications as an
7 elector have been challenged.

8 (2) The registrar shall:

9 (a) File the affidavit of challenge in his office;

10 (b) Deliver a correct copy of the affidavit to the
11 judges of election together with a copy of the precinct
12 registers, check lists, and other documents;

13 (c) Write opposite the name of any person whose
14 qualifications are challenged the words, "to be challenged."

15 (3) An elector's right to vote may also be challenged
16 on election day by any registered elector by orally stating
17 to the election judges the grounds of the challenge.

18 (4) The election judges shall:

19 (a) Test the qualifications of the elector challenged
20 under oath if he applies to vote;

21 (b) Compare the answers of the elector with the entries
22 in the precinct register books, or affidavit completed and
23 signed pursuant to section 23-3024.

24 (c) Not permit him to vote if the elector is found to
25 be disqualified because the answers given do not correspond

1 to the entry in the precinct registers, or affidavit, or the
2 elector is disqualified for any cause under the law, or he
3 refuses to take an oath or affirmation as to his
4 qualifications.

5 (5) The election judges may require the challenged
6 elector to produce one (1) or more ~~elector~~ electors of the
7 county to be examined under oath as to the qualifications of
8 the challenged elector, and may also request assistance from
9 the county attorney and the registrar in determining the
10 elector's qualifications."

11 Section 1. Section 23-3018, R.C.M. 1947, is amended to
12 read as follows:

13 "23-3018. Name on precinct register prima facie
14 evidence of right to vote--elector's identity--election
15 judges' duties as to precinct register. (1) A person shall
16 not vote at an election mentioned in this act unless his
17 name appears on election day in the copy of the official
18 precinct register furnished by the registrar to the election
19 judges, or unless he shall have registered pursuant to
20 section 23-3024. The fact that his name appears in the copy
21 of the precinct register is prima facie evidence of his
22 right to vote.

23 (2) If the election judges have good reason to believe,
24 or if they are informed by a qualified elector that the
25 person offering to vote is not the person registered in that

1 name, he shall not be allowed to vote until he has proved
2 his identity by the oath of two (2) reputable electors of
3 the precinct in which he is registered.

4 (3) The election judges in each precinct at every
5 general or special election in a precinct register certified
6 to them by the registrar shall:

7 (a) Mark a cross (x) upon the line opposite the name of
8 the elector , or, in the case of an elector registered
9 pursuant to section 23-3024, upon a blank line in the
10 register book provided for such purpose;

11 (b) Require the elector to sign his name upon one of
12 the precinct registers;

13 (c) Require an elector, who is not able to sign his
14 name, to produce two (2) electors who shall make an
15 affidavit before the election judges in a form prescribed by
16 the secretary of state. One of the election judges shall
17 write on the affidavit the elector's name, note his
18 inability to sign, and the names of the electors making
19 affidavits. The affidavits shall be returned to the
20 registrar with the other election records."

21 Section 6. Section 23-3024, R.C.M. 1947, is amended to
22 read as follows:

23 "23-3024. Preparation of precinct register -- later
24 ~~registration. After the closing of the official register and~~
25 ~~before the election~~ (1) During the thirty (30) days before

1 election day, the registrar shall:

2 ~~(1)~~ (a) Prepare a "precinct register" for each
3 preceinct for use by clerks and election judges;

4 ~~(2)~~ (b) List the names of all electors registered
5 thirty (30) days prior to election day in alphabetical
6 divisions;

7 ~~(3)~~ (c) Show all information from the registry card of
8 each elector, except the oath of the elector;

9 ~~(4)~~ (d) Deliver a certified copy of the precinct
10 register to the election judges prior to the opening of the
11 polls;

12 ~~(5)~~ (e) Combine into one (1) precinct register the
13 names of all electors in the several precincts where the
14 precincts in city elections, or elections in school
15 districts of the first class, include more than one (1)
16 county precinct.

17 ~~(6)~~ (f) If no declarations of nomination have been
18 filed forty (40) days before a primary election for city
19 offices, the city clerk shall immediately notify the
20 registrar in writing, and the precinct register or registers
21 shall not be prepared.

22 (2) Any person whose name does not appear in the copy
23 of the official precinct register furnished by the county
24 registrar to the judges of an election may register to vote
25 upon appearing before the county registrar, a deputy

1 registrar or an election judge, on, or within, a thirty (30)
 2 day period before an election day and upon signing,
 3 verifying, or affirming an affidavit to be furnished at the
 4 county registrar's office and on election day at each
 5 polling place in sufficient quantities to assure that all
 6 who need such an affidavit may obtain one, stating clearly
 7 that such person has not voted and will not vote in the
 8 election at any other polling place than the one for which
 9 he is registering, that the person meets all other
 10 registration requirements for voting in the election, and
 11 providing for all personal information required to otherwise
 12 register to vote.

13 (3) A person who registers pursuant to this section
 14 shall have his name entered on the official register and may
 15 vote in an election on or after the day of this registration
 16 and in future elections until his registration is canceled
 17 pursuant to law.

18 (4) The signing of such an affidavit pursuant to this
 19 section shall be prima facie evidence of a person's right to
 20 vote. Affidavit shall include the information required in
 21 the form prescribed by the secretary of state under section
 22 23-3011 and, in addition, the social security number of the
 23 registrant.

24 (5) Upon the receipt of such an affidavit, the county
 25 registrar shall make any investigation necessary to

1 establish the validity of statements made on the affidavit.

2 (6) Any person who knowingly makes any misstatements
 3 on such affidavit is guilty of a felony and upon conviction
 4 shall be imprisoned for not less than one (1) nor more than
 5 fourteen (14) years.

6 (7) Thirty (30) days before an election the county
 7 registrar shall send the secretary of state a certificate
 8 showing the number of voters registered in each precinct in
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10 Section 7. Sections 23-2704, 23-3016, and 23-3017,
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Approved by Committee
on Judiciary

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24 election. The challenge must:

25 (a) Be filed with the registrar and be signed by the

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5 disqualification;

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12 Section 5. Section 23-3018, R.C.M. 1947, is amended to
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14 "23-3018. Name on precinct register prima facie
15 evidence of right to vote -- elector's identity -- election
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17 not vote at an election mentioned in this act unless his
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19 precinct register furnished by the registrar to the election
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21 section 23-3024. The fact that his name appears in the copy
22 of the precinct register is prima facie evidence of his
23 right to vote.

24 (2) If the election judges have good reason to
25 believe, or if they are informed by a qualified elector that

1 the person offering to vote is not the person registered in
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6 general or special election in a precinct register certified
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11 register book provided for such purpose;

12 (b) Require the elector to sign his name upon one of
13 the precinct registers;

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 10 a county."

11 Section 7. Sections 23-2704, 23-3016, and 23-3017,
 12 R.C.M. 1947, are repealed.

-End-

SENATE COMMITTEE ON JUDICIARY

AMENDMENTS TO HOUSE BILL NO. 620

That House Bill No. 620, third reading, be amended as follows:

1. Amend title, line 6.
Following: "REGISTRATION"
Strike: "ON AND"
2. Amend title, line 6.
Following: "IN THE"
Strike: "THIRTY (30) DAY"
3. Amend title, line 6.
Following: "PERIOD"
Strike: "BEFORE"
Insert: "between thirty (30) and fourteen (14) days preceding"
4. Amend page 6, section 6, lines 24 and 25.
Following: "register"
Strike: "furnished by the county registrar to the judges of an election"
5. Amend page 7, section 6, line 1.
Following: "registrar"
Strike: " / "
Insert: "or"
6. Amend page 7, section 6, line 2.
Following: "registrar"
Strike: "or an election judge,"
7. Amend page 7, section 6, line 2.
Following: "on, or"
Strike: "within, a thirty (30)"
Insert: "before the fourteenth (14th)"
8. Amend page 7, section 6, line 3.
Following: "day"
Strike: "period before"
Insert: "preceding"
9. Amend page 7, section 6, line 4.
Following: "furnished"
Strike: "at"
Insert: "by"
10. Amend page 7, section 6, lines 5 through 9.
Following: "county"
Strike: lines 5 through 9 in their entirety
Insert: "registrar, stating clearly"

11. Amend page 7, section 6, line 10.
Following: line 9
Strike: "he is registering,"
12. Amend page 7, section 6, lines 10 and 11.
Following: "all"
Strike: "other registration"