

SENATE BILL NO. 368

2/08 Introduced
2/09 Referred to State Administration
2/11 Fiscal Note Requested
2/15 Fiscal Note Received
2/19 Hearing
2/20 Adverse Committee Report
2/20 Bill Killed

Senate BILL NO. *368*

Norman

INTRODUCED BY *Moran, Ly, Stoylock, Ebb, Conner, Bengtson, Halliday, LANE, Fuller, Christians*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A MEANS FOR AN INDIVIDUAL TO REGISTER AND VOTE ON ELECTION DAY; AMENDING SECTIONS 13-2-302, 13-2-601, 13-13-114, 13-13-301, 13-13-304, AND 13-13-306, MCA."

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

NEW SECTION. Section 1. Election day registration.

(1) An individual may register to vote on election day by appearing in person at the polling place for the precinct in which the individual resides. Upon being shown appropriate proof of residence, the election judge shall register the individual in the same manner as provided in 13-2-202.

(2) An individual may provide proof of residence by:

(a) showing a Montana driver's license issued under Title 61, chapter 5;

(b) showing a Montana identification card issued under Title 61, chapter 12, part 5;

(c) showing any other document approved by the secretary of state for the purpose of identification; or

(d) having a registered voter whose name appears on the precinct register sign an affidavit in the presence of the election judge, attesting to personal knowledge that the

individual is a resident of the precinct.

(3) The election judge who registers the individual must sign the registration card, affirming that the individual did appear in person, provide the required information, and sign the card.

NEW SECTION. Section 2. Election judge to register voters on election day. (1) An election judge shall conduct registration at the polling place on election day. The election judge who registers an individual may not handle that individual's ballot at any time prior to the opening of the ballot box after voting ends.

(2) The election judge shall provide an individual who has registered on election day with a certificate, signed by the judge, stating his eligibility to vote. The certificate must contain a statement to be signed by the elector upon voting, affirming that the elector has not voted and will not vote at any other place or time at the same election.

(3) The chief election judge shall return all completed registration cards, together with any required affidavits, to the election administrator.

(4) The chief election judge shall, to the extent practicable, keep a record of the number of individuals who attempt to register on election day but who cannot provide required proof of residence. The record must be forwarded to the election administrator.

1 NEW SECTION. Section 3. Registration materials to be
 2 provided at polls. (1) The election administrator shall
 3 deliver registration cards and affidavit forms required for
 4 registering electors at the polls on election day to each
 5 polling place or to the chief election judge for a polling
 6 place.

7 (2) The election administrator must provide each
 8 precinct with an accurate map or other means to be used by
 9 the election judge to determine whether an address is
 10 located in the precinct.

11 Section 4. Section 13-2-302, MCA, is amended to read:

12 "13-2-302. Registration immediately before an
 13 election. An individual may register during the time when
 14 registration is closed preceding any election, and the
 15 election administrator shall keep his registration form in a
 16 separate file until it can be properly entered after the
 17 election. An individual who has registered under this
 18 section may register and vote on election day as provided in
 19 [section 1]. In such case, registration under this section
 20 is presumed to be canceled."

21 Section 5. Section 13-2-601, MCA, is amended to read:

22 "13-2-601. Name on precinct register prima facie
 23 evidence of right to vote. An elector may not vote at an
 24 election mentioned in this title unless his name appears on
 25 election day in the copy of the official precinct register

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

6 Section 6. Section 13-13-114, MCA, is amended to read:

7 "13-13-114. Marking precinct register book before
 8 elector votes. (1) Before an elector is permitted to receive
 9 a ballot or vote, he shall sign his name on the place
 10 designated in the precinct register unless he has registered
 11 on election day under [section 1], in which case subsection
 12 (2) applies. Before signing the register, the elector shall
 13 state his name and current address. If the name or address
 14 is not as listed in the precinct register, the elector must
 15 complete a transfer form or new registration form to correct
 16 the information. The election judges shall write "transfer
 17 form" or "registration form" beside the name of any elector
 18 submitting a form. No elector may sign the precinct register
 19 unless his name and address are the same as shown in the
 20 register or the proper corrections have been made.

21 (2) Before an elector who has registered on election
 22 day under [section 1] may receive a ballot or vote, he
 23 shall, in the presence of the election judge in charge of
 24 the precinct register, sign his name on the certificate of
 25 eligibility provided under [section 2(2)]. The election

1 judge shall take the certificate and mark it to indicate the
 2 elector has voted and return the certificate to the election
 3 administrator with the precinct register.

4 ~~(2)~~(3) The election judges shall require an elector
 5 not able to sign his name to produce two electors who shall
 6 sign an affidavit stating that the elector is the individual
 7 whose name and address appears in the precinct register
 8 before one or more of the election judges on a form
 9 prescribed by the secretary of state. The affidavit shall
 10 be filed by the election judges and returned to the election
 11 administrator with the returns of the election. One of the
 12 judges shall write the elector's name, noting the fact of
 13 his inability to sign, and the names of the two electors
 14 signing the affidavit.

15 ~~(3)~~(4) If the elector fails or refuses to sign his
 16 name or, if unable to write, fails to procure two electors
 17 who will take the oath required, he may not vote."

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

19 "13-13-301. Challenges on election day. (1) An
 20 elector's right to vote may be challenged on election day by
 21 any registered elector by orally stating to the election
 22 judges the grounds of the challenge.

23 (2) An individual offering to vote may be orally
 24 challenged by any elector of the county upon the following
 25 grounds:

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

3 (b) that he does not reside at the residence listed
 4 unless the elector is voting under the provisions of
 5 13-2-512 and 13-2-514;

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

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

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

11 Section 8. Section 13-13-304, MCA, is amended to read:

12 "13-13-304. Duties of election judges in response to
 13 challenges. The election judges shall:

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

16 (2) compare the answers of the elector with the
 17 entries in the precinct register or on his registration
 18 card; and

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

20 (a) is found to be disqualified because the answers
 21 given do not correspond to the entry in the precinct
 22 register or any transfer form or registration form submitted
 23 by the elector;

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

25 (c) refuses to be sworn and to answer questions

1 touching the matter of residence; or

2 (d) refuses to take an oath or affirmation as to his
3 qualifications."

4 Section 9. Section 13-13-306, MCA, is amended to read:

5 "13-13-306. Proceedings pursuant to challenges --
6 oaths. (1) If the challenge is on the ground that the
7 individual is not the elector whose name appears on the
8 official register or certificate, the election judges shall
9 administer the following oath: "I, (name of elector),
10 do swear (or affirm) that I am the individual whose name is
11 entered on the official register and precinct list or
12 certificate."

13 (2) If the challenge is on the ground that the
14 individual does not reside at the residence listed, the
15 judges shall administer this oath: "I, (name of
16 elector), do swear (or affirm) that I reside at
17 (state precise address), which is the address listed on the
18 official register."

19 (3) If the challenge is on the ground that the
20 individual has voted before in that election, the judges
21 shall administer this oath: "I, (name of elector), do
22 swear (or affirm) that I have not voted before in this
23 election."

24 (4) If the challenge is on the ground that the
25 individual has been convicted of a felony and is serving a

1 sentence in a penal institution, the judges shall administer
2 the following oath: "I, (name of elector), do swear
3 (or affirm) either that I have not been convicted of a
4 felony or that, if I have been convicted of a felony, I am
5 not serving a sentence in a penal institution."

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

9 NEW SECTION. Section 10. Codification instruction.
10 Sections 1 through 3 are intended to be codified as an
11 integral part of Title 13, and the provisions of Title 13
12 apply to sections 1 through 3.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN408-85

Form BD-15

In compliance with a written request received February 11 19 85, there is hereby submitted a Fiscal Note for S.B. 368 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 368 would provide a means for an individual to register and vote on election day, and amends various sections.

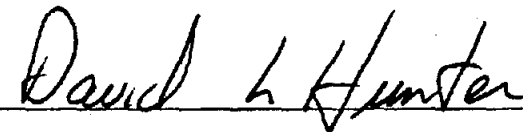
FISCAL IMPACT:

No fiscal impact at the state level.

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Montana's counties would require additional election judges. One additional election judge in each precinct in the state will cost about \$43,250 per election.

Additional ballots, in unknown quantity, will have to be printed. Senate Bill 368 could increase voter registration by about 15% and may require that many additional ballots.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 15, 1985
SB368