

HOUSE BILL 724

Introduced by Cohen, et al.

2/15	Introduced
2/16	Referred to State Administration
2/17	Hearing
2/17	Fiscal Note Requested
2/17	Tabled in Committee

1 *Amended* BILL NO. *724*
2 INTRODUCED BY *Chen Yellowtail Russell*
3 *Keyfe Hagen*
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ELECTION
5 DAY VOTER REGISTRATION; PROVIDING A PROCEDURE TO ALLOW A
6 PERSON TO REGISTER TO VOTE WHEN APPLYING FOR A DRIVER'S
7 LICENSE; PROVIDING FOR UNIFORM VOTER REGISTRATION FORMS;
8 CANCELING THE REGISTRATION OF AN ELECTOR WHO HAS FAILED TO
9 VOTE IN THE LAST TWO PRESIDENTIAL ELECTIONS; AMENDING
10 SECTIONS 13-2-102, 13-2-202, 13-2-203, 13-2-301, 13-2-302,
11 13-2-401, 13-2-601, 13-13-114, 13-13-301, 13-13-304, AND
12 13-13-306, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

15 NEW SECTION. **Section 1.** Election day registration.

16 The registrar shall accept registrations of an applicant who
17 appears in person on election day. The registrar shall issue
18 to each applicant a certificate entitling the applicant to
19 be placed on the voting list at the voting place. Only one
20 certificate may be issued to an applicant.

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

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

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

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

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

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

18 (d) Any employee of the department of justice, motor
19 vehicle division, may be appointed a deputy registrar.

20 (3) Deputy registrars shall be appointed from lists of
21 individuals recommended by the qualified political parties,
22 submitted by February 1 of even-numbered years. If no lists
23 are submitted by political parties, the governing body may
24 appoint two deputy registrars for each precinct without
25 party recommendations. Failure of the governing body to

1 make appointments in all precincts does not preclude making
2 appointments in some precincts.

3 (4) Each election administrator shall provide training
4 in registration procedures to all appointed deputy
5 registrars and any notary public requesting the training and
6 shall issue a certificate to each on successful completion
7 of the training. The training and certification must be
8 completed by March 15 of each even-numbered year. No one is
9 a qualified deputy registrar without a current certificate.
10 All certificates expire on March 15 of the following
11 even-numbered year.

12 (5) Each election administrator shall certify to the
13 secretary of state the name of each deputy registrar to whom
14 a certificate has been issued. The secretary of state shall
15 then compile a list of deputy registrars with current
16 certificates and make that list available to each election
17 administrator and the public.

18 (6) Deputy registrars shall forward all completed
19 cards to the county registrar within 3 days. Registration
20 cards properly executed before a deputy registrar prior to
21 the close of registration shall be accepted for 3 days after
22 the close of registration."

23 **Section 3.** Section 13-2-202, MCA, is amended to read:

24 "13-2-202. Registration by personal appearance. An
25 elector may register by appearing before the registrar or a

1 deputy registrar and:

2 (1) answering any questions asked by the official
3 concerning items of information called for in the
4 registration form;

5 (2) signing and verifying or affirming the affidavit
6 or affidavits on the form;

7 (3) filling out the voter registration portion of a
8 driver's license application."

9 **Section 4.** Section 13-2-203, MCA, is amended to read:

10 "13-2-203. Registration by mail. (1) A qualified
11 individual may register by mailing, postage paid, a properly
12 completed registration form to the election administrator in
13 the county in which he resides.

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

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

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

Section 5. Section 13-2-301, MCA, is amended to read:

"13-2-301. Close of registration Preparation of voting register -- procedure. (1) The election administrator shall: (a) -- close registrations for 30 days before any an election; and, (b) -- publish a notice specifying the day registrations will close on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the county at least once a week for 3 weeks before the close of registration;

(b) -- publish a notice specifying the day registrations will close on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the county at least once a week for 3 weeks before the close of registration;

(2) -- information to be included in the notice shall be prescribed by the secretary of state;

(3) -- An individual who submits a completed registration

form to the election administrator before the deadline provided in subsection (1) is allowed to correct a mistake on the completed registration form until 5 p.m. on the 10th day following the close of registration and thereafter the qualified elector is eligible to vote in the next election."

Section 6. Section 13-2-302, MCA, is amended to read:

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

(2) An individual who has registered under this section may register and vote on election day as provided in [section 1]. In such case, a person's election day registration replaces any prior registration. Notice of this provision must be posted on all registration forms."

Section 7. Section 13-2-401, MCA, is amended to read:

"13-2-401. Cancellation of registration for failure to vote -- reregistration. (1) Except as provided in subsection (3), within 60 days after every general election in which a president is elected, the election administrator shall:

(a) cancel the registration of the electors who have

not voted in the last two presidential elections in each precinct, as shown by the official pollbook and precinct register of each precinct;

(b) mark the form of each elector whose registration has been canceled; and

(c) place canceled forms for the entire county in alphabetical order in the canceled file.

(2) An elector whose registration is canceled may reregister in the same manner as if he were registering for the first time.

(3) The registration of an elector who votes by absentee ballot but whose ballot does not arrive in time to be counted may not be canceled if his ballot is received and rejected by the election administrator within 10 days succeeding the election.

(4) A notice of cancellation shall be published on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the county once a week for 2 weeks prior to the date of cancellation. The notice shall be run in a display advertisement (known as ROP in the trade) if in a newspaper or as an announcement if on radio or television and shall be in a form prescribed by the secretary of state. The names of those electors whose registration has been canceled need not be published."

Section 8. Section 13-2-601, MCA, is amended to read:

"13-2-601. Name on precinct register prima facie evidence of right to vote. (1) An elector may not vote at an election mentioned in this title unless his name appears on election day in the copy of the official precinct register furnished by the election administrator to the election judges or unless he has registered that day under [section 1]. The fact that his name appears in the copy of the precinct register is prima facie evidence of his right to vote.

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

Section 9. Section 13-13-114, MCA, is amended to read:

"13-13-114. Marking precinct register book before elector votes. (1) Before an elector is permitted to receive a ballot or vote, he shall sign his name on the place designated in the precinct register unless he has registered on election day under [section 1], in which case subsection (2) applies. Before signing the register, the elector shall state his name and current address. If the name or address

is not as listed in the precinct register, the elector must complete a transfer form or new registration form to correct the information. The election judges shall write "transfer form" or "registration form" beside the name of any elector submitting a form. No elector may sign the precinct register unless his name and address are the same as shown in the register or the proper corrections have been made.

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

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

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

Section 10. Section 13-13-301, MCA, is amended to read:

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

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

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

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

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

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

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

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

"13-13-304. Duties of election judges in response to

1 challenges. The election judges shall:

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

4 (2) compare the answers of the elector with the
5 entries in the precinct register or on his registration
6 card; and

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

8 (a) is found to be disqualified because the answers
9 given do not correspond to the entry in the precinct
10 register or any transfer form or registration form submitted
11 by the elector;

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

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

15 (d) refuses to take an oath or affirmation as to his
16 qualifications."

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

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

1 certificate."

2 (2) If the challenge is on the ground that the
3 individual does not reside at the residence listed, the
4 judges shall administer this oath: "I, (name of
5 elector), do swear (or affirm) that I reside at
6 (state precise address), which is the address listed on the
7 official register."

8 (3) If the challenge is on the ground that the
9 individual has voted before in that election, the judges
10 shall administer this oath: "I, (name of elector), do
11 swear (or affirm) that I have not voted before in this
12 election."

13 (4) If the challenge is on the ground that the
14 individual has been convicted of a felony and is serving a
15 sentence in a penal institution, the judges shall administer
16 the following oath: "I, (name of elector), do swear
17 (or affirm) either that I have not been convicted of a
18 felony or that, if I have been convicted of a felony, I am
19 not serving a sentence in a penal institution."

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

23 **NEW SECTION. Section 13.** Codification instruction.
24 [Section 1] is intended to be codified as an integral part
25 of Title 13 and the provisions of Title 13 apply to [section

LC 0255/01

1 1].

2 NEW SECTION. **Section 14.** Effective date. [This act]

3 is effective January 1, 1990.

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