

1 House BILL NO. 327  
 2 INTRODUCED BY HEAVY Runner  
 3 BY REQUEST OF THE SECRETARY OF STATE  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE NATIONAL VOTER REGISTRATION ACT  
 6 OF 1993; PROVIDING THAT THE SECRETARY OF STATE IS THE CHIEF ELECTION OFFICIAL RESPONSIBLE  
 7 FOR IMPLEMENTING THE FEDERAL ACT; AUTHORIZING THE SECRETARY OF STATE TO ADOPT  
 8 PROCEDURES AND FORMS FOR COMPLIANCE WITH THE FEDERAL ACT; EXPANDING THE LOCATIONS  
 9 AT WHICH VOTER REGISTRATION FORMS ARE AVAILABLE; REVISING THE POLLING LOCATION FOR  
 10 CERTAIN VOTERS; REVISING THE BASIS FOR THE CANCELLATION OF VOTER REGISTRATION;  
 11 PROVIDING A PROCEDURE FOR REACTIVATION OF ELECTORS; AMENDING SECTIONS 13-1-202,  
 12 13-1-203, 13-1-204, 13-2-203, 13-2-207, 13-2-402, 13-2-512, 13-2-515, AND 13-19-313, MCA;  
 13 REPEALING SECTION 13-2-401, MCA; AND PROVIDING AN EFFECTIVE DATE."

14  
 15 STATEMENT OF INTENT

16 A statement of intent is required for this bill because the bill gives the secretary of state authority  
 17 to adopt administrative rules. In adopting rules, the secretary of state should implement the requirements  
 18 of 11 CFR part 8.  
 19

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

21  
 22 **Section 1.** Section 13-1-202, MCA, is amended to read:

23 **"13-1-202. Forms and rules prescribed by chief election officer.** (1) In carrying out his the  
 24 responsibilities under 13-1-201, the secretary of state shall prepare and deliver to the election  
 25 administrators:

- 26 (a) written directives and instructions relating to and based on the election laws;
- 27 (b) sample copies of prescribed and suggested forms; and
- 28 (c) advisory opinions on the effect of election laws other than those laws in ~~chapters~~ chapter 35,  
 29 36, or 37 of this title.

30 (2) The secretary of state may prescribe the design of any election form required by law. ~~He must~~

1 The secretary of state shall seek the advice of election administrators and printers in designing the required  
2 forms.

3 (3) Each election administrator shall comply with the directives and instructions and shall provide  
4 election forms prepared as prescribed.

5 (4) The secretary of state may prescribe, by rule, the necessary procedures and forms for  
6 administering:

7 (a) the application and operation of election laws other than those laws in chapter 35, 36, or 37  
8 of this title; and

9 (b) the reporting and procedural requirements of the National Voter Registration Act of 1993, Public  
10 Law 103-31, including:

11 (i) agency-based registration; and

12 (ii) providing a procedure for cancellation of voter registration, including notification requirements."

13

14 **Section 2.** Section 13-1-203, MCA, is amended to read:

15 "13-1-203. **Chief election officer to advise, assist, and train.** The secretary of state shall advise  
16 and assist election administrators with regard to application, operation, and interpretation of Title 13,  
17 except for ~~chapters~~ chapter 35, 36, or 37, and the implementation and operation of the National Voter  
18 Registration Act of 1993, Public Law 103-31. The secretary of state shall hold at least one workshop every  
19 2 years to provide training and assistance to election administrators. Election administrators must be  
20 reimbursed, from funds appropriated to the secretary of state, for their mileage and expenses for attending  
21 the workshops at the rates set for mileage and expenses in 2-18-501 through 2-18-503. At the discretion  
22 of the secretary of state and within the budget limits allowed for workshops, the workshops may be held  
23 in several sessions at separate locations in the state."

24

25 **Section 3.** Section 13-1-204, MCA, is amended to read:

26 "13-1-204. **Election records to be kept by secretary of state.** (1) The secretary of state shall  
27 maintain current and accurate records including:

28 (a) a list of all precincts in each county;

29 (b) a map showing the boundaries of all precincts in each county;

30 (c) a count of the number of registered voters in each precinct for the latest general election;

1 (d) a list of legislative districts, judicial districts, and any multicounty election districts, showing  
2 the precinct numbers of each county contained in each district and the number of registered voters in each  
3 district for the ~~latest~~ most recent general election;

4 (e) a count of votes cast at the ~~latest~~ most recent general election by precinct and by legislative,  
5 judicial, and multicounty districts; and

6 (f) records required to be submitted from local election administrators and other agencies and  
7 coordinated by the secretary of state under the National Voter Registration Act of 1993, Public Law  
8 103-31.

9 (2) Each election administrator shall provide the information and map for the record required in  
10 subsection (1) in the form and at the time prescribed by the secretary of state.

11 (3) The records required in subsection (1) and all records in the secretary of state's office pertaining  
12 to elections ~~shall~~ must be open for public inspection during normal office hours."

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

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

18 (2) The election administrator shall send registration forms for mail registrations to all qualified  
19 individuals requesting them and shall, in addition, arrange for the forms to be widely and conveniently  
20 available within the county. The secretary of state shall make mail registration forms available to  
21 governmental entities, private entities, and organized voter registration efforts. The mail registration form  
22 must be designed as prescribed by the secretary of state. A form prescribed by the secretary of state  
23 explaining voter registration qualifications, deadlines, and purge information must be distributed with the  
24 mail registration form.

25 (3) The elector shall complete, sign, and return the mail registration form.

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

29 (5) Registration forms properly executed before the close of registration must be accepted for ~~3~~  
30 5 days after the close of registration."

1           **Section 5.** Section 13-2-207, MCA, is amended to read:

2           "**13-2-207. Notice of registration.** (1) The election administrator shall give or mail to each elector  
3 a notice, affirming registration and giving the location of the elector's polling place. Mailed notices must  
4 conform to postal regulations to ensure return, not forwarding, of undelivered notices.

5           (2) The election administrator ~~must~~ shall investigate the reason for the return of any mailed notices  
6 ~~and correct the address on the registration form~~ and mail a new second notice ~~or cancel the registration~~  
7 ~~of the elector if a diligent effort fails to locate the elector named on the registration form.~~ The notice must  
8 conform to postal regulations to ensure return, not forwarding, of undelivered notices.

9           (3) If the second notice is returned to the election administrator, the elector must be placed on an  
10 inactive list until that elector's registration is qualified to be canceled under the provisions of 13-2-402 or  
11 the elector meets the requirements to be reactivated under [section 11]."

12  
13           **Section 6.** Section 13-2-402, MCA, is amended to read:

14           "**13-2-402. ~~Other reasons~~ Reasons for cancellation.** The election administrator shall cancel the  
15 registration of any elector:

16           (1) at the written request of the registered elector;

17           (2) if a certificate of the death of ~~any~~ the elector is filed or if ~~an~~ the elector is reported as deceased  
18 by the department of health and environmental sciences in the department's reports submitted to the  
19 county under 72-16-217;

20           (3) if the elector is of unsound mind as established by a court;

21           (4) if the incarceration of ~~an~~ the elector in a penal institution for a felony conviction is legally  
22 established;

23           (5) if a certified copy of a court order directing the cancellation is filed with the election  
24 administrator;

25           (6) if ~~an~~ the elector is successfully challenged and not allowed to vote at an election upon  
26 determination of an election judge; ~~or~~

27           (7) if a notice is received from another county or state that the elector has registered in that county  
28 or state; or

29           (8) if the elector fails to respond to certain confirmation mailings and fails to offer to vote in any  
30 election within two subsequent presidential elections."

1           **Section 7.** Section 13-2-512, MCA, is amended to read:

2           "**13-2-512. Right to vote when precinct or name changed -- inactive elector -- change of status.**

3           (1) An elector who has changed ~~his~~ residence to a different precinct within the same county and has failed  
4           to notify the election administrator of the change by a transfer or new registration form may vote in the  
5           precinct where ~~he~~ the elector is registered at the first election at which ~~he~~ the elector offers to vote after  
6           the change or at a central location designated by the election administrator, unless ~~his~~ the elector's  
7           registration has been canceled as provided in 13-2-207, ~~13-2-401,~~ or 13-2-402.

8           (2) An elector who still residing resides in the same precinct where registered, whose name has  
9           changed, and who has failed to notify the election administrator of the change by submitting a new  
10          registration form may vote under ~~his~~ the elector's former name at the first election at which ~~he~~ the elector  
11          offers to vote after the change or at a central location designated by the election administrator, unless ~~his~~  
12          the elector's registration has been canceled as provided in 13-2-207, ~~13-2-401,~~ or 13-2-402.

13          (3) The elector ~~must~~ shall state ~~his~~ the elector's correct residence address and name when offering  
14          to vote and ~~must~~ shall complete a transfer form or new registration form to make the necessary correction  
15          before being allowed to sign the precinct register and vote.

16          (4) If an inactive elector appears to vote or votes by absentee ballot, that elector must be allowed  
17          to vote and must be removed from the inactive voting list and placed on the active voting list."

18

19          **Section 8.** Section 13-2-515, MCA, is amended to read:

20          "**13-2-515. Inquiry as to previous registration -- notices of changes.** (1) The election administrator  
21          shall check each new registration to ascertain whether the elector has listed previous registration in another  
22          county of this state or another state. If the elector has been previously registered, the election  
23          administrator shall enter ~~his~~ the elector's name on a notice or may photocopy the registration form.

24          (2) At least once a week and not more than ~~3~~ 5 days after the close of registration, the election  
25          administrator shall forward the notices or photocopies for counties in this state to the election administrator  
26          of the county where the elector was previously registered. A list or other record ~~shall~~ must be kept of  
27          notices or photocopies sent.

28          (3) Once a month and not more than ~~3~~ 5 days after the close of registration, the election  
29          administrator shall forward the notices or photocopies for other states to the secretary of state or chief  
30          election official of the state where the elector was previously registered. A list or other record ~~shall~~ must

1 be kept of notices or photocopies sent."

2  
3 **Section 9.** Section 13-19-313, MCA, is amended to read:

4 **"13-19-313. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after  
5 receipt of an elector's return/verification envelope, the election administrator shall give notice to the elector,  
6 either by telephone or by first-class mail, if the election administrator:

7 (a) is unable to verify the elector's signature under 13-19-310; or

8 (b) has discovered a procedural mistake made by the elector that would invalidate ~~his~~ the elector's  
9 ballot under 13-19-311.

10 (2) The election administrator shall inform the elector that ~~he~~ the elector may appear in person at  
11 the election administrator's office prior to 8 p.m. on election day and verify the signature or correct the  
12 mistake.

13 (3) Any elector ~~se~~ appearing pursuant to subsection (2) must be permitted to:

14 (a) verify ~~his~~ the elector's signature, after proof of identification, by affirming that the signature  
15 is in fact ~~his~~ the elector's or by completing a new registration card containing ~~his~~ a current signature;

16 (b) correct any minor mistake if the correction would render the ballot valid; or

17 (c) if necessary, request and receive a replacement ballot and vote it at that time.

18 (4) If a mail ballot is returned, the election administrator shall mail a second notice. The notice  
19 must conform to postal regulations to ensure return, not forwarding, of undelivered notices. If the second  
20 notice is returned to the election administrator, the elector must be placed on an inactive list under the  
21 provisions of 13-2-402 until that elector is qualified."

22  
23 **NEW SECTION. Section 10. Agency-based registration.** Qualified individuals must be given the  
24 opportunity to register to vote when applying for or receiving services or assistance:

25 (1) at any office in the state that provides public assistance;

26 (2) at or through any office in the state that provides state-funded programs primarily engaged in  
27 providing services to persons with disabilities; or

28 (3) at certain other locations designated by the secretary of state with consent of the entity.

29  
30 **NEW SECTION. Section 11. Reactivation of elector.** (1) An elector may be reactivated from the

1 inactive voting list to the active voting list by meeting all requirements for registration as provided in this  
2 chapter and by:

3 (a) offering to vote in any election; or

4 (b) notifying the county election administrator of the elector's current residence, which must be  
5 in that county.

6 (2) After either notification under subsection (1), the county election administrator shall place the  
7 elector on the active voting list for that county.

8

9 NEW SECTION. **Section 12. Repealer.** Section 13-2-401, MCA, is repealed.

10

11 NEW SECTION. **Section 13. Codification instruction.** [Sections 10 and 11] are intended to be  
12 codified as an integral part of Title 13, chapter 2, part 2, and the provisions of Title 13, chapter 2, part 2,  
13 apply to [sections 10 and 11].

14

15 NEW SECTION. **Section 14. Effective date.** [This act] is effective July 1, 1995.

16

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0327, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill implementing the National Voter Registration Act of 1993; providing that the Secretary of State is the chief election official responsible for implementing the federal act; authorizing the Secretary of State to adopt procedures and forms for compliance with the federal act; expanding the locations at which voter registration forms are available; revising the polling locations for certain voters; revising the basis for cancellation of voter registration; and providing a procedure for reactivation of electors.

ASSUMPTIONS:

1. The Secretary of State will provide voter registration forms to all government entities, private entities, and voter registration drives. The voter registration form costs approximately \$0.035 per card to be printed.
2. Assuming that each of the 125,000 eligible Montanans not currently registered are given the additional opportunity to register to vote, and providing approximately 75,000 additional forms for changes of address, the total additional registration forms to be printed would number 200,000. The total expense for printing 200,000 forms will be \$7,000 (200,000 x \$0.035). There is \$6,900 included in the Governor's Executive Budget in FY96 for printing of these forms. The additional estimated expense above the amount included in the present law base (\$100) is considered immaterial.
3. There are 514,051 Montanans currently registered to vote. Approximately 78% of those eligible are registered.
4. The remaining 22% of Montanans eligible to vote and not currently registered is approximately 125,000 individuals.
5. Biennial training expenses for election administrators of \$3,500 in FY97 are budgeted in the Secretary of State's present law base in the Governor's Executive Budget.
6. Additional operating expenses are for the printing of agency and election administrator training manuals and envelopes for agencies for mailing voter registration cards.

FISCAL IMPACT:


Secretary of State's Office:

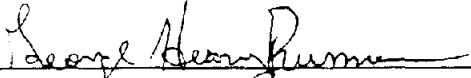
Expenditures:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Operating expenses	300	0
<u>Funding:</u>		
Proprietary (06)	300	0

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County election administrators may see an increase in postage expenses for required confirmation mailings that must be sent by first class, forwardable mail. The amount of additional expenses will depend upon the volume of new voter registrations.

  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

  
GEORGE HEAVY RUNNER, PRIMARY SPONSOR DATE

Fiscal Note for HB0327, as introduced

**HB 327**



## 1 HOUSE BILL NO. 327

2 INTRODUCED BY HEAVY RUNNER

3 BY REQUEST OF THE SECRETARY OF STATE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE NATIONAL VOTER REGISTRATION ACT  
6 OF 1993; PROVIDING THAT THE SECRETARY OF STATE IS THE CHIEF ELECTION OFFICIAL RESPONSIBLE  
7 FOR IMPLEMENTING THE FEDERAL ACT; AUTHORIZING THE SECRETARY OF STATE TO ADOPT  
8 PROCEDURES AND FORMS FOR COMPLIANCE WITH THE FEDERAL ACT; EXPANDING THE LOCATIONS  
9 AT WHICH VOTER REGISTRATION FORMS ARE AVAILABLE; REVISING THE POLLING LOCATION FOR  
10 CERTAIN VOTERS; REVISING THE BASIS FOR THE CANCELLATION OF VOTER REGISTRATION;  
11 PROVIDING A PROCEDURE FOR REACTIVATION OF ELECTORS; REVISING THE PERCENTAGE OF  
12 QUALIFIED ELECTORS REQUIRED FOR APPROVAL IN CERTAIN LOCAL AND SCHOOL ELECTIONS;  
13 AMENDING SECTIONS 7-7-2237, 13-1-101, 13-1-202, 13-1-203, 13-1-204, 13-2-203, 13-2-207,  
14 13-2-402, 13-2-512, 13-2-515, AND 13-19-313, AND 20-9-428, MCA; REPEALING SECTION 13-2-401;  
15 MCA; AND PROVIDING AN EFFECTIVE DATE AND A CONTINGENT TERMINATION DATE."

## 17 STATEMENT OF INTENT

18 A statement of intent is required for this bill because the bill gives the secretary of state authority  
19 to adopt administrative rules. In adopting rules, the secretary of state should implement the requirements  
20 of 11 CFR part 8.

21  
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24 SECTION 1. SECTION 13-1-101, MCA, IS AMENDED TO READ:

25 "13-1-101. **Definitions.** As used in this title, unless the context clearly indicates otherwise, the  
26 following definitions apply:

27 (1) "Anything of value" means any goods that have a certain utility to the recipient that is real and  
28 that is ordinarily not given away free but is purchased.

29 (2) "Candidate" means:

30 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination

1 or appointment as a candidate for public office as required by law;

2 (b) for the purposes of chapters 35, 36, or 37, an individual who has solicited or received and  
3 retained contributions, made expenditures, or given consent to an individual, organization, political party,  
4 or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf  
5 to secure nomination or election to any office at any time, whether or not the office for which the individual  
6 will seek nomination or election is known when the:

7 (i) solicitation is made;

8 (ii) contribution is received and retained; or

9 (iii) expenditure is made; and

10 (c) an officeholder who is the subject of a recall election.

11 (3) (a) "Contribution" means:

12 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of  
13 value to influence an election;

14 (ii) a transfer of funds between political committees;

15 (iii) the payment by a person other than a candidate or political committee of compensation for the  
16 personal services of another person that are rendered to a candidate or political committee.

17 (b) "Contribution" does not mean:

18 (i) services provided without compensation by individuals volunteering a portion or all of their time  
19 on behalf of a candidate or political committee or meals and lodging provided by individuals in their private  
20 residence for a candidate or other individual;

21 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities  
22 of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

23 (iii) the cost of any communication by any membership organization or corporation to its members  
24 or stockholders or employees, as long as the organization is not a primary political committee; or

25 (iv) filing fees paid by the candidate.

26 (4) "Election" means a general, regular, special, or primary election held pursuant to the  
27 requirements of state law, regardless of the time or purpose.

28 (5) "Election administrator" means the county clerk and recorder or the individual designated by  
29 a county governing body to be responsible for all election administration duties, except that with regard  
30 to school elections, the term means the school district clerk.

1 (6) "Elector" means an individual qualified and registered to vote under state law.

2 (7) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or  
3 gift of money or anything of value made for the purpose of influencing the results of an election.

4 (b) "Expenditure" does not mean:

5 (i) services, food, or lodging provided in a manner that they are not contributions under subsection  
6 (3);

7 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging,  
8 or personal necessities for the candidate and the candidate's family;

9 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities  
10 of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

11 (iv) the cost of any communication by any membership organization or corporation to its members  
12 or stockholders or employees, as long as the organization is not a primary political committee.

13 (8) "General election" or "regular election" means an election held for the election of public officers  
14 throughout the state at times specified by law, including elections for officers of political subdivisions when  
15 the time of the election is set on the same date for all similar political subdivisions in the state. For ballot  
16 issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be  
17 submitted by the legislature to the electors at a general election, "general election" means an election held  
18 at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana  
19 constitution to be submitted as a constitutional initiative at a regular election, regular election means an  
20 election held at the time provided in 13-1-104(1).

21 (9) "Inactive elector" means a qualified elector who is placed on an inactive list under the  
22 provisions of 13-2-207(3) or 13-19-313(4).

23 ~~(9)~~(10) "Individual" means a human being.

24 ~~(10)~~(11) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their  
25 approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments,  
26 recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of  
27 chapters 35, 36, or 37, an issue becomes a "ballot issue" upon certification by the proper official that the  
28 legal procedure necessary for its qualification and placement upon the ballot has been completed, except  
29 that a statewide issue becomes an "issue" upon approval by the secretary of state of the form of the  
30 petition or referral.

1           ~~(11)~~(12) "Person" means an individual, corporation, association, firm, partnership, cooperative,  
2 committee, club, union, or other organization or group of individuals or a candidate as defined in subsection  
3 (2) of this section.

4           ~~(12)~~(13) "Political committee" means a combination of two or more individuals or a person other  
5 than an individual who makes a contribution or expenditure:

6           (a) to support or oppose a candidate or a committee organized to support or oppose a candidate  
7 or a petition for nomination; or

8           (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot  
9 issue; or

10          (c) as an earmarked contribution.

11          ~~(13)~~(14) "Political subdivision" means a county, consolidated municipal-county government,  
12 municipality, special district, or any other unit of government, except school districts, having authority to  
13 hold an election for officers or on a ballot issue.

14          ~~(14)~~(15) "Primary" or "primary election" means an election held throughout the state to nominate  
15 candidates for public office at times specified by law, including nominations of candidates for offices of  
16 political subdivisions when the time for nominations is set on the same date for all similar subdivisions in  
17 the state.

18          ~~(15)~~(16) "Public office" means a state, county, municipal, school, or other district office that is  
19 filled by the people at an election.

20          ~~(16)~~(17) "Registrar" means the county election administrator and any regularly appointed deputy  
21 or assistant election administrator.

22          ~~(17)~~(18) "Special election" means an election other than a statutorily scheduled primary or general  
23 election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily  
24 scheduled election.

25          ~~(18)~~(19) "Voting machine or device" means any equipment used to record, tabulate, or in any  
26 manner process the vote of an elector."

27  
28          **Section 2.** Section 13-1-202, MCA, is amended to read:

29          "**13-1-202. Forms and rules prescribed by chief election officer.** (1) In carrying out his the  
30 responsibilities under 13-1-201, the secretary of state shall prepare and deliver to the election

1 administrators:

2 (a) written directives and instructions relating to and based on the election laws;

3 (b) sample copies of prescribed and suggested forms; and

4 (c) advisory opinions on the effect of election laws other than those laws in ~~chapters~~ chapter 35,  
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6 (2) The secretary of state may prescribe the design of any election form required by law. ~~He must~~  
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15 (b) the reporting and procedural requirements of the National Voter Registration Act of 1993, Public  
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28 of the secretary of state and within the budget limits allowed for workshops, the workshops may be held  
29 in several sessions at separate locations in the state."  
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1           **Section 4.** Section 13-1-204, MCA, is amended to read:

2           **"13-1-204. Election records to be kept by secretary of state.** (1) The secretary of state shall  
3 maintain current and accurate records including:

4           (a) a list of all precincts in each county;

5           (b) a map showing the boundaries of all precincts in each county;

6           (c) a count of the number of registered voters in each precinct for the latest general election;

7           (d) a list of legislative districts, judicial districts, and any multicounty election districts, showing  
8 the precinct numbers of each county contained in each district and the number of registered voters in each  
9 district for the ~~latest~~ most recent general election;

10           (e) a count of votes cast at the ~~latest~~ most recent general election by precinct and by legislative,  
11 judicial, and multicounty districts; and

12           (f) records required to be submitted from local election administrators and other agencies and  
13 coordinated by the secretary of state under the National Voter Registration Act of 1993, Public Law  
14 103-31.

15           (2) Each election administrator shall provide the information and map for the record required in  
16 subsection (1) in the form and at the time prescribed by the secretary of state.

17           (3) The records required in subsection (1) and all records in the secretary of state's office pertaining  
18 to elections ~~shall~~ must be open for public inspection during normal office hours."

19

20           **Section 5.** Section 13-2-203, MCA, is amended to read:

21           **"13-2-203. Registration by mail.** (1) A qualified individual may register by mailing, postage paid,  
22 a properly completed registration form to the election administrator in the county in which the individual  
23 resides.

24           (2) The election administrator shall send registration forms for mail registrations to all qualified  
25 individuals requesting them and shall, in addition, arrange for the forms to be widely and conveniently  
26 available within the county. The secretary of state shall make mail registration forms available to  
27 governmental entities, private entities, and organized voter registration efforts. The mail registration form  
28 must be designed as prescribed by the secretary of state. A form prescribed by the secretary of state  
29 explaining voter registration qualifications, deadlines, and purge information must be distributed with the  
30 mail registration form.

1 (3) The elector shall complete, sign, and return the mail registration form.

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

5 (5) Registration forms properly executed before the close of registration must be accepted for ~~3~~  
6 5 days after the close of registration."  
7

8 **Section 6.** Section 13-2-207, MCA, is amended to read:

9 "**13-2-207. Notice of registration.** (1) The election administrator shall give or mail to each elector  
10 a notice, affirming registration and giving the location of the elector's polling place. Mailed notices must  
11 conform to postal regulations to ensure return, not forwarding, of undelivered notices.

12 (2) The election administrator ~~must~~ shall investigate the reason for the return of any mailed notices  
13 ~~and correct the address on the registration form~~ and mail a ~~new~~ second notice ~~or cancel the registration~~  
14 ~~of the elector if a diligent effort fails to locate the elector named on the registration form.~~ The notice must  
15 conform to postal regulations to ensure return, not forwarding, of undelivered notices.

16 (3) If the second notice is returned to the election administrator, the elector must be placed on an  
17 inactive list until that elector's registration is qualified to be canceled under the provisions of 13-2-402 or  
18 the elector meets the requirements to be reactivated under [section 11]."  
19

20 **Section 7.** Section 13-2-402, MCA, is amended to read:

21 "**13-2-402. ~~Other reasons~~ Reasons for cancellation.** The election administrator shall cancel the  
22 registration of any elector:

23 (1) at the written request of the registered elector;

24 (2) if a certificate of the death of ~~any~~ the elector is filed or if ~~an~~ the elector is reported as deceased  
25 by the department of health and environmental sciences in the department's reports submitted to the  
26 county under 72-16-217;

27 (3) if the elector is of unsound mind as established by a court;

28 (4) if the incarceration of ~~an~~ the elector in a penal institution for a felony conviction is legally  
29 established;

30 (5) if a certified copy of a court order directing the cancellation is filed with the election

1 administrator;

2 (6) if ~~an~~ the elector is successfully challenged and not allowed to vote at an election upon  
3 determination of an election judge; ~~or~~

4 (7) if a notice is received from another county or state that the elector has registered in that county  
5 or state; or

6 (8) if the elector fails to respond to certain confirmation mailings and fails to offer to vote in any  
7 election within two subsequent presidential elections."

8

9 **Section 8.** Section 13-2-512, MCA, is amended to read:

10 "**13-2-512. Right to vote when precinct or name changed -- inactive elector -- change of status.**

11 (1) An elector who has changed ~~his~~ residence to a different precinct within the same county and has failed  
12 to notify the election administrator of the change by a transfer or new registration form may vote in the  
13 precinct where ~~he~~ the elector is registered at the first election at which ~~he~~ the elector offers to vote after  
14 the change or at a central location designated by the election administrator, unless ~~his~~ the elector's  
15 registration has been canceled as provided in 13-2-207, ~~13-2-401~~, or 13-2-402.

16 (2) An elector who still ~~residing~~ resides in the same precinct where registered, whose name has  
17 changed, and who has failed to notify the election administrator of the change by submitting a new  
18 registration form may vote under ~~his~~ the elector's former name at the first election at which ~~he~~ the elector  
19 offers to vote after the change or at a central location designated by the election administrator, unless ~~his~~  
20 the elector's registration has been canceled as provided in 13-2-207, ~~13-2-401~~, or 13-2-402.

21 (3) The elector ~~must~~ shall state ~~his~~ the elector's correct residence address and name when offering  
22 to vote and ~~must~~ shall complete a transfer form or new registration form to make the necessary correction  
23 before being allowed to sign the precinct register and vote.

24 (4) If an inactive elector appears to vote or votes by absentee ballot, that elector must be allowed  
25 to vote and must be removed from the inactive voting list and placed on the active voting list."

26

27 **Section 9.** Section 13-2-515, MCA, is amended to read:

28 "**13-2-515. Inquiry as to previous registration -- notices of changes.** (1) The election administrator  
29 shall check each new registration to ascertain whether the elector has listed previous registration in another  
30 county of this state or another state. If the elector has been previously registered, the election



1 administrator shall enter ~~his~~ the elector's name on a notice or may photocopy the registration form.

2 (2) At least once a week and not more than ~~3~~ 5 days after the close of registration, the election  
3 administrator shall forward the notices or photocopies for counties in this state to the election administrator  
4 of the county where the elector was previously registered. A list or other record ~~shall~~ must be kept of  
5 notices or photocopies sent.

6 (3) Once a month and not more than ~~3~~ 5 days after the close of registration, the election  
7 administrator shall forward the notices or photocopies for other states to the secretary of state or chief  
8 election official of the state where the elector was previously registered. A list or other record ~~shall~~ must  
9 be kept of notices or photocopies sent."

10

11 **Section 10.** Section 13-19-313, MCA, is amended to read:

12 **"13-19-313. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after  
13 receipt of an elector's return/verification envelope, the election administrator shall give notice to the elector,  
14 either by telephone or by first-class mail, if the election administrator:

15 (a) is unable to verify the elector's signature under 13-19-310; or

16 (b) has discovered a procedural mistake made by the elector that would invalidate ~~his~~ the elector's  
17 ballot under 13-19-311.

18 (2) The election administrator shall inform the elector that ~~he~~ the elector may appear in person at  
19 the election administrator's office prior to 8 p.m. on election day and verify the signature or correct the  
20 mistake.

21 (3) Any elector ~~se~~ appearing pursuant to subsection (2) must be permitted to:

22 (a) verify ~~his~~ the elector's signature, after proof of identification, by affirming that the signature  
23 is in fact ~~his~~ the elector's or by completing a new registration card containing ~~his~~ a current signature;

24 (b) correct any minor mistake if the correction would render the ballot valid; or

25 (c) if necessary, request and receive a replacement ballot and vote it at that time.

26 (4) If a mail ballot is returned, the election administrator shall mail a second notice. The notice  
27 must conform to postal regulations to ensure return, not forwarding, of undelivered notices. If the second  
28 notice is returned to the election administrator, the elector must be placed on an inactive list under the  
29 provisions of 13-2-402 until that elector is qualified."

30

1           **NEW SECTION. Section 11. Agency-based registration.** Qualified individuals must be given the  
2 opportunity to register to vote when applying for or receiving services or assistance:

3           (1) at any office in the state that provides public assistance;

4           (2) at or through any office in the state that provides state-funded programs primarily engaged in  
5 providing services to persons with disabilities; or

6           (3) at certain other locations designated by the secretary of state with consent of the entity.  
7

8           **NEW SECTION. Section 12. Reactivation of elector.** (1) An elector may be reactivated from the  
9 inactive voting list to the active voting list by meeting all requirements for registration as provided in this  
10 chapter and by:

11           (a) offering to vote in any election; or

12           (b) notifying the county election administrator of the elector's current residence, which must be  
13 in that county.

14           (2) After either notification under subsection (1), the county election administrator shall place the  
15 elector on the active voting list for that county.  
16

17           **SECTION 13. SECTION 7-7-2237, MCA, IS AMENDED TO READ:**

18           **"7-7-2237. Percentage of electors required to authorize bond issue.** (1) Whenever the question of  
19 issuing county bonds for any purpose is submitted to the registered electors of a county at either a general  
20 or special election, the determination of the approval or rejection of the bond proposition is made in the  
21 following manner:

22           ~~(1)(a)~~ determine the total number of active electors who were qualified to vote in the bond election;

23           ~~(2)(b)~~ determine the total number of qualified electors who voted in the bond election from the tally  
24 sheet or sheets for the election;

25           ~~(3)(c)~~ calculate the percentage of qualified electors voting at the bond election by dividing the  
26 number determined in subsection ~~(2)(1)(b)~~ by the number determined in subsection (1)(a); and

27           ~~(4)(d)~~ when the calculated percentage in subsection ~~(3)(1)(c)~~ is 40% or more, the bond proposition  
28 is considered approved and adopted if a majority of the votes cast were in favor of the proposition,  
29 otherwise it is considered rejected; or

30           ~~(5)(e)~~ when the calculated percentage in subsection ~~(3)(1)(c)~~ is more than 30% but less than 40%,

1 the bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor  
2 of the proposition, otherwise it is considered rejected; or

3 ~~(6)(f)~~ when the calculated percentage in subsection ~~(3)(1)(c)~~ is 30% or less, the bond proposition  
4 is considered rejected.

5 (2) The total number of active electors who are qualified to vote under subsection (1)(a) includes  
6 inactive electors who turn out and vote in the election.

7 (3) For purposes of this section, "active elector" means an individual who is qualified and registered  
8 to vote in an election or who is not on an inactive elector list pursuant to 13-2-207 or 13-19-313."

9

10 **SECTION 14. SECTION 20-9-428, MCA, IS AMENDED TO READ:**

11 **"20-9-428. Determination of approval or rejection of proposition at bond election.** (1) When the  
12 trustees canvass the vote of a school district bond election under the provisions of 20-20-415, they shall  
13 determine the approval or rejection of the school bond proposition in the following manner:

14 (a) determine the total number of active electors of the school district who are qualified to vote  
15 under the provisions of 20-20-301 from the list of electors supplied by the county registrar for such school  
16 bond election;

17 (b) determine the total number of qualified electors who voted at the school bond election from  
18 the tally sheet or sheets for such election;

19 (c) calculate the percentage of qualified electors voting at the school bond election by dividing the  
20 amount determined in subsection (1)(b) by the amount determined in subsection (1)(a); and

21 (d) when the calculated percentage in subsection (1)(c) is 40% or more, the school bond  
22 proposition shall be deemed to have been approved and adopted if a majority of the votes shall have been  
23 cast in favor of such proposition, otherwise it shall be deemed to have been rejected; or

24 (e) when the calculated percentage in subsection (1)(c) is more than 30% but less than 40%, the  
25 school bond proposition shall be deemed to have been approved and adopted if 60% or more of the votes  
26 shall have been cast in favor of such proposition, otherwise it shall be deemed to have been rejected; or

27 (f) when the calculated percentage in subsection (1)(c) is 30% or less, the school bond proposition  
28 shall be deemed to have been rejected.

29 (2) If the canvass of the vote establishes the approval and adoption of the school bond proposition,  
30 the trustees shall issue a certificate proclaiming the passage of such proposition and the authorization to

1 issue bonds of the school district for the purposes specified on the ballot for such school district bond  
2 election.

3 (3) The total number of active electors who were qualified to vote under subsection (1)(a) includes  
4 inactive electors who turn out and vote in the election.

5 (4) For purposes of this section, "active elector" means an individual who is qualified and registered  
6 to vote in an election and who is not on an inactive elector list pursuant to 13-2-207 or 13-19-313."

7

8 NEW SECTION. Section 15. Repealer. Section 13-2-401, MCA, is repealed.

9

10 NEW SECTION. SECTION 16. CONTINGENT TERMINATION. [THIS ACT] TERMINATES ON THE  
11 DATE THAT THE SECRETARY OF STATE CERTIFIES TO THE GOVERNOR THAT THE NATIONAL VOTER  
12 REGISTRATION ACT OF 1993 IS DISCRETIONARY.

13

14 NEW SECTION. Section 17. Codification instruction. [Sections ~~10 and 11~~ 11 AND 12] are  
15 intended to be codified as an integral part of Title 13, chapter 2, part 2, and the provisions of Title 13,  
16 chapter 2, part 2, apply to [sections ~~10 and 11~~ 11 AND 12].

17

18 NEW SECTION. Section 18. Effective date. [This act] is effective July 1, 1995.

19

-END-

## 1 HOUSE BILL NO. 327

2 INTRODUCED BY HEAVY RUNNER

3 BY REQUEST OF THE SECRETARY OF STATE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE NATIONAL VOTER REGISTRATION ACT  
6 OF 1993; PROVIDING THAT THE SECRETARY OF STATE IS THE CHIEF ELECTION OFFICIAL RESPONSIBLE  
7 FOR IMPLEMENTING THE FEDERAL ACT; AUTHORIZING THE SECRETARY OF STATE TO ADOPT  
8 PROCEDURES AND FORMS FOR COMPLIANCE WITH THE FEDERAL ACT; EXPANDING THE LOCATIONS  
9 AT WHICH VOTER REGISTRATION FORMS ARE AVAILABLE; REVISING THE POLLING LOCATION FOR  
10 CERTAIN VOTERS; REVISING THE BASIS FOR THE CANCELLATION OF VOTER REGISTRATION;  
11 PROVIDING A PROCEDURE FOR REACTIVATION OF ELECTORS; REVISING THE PERCENTAGE OF  
12 QUALIFIED ELECTORS REQUIRED FOR APPROVAL IN CERTAIN LOCAL AND SCHOOL ELECTIONS;  
13 AMENDING SECTIONS 7-7-2237, 13-1-101, 13-1-202, 13-1-203, 13-1-204, 13-2-203, 13-2-207,  
14 13-2-402, 13-2-512, 13-2-515, AND 13-19-313, AND 20-9-428, MCA; REPEALING SECTION 13-2-401,  
15 MCA; AND PROVIDING AN EFFECTIVE DATE AND A CONTINGENT TERMINATION DATE."

16  
17 STATEMENT OF INTENT

18 A statement of intent is required for this bill because the bill gives the secretary of state authority  
19 to adopt administrative rules. In adopting rules, the secretary of state should implement the requirements  
20 of 11 CFR part 8.

21  
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23  
24 **SECTION 1. SECTION 13-1-101, MCA, IS AMENDED TO READ:**

25 "13-1-101. **Definitions.** As used in this title, unless the context clearly indicates otherwise, the  
26 following definitions apply:

27 (1) "Anything of value" means any goods that have a certain utility to the recipient that is real and  
28 that is ordinarily not given away free but is purchased.

29 (2) "Candidate" means:

30 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination

1 or appointment as a candidate for public office as required by law;

2 (b) for the purposes of chapters 35, 36, or 37, an individual who has solicited or received and  
3 retained contributions, made expenditures, or given consent to an individual, organization, political party,  
4 or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf  
5 to secure nomination or election to any office at any time, whether or not the office for which the individual  
6 will seek nomination or election is known when the:

7 (i) solicitation is made;

8 (ii) contribution is received and retained; or

9 (iii) expenditure is made; and

10 (c) an officeholder who is the subject of a recall election.

11 (3) (a) "Contribution" means:

12 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of  
13 value to influence an election;

14 (ii) a transfer of funds between political committees;

15 (iii) the payment by a person other than a candidate or political committee of compensation for the  
16 personal services of another person that are rendered to a candidate or political committee.

17 (b) "Contribution" does not mean:

18 (i) services provided without compensation by individuals volunteering a portion or all of their time  
19 on behalf of a candidate or political committee or meals and lodging provided by individuals in their private  
20 residence for a candidate or other individual;

21 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities  
22 of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

23 (iii) the cost of any communication by any membership organization or corporation to its members  
24 or stockholders or employees, as long as the organization is not a primary political committee; or

25 (iv) filing fees paid by the candidate.

26 (4) "Election" means a general, regular, special, or primary election held pursuant to the  
27 requirements of state law, regardless of the time or purpose.

28 (5) "Election administrator" means the county clerk and recorder or the individual designated by  
29 a county governing body to be responsible for all election administration duties, except that with regard  
30 to school elections, the term means the school district clerk.

- 1 (6) "Elector" means an individual qualified and registered to vote under state law.
- 2 (7) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or  
3 gift of money or anything of value made for the purpose of influencing the results of an election.
- 4 (b) "Expenditure" does not mean:
- 5 (i) services, food, or lodging provided in a manner that they are not contributions under subsection  
6 (3);
- 7 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging,  
8 or personal necessities for the candidate and the candidate's family;
- 9 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities  
10 of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or
- 11 (iv) the cost of any communication by any membership organization or corporation to its members  
12 or stockholders or employees, as long as the organization is not a primary political committee.
- 13 (8) "General election" or "regular election" means an election held for the election of public officers  
14 throughout the state at times specified by law, including elections for officers of political subdivisions when  
15 the time of the election is set on the same date for all similar political subdivisions in the state. For ballot  
16 issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be  
17 submitted by the legislature to the electors at a general election, "general election" means an election held  
18 at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana  
19 constitution to be submitted as a constitutional initiative at a regular election, regular election means an  
20 election held at the time provided in 13-1-104(1).
- 21 (9) "Inactive elector" means a qualified elector who is placed on an inactive list under the  
22 provisions of 13-2-207(3) or 13-19-313(4).
- 23 ~~(10)~~ (10) "Individual" means a human being.
- 24 ~~(11)~~ (11) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their  
25 approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments,  
26 recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of  
27 chapters 35, 36, or 37, an issue becomes a "ballot issue" upon certification by the proper official that the  
28 legal procedure necessary for its qualification and placement upon the ballot has been completed, except  
29 that a statewide issue becomes an "issue" upon approval by the secretary of state of the form of the  
30 petition or referral.

1           ~~(11)~~(12) "Person" means an individual, corporation, association, firm, partnership, cooperative,  
2 committee, club, union, or other organization or group of individuals or a candidate as defined in subsection  
3 (2) of this section.

4           ~~(12)~~(13) "Political committee" means a combination of two or more individuals or a person other  
5 than an individual who makes a contribution or expenditure:

6           (a) to support or oppose a candidate or a committee organized to support or oppose a candidate  
7 or a petition for nomination; or

8           (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot  
9 issue; or

10          (c) as an earmarked contribution.

11          ~~(13)~~(14) "Political subdivision" means a county, consolidated municipal-county government,  
12 municipality, special district, or any other unit of government, except school districts, having authority to  
13 hold an election for officers or on a ballot issue.

14          ~~(14)~~(15) "Primary" or "primary election" means an election held throughout the state to nominate  
15 candidates for public office at times specified by law, including nominations of candidates for offices of  
16 political subdivisions when the time for nominations is set on the same date for all similar subdivisions in  
17 the state.

18          ~~(15)~~(16) "Public office" means a state, county, municipal, school, or other district office that is  
19 filled by the people at an election.

20          ~~(16)~~(17) "Registrar" means the county election administrator and any regularly appointed deputy  
21 or assistant election administrator.

22          ~~(17)~~(18) "Special election" means an election other than a statutorily scheduled primary or general  
23 election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily  
24 scheduled election.

25          ~~(18)~~(19) "Voting machine or device" means any equipment used to record, tabulate, or in any  
26 manner process the vote of an elector."

27

28           **Section 2.** Section 13-1-202, MCA, is amended to read:

29           "**13-1-202. Forms and rules prescribed by chief election officer.** (1) In carrying out ~~his~~ the  
30 responsibilities under 13-1-201, the secretary of state shall prepare and deliver to the election



1 administrators:

- 2 (a) written directives and instructions relating to and based on the election laws;  
 3 (b) sample copies of prescribed and suggested forms; and  
 4 (c) advisory opinions on the effect of election laws other than those laws in ~~chapters~~ chapter 35,  
 5 36, or 37 of this title.

6 (2) The secretary of state may prescribe the design of any election form required by law. ~~He must~~  
 7 The secretary of state shall seek the advice of election administrators and printers in designing the required  
 8 forms.

9 (3) Each election administrator shall comply with the directives and instructions and shall provide  
 10 election forms prepared as prescribed.

11 (4) The secretary of state may prescribe, by rule, the necessary procedures and forms for  
 12 administering:

13 (a) the application and operation of election laws other than those laws in chapter 35, 36, or 37  
 14 of this title; and

15 (b) the reporting and procedural requirements of the National Voter Registration Act of 1993, Public  
 16 Law 103-31, including:

17 (i) agency-based registration; and

18 (ii) providing a procedure for cancellation of voter registration, including notification requirements."

19

20 **Section 3.** Section 13-1-203, MCA, is amended to read:

21 "**13-1-203. Chief election officer to advise, assist, and train.** The secretary of state shall advise  
 22 and assist election administrators with regard to application, operation, and interpretation of Title 13,  
 23 except for ~~chapters~~ chapter 35, 36, or 37, and the implementation and operation of the National Voter  
 24 Registration Act of 1993, Public Law 103-31. The secretary of state shall hold at least one workshop every  
 25 2 years to provide training and assistance to election administrators. Election administrators must be  
 26 reimbursed, from funds appropriated to the secretary of state, for their mileage and expenses for attending  
 27 the workshops at the rates set for mileage and expenses in 2-18-501 through 2-18-503. At the discretion  
 28 of the secretary of state and within the budget limits allowed for workshops, the workshops may be held  
 29 in several sessions at separate locations in the state."

30

1           **Section 4.** Section 13-1-204, MCA, is amended to read:

2           **"13-1-204. Election records to be kept by secretary of state.** (1) The secretary of state shall  
3 maintain current and accurate records including:

4           (a) a list of all precincts in each county;

5           (b) a map showing the boundaries of all precincts in each county;

6           (c) a count of the number of registered voters in each precinct for the latest general election;

7           (d) a list of legislative districts, judicial districts, and any multicounty election districts, showing  
8 the precinct numbers of each county contained in each district and the number of registered voters in each  
9 district for the ~~latest~~ most recent general election;

10           (e) a count of votes cast at the ~~latest~~ most recent general election by precinct and by legislative,  
11 judicial, and multicounty districts; and

12           (f) records required to be submitted from local election administrators and other agencies and  
13 coordinated by the secretary of state under the National Voter Registration Act of 1993, Public Law  
14 103-31.

15           (2) Each election administrator shall provide the information and map for the record required in  
16 subsection (1) in the form and at the time prescribed by the secretary of state.

17           (3) The records required in subsection (1) and all records in the secretary of state's office pertaining  
18 to elections ~~shall~~ must be open for public inspection during normal office hours."

19

20           **Section 5.** Section 13-2-203, MCA, is amended to read:

21           **"13-2-203. Registration by mail.** (1) A qualified individual may register by mailing, postage paid,  
22 a properly completed registration form to the election administrator in the county in which the individual  
23 resides.

24           (2) The election administrator shall send registration forms for mail registrations to all qualified  
25 individuals requesting them and shall, in addition, arrange for the forms to be widely and conveniently  
26 available within the county. The secretary of state shall make mail registration forms available to  
27 governmental entities, private entities, and organized voter registration efforts. The mail registration form  
28 must be designed as prescribed by the secretary of state. A form prescribed by the secretary of state  
29 explaining voter registration qualifications, deadlines; and purge information must be distributed with the  
30 mail registration form.

1 (3) The elector shall complete, sign, and return the mail registration form.

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

5 (5) Registration forms properly executed before the close of registration must be accepted for 3  
6 5 days after the close of registration."

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8 **Section 6.** Section 13-2-207, MCA, is amended to read:

9 **"13-2-207. Notice of registration.** (1) The election administrator shall give or mail to each elector  
10 a notice, affirming registration and giving the location of the elector's polling place. Mailed notices must  
11 conform to postal regulations to ensure return, not forwarding, of undelivered notices.

12 (2) The election administrator ~~must~~ shall investigate the reason for the return of any mailed notices  
13 ~~and correct the address on the registration form~~ and mail a ~~new~~ second notice ~~or cancel the registration~~  
14 ~~of the elector if a diligent effort fails to locate the elector named on the registration form.~~ The notice must  
15 conform to postal regulations to ensure return, not forwarding, of undelivered notices.

16 (3) If the second notice is returned to the election administrator, the elector must be placed on an  
17 inactive list until that elector's registration is qualified to be canceled under the provisions of 13-2-402 or  
18 the elector meets the requirements to be reactivated under [section 11]."

19  
20 **Section 7.** Section 13-2-402, MCA, is amended to read:

21 **"13-2-402. ~~Other reasons~~ Reasons for cancellation.** The election administrator shall cancel the  
22 registration of any elector:

23 (1) at the written request of the registered elector;

24 (2) if a certificate of the death of ~~any~~ the elector is filed or if ~~an~~ the elector is reported as deceased  
25 by the department of health and environmental sciences in the department's reports submitted to the  
26 county under 72-16-217;

27 (3) if the elector is of unsound mind as established by a court;

28 (4) if the incarceration of ~~an~~ the elector in a penal institution for a felony conviction is legally  
29 established;

30 (5) if a certified copy of a court order directing the cancellation is filed with the election

1 administrator;

2 (6) if ~~an~~ the elector is successfully challenged and not allowed to vote at an election upon  
3 determination of an election judge; ~~or~~

4 (7) if a notice is received from another county or state that the elector has registered in that county  
5 or state; or

6 (8) if the elector fails to respond to certain confirmation mailings and fails to offer to vote in any  
7 election within two subsequent ~~presidential~~ FEDERAL GENERAL elections."

8

9 **Section 8.** Section 13-2-512, MCA, is amended to read:

10 **"13-2-512. Right to vote when precinct or name changed -- inactive elector -- change of status.**

11 (1) An elector who has changed ~~his~~ residence to a different precinct within the same county and has failed  
12 to notify the election administrator of the change by a transfer or new registration form may vote in the  
13 precinct where ~~he~~ the elector is registered at the first election at which ~~he~~ the elector offers to vote after  
14 the change or at a central location designated by the election administrator, unless ~~his~~ the elector's  
15 registration has been canceled as provided in 13-2-207, ~~13-2-401,~~ or 13-2-402.

16 (2) An elector who still residing resides in the same precinct where registered, whose name has  
17 changed, and who has failed to notify the election administrator of the change by submitting a new  
18 registration form may vote under ~~his~~ the elector's former name at the first election at which ~~he~~ the elector  
19 offers to vote after the change or at a central location designated by the election administrator, unless ~~his~~  
20 the elector's registration has been canceled as provided in 13-2-207, ~~13-2-401,~~ or 13-2-402.

21 (3) The elector ~~must shall~~ state ~~his~~ the elector's correct residence address and name when offering  
22 to vote and ~~must shall~~ complete a transfer form or new registration form to make the necessary correction  
23 before being allowed to sign the precinct register and vote.

24 (4) If an inactive elector appears to vote or votes by absentee ballot, that elector must be allowed  
25 to vote and must be removed from the inactive voting list and placed on the active voting list."

26

27 **Section 9.** Section 13-2-515, MCA, is amended to read:

28 **"13-2-515. Inquiry as to previous registration -- notices of changes.** (1) The election administrator  
29 shall check each new registration to ascertain whether the elector has listed previous registration in another  
30 county of this state or another state. If the elector has been previously registered, the election

1 administrator shall enter ~~his~~ the elector's name on a notice or may photocopy the registration form.

2 (2) At least once a week and not more than ~~3~~ 5 days after the close of registration, the election  
3 administrator shall forward the notices or photocopies for counties in this state to the election administrator  
4 of the county where the elector was previously registered. A list or other record ~~shall~~ must be kept of  
5 notices or photocopies sent.

6 (3) Once a month and not more than ~~3~~ 5 days after the close of registration, the election  
7 administrator shall forward the notices or photocopies for other states to the secretary of state or chief  
8 election official of the state where the elector was previously registered. A list or other record ~~shall~~ must  
9 be kept of notices or photocopies sent."

10

11 **Section 10.** Section 13-19-313, MCA, is amended to read:

12 "**13-19-313. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after  
13 receipt of an elector's return/verification envelope, the election administrator shall give notice to the elector,  
14 either by telephone or by first-class mail, if the election administrator:

15 (a) is unable to verify the elector's signature under 13-19-310; or

16 (b) has discovered a procedural mistake made by the elector that would invalidate ~~his~~ the elector's  
17 ballot under 13-19-311.

18 (2) The election administrator shall inform the elector that ~~he~~ the elector may appear in person at  
19 the election administrator's office prior to 8 p.m. on election day and verify the signature or correct the  
20 mistake.

21 (3) Any elector ~~so~~ appearing pursuant to subsection (2) must be permitted to:

22 (a) verify ~~his~~ the elector's signature, after proof of identification, by affirming that the signature  
23 is in fact ~~his~~ the elector's or by completing a new registration card containing ~~his~~ a current signature;

24 (b) correct any minor mistake if the correction would render the ballot valid; or

25 (c) if necessary, request and receive a replacement ballot and vote it at that time.

26 (4) If a mail ballot is returned, the election administrator shall mail a second notice. The notice  
27 must conform to postal regulations to ensure return, not forwarding, of undelivered notices. If the second  
28 notice is returned to the election administrator, the elector must be placed on an inactive list under the  
29 provisions of 13-2-402 until that elector is qualified."

30

1           **NEW SECTION. Section 11. Agency-based registration.** Qualified individuals must be given the  
2 opportunity to register to vote when applying for or receiving services or assistance:

3           (1) at any office in the state that provides public assistance;

4           (2) at or through any office in the state that provides state-funded programs primarily engaged in  
5 providing services to persons with disabilities; or

6           (3) at certain other locations designated by the secretary of state with consent of the entity.  
7

8           **NEW SECTION. Section 12. Reactivation of elector.** (1) An elector may be reactivated from the  
9 inactive voting list to the active voting list by meeting all requirements for registration as provided in this  
10 chapter and by:

11           (a) offering to vote in any election; or

12           (b) notifying the county election administrator of the elector's current residence, which must be  
13 in that county.

14           (2) After either notification under subsection (1), the county election administrator shall place the  
15 elector on the active voting list for that county.  
16

17           **SECTION 13. SECTION 7-7-2237, MCA, IS AMENDED TO READ:**

18           **"7-7-2237. Percentage of electors required to authorize bond issue.** (1) Whenever the question of  
19 issuing county bonds for any purpose is submitted to the registered electors of a county at either a general  
20 or special election, the determination of the approval or rejection of the bond proposition is made in the  
21 following manner:

22           ~~(1)~~(a) determine the total number of active electors who were qualified to vote in the bond election;

23           ~~(2)~~(b) determine the total number of qualified electors who voted in the bond election from the tally  
24 sheet or sheets for the election;

25           ~~(3)~~(c) calculate the percentage of qualified electors voting at the bond election by dividing the  
26 number determined in subsection ~~(2)~~(1)(b) by the number determined in subsection (1)(a); and

27           ~~(4)~~(d) when the calculated percentage in subsection ~~(3)~~(1)(c) is 40% or more, the bond proposition  
28 is considered approved and adopted if a majority of the votes cast were in favor of the proposition,  
29 otherwise it is considered rejected; or

30           ~~(5)~~(e) when the calculated percentage in subsection ~~(3)~~(1)(c) is more than 30% but less than 40%,

1 the bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor  
2 of the proposition, otherwise it is considered rejected; or

3 ~~(6)(f)~~ when the calculated percentage in subsection ~~(3)(1)(c)~~ is 30% or less, the bond proposition  
4 is considered rejected.

5 (2) The total number of active electors who are qualified to vote under subsection (1)(a) includes  
6 inactive electors who turn out and vote in the election.

7 (3) For purposes of this section, "active elector" means an individual who is qualified and registered  
8 to vote in an election or who is not on an inactive elector list pursuant to 13-2-207 or 13-19-313."

9  
10 **SECTION 14. SECTION 20-9-428, MCA, IS AMENDED TO READ:**

11 **"20-9-428. Determination of approval or rejection of proposition at bond election. (1) When the**  
12 **trustees canvass the vote of a school district bond election under the provisions of 20-20-415, they shall**  
13 **determine the approval or rejection of the school bond proposition in the following manner:**

14 (a) determine the total number of active electors of the school district who are qualified to vote  
15 under the provisions of 20-20-301 from the list of electors supplied by the county registrar for such school  
16 bond election;

17 (b) determine the total number of qualified electors who voted at the school bond election from  
18 the tally sheet or sheets for such election;

19 (c) calculate the percentage of qualified electors voting at the school bond election by dividing the  
20 amount determined in subsection (1)(b) by the amount determined in subsection (1)(a); and

21 (d) when the calculated percentage in subsection (1)(c) is 40% or more, the school bond  
22 proposition shall be deemed to have been approved and adopted if a majority of the votes shall have been  
23 cast in favor of such proposition, otherwise it shall be deemed to have been rejected; or

24 (e) when the calculated percentage in subsection (1)(c) is more than 30% but less than 40%, the  
25 school bond proposition shall be deemed to have been approved and adopted if 60% or more of the votes  
26 shall have been cast in favor of such proposition, otherwise it shall be deemed to have been rejected; or

27 (f) when the calculated percentage in subsection (1)(c) is 30% or less, the school bond proposition  
28 shall be deemed to have been rejected.

29 (2) If the canvass of the vote establishes the approval and adoption of the school bond proposition,  
30 the trustees shall issue a certificate proclaiming the passage of such proposition and the authorization to

1 issue bonds of the school district for the purposes specified on the ballot for such school district bond  
2 election.

3 (3) The total number of active electors who were qualified to vote under subsection (1)(a) includes  
4 inactive electors who turn out and vote in the election.

5 (4) For purposes of this section, "active elector" means an individual who is qualified and registered  
6 to vote in an election and who is not on an inactive elector list pursuant to 13-2-207 or 13-19-313."

7

8 NEW SECTION. Section 15. Repealer. Section 13-2-401, MCA, is repealed.

9

10 NEW SECTION. SECTION 16. CONTINGENT TERMINATION. [THIS ACT] TERMINATES ON THE  
11 DATE THAT THE SECRETARY OF STATE CERTIFIES TO THE GOVERNOR THAT THE NATIONAL VOTER  
12 REGISTRATION ACT OF 1993 IS DISCRETIONARY.

13

14 NEW SECTION. Section 17. Codification instruction. [Sections ~~40 and 44~~ 11 AND 12] are  
15 intended to be codified as an integral part of Title 13, chapter 2, part 2, and the provisions of Title 13,  
16 chapter 2, part 2, apply to [sections ~~40 and 44~~ 11 AND 12].

17

18 NEW SECTION. Section 18. Effective date. [This act] is effective July 1, 1995.

19

-END-