

House BILL NO. 372

INTRODUCED BY

Hurdle
Wright Malcolm John Johnson Billings

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON QUALIFIED TO VOTE MAY REGISTER AND VOTE AT THE PERSON'S POLLING PLACE ON ELECTION DAY; AMENDING SECTIONS 13-2-301 AND 13-2-601, MCA; AND REPEALING SECTION 13-2-302, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 1] authorizes the secretary of state to prescribe rules and forms to implement the section's provisions for polling place registration on election day.

It is the intent of the legislature to allow qualified individuals to register and vote on election day at the polling places of the precincts in which the individuals reside.

The legislature does not intend to replace current registration procedures but to allow otherwise qualified electors to register and vote on election day in a manner that safeguards against fraud.

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

NEW SECTION. Section 1. Polling place registration on election day -- procedures -- challenges.

(1) A person not otherwise registered to vote and who is qualified to vote under 13-1-111 may register on election day by:

(a) appearing in person at the polling place for the precinct in which the person maintains residence;

(b) completing a registration card;

(c) signing an affidavit in the form prescribed by the secretary of state;

(d) providing proof of residence in a form prescribed by the secretary of state; and

(e) showing a picture identification card or another identification document that may be approved by the secretary of state.

(2) Registration at the polling place on election day must be conducted by an election judge who shall add the person's name to the registration list. An election judge who registers a person at the polling

1 place on election day may not handle that voter's ballots at any time before the opening of the ballot box
2 after the voting ends.

3 (3) Registration cards and forms for oaths must be available at each polling place.

4 (4) Registration cards completed on election day must be forwarded to the election administrator
5 who shall add the voter's name to the official registration list.

6 (5) Polling place registration on election day replaces any prior registration.

7 (6) An elector's right to vote after registering on election day under this section may be challenged
8 as provided in chapter 13, part 3.

9 (7) The secretary of state may adopt rules to implement this section.

10

11 **NEW SECTION. Section 2. Precinct maps at polling places.** The election administrator shall ensure
12 that each precinct has an accurate precinct map to assist election judges responsible for polling place
13 registration under [section 1] to determine whether an address is located in that precinct.

14

15 **Section 3.** Section 13-2-301, MCA, is amended to read:

16 **"13-2-301. Close of registration -- procedure.** (1) The election administrator shall:

17 (a) close registrations for 30 days before any election, except as provided in 13-2-212(3) and
18 [section 1]; and

19 (b) publish a notice specifying the day registrations will close on radio or television as provided in
20 2-3-105 through 2-3-107 or in a newspaper of general circulation in the county at least once a week for
21 3 weeks before the close of registration.

22 (2) Information to be included in the notice ~~shall~~ must be prescribed by the secretary of state.

23 (3) An individual who submits a completed registration form to the election administrator before
24 the deadline provided in subsection (1)(a) is allowed to correct a mistake on the completed registration form
25 until 5 p.m. on the 10th day following the close of registration, and thereafter the qualified elector is eligible
26 to vote in the next election, except as otherwise provided pursuant to [section 1]."

27

28 **Section 4.** Section 13-2-601, MCA, is amended to read:

29 **"13-2-601. Name on precinct register prima facie evidence of right to vote.** (1) An elector may
30 not vote at an election mentioned in this title unless ~~his~~ the elector's name appears on election day in the

1 copy of the official precinct register furnished by the election administrator to the election judges or unless
2 the elector registers at the polling place on election day as provided in [section 1]. The fact that ~~his~~ an
3 elector's name appears in the copy of the precinct register is prima facie evidence of ~~his~~ the elector's right
4 to vote.

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

10
11 **NEW SECTION. Section 5. Repealer.** Section 13-2-302, MCA, is repealed.

12
13 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 and 2] are intended to be codified
14 as an integral part of Title 13, chapter 2, and the provisions of Title 13, chapter 2, apply to [sections 1 and
15 2].

16 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0372, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act providing that a person qualified to vote may register and vote at the person's polling place on election day.

ASSUMPTIONS:

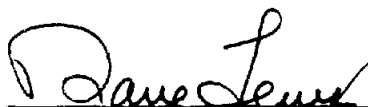
1. Approximately 10% of the total number of registered voters will register on election day.
2. The county clerks and recorders would have to hire additional election judges to facilitate election day registration. The cost would vary from county to county depending on the size of the county. The range could be from \$2,000 in McCone County to \$25,000 in Lewis and Clark County.
3. An increased number of ballots would have to be ordered to cover the highest possible number of voters who could register.
4. Storage and disposal costs of ballots would likely increase because the population count of voters would not be possible without a cut off date for voter registration.
5. The proposed legislation would have no fiscal impact on the Secretary of State.


FISCAL IMPACT:

There is no state fiscal impact.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

This bill may require local governments to spend additional sums for which no specific means of financing are provided. Section 1-2-114, MCA, provides that bills which have such an impact may not be introduced.

 1-31-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


JOAN HURDLE, PRIMARY SPONSOR DATE 2-9-97
Fiscal Note for HB0372, as introduced

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