

HOUSE BILL NO. 402

INTRODUCED BY D. BEDEY, D. SALOMON, J. FULLER, B. LER, W. RUSK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTOR REGISTRATION LAWS; REQUIRING THE SECRETARY OF STATE TO VERIFY THE CITIZENSHIP STATUS OF NEW APPLICANTS; REQUIRING THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF JUSTICE TO ASSIST IN VERIFICATION WHEN AN APPLICANT PROVIDES A DRIVER'S LICENSE IN THE APPLICATION; ~~REQUIRING THAT A PERSON WHOSE CITIZENSHIP STATUS IS NOT YET VERIFIED BE ALLOWED TO VOTE;~~ PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 13-2-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, Article IV, section 2, of the Montana Constitution requires that an elector be a United States citizen; and

WHEREAS, verification of a person's citizenship is fundamental to fulfilling this constitutional requirement; and

WHEREAS, Article IV, section 3, of the Montana Constitution requires that the legislature "shall insure the purity of elections"; and

WHEREAS, in meeting its constitutional duty, the legislature should not enact laws that either conflict with the Supremacy Clause of the United States Constitution or place unreasonable conditions on those seeking to vote in Montana.

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

**Section 1.** Section 13-2-109, MCA, is amended to read:

**"13-2-109. Rulemaking on sufficiency and verification of voter registration information.** (1) The secretary of state shall adopt rules:

(a) to implement the provisions of 13-2-110 and this section concerning how election administrators determine whether the information provided by an elector on an application for voter registration

1 is:

2 (i) sufficient to be accepted and processed; or

3 (ii) insufficient to be accepted and processed;

4 (b) establishing procedures for verifying the accuracy of voter registration information;

5 (c) establishing standards for determining whether an elector may be legally registered or  
6 provisionally registered and the effect of that registration on identification requirements; ~~and~~

7 (d) establishing procedures for notifying electors about the status of their applications and  
8 registration;

9 (e) by January 1, 2024, or as soon as practicable afterward, establishing procedures for verifying  
10 the United States citizenship status of new applicants that must provide for:

11 (i) using information collected pursuant to 13-2-110(3) and (4) to verify citizenship status;

12 (ii) designating a new registrant's citizenship status as verified, not yet verified, or noncitizen; AND

13 (iii) requiring an applicant's registration to be accepted and processed while citizenship verification  
14 is pending; and

15 (iv) allowing a person whose registration has been accepted and processed to vote while  
16 citizenship verification is pending.

17 (2) The motor vehicle division of the department of justice shall adopt rules by January 1, 2024, or  
18 as soon as practicable afterward, necessary to assist the secretary of state in verifying the United States  
19 citizenship status of applicants who submit their Montana driver's license pursuant to 13-2-110(3).

20 ~~(2)(3) The rules Rules adopted pursuant to this section may not conflict with 42 U.S.C. 15301, et~~  
21 ~~seq., or 13-2-208."~~

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23 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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