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SENATE BILL NO. 484
INTRODUCED BY T. MANZELLA

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING PRIMARY ELECTION PROCEDURES; REQUIRING AN ELECTOR TO DECLARE A POLITICAL PARTY AFFILIATION OR THAT THE ELECTOR IS UNAFFILIATED; SPECIFYING HOW AND WHEN A REGISTERED ELECTOR MAY DECLARE AND REVISE A POLITICAL PARTY AFFILIATION; PROHIBITING AN UNAFFILIATED ELECTOR FROM RECEIVING A PARTY BALLOT IN A PRIMARY ELECTION; REVISING HOW POLITICAL PARTIES ARE DETERMINED TO BE ELIGIBLE TO HOLD A PRIMARY ELECTION; REQUIRING THE SECRETARY OF STATE TO REVISE AND CREATE CERTAIN FORMS; AMENDING SECTIONS 13-1-210, 13-2-110, 13-2-115, 13-2-116, 13-2-122, 13-2-207, 13-2-220, 13-2-222, 13-10-209, 13-10-301, 13-10-305, 13-10-601, 13-13-214, 13-17-103, 13-19-205, AND 13-37-121, MCA; REPEALING SECTIONS 13-10-605, 13-10-606, 13-10-607, 13-10-608, 13-10-609, 13-10-611, 13-10-612, 13-37-601, 13-37-602, 13-37-603, 13-37-604, 13-37-605, 13-37-606, AND 13-37-607, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

WHEREAS, free and fair elections untainted by fraud of any kind are absolutely necessary to the maintenance of our Republic; and

WHEREAS, the principle that each citizen is entitled to have the citizen's voice heard by way of a vote was and is an essential component of our Republic; and

WHEREAS, the Constitution of the United States and the State of Montana guarantee the right of free and fair elections to our citizens; and

WHEREAS, the Constitution of the United States recognizes that the administration of elections is the responsibility of each state legislature; and

WHEREAS, strategic voting in the primary election of a party other than one's own does not serve the public interest since this behavior allows other parties to influence a private party primary election; and

WHEREAS, we as citizens of the United States and Montana recognize the need to rectify the deficiencies of our current election systems.



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

2

3 NEW SECTION. **Section 1. Party affiliation declaration -- form -- identification -- deadline --**

4 **penalty.** (1) (a) An elector shall declare a political party affiliation prior to voting in a primary election held
5 pursuant to chapter 10 of this title. An election administrator may accept a party affiliation form at any time. If an
6 elector's initial selection form is filed less than 6 weeks before a primary election, the declaration is not effective
7 until the next primary election.

8 (b) After the elector's initial party affiliation selection, that elector's party affiliation selection
9 remains the same unless changed by the elector. When an elector requests a party affiliation selection change,
10 the charge will not be effective until after the next primary election.

11 (c) An elector who does not select a party affiliation must be designated as unaffiliated.

12 (2) An elector may not declare an affiliation with a party not recognized by the state as provided in
13 13-10-601.

14 (3) The secretary of state shall prescribe a party affiliation form that must include:

15 (a) an option for a registered elector to change the elector's current party affiliation;

16 (b) the name and signature of the elector;

17 (c) the elector's party affiliation selection from a list of parties currently recognized by the state as
18 provided in 13-10-601;

19 (d) the date the form is submitted; and

20 (e) the number of the elector's valid Montana driver's license or valid Montana state identification
21 card number issued pursuant to 61-12-501.

22 (4) (a) The elector shall submit the completed party affiliation form in person to the election
23 administrator in the county in which the elector resides along with the physical copy of the valid Montana photo
24 identification required by subsection (3)(e) and proof of citizenship using one of the documents listed in
25 subsection (4)(b). The election administrator may not accept the party affiliation form if the elector does not
26 provide the valid Montana photo identification and proof of citizenship. The election administrator shall verify
27 that the correct identification number has been entered on the form.

28 (b) The only valid forms of proof of citizenship for the purposes of declaring a party affiliation are:

- 1 (i) a birth certificate issued by a state or territory of the United States;
- 2 (ii) an unexpired United States passport that indicates citizenship. An unexpired United States
3 passport that lists a status as a United States national is not valid for the purposes of this section.
- 4 (iii) an unexpired United States citizen identification card; or
- 5 (iv) a valid, unexpired certificate of naturalization as a United States citizen.
- 6 (c) Authorized presence in the United States or status as a United States national are not sufficient
7 to provide citizenship for the purposes of declaring party affiliation as provided in this section.
- 8 (5) An elector registered before [the effective date of this act] must be considered to be registered
9 as unaffiliated until the elector files a party affiliation form indicating the elector's affiliation has changed.
- 10 (6) An individual commits the offense of falsification of party affiliation if the individual submits false
11 information about the individual's party affiliation or assists another individual in an attempt to falsify information
12 required by this section. A person convicted of falsification of party affiliation shall be punished by a term of
13 incarceration of not less than 2 years or more than 6 years in a state correctional institution or a fine of not less
14 than \$10,000 or more than \$20,000.

15

16 **Section 2.** Section 13-1-210, MCA, is amended to read:

17 **"13-1-210. Standard application form for voter registration and absentee ballot requests. (1)**

18 The secretary of state shall establish by rule a standard application form, to be used by each election
19 administrator, that allows an individual to apply for voter registration and to request to be added to the absentee
20 ballot list in order to receive ballots for subsequent elections.

21 (2) Pursuant to 13-13-212(3), the absentee ballot application portion of the standard form must
22 include substantially the following language and option:

23 Optional: I request an absentee ballot to be mailed to me for as long as I reside at the address
24 listed for each subsequent election in which I am eligible to vote.

25 I understand that in order to continue to receive an absentee ballot, I must complete, sign, and return a
26 confirmation form that will be mailed to me in January of every even-numbered year.

27 (3) The standard application for voter registration must indicate that the applicant may declare a
28 party affiliation using the form prescribed by the secretary of state as required in [section 1(3)] and after

1 following the identification verification procedures in [section 1(4)]. The standard form for voter registration must
2 state that if an applicant does not declare a party affiliation, the applicant will be considered unaffiliated and
3 may not vote in party primaries. As provided in [section 1(4)], the elector shall submit the form in person to the
4 election administrator's office in the county in which the elector is registered along with the documents required
5 to prove identity and citizenship as required in [section 1(3) and (4)]."

6

7 **Section 3.** Section 13-2-110, MCA, is amended to read:

8 **"13-2-110. Application for voter registration -- sufficiency and verification of information --**

9 **identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by

10 mail, postage paid, by completing and signing the standard application form for voter registration provided for in

11 13-1-210 and providing the application to the election administrator in the county in which the elector resides.

12 (2) Each application for voter registration must be accepted and processed as provided in rules
13 adopted under 13-2-109.

14 (3) Except as provided in subsection (4), an applicant for voter registration shall provide the
15 applicant's:

16 (a) Montana driver's license number;

17 (b) Montana state identification card number issued pursuant to 61-12-501; or

18 (c) the last four digits of the applicant's social security number.

19 (4) (a) If an applicant is unable to provide information in accordance with subsection (3), the
20 applicant shall provide as an alternative form of identification:

21 (i) a military identification card, a tribal photo identification card, a United States passport, or a
22 Montana concealed carry permit; or

23 (ii) (A) any other form of photo identification, including but not limited to a school district or
24 postsecondary education photo identification with the individual's name; and

25 (B) a current utility bill, bank statement, paycheck, government check, or other government
26 document that shows the individual's name and current address.

27 (b) The alternative form of identification must be:

28 (i) an original version presented to the election administrator if the applicant is applying in person;

1 or

2 (ii) a readable copy of any of the required documents, which must be enclosed with the
3 application, if the applicant is applying by mail.

4 (5) (a) If information provided on an application for voter registration is sufficient to be accepted
5 and processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall
6 register the elector as a legally registered elector.

7 (b) If information provided on an application for voter registration was sufficient to be accepted but
8 the applicant failed to provide the information required in subsection (3) or (4) or if the information provided was
9 incorrect or insufficient to verify the individual's identity or eligibility to vote, the election administrator shall
10 register the applicant as a provisionally registered elector.

11 (6) Each applicant for voter registration must be notified of the elector's registration status pursuant
12 to rules adopted under 13-2-109. The notification must include the elector's party affiliation, if any, information
13 on how the elector can declare a party affiliation, and notice of the deadline in [section 1(1)] for completing a
14 party affiliation selection.

15 (7) The secretary of state shall assign to each elector whose application was accepted a unique
16 identification number for voting purposes and shall establish a statewide uniform method to allow the secretary
17 of state and local election officials to distinguish legally registered electors from provisionally registered
18 electors.

19 (8) The provisions of this section may not be interpreted to conflict with voter registration
20 accomplished under 13-2-221, 13-21-221, and 61-5-107 and as provided for in federal law."

21

22 **Section 4.** Section 13-2-115, MCA, is amended to read:

23 **"13-2-115. Certification of statewide voter registration list -- local lists to be prepared.** (1) No
24 later than 5 working days after the deadline prescribed in 13-2-301(3), election administrators shall enter all
25 voter registration applications that were submitted within the deadline for regular registration into the statewide
26 voter registration system.

27 (2) The secretary of state shall certify the official statewide voter registration list by utilizing the
28 information in the statewide voter registration system.

1 (3) Each election administrator shall have printed from the certified statewide voter registration
2 system lists of all registered electors in each precinct in the county. Except as provided in subsections (6) and
3 (7), ~~names the name of electors each elector~~ must be listed alphabetically, with ~~their~~ the elector's party
4 affiliation or unaffiliated status and the elector's residence address or with a mailing address if located where
5 street numbers are not used.

6 (4) A copy of the list of registered electors in a precinct must be displayed at the precinct's polling
7 place. Extra copies of the lists must be retained by the election administrator and furnished to an elector upon
8 request.

9 (5) Lists of registered electors need not be printed if the election will not be held.

10 (6) If a law enforcement officer or reserve officer, as defined in 7-32-201, requests in writing that,
11 for security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's, not
12 be disclosed, the secretary of state or an election administrator may not include the address on any generally
13 available list of registered electors but may list only the electors' names.

14 (7) (a) Upon the request of an individual, the secretary of state or an election administrator may not
15 include the individual's residential address on any generally available list of registered electors but may list only
16 the elector's name if the individual:

17 (i) proves to the election administrator, as provided in subsection (7)(b), that the individual, or a
18 minor in the custody of the individual, has been the victim of partner or family member assault, stalking,
19 custodial interference, or other offense involving bodily harm or threat of bodily harm to the individual or minor;
20 or

21 (ii) proves to the election administrator, as provided in subsection (7)(c), that a temporary
22 restraining order or injunction has been issued by a judge or magistrate to restrain another person's access to
23 the individual or minor.

24 (b) Proof of the victimization is conclusive upon exhibition to the election administrator of a criminal
25 judgment, information and judgment, or affidavit of a county attorney clearly indicating the conviction and the
26 identity of the victim.

27 (c) Proof of the issuance of a temporary restraining order or injunction is conclusive upon
28 exhibition to the election administrator of the temporary restraining order or injunction."

1

2 **Section 5.** Section 13-2-116, MCA, is amended to read:

3 **"13-2-116. Precinct register.** (1) Except for mail ballot elections conducted under Title 13, chapter
4 19, the election administrator shall prepare from the certified statewide voter registration list a precinct register
5 for each precinct in the county for use by the election judges. The register may be prepared no sooner than the
6 Friday before each election and must contain an alphabetical list of the names, with party affiliation or
7 unaffiliated status and the addresses, ~~of the~~legally registered electors ~~and or~~ provisionally registered electors,
8 ~~a space spaces~~ for the ~~signature~~signatures of the ~~elector~~ electors, and other information as prescribed by the
9 secretary of state.

10 (2) If some of the electors in a precinct are not eligible to receive all ballots at an election because
11 of a combination of the elections of more than one political subdivision or because the electors are not eligible
12 to receive a party ballot pursuant to [section 1] and 13-10-301, the election administrator shall distinguish the
13 names of those eligible for each ballot by whatever method will be clear and efficient.

14 (3) When several precincts have been combined at one polling place for an election, the election
15 administrator may combine the electors from all precincts into one register or may provide separate registers for
16 each precinct.

17 (4) Precinct registers need not be printed if the election will not be held."

18

19 **Section 6.** Section 13-2-122, MCA, is amended to read:

20 **"13-2-122. Charges for registers, elector lists, and mailing labels made available to public.** (1)
21 Except as provided in subsection (2), upon request, the secretary of state shall furnish to any individual, for
22 noncommercial use, available extracts and reports from the statewide voter registration system. Upon request,
23 a local election administrator shall furnish to an individual, for noncommercial use, a copy of the official precinct
24 registers, a current list of legally registered electors, mailing labels for registered electors, or other available
25 extracts and reports. Upon delivery, the secretary of state or the local election administrator may collect a
26 charge not to exceed the actual cost of the register, list, mailing labels, or available extracts and reports.

27 (2) For an elector whose address information is protected from general distribution under 13-2-
28 115(6) or (7), the secretary of state or a local election administrator may not include the elector's residential

1 address on any register, list, mailing labels, or available extracts and reports but may list only the elector's
2 name and party affiliation or unaffiliated status."

3

4 **Section 7.** Section 13-2-207, MCA, is amended to read:

5 **"13-2-207. Confirmation of registration.** (1) The election administrator shall give or mail to each
6 elector a notice, confirming registration and party affiliation or unaffiliated status and giving the location of the
7 elector's polling place. A notice sent to an elector to whom the notice is not personally given must be sent by
8 nonforwardable, first-class mail, which must conform to postal regulations to ensure address corrections are
9 received.

10 (2) If the notice confirming registration is returned as undeliverable, the election administrator shall
11 investigate the reason for the return of any mailed notices and mail a confirmation notice to the elector. The
12 notice must conform to postal regulations to ensure return, not forwarding, of undelivered notices."

13

14 **Section 8.** Section 13-2-220, MCA, is amended to read:

15 **"13-2-220. Maintenance of active and inactive voter registration lists for elections -- rules by**
16 **secretary of state.** (1) The rules adopted by the secretary of state under 13-2-108 must include the following
17 procedures, at least one of which an election administrator shall follow annually:

18 (a) compare the entire list of registered electors against the national change of address files and
19 provide appropriate confirmation notice to those individuals whose addresses have apparently changed;

20 (b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice
21 to all registered electors of each jurisdiction to confirm their addresses and party affiliation or unaffiliated status
22 and provide the appropriate confirmation notice to those individuals who return the notices;

23 (c) mail a targeted mailing to electors who failed to vote in the preceding federal general election,
24 applicants who failed to provide required information on registration forms, and provisionally registered electors
25 by:

26 (i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable
27 confirmation notice to those electors who appear to have moved from their addresses of record;

28 (ii) comparing the list of nonvoters against the national change of address files, followed by the

1 appropriate confirmation notices to those electors who appear to have moved from their addresses of record;

2 (iii) sending forwardable confirmation notices; or

3 (iv) making a door-to-door canvass.

4 (2) An individual who submits an application for an absentee ballot for a federal general election or
5 who completes and returns the address confirmation notice specified in 13-13-212(4) during the calendar year
6 in which a federal general election is held is not subject to the procedure in subsection (1)(c) unless the
7 individual's ballot for a federal general election is returned as undeliverable and the election administrator is not
8 able to contact the elector through the most expedient means available to resolve the issue.

9 (3) Any notices returned as undeliverable to the election administrator or any notices to which the
10 elector fails to respond after the election administrator uses the procedures provided in subsection (1) must be
11 followed within 30 days by an appropriate confirmation notice that is a forwardable, first-class, postage-paid,
12 self-addressed, return notice. If the elector fails to respond within 30 days of the final confirmation notice, after
13 the 30th day, the election administrator shall move the elector to the inactive list.

14 (4) A procedure used by an election administrator pursuant to this section must be completed at
15 least 90 days before a primary or general election for federal office.

16 (5) An elector's registration may be reactivated pursuant to 13-2-222 or may be cancelled pursuant
17 to 13-2-402."

18

19 **Section 9.** Section 13-2-222, MCA, is amended to read:

20 **"13-2-222. Reactivation of elector.** (1) The name of an elector must be moved by an election
21 administrator from the inactive list to the active list of a county if an elector meets the requirements for
22 registration provided in this chapter and:

23 (a) appears at a polling place in order to vote, submits an application to vote by absentee ballot in
24 a polling place election or mail ballot election, or votes in a mail ballot election conducted under Title 13,
25 chapter 19;

26 (b) notifies the county election administrator in writing of the elector's current residence, which
27 must be in that county; or

28 (c) completes a reactivation form provided by the county election administrator that provides

1 current address information in that county.

2 (2) After an elector has complied with subsection (1)(a), (1)(b), or (1)(c), the county election
3 administrator shall place the elector's name on the active voting list for that county.

4 (3) An elector reactivated pursuant to subsection (1)(a) is a legally registered elector for purposes
5 of the election in which the elector voted.

6 (4) If an elector is reactivated pursuant to subsection (1)(a), the elector retains the party affiliation
7 previously declared unless the elector files a new party affiliation using the process described in [section 1]."

8

9 **Section 10.** Section 13-10-209, MCA, is amended to read:

10 **"13-10-209. Arrangement and preparing of primary ballots.** (1) (a) Ballots for a primary election
11 must be arranged and prepared in the same manner and number as provided in chapter 12 for general election
12 ballots, except that there must be separate ballots for each political party entitled to participate. The name of
13 the political party must appear at the top of the separate ballot for that party and need not appear with each
14 candidate's name.

15 (b) Nonpartisan offices and ballot issues may be prepared on separate ballots or may appear on
16 the same ballot as partisan offices if:

- 17 (i) each section is clearly identified as separate; and
- 18 (ii) the nonpartisan offices and ballot issues appear on each party's ballot.

19 (2) Except as provided in subsection (3), an election administrator does not need to prepare a
20 primary ballot for a political party if:

- 21 (a) the party does not have candidates for more than half of the offices to appear on the ballot; and
- 22 (b) no more than one candidate files for nomination by that party for any of the offices to appear on
23 the ballot.

24 (3) Subsection (2) does not apply to elections for precinct committee offices. If more than one
25 candidate files for a precinct committee office from a party that will not have a primary ballot prepared, that
26 party shall select the candidate to fill the office.

27 (4) If, pursuant to subsection (2), in a primary election held in an even-numbered year a primary
28 ballot for a political party is not prepared, the secretary of state shall certify that a primary election is

1 unnecessary for that party and shall instruct the election administrator to certify the names of the candidates for
2 that party for the general election ballot only.

3 (5) The separate ballots for each party must have the same appearance. Each set of party ballots
4 must bear the same number. If prepared as a separate ballot, the nonpartisan ballot may have a different
5 appearance than the party ballots but must be numbered in the same order as the party ballots.

6 (6) If a ballot issue is to be voted on at a primary election, it may be placed on the nonpartisan
7 ballot or a separate ballot. A separate ballot may have a different appearance than the other ballots in the
8 election but must be numbered in the same order.

9 (7) Each elector must receive a set of ballots that includes the party ballot that matches the
10 elector's party affiliation, nonpartisan, and ballot issue choices. If an elector is unaffiliated, the elector must
11 receive a set of ballots that includes the nonpartisan and ballot issue choices only."

12

13 **Section 11.** Section 13-10-301, MCA, is amended to read:

14 **"13-10-301. Casting of ballot.** (1) Unless otherwise provided by law, the conduct of the primary
15 election, the voting procedure, the counting, tallying, and return of ballots and all election records and supplies,
16 the canvass of votes, the certification and notification of nominees, recounts, procedures upon tie votes, and
17 any other necessary election procedures must be at the same times and in the same manner as provided for in
18 the laws for the general election.

19 (2) At a primary election, ~~the an~~ elector who has declared a party affiliation shall cast votes on ~~only~~
20 ~~one of the ballot for the party ballots, by~~ preparing the ballot as provided in 13-13-117.

21 (3) After casting votes on any other ballots received other than the party ballots, the elector shall
22 ensure the proper disposition of the ballots in accordance with instructions provided pursuant to 13-13-112.

23 ~~(3)~~(4) The elector's ballot must be handled as prescribed in 13-13-117."

24

25 **Section 12.** Section 13-10-305, MCA, is amended to read:

26 **"13-10-305. Independent forfeits place on ballot if party nomination accepted.** An individual who
27 has filed as an independent candidate forfeits the individual's place on the general election ballot as an
28 independent candidate if the individual accepts a write-in nomination on a party ballot for an office as provided

1 in 13-10-204."

2

3 **Section 13.** Section 13-10-601, MCA, is amended to read:

4 **"13-10-601. Parties eligible for primary election -- ~~petitions by minor parties.~~** (1) ~~Each political~~
5 ~~party that had a candidate for a statewide office in either of the last two general elections who received a total~~
6 ~~vote that was 5% or more of the total votes cast for the most recent successful candidate for governor. The~~
7 ~~democratic party and the republican party shall nominate its candidates for public office, except for presidential~~
8 ~~electors, by a primary election as provided in this chapter. Unless recognized by the secretary of state as~~
9 ~~provided in subsection (2), all other political parties shall nominate candidates as provided in part 5 of this~~
10 ~~chapter.~~

11 (2) ~~After certification of a petition by the secretary of state under 13-10-610(1), a political party that~~
12 ~~does not qualify to hold a primary election under subsection (1) shall nominate its candidates for public office by~~
13 ~~primary election. However, this section may not be construed to prohibit an election administrator from not~~
14 ~~preparing a primary election ballot pursuant to 13-10-209. The secretary of state shall certify a new party~~
15 ~~eligible to hold primary elections if 3% of all votes cast in the most recent general election for governor and~~
16 ~~lieutenant governor are for a candidate of that party. After the secretary of state certifies a party as provided in~~
17 ~~this subsection, an elector may file a party affiliation form as provided in [section 1] declaring the elector's~~
18 ~~affiliation with that party.~~

19

20 **Section 14.** Section 13-13-214, MCA, is amended to read:

21 **"13-13-214. Mailing absentee ballot to elector -- delivery to person other than elector.** (1) (a)
22 Except as provided in 13-13-213 and in subsection (1)(c) of this section, the election administrator shall mail,
23 postage prepaid, to each legally registered elector and provisionally registered elector from whom the election
24 administrator has received a valid absentee ballot application under 13-13-211 and 13-13-212 whatever official
25 ballots are necessary in a manner that conforms to postal regulations to require the return rather than
26 forwarding of ballots.

27 (b) The election administrator shall mail the ballots in a manner that conforms to the deadlines
28 established for ballot availability in 13-13-205.

1 (c) The election administrator may deliver a ballot in person to an individual other than the elector
2 if:

3 (i) the elector has designated the individual, either by a signed letter or by making the designation
4 on the application form in a manner prescribed by the secretary of state or pursuant to 13-1-116;

5 (ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt
6 of the ballot;

7 (iii) the election administrator believes that the individual receiving the ballot is the designated
8 person; and

9 (iv) the designated person has not previously picked up ballots for four other electors.

10 (2) The election administrator shall enclose with the ballots:

11 (a) a secrecy envelope, free of any marks that would identify the voter; and

12 (b) a signature envelope for the return of the ballot. The signature envelope must be self-
13 addressed by the election administrator and an affirmation in the form prescribed by the secretary of state must
14 be printed on the back of the signature envelope.

15 (3) The election administrator shall ensure that the ballots provided to an absentee elector are
16 marked as provided in 13-13-116 and shall remove the stubs from the ballots, keeping the stubs in numerical
17 order with the application for absentee ballots, if applicable, or in a precinct envelope or container for that
18 purpose.

19 (4) If the ballots sent to the elector are for a primary election, the election administrator shall
20 enclose a party ballot only for the party that the elector declared affiliation with on the elector's most current,
21 effective party affiliation form as provided in [section 1(1)(b)]. If the elector is unaffiliated with a party in the
22 primary, the elector may not receive a party ballot.

23 ~~(4)~~(5) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must
24 include disposal instructions for unvoted ballots. The instructions must include information concerning the type
25 or types of writing instruments that may be used to mark the absentee ballot. The instructions must include
26 information regarding use of the secrecy envelope and use of the signature envelope. The election
27 administrator shall include a voter information pamphlet with the instructions if:

28 (a) a statewide ballot issue appears on the ballot mailed to the elector; and

1 (b) the elector requests a voter information pamphlet."

2

3 **Section 15.** Section 13-17-103, MCA, is amended to read:

4 **"13-17-103. Required specifications for voting systems.** (1) A voting system may not be approved
5 under 13-17-101 unless the voting system:

6 (a) allows an elector to vote in secrecy;

7 (b) prevents an elector from voting for any candidate or on any ballot issue more than once;

8 (c) prevents an elector from voting on any office or ballot issue for which the elector is not entitled
9 to vote;

10 (d) allows an elector to vote in a primary election only for the candidates of the party ~~selected by~~
11 ~~the elector in the primary election~~ that the elector is affiliated with according to the elector's most current,
12 effective party affiliation form as provided in [section 1(1)(b)];

13 (e) allows an elector to vote a split ticket in a general election if the elector desires;

14 (f) allows each valid vote cast to be registered and recorded within the performance standards
15 adopted pursuant to subsection (3);

16 (g) is protected from tampering for a fraudulent purpose;

17 (h) prevents an individual from seeing or knowing the number of votes registered for any candidate
18 or on any ballot issue during the progress of voting;

19 (i) allows write-in voting;

20 (j) will, if purchased by a jurisdiction within the state, be provided with a guarantee that the training
21 and technical assistance will be provided to election officials under the contract for purchase of the voting
22 system;

23 (k) uses a paper ballot that allows votes to be manually counted; and

24 (l) allows auditors to access and monitor any software program while it is running on the system to
25 determine whether the software is running properly.

26 (2) A voter interface device may not be approved for use in this state unless:

27 (a) the device meets the electronic security standards adopted by the secretary of state;

28 (b) the device provides accessible voting technology for electors with hearing, vision, speech, or

- 1 ambulatory impairments;
- 2 (c) the device meets all requirements specified in subsection (1);
- 3 (d) the device has been made available for demonstration and use by electors with disabilities in at
- 4 least one public event held by the secretary of state; and
- 5 (e) disabled electors have been able to participate in the process of determining whether the
- 6 system meets accessibility standards.
- 7 (3) To implement the provisions of subsection (1)(f), the secretary of state shall adopt rules setting
- 8 a benchmark performance standard that must be met in tests by each voting system prior to approval under 13-
- 9 17-101. The standard must be based on commonly accepted industry standards for readily available
- 10 technologies."

11
12 **Section 16.** Section 13-19-205, MCA, is amended to read:

13 **"13-19-205. Written plan for conduct of election -- amendments -- approval procedures.** (1) The

14 election administrator shall prepare a written plan for the conduct of each election to be conducted by mail and

15 shall submit the plan to the secretary of state in a manner that ensures that it is received at least 60 days prior

16 to the date set for the election. There must be a separate plan for each type of election held even if held on the

17 same day.

18 (2) The written plan must include:

- 19 (a) a timetable for the election;
- 20 (b) a plan for providing voter interface devices as required in 13-3-208; and
- 21 (c) sample written instructions that will be sent to the electors. The instructions must include but
- 22 are not limited to:
 - 23 (i) information on the estimated amount of postage required to return the ballot;
 - 24 (ii) (A) the location of the places of deposit and the days and times when ballots may be returned
 - 25 to the places of deposit, if the information is available; or
 - 26 (B) if the information on location and hours of places of deposit is not available, a section that will
 - 27 allow the information to be added before the instructions are mailed to electors; and
 - 28 (iii) any applicable instructions specified under 13-13-214(4)(5).

1 (3) The plan may be amended by the election administrator at any time prior to the 35th day before
2 election day by notifying the secretary of state in writing of any changes.

3 (4) Within 5 days of receiving the plan and as soon as possible after receiving any amendments,
4 the secretary of state shall approve, disapprove, or recommend changes to the plan or amendments.

5 (5) When the written plan and any amendments have been approved, the election administrator
6 shall proceed to conduct the election according to the approved plan unless the election is cancelled for any
7 reason provided by law."
8

9 **Section 17.** Section 13-37-121, MCA, is amended to read:

10 **"13-37-121. Inspection of statements and reports -- issuance of orders of noncompliance. (1)**

11 Each statement and report filed with the commissioner during an election or within 60 days after the election
12 must be inspected within 20 days after the statement or report is filed. A statement or report concerning Title
13 13, chapter 37, part 6, must be inspected within 20 days after filing. Intermediate Saturdays, Sundays, and
14 holidays must be excluded in the computation of time under this section. If a person has not satisfied the
15 provisions of this chapter, the commissioner shall immediately notify the person of the noncompliance.
16 Notification by the commissioner may be accomplished by written or electronic communication or by telephone.
17 If the person fails to comply after the notification, the commissioner shall issue an order of noncompliance as
18 provided in this section.

19 (2) An order of noncompliance may be issued when:

20 (a) upon examination of the official ballot, it appears that the person has failed to file a statement
21 or report as required by this chapter or that a statement or report filed by a person does not conform to law; or

22 (b) it is determined that a statement or report filed with the commissioner does not conform to the
23 requirements of this chapter or that a person has failed to file a statement or report required by law.

24 (3) If an order of noncompliance is issued during a campaign period or within 60 days after an
25 election, a candidate or political committee shall submit the necessary information within 5 days after receiving
26 the order of noncompliance. Upon a failure to submit the required information within the time specified, the
27 appropriate county attorney or the commissioner may initiate a civil or criminal action pursuant to the
28 procedures outlined in 13-37-124 and 13-37-125.

1 (4) If an order of noncompliance is issued during any period other than that described in
 2 subsection (3), a candidate, or a political committee, or reporting entity as defined in 13-37-601 shall submit the
 3 necessary information within 10 days after receiving the order of noncompliance. Upon a failure to submit the
 4 required information within the time specified, the appropriate county attorney or the commissioner shall initiate
 5 a civil or criminal action pursuant to the procedures outlined in 13-37-124 and 13-37-125.

6 (5) After a complaint is filed with the commissioner pursuant to 13-37-111, the procedure
 7 described in this section regarding the provision of notice and issuance of orders of noncompliance is not a
 8 prerequisite to initiation of any other administrative or judicial action authorized under chapter 35 of this title or
 9 this chapter."

10
 11 NEW SECTION. Section 18. Repealer. The following sections of the Montana Code Annotated are
 12 repealed:

- 13 13-10-605. Qualifying minor political parties -- reports required.
- 14 13-10-606. Submission and form of minor party petition.
- 15 13-10-607. Verification of signatures.
- 16 13-10-608. Verification of signatures by county -- fraudulent or duplicate signatures.
- 17 13-10-609. County official to forward verified sheets.
- 18 13-10-611. Retention of copies by county official.
- 19 13-10-612. Violations -- penalties.
- 20 13-37-601. Definitions.
- 21 13-37-602. Organization statement.
- 22 13-37-603. Reporting entity -- reports required -- exception.
- 23 13-37-604. Reporting dates.
- 24 13-37-605. Content of reports.
- 25 13-37-606. Forms.
- 26 13-37-607. Penalties.

27
 28 NEW SECTION. Section 19. Transition. (1) No later than September 1, 2023, the secretary of state

1 shall create a party affiliation form as specified in [section 1].

2 (2) After the secretary of state has completed the form, each election administrator shall use the
3 voter registration list maintenance procedure described in 13-2-220(1)(b) to notify each individual on the list of
4 the party affiliation form and verification process described in [section 1]. This procedure must be completed at
5 least 90 days before the primary election held in 2024.

6
7 **NEW SECTION. Section 20. Codification instruction.** [Section 1] is intended to be codified as an
8 integral part of Title 13, chapter 10, part 2, and the provisions of Title 13, chapter 10, part 2, apply to [section 1].

9
10 **NEW SECTION. Section 21. Effective date.** [This act] is effective on passage and approval.

11
12 **NEW SECTION. Section 22. Applicability.** [This act] applies to primary and general elections held
13 on or after January 1, 2024.

14 - END -