

SENATE BILL NO. 276

INTRODUCED BY M. CUFFE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING VOTER IDENTIFICATION LAWS; REVISING IDENTIFICATION REQUIREMENTS FOR VOTING AND PROVISIONAL VOTING; AMENDING SECTIONS 13-13-114 AND 13-13-602, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 13-13-114, MCA, is amended to read:

"13-13-114. Voter identification and marking precinct register book before elector votes -- provisional voting. (1) (a) ~~Except as provided in subsection (2), before~~ Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge one of the following forms of identification showing the elector's name:

(i) a Montana driver's license, Montana state identification card issued pursuant to 61-12-501, military identification card, tribal photo identification card, United States passport, ~~or Montana concealed carry permit, or student photo identification card issued by the Montana university system;~~ or

(ii) (A) a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address; and

(B) photo identification that shows the elector's name, ~~including but not limited to a school district or postsecondary education photo identification.~~

(b) An elector who provides the information listed in subsection (1)(a) may sign the precinct register and must be provided with a regular ballot to vote.

(c) If the information provided in subsection (1)(a) differs from information in the precinct register but an election judge determines that the information provided is sufficient to verify the voter's identity and eligibility to vote pursuant to 13-2-512, the elector may sign the precinct register, complete a new registration form to correct the elector's voter registration information, and vote.

(d) An election judge shall write "registration form" beside the name of any elector submitting a

1 form.

2 (2) ~~—— If the elector is unable to present the information required by subsection (1) or if the information~~
3 ~~presented under subsection (1) is insufficient to verify the elector's identity and eligibility to vote or if the~~
4 ~~elector's name does not appear in the precinct register or appears in the register as provisionally registered and~~
5 ~~this provisional registration status cannot be resolved at the polling place, the elector may sign the precinct~~
6 ~~register and cast a provisional ballot as provided in 13-13-601.~~

7 (3)(2) If the elector fails or refuses to sign the elector's name or if the elector is disabled and a
8 fingerprint, an identifying mark, or a signature by a person authorized to sign for the elector pursuant to 13-1-
9 116 is not provided, the elector may cast a provisional ballot as provided in 13-13-601."

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11 **Section 2.** Section 13-13-602, MCA, is amended to read:

12 **"13-13-602. Fail-safe and provisional voting by mail.** (1) To ensure the election administrator has
13 information sufficient to determine the elector's eligibility to vote, an elector voting by mail may enclose in the
14 outer signature envelope, together with the voted ballot in the secrecy envelope:

15 (a) a Montana driver's license number, Montana state identification card number issued pursuant
16 to 61-12-501, or the last four digits of the applicant's social security number;

17 (b) a readable copy of a military identification card, a tribal photo identification card, a United
18 States passport, a Montana concealed carry permit, or a student photo identification card issued by ~~a Montana~~
19 ~~college or university~~ the Montana university system, ~~or a Montana concealed carry permit; or~~

20 (c) (i) any other form of readable photo identification with the ~~individual's~~ elector's name; and

21 (ii) a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter
22 registration issued pursuant to 13-2-207, government check, or other government document that shows the
23 elector's name and current address.

24 (2) The elector's ballot must be handled as a provisional ballot under 13-15-107 if:

25 (a) a provisionally registered elector voting by mail does not enclose with the ballot the information
26 described in subsection (1);

27 (b) the information provided under subsection (1) is invalid or insufficient to verify the elector's
28 eligibility; or

1 (c) the elector's name does not appear on the precinct register."

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3 NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured,
4 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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6 NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are
7 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
8 the part remains in effect in all valid applications that are severable from the invalid applications.

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10 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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