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HOUSE BILL NO. 508

INTRODUCED BY J. HINKLE, M. MALONE, T. WELCH, F. ANDERSON, S. KERNS, C. KNUDSEN, K. ZOLNIKOV, S. ESSMANN, P. FIELDER, L. BREWSTER, A. REGIER, R. MARSHALL, C. HINKLE, R. FITZGERALD, M. HOPKINS, J. GILLETTE, G. OBLANDER, B. BROWN, M. CUFFE, C. FRIEDEL, J. ELLSWORTH, P. GREEN, G. KMETZ, J. ETCHART, L. DEMING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO VOTERS IN SCHOOL DISTRICT ELECTIONS; PROVIDING THAT CERTAIN INDIVIDUALS WHO OWN REAL PROPERTY IN A SCHOOL DISTRICT MAY VOTE IN AN ELECTION ON A BOND OR A LEVY; PROVIDING RESTRICTIONS; AND AMENDING SECTIONS 13-13-301, 20-20-301, AND 20-20-311, MCA."

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

**Section 1.** Section 13-13-301, MCA, is amended to read:

**"13-13-301. Challenges.** (1) An elector's right to vote may be challenged at any time by any registered elector by the challenger filling out and signing an affidavit stating the grounds of the challenge and providing any evidence supporting the challenge to the election administrator or, on election day, to an election judge.

(2) A challenge may be made on the grounds that the elector:

(a) is of unsound mind, as determined by a court;

(b) has voted before in that election;

(c) has been convicted of a felony and is serving a sentence in a penal institution;

(d) is not registered as required by law;

(e) is not 18 years of age or older;

(f) has not been, for at least 30 days, a resident of the county in which the elector is offering to vote, except as provided in 13-2-514 and 20-20-301(2);

(g) is a provisionally registered elector whose status has not been changed to a legally registered voter; or

**Amendment - 1st Reading-white - Requested by: Jedediah Hinkle - (H) Taxation**

- 2023

68th Legislature 2023

Drafter: Pad McCracken, 406-444-3595

HB0508.001.001

1 (h) does not meet another requirement provided in the constitution or by law.

2 (3) When a challenge has been made under this section, unless the election administrator

3 determines without the need for further information that the challenge is insufficient:

4 (a) prior to the close of registration under 13-2-301, the election administrator shall question the  
5 challenger and the challenged elector and may question other persons to determine whether the challenge is  
6 sufficient or insufficient to cancel the elector's registration under 13-2-402; or

7 (b) after the close of regular registration under 13-2-301, the election administrator or, on election  
8 day, either the election administrator or an election judge shall allow the challenged elector to cast a provisional  
9 paper ballot, which must be handled as provided in 13-15-107.

10 (4) (a) In response to a challenge, the challenged elector may fill out and sign an affidavit to refute  
11 the challenge and swear that the elector is eligible to vote.

12 (b) If the challenge was not made in the presence of the elector being challenged, the election  
13 administrator or election judge shall notify the challenged elector of who made the challenge and the grounds of  
14 the challenge and explain what information the elector may provide to respond to the challenge. The notification  
15 must be made:

16 (i) within 5 days of the filing of the challenge if the election is more than 5 days away; or

17 (ii) on or before election day if the election is less than 5 days away.

18 (c) The election administrator or, on election day, the election judge shall also provide to the  
19 challenged elector a copy of the challenger's affidavit and any supporting evidence provided.

20 (5) The secretary of state shall adopt rules to implement the provisions of this section and shall  
21 provide standardized affidavit forms for challengers and challenged electors."

22

23 **Section 2.** Section 20-20-301, MCA, is amended to read:

24 **"20-20-301. Qualifications of elector.** (1) An-Except as provided in subsection (2), an individual is  
25 entitled to vote at school elections if the individual has the qualifications set forth in 13-1-111 and is a resident  
26 of the school district or, in a school district that has been apportioned into single-member trustee districts  
27 according to 20-3-337, a resident of the trustee district.

28 (2) (a) Subject to subsection (3), an ~~elector, as defined in 13-1-101,~~ individual who is a registered

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1 Montana voter and who ~~is the holder of title to owns at least a 50% interest in~~ real property within a school  
2 district but does not reside in the district and who presents a proof of payment of taxes on the property is  
3 eligible to vote in an election on a proposition for a district bond or levy held under the provisions of Title 20.

4 (b) Pursuant to 20-20-401, the elector shall provide the proof of payment of taxes no later than 60  
5 days prior to the election to the following:

6 (i) the county election administrator, if the board of trustees requests and the county election  
7 administrator agrees to conduct a school election under 20-20-417; or

8 (ii) the board of trustees, or the board's designee.

9 (3) (a) An individual who votes as allowed in subsection (2) may only vote once in the election  
10 regardless of the number of properties the individual owns in the district.

11 (b) (i) If there are two individuals who own the same real property jointly, only one of the individuals  
12 is entitled to vote under the provisions of subsection (2) in the election.

13 (ii) If both individuals are registered voters in Montana, the individual whose name appears first on  
14 the title is entitled to vote in the election.

15 (c) The right to vote under this section is limited to properties without fractional ownership based  
16 on time.

17 (e)(d) An individual authorized to vote under subsection (2) may only vote in district bond or levy  
18 elections and is considered a qualified elector only for the purposes of district bond or levy elections."

19  
20 **Section 3.** Section 20-20-311, MCA, is amended to read:

21 **"20-20-311. Voter registration.** ~~Voter~~ Except as provided in 20-20-301(2) and (3), voter registration  
22 for school elections must be as provided in Title 13, chapter 2."

23 - END -