

1 SENATE BILL NO. 298

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DUTIES OF THE SECRETARY OF STATE;
6 PROVIDING THAT THE SECRETARY OF STATE EXERCISE SUPERVISORY POWERS OVER COUNTY
7 ELECTION ADMINISTRATORS; AMENDING SECTIONS 2-15-401 AND 13-1-301, MCA; AND PROVIDING
8 AN EFFECTIVE DATE."

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

11
12 **Section 1.** Section 2-15-401, MCA, is amended to read:

13 **"2-15-401. Duties of secretary of state -- authority.** (1) In addition to the duties prescribed by the
14 constitution, the secretary of state shall:

15 (a) attend at every session of the legislature for the purpose of receiving bills and resolutions and
16 to perform other duties as may be devolved on the secretary of state by resolution of the two houses or either of
17 them;

18 (b) keep a register of and attest the official acts of the governor, including all appointments made
19 by the governor, with date of commission and names of appointees and predecessors;

20 (c) affix the great seal, with the secretary of state's attestation, to commissions, pardons, and other
21 public instruments to which the official signature of the governor is required;

22 (d) record in proper books all articles of incorporation filed in the secretary of state's office;

23 (e) take and file receipts for all books distributed by the secretary of state and direct the county
24 clerk of each county to take and file receipts for all books distributed by the county clerk;

25 (f) certify to the governor the names of those persons who have received at any election the
26 highest number of votes for any office, the incumbent of which is commissioned by the governor;

27 (g) furnish, on demand, to any person paying the fees, a certified copy of all or any part of any law,
28 record, or other instrument filed, deposited, or recorded in the secretary of state's office;

1 (h) keep a fee book in which must be entered all fees, commissions, and compensation earned,
2 collected, or charged, with the date, name of payer, paid or unpaid, and the nature of the service in each case,
3 which must be verified annually by the secretary of state's affidavit entered in the fee book;

4 (i) file in the secretary of state's office descriptions of seals in use by the different state officers;

5 (j) discharge the duties of a member of the board of examiners and of the board of land
6 commissioners and all other duties required by law;

7 (k) register marks as provided in Title 30, chapter 13, part 3;

8 (l) report to the legislature in accordance with 5-11-210 all watercourse name changes received
9 pursuant to 85-2-134 for publication in the Laws of Montana;

10 (m) keep a register of all applications for pardon or for commutation of any sentence, with a list of
11 the official signatures and recommendations in favor of each application;

12 (n) establish and maintain a central filing system that complies with the requirements of a central
13 filing system pursuant to 7 U.S.C. 1631 and use the information in the central filing system for the purposes of 7
14 U.S.C. 1631.

15 (2) The secretary of state may:

16 (a) develop and implement a statewide electronic filing system as described in 2-15-404; and

17 (b) adopt rules for the effective administration of the secretary of state's duties relating to the
18 Montana Administrative Procedure Act established in Title 2, chapter 4.

19 (3) (a) Except for a cooperative organized and incorporated to do business under Title 35, chapter
20 15, 16, 17, or 18, or filed under 30-10-105, the secretary of state may not accept a filing from a person using
21 the term "cooperative" or a derivative of the term "cooperative" to register:

22 (i) an assumed business name pursuant to 30-13-202;

23 (ii) a nonprofit corporation pursuant to 35-2-119;

24 (iii) a limited liability corporation pursuant to 35-8-205;

25 (iv) a partnership pursuant to 35-10-113;

26 (v) a limited partnership pursuant to 35-12-511; or

27 (vi) a corporation pursuant to 35-14-120.

28 (b) A person using the term "cooperative" to register with the secretary of state in violation of

1 subsection (3)(a) shall be fined not less than \$50 or more than \$1,000.

2 (4) [Subsection (3)] does not apply to an entity formed prior to October 1, 2023.

3 (5) The secretary of state shall exercise supervisory powers over county election administrators in
4 all matters pertaining to the duties of an election administrator and from time to time require of them reports as
5 to the condition of public business entrusted to their charge. The supervisory powers granted to the secretary of
6 state in this subsection include the power to order and direct election administrators in all matters pertaining to
7 their duties as an election administrator. An election administrator shall, when ordered or directed by the
8 secretary of state, promptly gather and diligently provide any information requested related to voter registration,
9 voter rolls, elections, and election management systems."

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11 **Section 2.** Section 13-1-301, MCA, is amended to read:

12 **"13-1-301. Election administrator.** (1) The county clerk and recorder of each county is the election
13 administrator unless the governing body of the county designates another official or appoints an election
14 administrator.

15 (2) The election administrator is responsible for the administration of all procedures relating to
16 registration of electors and conduct of elections, shall keep all county records relating to elector registration and
17 elections, and is the primary point of contact for the county with respect to the statewide voter registration list
18 and implementation of other provisions of applicable federal law governing elections.

19 (3) The secretary of state shall exercise supervisory powers over county election administrators as
20 provided in 2-15-401.

21 (3)(4) The election administrator may appoint a deputy election administrator for each political
22 subdivision required to hold elections."

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24 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2025

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