

HOUSE BILL NO. 286

INTRODUCED BY D. BEDEY, J. FULLER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTOR REGISTRATION LAWS; REQUIRING THE SECRETARY OF STATE TO RECORD THE UNITED STATES CITIZENSHIP STATUS OF REGISTERED ELECTORS; REQUIRING THE SECRETARY OF STATE TO ESTABLISH PROCEDURES TO DETERMINE THE CITIZENSHIP STATUS OF NEW APPLICANTS IN THE EVENT OF A CONTINGENCY; REQUIRING PROOF OF CITIZENSHIP BY NEW APPLICANTS IN THE EVENT OF A CONTINGENCY; PROVIDING FOR THE REMOVAL OF ELECTORS WHO FAILED TO DEMONSTRATE UNITED STATES CITIZENSHIP IN THE EVENT OF A CONTINGENCY; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 13-2-108, 13-2-109, 13-2-110, 13-2-402, AND 61-14-301, MCA; AND PROVIDING EFFECTIVE DATES."

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

**Section 1.** Section 13-2-108, MCA, is amended to read:

**"13-2-108. Rulemaking for statewide voter registration list.** (1) The secretary of state shall adopt rules to implement the provisions of 42 U.S.C. 15483 and this chapter.

(2) The rules must include but are not limited to:

(a) a list of maintenance procedures, including new data entry, updates, registration transfers, and other procedures for keeping information current and accurate and for recording the citizenship statuses for registered electors;

(b) proper maintenance and use of active and inactive lists;

(c) proper maintenance and use of lists for legally registered electors and provisionally registered electors;

(d) technical security of the statewide voter registration system;

(e) information security with respect to keeping from general public distribution driver's license numbers, whole or partial social security numbers, and address information protected from general disclosure pursuant to 13-2-115; and

1 to rules adopted under 13-2-109.

2 ~~(7)~~(8) The secretary of state shall assign to each elector whose application was accepted a unique  
3 identification number for voting purposes and shall establish a statewide uniform method to allow the secretary  
4 of state and local election officials to distinguish legally registered electors from provisionally registered  
5 electors.

6 ~~(8)~~(9) The provisions of this section may not be interpreted to conflict with voter registration  
7 accomplished under 13-2-221, 13-21-221, and 61-5-107 and as provided for in federal law."  
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9 **Section 4.** Section 13-2-402, MCA, is amended to read:

10 **"13-2-402. Reasons for cancellation.** The election administrator shall cancel the registration of an  
11 elector if:

- 12 (1) the elector submits a written request for cancellation;
- 13 (2) a certificate of the death of the elector is filed or if the elector is reported to the election  
14 administrator as deceased by the department of public health and human services in the department's reports  
15 submitted to the county under 50-15-409 or through a newspaper obituary;
- 16 (3) the elector is of unsound mind as established by a court;
- 17 (4) the incarceration of the elector in a penal institution for a felony conviction is legally  
18 established;
- 19 (5) a certified copy of a court order directing the cancellation is filed with the election administrator;
- 20 (6) a notice is received from the secretary of state or from another county or state that the elector  
21 has registered in another county or state;
- 22 (7) the elector:
- 23 (a) fails to respond to certain confirmation mailings;
- 24 (b) is placed on the inactive list; and
- 25 (c) then fails to vote in two consecutive federal general elections; or
- 26 (8) the elector has failed to demonstrate United States citizenship in the manner prescribed by ~~the~~  
27 secretary of state through rulemaking law; or
- 28 ~~(8)~~(9) the elector fails to meet any voter qualification that is listed in 13-1-111."