

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

(f) quality control measures for the system and system users.

(3) The rules adopted by the secretary of state must reflect that an elector who was properly registered prior to January 1, 2003, is considered a legally registered elector."

**Section 2.** Section 13-2-109, MCA, is amended to read:

**"13-2-109. Rulemaking on sufficiency and verification of voter registration information.** (1) The secretary of state shall adopt rules:

(a) to implement the provisions of 13-2-110 and this section concerning how election administrators determine whether the information provided by an elector on an application for voter registration is:

(i) sufficient to be accepted and processed; or

(ii) insufficient to be accepted and processed;

(b) establishing procedures for verifying the accuracy of voter registration information;

(c) establishing standards for determining whether an elector may be legally registered or provisionally registered and the effect of that registration on identification requirements;

(d) establishing procedures for determining citizenship status of new applicants; and

~~(d)~~(e) establishing procedures for notifying electors about the status of their applications and registration.

(2) The rules may not conflict with 42 U.S.C. 15301, et seq., or 13-2-208."

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

**"13-2-110. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes -- rulemaking.** (1) An individual may apply for voter registration in person or by mail, postage paid, by completing and signing the standard application form for voter registration provided for in 13-1-210 and providing the application to the election administrator in the county in which the elector resides.

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

(3) The applicant shall provide proof of United States citizenship in a manner prescribed by the secretary of state through rulemaking.

~~(3)~~(4) Except as provided in subsection ~~(4)~~ (5), an applicant for voter registration shall provide the applicant's:

(a) Montana driver's license number;

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

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

~~(4)~~(5) (a) If an applicant is unable to provide information in accordance with subsection ~~(3)~~ (4), the applicant shall provide as an alternative form of identification:

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

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

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

(b) The alternative form of identification must be:

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

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

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

(b) If information provided on an application for voter registration was sufficient to be accepted but the applicant failed to provide the information required in subsection ~~(3)~~ or ~~(4)~~ (4) or (5) or if the information provided was incorrect or insufficient to verify the individual's identity or eligibility to vote, the election administrator shall register the applicant as a provisionally registered elector.

~~(6)~~(7) Each applicant for voter registration must be notified of the elector's registration status pursuant

to rules adopted under 13-2-109.

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

~~(8)~~(9) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-221, 13-21-221, and 61-5-107 and as provided for in federal law."

**Section 4.** Section 13-2-402, MCA, is amended to read:

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

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

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2           **Section 5.** Section 61-14-301, MCA, is amended to read:

3           **"61-14-301. Other rulemaking authority.** (1) The department shall adopt rules to identify the entity or  
4 entities that may qualify for grants under 61-3-415 and to establish criteria that an entity must meet to receive  
5 grant funds.

6           (2) The department shall adopt rules governing sales, including sales of receipts by county  
7 treasurers and other authorized agents.

8           (3) The department shall adopt rules necessary to assist the secretary of state in verifying the  
9 United States citizenship status of an applicant for voter registration who submits their Montana driver's license  
10 pursuant to 13-2-110.

11           ~~(2)~~(4) The department may adopt rules for the application, certification, and determination of the  
12 ability of a self-insurer to pay any judgment under 61-6-143.

13           ~~(3)~~(5) The department may adopt rules for individuals who are exempt from wearing seatbelts under  
14 61-13-103.

15           ~~(4)~~ The department shall adopt rules governing sales, including sales of receipts by county  
16 ~~treasurers and other authorized agents.~~

17           ~~(5)~~(6) The department may adopt rules governing the cancellation of received services upon receipt  
18 of an insufficient funds check in payment for a service.

19           ~~(6)~~(7) The department may adopt rules for the implementation of the Montana Driver Privacy  
20 Protection Act, including procedures for:

21           (a) verifying the identity of a person requesting personal information;

22           (b) maintaining records for release of personal information by the department or by any recipient  
23 under Title 61, chapter 11, part 5; and

24           (c) providing for oversight of sale or disclosure of personal information to third parties.

25           ~~(7)~~(8) The department may adopt rules for governing recordkeeping, including the destruction of  
26 records."

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28           NEW SECTION. **Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are

**Amendment - 1st Reading-white - Requested by: David Bedey - (H) State Administration**

- 2025

69th Legislature 2025

Drafter: Rebecca Power,

HB0286.001.001

1 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
2 the part remains in effect in all valid applications that are severable from the invalid applications.

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4 NEW SECTION. **Section 7. Effective dates.** (1) Except as provided in subsection (2), [this act] is  
5 effective October 1, 2025.

6 (2) [Sections 2 through 4] are effective on the date that the secretary of state certifies to the code  
7 commissioner that federal law allows or requires states to determine the United States citizenship status of an  
8 applicant for voter registration and an elector. The secretary of state shall submit certification within 30 days of  
9 the occurrence of the contingency.

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