

HOUSE BILL NO. 346

INTRODUCED BY M. DUNWELL

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A BILL FOR AN ACT ENTITLED: "AN ACT PROTECTING FROM GENERAL DISTRIBUTION CERTAIN SENSITIVE PERSONAL INFORMATION COMPILED IN THE STATEWIDE VOTER REGISTRATION SYSTEM; AND AMENDING SECTIONS 13-2-108 AND 13-2-122, MCA."

WHEREAS, according to the Montana Department of Justice's Office of Consumer Protection, identity theft is now the top-reported crime in the United States; and

WHEREAS, an individual's full birth date, full or partial social security number, and driver's license number are sensitive personal information because they are key pieces of information used in identity theft; and

WHEREAS, individuals registering to vote have a reasonable expectation that their sensitive personal information that could be used for identity theft is kept safe from general public distribution; and

WHEREAS, a public interest in having electors' days and months of birth provided in a general distribution register, list, report, or extract from the statewide voter registration database has not been demonstrated; and

WHEREAS, Montanans accept as reasonable specific restrictions on the general public distribution of sensitive personal information under current law that already protects full or partial social security numbers and driver's license numbers; and

WHEREAS, restrictions on the general public distribution of sensitive personal information does not preclude specific public record requests or a case-by-case legal analysis concerning the merits of public disclosure and the individual right of privacy under Article II, sections 9 and 10, of the Montana constitution; and

WHEREAS, protecting this voter information from general public distribution is a critical component of ensuring that the state is not the source of or routinely providing sensitive personal information that could be used for identity theft.

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



1 rules to implement the provisions of 42 U.S.C. 15483 and this chapter.

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

3 (a) a list of maintenance procedures, including new data entry, updates, registration transfers, and other
4 procedures for keeping information current and accurate;

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

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

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

9 (e) information security with respect to keeping from general public distribution ~~driver's license numbers,~~
10 ~~whole or partial social security numbers, and address~~ sensitive personal information protected from general
11 disclosure pursuant to 13-2-115 and 13-2-122(2); and

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

13 (3) The rules adopted by the secretary of state must reflect that an elector who was properly registered
14 prior to January 1, 2003, is considered a legally registered elector."
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16 **Section 2.** Section 13-2-122, MCA, is amended to read:

17 **"13-2-122. Charges for registers, elector lists, and mailing labels made available to public --**
18 **protection of sensitive personal information.** (1) Except as provided in subsection (2), upon request, the
19 secretary of state shall furnish to any individual, for noncommercial use, available extracts and reports from the
20 statewide voter registration system. Upon request, a local election administrator shall furnish to an individual, for
21 noncommercial use, a copy of the official precinct registers, a current list of legally registered electors, mailing
22 labels for registered electors, or other available extracts and reports. Upon delivery, the secretary of state or the
23 local election administrator may collect a charge not to exceed the actual cost of the register, list, mailing labels,
24 or available extracts and reports.

25 (2) (a) For an elector whose address information is protected from general distribution under 13-2-115(6)
26 or (7), the secretary of state or a local election administrator may not include the elector's residential address on
27 any register, list, mailing labels, or available extracts and reports but may list only the elector's name.

28 (b) The secretary of state or a local election administrator may not distribute on any register, list, extract,
29 or report provided under this section the following sensitive personal information of an elector:

30 (i) the day or month of a birth date;

