

HOUSE BILL NO. 495

INTRODUCED BY L. SHELDON-GALLOWAY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO ELECTION PRECINCTS; REQUIRING THE PARTY PRECINCT COMMITTEE REPRESENTATIVES TO ASSIST IN ENSURING THE COMPLETE, ACCURATE NATURE OF PRECINCT VOTER REGISTRATION LISTS; REQUIRING THE COUNTY ELECTION ADMINISTRATORS TO CONDUCT BIENNIAL WORKING GROUP SESSIONS RELATED TO PRECINCT VOTER REGISTRATION LISTS UNDER THE DIRECTION OF THE SECRETARY OF STATE; REVISING TERMS OF PRECINCT COMMITTEE REPRESENTATIVES; REQUIRING THE SECRETARY OF STATE TO PROVIDE CERTAIN FORMS AND RULES; AMENDING SECTIONS 13-1-202, 13-1-203, 13-2-108, AND 13-38-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Duties of precinct committee representatives and county central committee representatives related to elector lists. (1) Committee representatives in each precinct are responsible for assisting the county election administrator, with oversight from the secretary of state, to keep current and accurate lists of all registered electors in the precinct.

(2) Elected county central committee representatives shall participate twice each year in a joint working group with the county election administrator under the direction of the secretary of state. The meetings must be held in the weeks of March 15 and September 15. The purpose of the working group is to audit the county voter registration list in possession of the county election administrator, provided by the secretary of state and maintained pursuant to Title 13, chapter 2, part 1, and the precinct registers established under 13-2-116.

(3) If a working group member requests access to a death certificate, change of address information filed with the U.S. postal service and in possession of a county election administrator, or other information needed to verify an elector's address for the purposes of auditing the list of registered electors, the

1 working group member may view those records while under oath.

2 (4) The county election administrator has final authority on whether to remove an elector from the
3 list pursuant to Title 13, chapter 2, part 4, or as otherwise prescribed by law.

4

5 **Section 2.** Section 13-1-202, MCA, is amended to read:

6 **"13-1-202. Forms and rules prescribed by secretary of state -- consultation.** (1) In carrying out
7 the responsibilities under 13-1-201, the secretary of state shall prepare and deliver to the election
8 administrators:

9 (a) written directives and instructions relating to and based on the election laws;

10 (b) sample copies of prescribed and suggested forms; and

11 (c) advisory opinions on the effect of election laws other than those laws in chapter 35, 36, or 37 of
12 this title.

13 (2) The secretary of state may prescribe the design of any election form required by law. The
14 secretary of state shall seek the advice of election administrators and printers in designing the required forms.

15 (3) Each election administrator shall comply with the directives and instructions and shall provide
16 election forms prepared as prescribed.

17 (4) Each election administrator shall provide data to the secretary of state that the secretary of
18 state determines is necessary to:

19 (a) evaluate voting system performance against the benchmark standard adopted pursuant to 13-
20 17-103;

21 (b) evaluate the security, accuracy, and accessibility of elections; and

22 (c) assist the secretary of state in making recommendations to improve voter confidence in the
23 integrity of the election process.

24 (5) The secretary of state shall regularly consult with and seek the advice of local election
25 administrators and electors in implementing the provisions of this section."

26

27 **Section 3.** Section 13-1-203, MCA, is amended to read:

28 **"13-1-203. Secretary of state to advise, assist, and train.** (1) The secretary of state shall advise

1 and assist election administrators, including administrators of school elections under Title 20, chapter 20, with
2 regard to:

3 (a) the application, operation, and interpretation of Title 13, except for chapter 35, 36, or 37;

4 (b) the implementation and operation of the National Voter Registration Act of 1993, Public Law
5 103-31, the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq., the Voting Rights Act of 1965, 52
6 U.S.C 10101, et seq., the Voting Accessibility for the Elderly and Handicapped Act of 1984, 52 U.S.C. 20101, et
7 seq., and the Help America Vote Act of 2002, Public Law 107-252; and

8 (c) the procedures adopted pursuant to 13-17-211.

9 (2) The secretary of state shall prepare and distribute training materials for election judges to be
10 trained pursuant to 13-4-203. Sufficient copies of the materials to supply all election judges in the county and to
11 provide a small extra supply must be sent to each election administrator.

12 (3) (a) The secretary of state shall hold at least one training session every 2 years to instruct
13 election administrators and their staffs on how to conduct and administer primary and general elections. The
14 training must also include instruction on the use of the statewide voter registration system. The training may be
15 held in various locations around the state. The training must also be offered online and through
16 teleconferencing.

17 (b) Costs of the biennial training, including the materials, must be paid by the secretary of state.

18 (4) In addition to completing the biennial training under subsection (3), each election administrator
19 shall complete 6 hours of election-related continuing education each year that is approved by the secretary of
20 state. Costs for the continuing education must be paid by the counties.

21 (5) The secretary of state shall:

22 (a) certify for election administration purposes each election administrator who attends the biennial
23 training and completes the required continuing education; and

24 (b) provide a certificate of completion to election staff who attend the biennial election training
25 described in subsection (3).

26 (6) An election administrator may require that election staff complete the continuing education
27 described in subsection (4) and provide a certificate of completion to staff who complete it.

28 (7) The secretary of state shall review the work of the two joint working group sessions required by

1 [section 1(2)] by March 30 and September 30 of each year to audit and ensure the accurate and current status
 2 of the statewide voter registration list."

3

4 **Section 4.** Section 13-2-108, MCA, is amended to read:

5 **"13-2-108. Rulemaking for statewide voter registration list.** (1) The secretary of state shall adopt
 6 rules to implement the provisions of 42 U.S.C. 15483 and this chapter.

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

8 (a) a list of maintenance procedures, including new data entry, updates, registration transfers,
 9 biannual involvement of precinct committee representatives as provided in [section 1(2)], and other procedures
 10 for keeping information current and accurate;

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

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

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

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

18 (f) quality control measures for the system and system users; and

19 (g) the content of the oath for working group members as provided in [section 1(3)].

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

22

23 **Section 5.** Section 13-38-202, MCA, is amended to read:

24 **"13-38-202. Committee Precinct committee representatives as party representatives -- county**
 25 **and city central committees.** (1) Each precinct committee representative shall represent the representative's
 26 political party for the precinct in all ward or subdivision committees formed.

27 (2) The precinct committee representatives in each precinct constitute the county central

28 committee of the respective political parties and shall assist the county election administrator of the county,

1 under the direction of the secretary of state, to ensure the accuracy of the precinct's voter registration list as
2 required by [section 1].

3 (3) ~~Committee~~ Precinct committee representatives who reside within the limits of a city are ex
4 officio the city central committee of their respective political parties and have the power to make their own rules
5 not inconsistent with those of the county central committee. However, the county central committee has the
6 power to fill vacancies in the city central committee.

7 (4) Each precinct committee representative serves a term ~~of 2 years from starting on~~ starting on the date of
8 the primary election in an even-numbered year through the date of the next even-numbered year primary
9 election or appointment pursuant to 13-38-204. Once ~~When~~ the term has expired, the position becomes vacant.

10 (5) Vacancies in the office of precinct committee representative occur only on the death or written
11 resignation of the incumbent or when the incumbent is no longer a resident or registered voter of the precinct. A
12 precinct committee representative may not otherwise be removed from office. If a vacancy occurs, the
13 remaining members of the county central committee may select a precinct resident to fill the vacancy for the
14 remaining term."

15
16 NEW SECTION. Section 6. Codification instruction. [Section 1] is intended to be codified as an
17 integral part of Title 13, chapter 38, and the provisions of Title 13, chapter 38, apply to [section 1].

18
19 NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval.

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