

HOUSE BILL NO. 506

INTRODUCED BY P. FIELDER

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; ESTABLISHING PRIORITIES FOR DEVELOPMENT OF CONGRESSIONAL DISTRICTS; REVISING PROCEDURES FOR PROSPECTIVE ELECTORS TO REGISTER AND VOTE; CLARIFYING REQUIREMENTS FOR A BOARD OF COUNTY CANVASSERS; ELIMINATING THE EXPERIMENTAL USE OF VOTE SYSTEMS; AMENDING SECTIONS 5-1-115, 13-2-205, AND 13-15-401, MCA; ~~AND~~ REPEALING SECTION 13-17-105, MCA; AND PROVIDING EFFECTIVE DATES."

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

SECTION 1. SECTION 5-1-115, MCA, IS AMENDED TO READ:

"5-1-115. Redistricting criteria. (1) Subject to federal law, legislative and congressional districts must be established on the basis of population.

(2) In the development of legislative districts, a plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:

(a) The districts must be as equal as practicable, meaning to the greatest extent possible, within a plus or minus 1% relative deviation from the ideal population of a district as calculated from information provided by the federal decennial census. The relative deviation may be exceeded only when necessary to keep political subdivisions intact or to comply with the Voting Rights Act.

(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.

(c) The districts must be contiguous, meaning that the district must be in one piece. Areas that meet

only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.

(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act.

(3) A district may not be drawn for the purposes of favoring a political party or an incumbent legislator or member of congress. The following data or information may not be considered in the development of a plan:

(a) addresses of incumbent legislators or members of congress;

(b) political affiliations of registered voters;

(c) partisan political voter lists; or

(d) previous election results, unless required as a remedy by a court.

(4) In the development of congressional districts and under the authority granted to the legislature by Article I, section 4, of the United States constitution, a congressional districting plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:

(a) The districts must be as equal as practicable.

(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.

(c) The districts must be contiguous, meaning that a district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.

(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act."

Section 2. Section 13-2-205, MCA, is amended to read:

1 **"13-2-205. Procedure when prospective elector not qualified at time of registration. (1) A**

2 **Subject to subsection (2), an** individual who is not eligible to register because of residence or age requirements
3 but who will be eligible on or before election day may apply for voter registration pursuant to 13-2-110 and be
4 registered subject to verification procedures established pursuant to 13-2-109.

5 **(2) Until the individual meets residence and age requirements, a ballot SUBMITTED BY THE INDIVIDUAL**
6 **may not be issued to the individual and the individual may not cast a ballot PROCESSED AND COUNTED BY THE**
7 **ELECTION ADMINISTRATOR MAY NOT BE ISSUED TO THE INDIVIDUAL AND THE INDIVIDUAL MAY NOT CAST A BALLOT."**

8
9 **Section 3.** Section 13-15-401, MCA, is amended to read:

10 **"13-15-401. Governing body as board of county canvassers. (1)** The governing body of a county
11 or consolidated local government is ex officio a board of county canvassers and shall meet as the board of
12 county canvassers at the usual meeting place of the governing body ~~within 14 days after each election,~~ at a
13 time determined by the board, ~~to~~ **and within 14 days after each election to complete the canvass the of** returns.

14 (2) If one or more of the members of the governing body cannot attend the meeting, the member's
15 place must be filled by one or more county officers chosen by the remaining members of the governing body so
16 that the board of county canvassers' membership equals the membership of the governing body.

17 (3) The governing body of any political subdivision in the county that participated in the election may
18 join with the governing body of the county or consolidated local government in canvassing the votes cast at the
19 election.

20 (4) The election administrator is secretary of the board of county canvassers and shall keep minutes
21 of the meeting of the board and file them in the official records of the administrator's office."

22
23 **NEW SECTION. Section 4. Repealer.** The following section of the Montana Code Annotated is
24 repealed:

25 13-17-105. Experimental use of voting systems.

26
27 **NEW SECTION. SECTION 5. {STANDARD} SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID**
28 **PARTS THAT ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR**

1 MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE
2 INVALID APPLICATIONS.

3
4 NEW SECTION. SECTION 6. EFFECTIVE DATES. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), [THIS ACT] IS
5 EFFECTIVE OCTOBER 1, 2021.

6 (2) [SECTIONS 1 AND 5] ARE EFFECTIVE ON PASSAGE AND APPROVAL.

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