

## HOUSE BILL NO. 699

INTRODUCED BY T. WINTER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR ONLINE VOTER REGISTRATION; PROVIDING  
5 FOR THE SECURE ELECTRONIC TRANSFER OF AN APPLICANT'S SIGNATURE FROM THE DEPARTMENT  
6 OF JUSTICE OR A PARTICIPATING TRIBAL GOVERNMENT UNDER CERTAIN CONDITIONS SO THAT THE  
7 SIGNATURE MAY BE INCLUDED IN THE STATEWIDE VOTER REGISTRATION SYSTEM; PROVIDING FOR  
8 RULEMAKING; PROVIDING AN APPROPRIATION; AMENDING SECTION 13-2-110, MCA; AND PROVIDING  
9 A DELAYED EFFECTIVE DATE."

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

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13 **NEW SECTION. Section 1. Secure online voter registration -- secure signature transfer --**  
14 **rulemaking.** (1) Subject to [section 2] or [section 3], an individual who meets the requirements of 13-1-111 or  
15 13-2-205 may submit an electronic application for voter registration through a secure online system maintained  
16 by the secretary of state.

17 (2) An electronic application under this section may not be made after the close of regular voter  
18 registration under 13-2-301.

19 (3) The electronic application must require the applicant to:

20 (a) affirmatively attest to the truth of the information provided on the application; and

21 (b) agree that the applicant's signature on one of the following documents may be used for voter  
22 registration purposes:

23 (i) an application for a driver's license, permit, or motorcycle endorsement issued pursuant to 61-5-107;

24 (ii) an application for a state identification card issued pursuant to 61-12-501; or

25 (iii) an application for a tribal identification card issued by a participating tribal government, as defined  
26 in [section 3].

27 (4) If the applicant has provided consent pursuant to subsection (3)(b), the electronic image of the  
28 applicant's signature must be securely transmitted to the secretary of state:

29 (a) from the department of justice, subject to [section 2]; or

30 (b) from the participating tribal government, subject to [section 3].

1 (5) The electronic image of the applicant's signature obtained pursuant to this section must be added  
2 to the statewide voter registration system and be accessible to county election administrators.

3 (6) If the applicant's county election administrator confirms that the applicant for voter registration is a  
4 qualified elector and the electronic image of the applicant's signature has been added to the statewide voter  
5 registration system pursuant to [section 2] or [section 3], the applicant must be registered and notified as provided  
6 in 13-2-207.

7 (7) The secretary of state shall adopt rules to administer the provisions of this section, to coordinate as  
8 necessary with the department of justice and participating tribal governments, and to ensure that the online voter  
9 registration process provided for in this section meets or exceeds data security standards for protecting sensitive  
10 personal information.

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12 **NEW SECTION. Section 2. Secure transfer of signatures for online voter registration --**  
13 **rulemaking.** (1) For an applicant for online voter registration under [section 1] who designates that the electronic  
14 image of the applicant's signature for voter registration is to be the signature collected by the department on an  
15 application for a driver's license, permit, or motorcycle endorsement issued pursuant to 61-5-107 or on an  
16 application for a state identification card issued pursuant to 61-12-501, the secretary of state shall notify the  
17 department and the department shall securely transmit the electronic image of the applicant's signature to the  
18 secretary of state in a manner prescribed in rules adopted by the secretary of state under [section 1] so that the  
19 signature may be included in the statewide voter registration system provided for in 13-2-107.

20 (2) The department shall adopt rules to implement the provisions of this section and to coordinate as  
21 necessary with the secretary of state.

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23 **NEW SECTION. Section 3. Signatures from tribal identification card applications -- conditional**  
24 **participation -- definition.** (1) Subject to subsection (2), for an applicant for voter registration under [section 1]  
25 who designates that the electronic image of the applicant's signature for voter registration is to be the signature  
26 collected by a participating tribal government on an application for a tribal identification card, the secretary of state  
27 shall notify the tribal government and the tribal government shall securely transmit the electronic image of the  
28 applicant's signature to the secretary of state in a manner prescribed in rules adopted by the secretary of state  
29 under [section 1] so that the signature may be included in the statewide voter registration system provided for  
30 in 13-2-107.

1 (2) The electronic image of a signature provided on an application for a tribal identification card may be  
2 used for online voter registration under [section 1] only if the following conditions are met:

3 (a) the secretary of state has entered into an agreement with the tribal government for participation under  
4 the provisions of [section 1] and this section; and

5 (b) the tribal government and the secretary of state's electronic systems both have the technical  
6 capability of providing for the secure transfer of signatures from the participating tribal government to the  
7 secretary of state for inclusion in the statewide voter registration system in a manner prescribed by the secretary  
8 of state pursuant to [section 1(7)].

9 (3) As used in [section 1] and this section, "participating tribal government" means a tribal government  
10 that has entered into an agreement with the secretary of state pursuant to subsection (2)(a) and that has an  
11 electronic tribal identification card system that meets the technical and security requirements provided for  
12 pursuant to subsection (2)(b).

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14 **Section 4.** Section 13-2-110, MCA, is amended to read:

15 **"13-2-110. Application for voter registration -- sufficiency and verification of information --**  
16 **identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by mail,  
17 postage paid, by completing and signing the standard application form for voter registration provided for in  
18 13-1-210 and providing the application to the election administrator in the county in which the elector resides.

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

21 (3) Except as provided in subsection (4):

22 (a) an applicant for voter registration shall provide the applicant's Montana driver's license number; or

23 (b) if the applicant does not have a Montana driver's license, the applicant shall provide the last four  
24 digits of the applicant's social security number.

25 (4) (a) If an applicant does not have a Montana driver's license or social security number, the applicant  
26 shall provide as an alternative form of identification:

27 (i) a current and valid photo identification, including but not limited to a school district or postsecondary  
28 education photo identification or a tribal photo identification, with the individual's name; or

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

1 (b) The alternative form of identification must be:

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

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

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

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

12 (6) Each applicant for voter registration must be notified of the elector's registration status pursuant to  
13 rules adopted under 13-2-109.

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

17 (8) The provisions of this section may not be interpreted to conflict with voter registration accomplished  
18 under 13-2-221, 13-21-221, [section 1], and 61-5-107 and as provided for in federal law."

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20 **NEW SECTION. Section 5. Appropriation.** There is appropriated \$2,500 from the state general fund  
21 to the secretary of state to provide information and training to county election administrators on the  
22 implementation of [sections 1 through 3].

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24 **NEW SECTION. Section 6. Notification to tribal governments.** The secretary of state shall send a  
25 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
26 Chippewa tribe.

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28 **NEW SECTION. Section 7. Codification instruction.** (1) [Sections 1 and 3] are intended to be codified  
29 as an integral part of Title 13, chapter 2, part 2, and the provisions of Title 13, chapter 2, part 2, apply to [sections  
30 1 and 3].

1           (2) [Section 2] is intended to be codified as an integral part of Title 61, chapter 5, part 3, and the  
2 provisions of Title 61, chapter 5, part 3, apply to [section 2].

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4           NEW SECTION. **Section 8. Contingent voidness -- notification to code commissioner.** (1) If the  
5 U.S. election assistance commission issues a letter or determination to the secretary of state that the 2018 Help  
6 America Vote Act election security funds granted to Montana may not be used to improve the statewide voter  
7 registration system in a manner that will allow the secretary of state to implement the provisions of [this act] within  
8 the scope of the grant, then [this act] is void.

9           (2) The secretary of state shall notify the code commissioner if the contingency described in subsection  
10 (1) occurs and of the date of the occurrence.

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12           NEW SECTION. **Section 9. Effective date.** [This act] is effective January 1, 2021.

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