

SENATE BILL NO. 366

INTRODUCED BY D. BROWN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REFERRING TO THE QUALIFIED ELECTORS OF MONTANA AN
5 ACT REVISING LAWS ON VOTER IDENTIFICATION; REQUIRING CERTAIN IDENTIFICATION DOCUMENTS
6 BE PRESENTED WHEN VOTING AT A POLLING PLACE, RECEIVING AN ABSENTEE BALLOT IN PERSON,
7 OR RETURNING AN ABSENTEE BALLOT IN PERSON; PROVIDING FOR A FREE MONTANA
8 IDENTIFICATION CARD FOR CERTAIN INDIVIDUALS; AMENDING SECTIONS 13-13-114, 13-13-222,
9 13-35-704, AND 61-12-504, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

12
13 **Section 1.** Section 13-13-114, MCA, is amended to read:

14 **"13-13-114. Voter identification and marking precinct register book before elector votes --**
15 **provisional voting.** (1) (a) ~~Before~~ Except as provided in subsection (4), before an elector is permitted to receive
16 a ballot or vote, the elector shall present to an election judge ~~a current photo identification showing the elector's~~
17 ~~name. If the elector does not present photo identification, including but not limited to~~ one of the following:

18 (i) a valid current Montana driver's license, ~~a school district or postsecondary education photo~~
19 ~~identification, or;~~

20 (ii) a current tribal photo identification; ~~or~~

21 (iii) a current Montana identification card issued pursuant to Title 61, chapter 12, part 5 ~~the elector shall~~
22 ~~present a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant~~
23 ~~to 13-2-207, government check, or other government document that shows the elector's name and current~~
24 ~~address.~~

25 (b) An elector who provides the information listed in subsection (1)(a) may sign the precinct register and
26 must be provided with a regular ballot to vote.

27 (c) If the information provided in subsection (1)(a) differs from information in the precinct register but an
28 election judge determines that the information provided is sufficient to verify the voter's identity and eligibility to
29 vote pursuant to 13-2-512, the elector may sign the precinct register, complete a new registration form to correct
30 the elector's voter registration information, and vote.

- 1 (d) An election judge shall write "registration form" beside the name of any elector submitting a form.
- 2 (2) If the information presented under subsection (1) is insufficient to verify the elector's identity and
3 eligibility to vote or if the elector's name does not appear in the precinct register or appears in the register as
4 provisionally registered and this provisional registration status cannot be resolved at the polling place, the elector
5 may sign the precinct register and cast a provisional ballot as provided in 13-13-601.
- 6 (3) If the elector fails or refuses to sign the elector's name or if the elector is disabled and a fingerprint,
7 an identifying mark, or a signature by a person authorized to sign for the elector pursuant to 13-1-116 is not
8 provided, the elector may cast a provisional ballot as provided in 13-13-601.
- 9 (4) An elector who is a resident of a long-term care facility, as defined in 50-5-101, voting in person at
10 a precinct polling place that is located in that facility is not required to show the identification documents listed
11 in subsection (1)(a)."

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13 **Section 2.** Section 13-13-222, MCA, is amended to read:

14 **"13-13-222. Marking Receiving absentee ballot in person before election day.** (1) As soon as the
15 official ballots are available ~~for in-person absentee voting~~ under 13-13-205(1)(a)(i), the election administrator shall
16 permit an elector to apply for, receive, and mark an absentee ballot before election day by appearing in person
17 at the office of the election administrator and marking the ballot in a voting station area designated by the election
18 administrator.

19 (2) An elector receiving the elector's absentee ballot in person shall present one of the identification
20 documents listed in 13-13-114(1)(a). If the information on the identification document differs from the voter
21 registration information for that elector, the county election administrator shall inform the elector about how to
22 resolve the discrepancy and provide the ballot to the elector if satisfied that the elector is eligible to receive the
23 absentee ballot.

24 ~~(2)~~(3) The provisions of this chapter apply to voting under this section.

25 ~~(3)~~(4) For the purposes of this section, an official ballot is voted when the ballot is received at the election
26 administrator's office."

27

28 **NEW SECTION. Section 3. Returning absentee ballot in person.** (1) If an elector returns the elector's
29 voted absentee ballot in person, the elector shall present to the election official receiving the ballot:

30 (a) a current Montana driver's license;

- 1 (b) a current tribal photo identification; or
 2 (c) a current Montana identification card issued pursuant to Title 61, chapter 12, part 5.
 3 (2) If the elector's identification information differs from the elector's voter registration information, the
 4 ballot must be handled as a provisional ballot subject to verification of eligibility as provided for in 13-15-107.
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6 **Section 4.** Section 13-35-704, MCA, is amended to read:

7 **"13-35-704. Record of delivery.** (1) An individual permitted to collect and convey a ballot under
 8 13-35-703(2)(c) through (2)(f) shall sign a registry when delivering the ballot to the polling place or the election
 9 administrator's office.

10 (2) In addition to the signature requirement, the individual collecting and conveying the ballot shall:

11 (a) provide the following information:

12 ~~(1)~~(i) the individual's name, address, and phone number;

13 ~~(2)~~(ii) the voter's name and address; and

14 ~~(3)~~(iii) the individual's relationship to the voter required to collect and convey a ballot pursuant to
 15 13-35-703(2)(c) through (2)(f); and

16 (b) present for proof of identity:

17 (i) a current Montana driver's license;

18 (ii) a current tribal photo identification; or

19 (iii) a current Montana identification card issued pursuant to Title 61, chapter 12, part 5."
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21 **Section 5.** Section 61-12-504, MCA, is amended to read:

22 **"61-12-504. Fees for identification cards -- exceptions -- expiration of cards.** (1) Upon application
 23 for an identification card issued pursuant to this part, a fee of \$16 must be collected and deposited in the general
 24 fund, ~~except that the fee for a card issued under subsection (3)(b) is \$8 as provided in subsection (2) .~~

25 (2) (a) The following individuals may obtain a free identification card:

26 (i) ~~A~~ a person with a disability, as defined in 39-30-103, ~~may obtain a free identification card. An;~~

27 (ii) an individual discharged from any correctional facility ~~must be furnished a free identification card upon~~
 28 release, discharge, or parole; or

29 (iii) an individual who is a U.S. citizen, is a resident of Montana, will be at least 18 years of age by the
 30 next election, and does not have a current Montana driver's license or a current tribal photo identification.

1 **(b) The fee for a card issued under subsection (3)(b) is \$8.**

2 (3) (a) Except as provided in subsections (3)(b) and (3)(c), an identification card expires on the
3 anniversary of the cardholder's date of birth 8 years after the date of issue.

4 (b) An identification card issued to a person who is under 21 years of age expires on the anniversary
5 of the cardholder's date of birth 4 years after the card's issue date.

6 (c) An identification card issued to a person whose presence in the United States is temporarily
7 authorized under federal laws expires, as determined by the department, no later than the expiration date of the
8 official document issued to the person by the United States citizenship and immigration services of the
9 department of homeland security that authorizes the person's presence in the United States."
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11 **NEW SECTION. Section 6. Notification to tribal governments.** The secretary of state shall send a
12 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
13 Chippewa tribe.
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15 **NEW SECTION. Section 7. Codification instruction.** [Section 3] is intended to be codified as an
16 integral part of Title 13, chapter 13, part 2, and the provisions of Title 13, chapter 13, part 2, apply to [section 4].
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18 **NEW SECTION. Section 8. Effective date.** If approved by the electorate, [this act] is effective January
19 1, 2021.
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21 **NEW SECTION. Section 9. Submission to electorate.** [This act] shall be submitted to the qualified
22 electors of Montana at the general election to be held in November 2020 by printing on the ballot the full title of
23 [this act] and the following:

24 YES on Legislative Referendum ____.

25 NO on Legislative Referendum ____.

26 - END -