

## HOUSE BILL NO. 525

INTRODUCED BY M. FUNK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AUTOMATIC VOTER REGISTRATION FOR QUALIFIED  
5 INDIVIDUALS APPLYING FOR A LICENSE, PERMIT, MOTORCYCLE ENDORSEMENT, OR STATE OR  
6 TRIBAL IDENTIFICATION CARD; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 13-2-207,  
7 61-5-107, AND 61-12-501, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

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11 **Section 1.** Section 13-2-207, MCA, is amended to read:

12 **"13-2-207. Confirmation of registration.** (1) The election administrator shall give or mail to each elector  
13 a notice, confirming registration and giving the location of the elector's polling place. A notice sent to an elector  
14 to whom the notice is not personally given must be sent by nonforwardable, first-class mail, which must conform  
15 to postal regulations to ensure address corrections are received.

16 (2) For voter registration forms received pursuant to 61-5-107, 61-12-501, or [section 2], if the county  
17 election administrator confirms that the applicant is a qualified elector pursuant to subsection (4) and that the  
18 applicant's electronic signature has been added to the statewide voter registration system, the county election  
19 administrator shall mail the applicant a notice confirming registration and giving the location of the person's polling  
20 place. The notice must be sent by nonforwardable, first-class mail, which must conform to postal regulations to  
21 ensure address corrections are received.

22 ~~(2)~~(3) If the notice confirming registration is returned as undeliverable, the election administrator shall  
23 investigate the reason for the return of ~~any the~~ mailed ~~notices~~ notice and mail a confirmation notice to the elector.  
24 The notice must conform to postal regulations to ensure return, not forwarding, of undelivered notices.

25 (4) The voter registration form and an electronic copy of a person's signature submitted pursuant to  
26 61-5-107, 61-12-501, or [section 2] constitute a completed voter registration form if the person is qualified to vote  
27 under rules adopted pursuant to 13-2-109 and the person is not already registered to vote."

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29 **NEW SECTION. Section 2. Automatic registration when applying for tribal identification card.** The  
30 secretary of state shall invite each tribal government in Montana to participate in an automatic voter registration

1 process. If a tribe agrees to participate, the tribal agency handling an application for a tribal identification card  
2 shall follow the procedures specified in 61-12-501(3).

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4 **Section 3.** Section 61-5-107, MCA, is amended to read:

5 **"61-5-107. Application for license, instruction permit, or motorcycle endorsement -- voter**  
6 **registration.** (1) Each application for an instruction permit, driver's license, commercial driver's license, or  
7 motorcycle endorsement must be made upon a form furnished by the department. Each application must be  
8 accompanied by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to  
9 pass the examination within a period of 6 months from the date of application. ~~A voter registration form for mail~~  
10 ~~registration as prescribed by the secretary of state must be attached to each driver's license application. If the~~  
11 ~~applicant wishes to register to vote, the department shall accept the registration and forward the form to the~~  
12 ~~election administrator.~~

13 (2) Each application must include the full legal name, date of birth, sex, residence address of the  
14 applicant [and the applicant's social security number], must include a brief description of the applicant, and must  
15 provide the following additional information:

16 (a) the name of each jurisdiction in which the applicant has previously been licensed to drive any type  
17 of motor vehicle during the 10-year period immediately preceding the date of the application;

18 (b) a certification from the applicant that the applicant is not currently subject to a suspension, revocation,  
19 cancellation, disqualification, or withdrawal of a previously issued driver's license or any driving privileges in  
20 another jurisdiction and that the applicant does not have a driver's license from another jurisdiction;

21 (c) a brief description of any physical or mental disability, limitation, or condition that impairs or may  
22 impair the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle  
23 on the highway;

24 (d) a brief description of any adaptive equipment or operational restrictions that the applicant relies upon  
25 or intends to rely upon to attain the ability to exercise ordinary and reasonable control in the safe operation of a  
26 motor vehicle on the highway, including the nature of the equipment or restrictions; and

27 (e) if the applicant is a foreign national whose presence in the United States is temporarily authorized  
28 under federal law, the expiration date of the official document issued to the applicant by the bureau of citizenship  
29 and immigration services of the department of homeland security authorizing the applicant's presence in the  
30 United States.

1           [(3) The department shall keep the applicant's social security number from this source confidential,  
2 except that the number may be used for purposes of subtitle VI of Title 49 of the U.S.C. or as otherwise permitted  
3 by state law administered by the department and may be provided to the department of public health and human  
4 services for use in administering Title IV-D of the Social Security Act.]

5           (4) (a) When an application is received from an applicant who is not ineligible for licensure under  
6 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the  
7 applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year  
8 period. The driving record may be transmitted manually or by electronic medium.

9           (b) When received, the driving records must be appended to the driver's record created and maintained  
10 in this state. The department may rely on information contained in driving records received under this section to  
11 determine the appropriate action to be taken against the applicant upon subsequent receipt of a report of a  
12 conviction or other conduct requiring suspension or revocation of a driver's license under state law.

13           (5) An individual who is under 26 years of age but at least 15 years of age and who is required to register  
14 in compliance with the federal Military Selective Service Act, 50 App. U.S.C. 453, must be provided an opportunity  
15 to fulfill those registration requirements in conjunction with an application for an instruction permit, driver's license,  
16 commercial driver's license, or state identification card. If under 18 years of age but at least 15 years of age, an  
17 individual must be provided an opportunity to be registered by the selective service system upon attaining 18  
18 years of age. Any registration information supplied on the application must be transmitted by the department to  
19 the selective service system.

20           (6) The department representative receiving an application under subsection (1) in person shall ask the  
21 applicant whether the applicant is registered to vote at the applicant's current address and, if not, whether the  
22 applicant would like to opt out of registering to vote. If the applicant does not opt out of registering to vote, the  
23 department representative shall provide to the applicant a voter registration form prescribed by the secretary of  
24 state, forward the applicant's completed form to the county election administrator, and forward to the secretary  
25 of state in a manner prescribed by the secretary of state the applicant's electronic signature so that it may be  
26 included in the statewide voter registration system. (Bracketed language terminates on occurrence of  
27 contingency--sec. 1, Ch. 27, L. 1999.)"

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29           **Section 4.** Section 61-12-501, MCA, is amended to read:

30           **"61-12-501. Authority of department to issue identification cards -- lawful presence verification**

1 **-- voter registration.** (1) The department may issue an identification card to any person who maintains a  
2 residence in this state and whose presence in the United States is authorized under federal law.

3 (2) When an applicant who is not a citizen of the United States applies for an identification card, the  
4 department shall verify that the applicant is lawfully present in the United States by using the federal systematic  
5 alien verification for entitlements program.

6 (3) When an applicant who is at least 18 years of age and a citizen of the United States applies for an  
7 identification card under this section, the department representative receiving the application in person shall ask  
8 the applicant whether the applicant is registered to vote at the applicant's current address and, if not, whether the  
9 applicant would like to opt out of registering to vote. If the applicant does not opt out of registering to vote, the  
10 department representative shall provide to the applicant a voter registration form prescribed by the secretary of  
11 state, forward the applicant's completed form to the county election administrator, and forward to the secretary  
12 of state in a manner prescribed by the secretary of state the applicant's electronic signature so that it may be  
13 included in the statewide voter registration system."

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15 **NEW SECTION. Section 5. Notification to tribal governments.** The secretary of state shall send a  
16 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
17 Chippewa tribe.

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19 **NEW SECTION. Section 6. Codification instruction.** [Section 2] is intended to be codified as an  
20 integral part of Title 13, chapter 2, part 2, and the provisions of Title 13, chapter 2, part 2, apply to [section 2].

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22 **NEW SECTION. Section 7. Effective date.** [This act] is effective January 1, 2018.

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