

1 HOUSE BILL NO. 241

2 INTRODUCED BY B. THOMAS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING HOW INSTRUCTIONS ON PREPARING A BALLOT
5 ARE PROVIDED TO VOTERS; REQUIRING THAT THE ELECTOR GET A NEW BALLOT IF THE INITIAL
6 BALLOT IS SPOILED; AND AMENDING SECTION 13-13-117, MCA."

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8 WHEREAS, most counties use some form of voting or tabulating machines; and

9 WHEREAS, it is confusing to the elector to be required to mark one ballot one way and mark
10 another ballot another way.

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

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14 **Section 1.** Section 13-13-117, MCA, is amended to read:

15 **"13-13-117. Method of voting.** (1) ~~On~~ Upon receipt of ~~his a~~ ballot, ~~the an~~ elector ~~must shall~~
16 immediately retire to one of the booths and prepare ~~his the~~ elector's ballot.

17 (2) ~~He The~~ elector shall prepare ~~his the~~ ballot ~~by marking an "x" in the square before the name~~
18 ~~of the individual or individuals for whom he intends to vote.~~

19 ~~———(3) If the ballot contains a ballot issue, he shall mark an "x" in the applicable square indicating his~~
20 ~~vote either for or against the issue.~~

21 ~~———(4) The elector may write the name of an individual for whom he wishes to vote in the blank space~~
22 ~~or affix a preprinted label in the blank space and may vote for that individual by marking an "x" before the~~
23 ~~name. When the ballot is marked in this manner, it must be counted the same as though the name were~~
24 ~~printed upon the ballot and marked by the elector, except as provided in 13-15-202.~~

25 ~~———(5) An elector voting a ballot that will be counted by an optical scan ballot tabulating device shall~~
26 ~~mark his ballot in the manner prescribed on his ballot. However, his ballot must not be invalidated if he~~
27 ~~marks the voting positions with an "x".~~

28 ~~———(6) After preparing his ballot, the elector must fold it so the face of the ballot will be concealed~~
29 ~~and the official stamp may be seen and hand it to the election judges.~~

30 ~~———(7) in the manner prescribed in the instructions for electors provided pursuant to 13-13-112.~~

1 (3) THE ELECTOR MAY VOTE FOR A WRITE-IN CANDIDATE BY MARKING THE BALLOT IN A MANNER CONSISTENT
2 WITH THE INSTRUCTIONS PROVIDED BY THE ELECTION ADMINISTRATOR PURSUANT TO 13-13-112. EXCEPT AS PROVIDED
3 IN 13-15-202, A BALLOT MARKED FOR A WRITE-IN CANDIDATE IN ACCORDANCE WITH THE APPROPRIATE INSTRUCTIONS
4 MUST BE COUNTED AS IF THE NAME OF THE WRITE-IN CANDIDATE HAD BEEN PRINTED ON THE BALLOT.

5 ~~(3)~~(4) The judge receiving the ballots shall remove the stubs in sight of the elector and deposit each
6 ballot in the ballot box and each stub in a box for detached stubs. The judge ~~must~~ shall place the ballots
7 in the ballot box immediately without opening or examining them.

8 ~~(8)~~(4)(5) No individual except an election judge may put a ballot, any paper resembling a ballot,
9 or anything other than a ballot in a ballot box.

10 ~~(9)~~(5)(6) ~~Any~~ An elector who spoils ~~his~~ the elector's ballot ~~may~~ MUST, on returning the spoiled
11 ballot, receive another in place of it."

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