HOUSE BILL NO. 99

INTRODUCED BY P. INGRAHAM

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATING TO ABSENTEE BALLOTS AND MAIL BALLOTS; CLARIFYING PROCEDURES FOR AN ELECTOR TO VOTE ABSENTEE; CLARIFYING PROVISIONS RELATED TO REPLACEMENT BALLOTS; CLARIFYING PROCEDURES FOR RESOLVING PROBLEMS WITH RETURN ENVELOPE SIGNATURES; PROVIDING AN ELECTOR WITH NOTICE AND OPPORTUNITY TO RESOLVE QUESTIONS ABOUT OR PROBLEMS WITH THE ELECTOR'S SIGNATURE ON A RETURN ENVELOPE; CLARIFYING STATUTES RELATED TO VALID AND INVALID BALLOTS; REVISING BALLOT COUNTING PROCEDURES; AMENDING SECTIONS 13-13-201, 13-13-204, 13-13-212, 13-13-213, 13-13-222, 13-13-241, 13-15-201, 13-19-102, 13-19-106, 13-19-205, 13-19-206, 13-19-207, 13-19-301, 13-19-303, 13-19-305, 13-19-306, 13-19-308, 13-19-309, 13-19-312, AND 13-19-313, MCA; REPEALING SECTIONS 13-19-310 AND 13-19-311, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 13-13-201, MCA, is amended to read:

"13-13-201. Voting by absentee ballot -- procedures. (1) A legally registered elector or provisionally registered elector is entitled to vote by absentee ballot as provided for in this part.

(2) The elector may vote absentee by:

(a) marking the ballot in the manner specified;

(b) placing the marked ballot in the secrecy envelope, free of any identifying marks;

(c) placing the secrecy envelope containing one ballot for each election being held in the return envelope;

(d) executing the affidavit printed on the return envelope; and

(e) returning the return envelope with all appropriate enclosures by regular mail, postage paid, or by delivering it to:

(i) the election ~~administrator~~ office;

(ii) a polling place within the elector's county;

(iii) ~~or,~~ pursuant to 13-13-229, ~~to~~ the special absentee election board; or

(iv) in a mail ballot election held pursuant to Title 13, chapter 19, a designated place of deposit within the elector's county.

(3) Except as provided in 13-21-206 and 13-21-207, in order for the ballot to be counted, each elector shall return it in a manner that ensures the ballot is received prior to 8 p.m. on election day.

~~(3)~~(4) A provisionally registered elector may also enclose in the outer return envelope a copy of the elector's photo identification showing the elector's name. The photo identification may be but is not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification. If the provisionally registered elector does not enclose a photo identification, the elector may enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address."

Section 2. Section 13-13-204, MCA, is amended to read:

"13-13-204. Authority to vote in person -- printing error or ballot destroyed -- ~~failure to receive ballot~~ replacement ballot -- effect of absentee elector's death. (1) (a) If an elector has received but not voted an absentee ballot and the absentee ballot contains printing errors or omissions, the elector may receive a replacement or corrected ballot ~~and vote in person at the election administrator's office~~.

(b) The death of a candidate after the printing of the ballot constitutes a printing error or omission on the ballot.

(2) ~~If an elector does not receive an absentee ballot or if the absentee ballot was destroyed, the elector may appear at the appropriate polling place on election day and vote in person after signing an affidavit, in the form prescribed by the secretary of state, swearing that the elector's ballot has not been received or was destroyed. The ballot must be handled as a provisional ballot under 13-15-107~~ (a) An elector may request a replacement ballot from the election administrator pursuant to subsection (1) or if the original ballot is destroyed, spoiled, lost, or not received by the elector.

(b) An elector whose original ballot is destroyed, spoiled, lost, or not received by the elector may appear at the appropriate polling place on election day and vote in person after being issued a provisional ballot.

(3) A request for a replacement ballot must be made on a form prescribed by the secretary of state and

submitted to the election administrator in person, by regular or electronic mail, or by facsimile no later than 8 p.m. on election day.

(4) Upon receiving a request for a replacement ballot pursuant to subsection (3), the election administrator shall mark the original issued ballot as void in the statewide voter registration database and issue a replacement regular ballot to the elector.

(5) A replacement ballot may also be issued pursuant to [section 7].

~~(3)~~(6) If an elector votes by absentee ballot and the ballot has been mailed or otherwise returned to the election administrator but the elector dies between the time of balloting and election day, the deceased elector's ballot must be counted."

Section 3. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot -- special provisions. (1) (a) Except as provided in subsection (1)(b), an elector may apply for an absentee ballot by using a standardized form provided by rule by the secretary of state or by making a written request, which must include the applicant's birth date and must be signed by the applicant. The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

(b) A person who holds a power of attorney from an absent uniformed services elector may apply for an absentee ballot for that election on behalf of the uniformed services elector. The applicant shall provide a copy of the power of attorney authorizing the request for an absentee ballot along with the application.

(2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the special absentee election board provided for in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under this subsection (2) must be received by the election administrator within the time period specified in 13-13-211(2).

(3) An elector who has made a request for an absentee ballot by one of the methods provided in this section may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election

administrator.

(4) (a) An elector may at any time request to be mailed an absentee ballot for each subsequent election in which the elector is eligible to vote or only for each subsequent federal election in which the elector is eligible to vote for as long as the elector remains qualified to vote and resides at the address provided in the initial application.

(b) The election administrator shall mail a forwardable address confirmation form in January of each year to each elector who has requested an absentee ballot for subsequent elections. The address confirmation form is for elections to be held between February 1 following the mailing through January of the succeeding year. The elector shall sign the form, indicate the address to which the absentee ballot should be sent, and return the form to the election administrator. If the form is not completed and returned, the election administrator shall remove the elector from the register of electors who have requested an absentee ballot for each subsequent election.

(c) An elector who has been removed from the register may subsequently request to be mailed an absentee ballot for each subsequent election.

(5) In a mail ballot election, ballots must be sent under mail ballot procedures rather than under the absentee ballot procedures set forth in subsection (4)."

Section 4. Section 13-13-213, MCA, is amended to read:

"13-13-213. Transmission of application to election administrator -- delivery of ballot. (1) All absentee ballot application forms must be addressed to the appropriate election official.

(2) Except as provided in subsection ~~(5)~~ (4), the elector may mail the application directly to the election administrator or deliver the application in person to the election administrator. An agent designated pursuant to 13-1-116 or a third party may collect the elector's application and forward it to the election administrator.

(3) (a) The election administrator shall compare the signature on the application with the applicant's signature on the registration card or the agent's signature on the agent designation form. If convinced that the individual making the application is the same as the one whose name appears on the registration card or the agent designation form, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214, subject to 13-13-205.

(b) If no signature is provided or the election administrator is not convinced that the individual signing the application is the same person whose name appears on the registration card or agent designation form, the election administrator shall notify the elector ~~or agent, either by mail or by the most expedient method available~~

~~under rules adopted by the secretary of state, and inform the elector or agent that the elector or agent may verify the signature, after proof of identification, by mail or in person at the election administrator's office prior to 8 p.m. on election day.~~

~~(4) If an election administrator cannot verify the signature, a ballot may not be provided to the elector~~ as provided in [section 7].

~~(5)~~(4) In lieu of the requirement provided in subsection (2), an elector who requests an absentee ballot pursuant to 13-13-212(2) may return the application to the special absentee election board. Upon receipt of the application, the special absentee election board shall examine the signatures on the application and a copy of the voting registration card or agent designation form to be provided by the election administrator. If the special absentee election board believes that the applicant is the same person as the one whose name appears on the registration card or agent designation form, the special absentee election board shall provide a ballot to the elector when the ballot is available pursuant to 13-13-205."

Section 5. Section 13-13-222, MCA, is amended to read:

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

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

(3) If the ballot is marked before the election administrator, the election administrator shall deal with it as provided in 13-13-231.

(4) ~~The ballot is considered voted at the time it~~ For the purposes of this section, an official ballot is voted when the ballot is received by the election administrator."

Section 6. Section 13-13-241, MCA, is amended to read:

"13-13-241. Examination of absentee ballot return envelopes -- deposit of absentee and unvoted ballots. (1) (a) ~~After an absentee ballot is received~~ Upon receipt of each absentee ballot return envelope, an election administrator shall compare the signature of the elector or elector's agent on the absentee ballot request with the signature on the ~~absentee ballot~~ return envelope.

(b) If the elector is legally registered and the signature on the return envelope matches the signature on

the absentee ballot application, the election administrator or an election judge shall handle the ballot as a regular ballot.

(c) (i) If the elector is provisionally registered and the signature on the return envelope matches the signature on the absentee ballot application, the election administrator or an election judge shall open the outer return envelope and determine whether the elector's voter identification and eligibility information, if enclosed pursuant to 13-13-201, is sufficient pursuant to rules adopted under 13-2-109 to legally register the elector.

(ii) If the voter identification and eligibility information is sufficient to legally register the elector, the ballot must be handled as a regular ballot.

(iii) If voter identification or eligibility information was not enclosed or the information enclosed is insufficient to legally register the elector, the ballot must be handled as a provisional ballot under 13-15-107.

(2) If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall place the ballot in a secrecy envelope without examining the ballot.

(3) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and handled without being removed from their enclosure envelopes.

(4) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify the absentee elector ~~by mail or by the most expedient method available under rules adopted by the secretary of state that the elector's identification or eligibility information was insufficient and that the elector's ballot will be treated as a provisional ballot until the elector provides sufficient information, pursuant to rules adopted by the secretary of state. If the elector is notified by mail, the election administrator shall provide a self-addressed return envelope along with a description of the information necessary for the absentee elector to reclassify the provisional ballot as a regular ballot~~ as provided in [section 7].

(5) If the signature on the absentee ballot return envelope does not match the signature on the absentee ballot request form or if there is no signature on the absentee ballot return envelope, the election administrator shall notify the elector~~, either by first-class mail or the most expedient method available under rules adopted by the secretary of state, and inform the elector that the elector may verify the signature, after proof of identification, by mail or in person at the election administrator's office prior to 8 p.m. on election day.~~

~~(6) The elector may verify the signature by affirming that the signature is in fact the elector's or by completing a new registration card containing the elector's current signature or by filing a new agent designation form.~~

~~(7) If an elector notified pursuant to subsection (5) fails to verify the signature before 8 p.m. on election~~

~~day, the ballot must be handled as a provisional ballot under 13-15-107~~ as provided in [section 7].

(6) If at any point there is a question concerning the validity of a particular ballot, the question must be resolved as provided in [section 7].

~~(8)~~(7) ~~After receiving an~~ If the validity of a particular ballot is confirmed pursuant to this section and [section 7], the election administrator shall remove the absentee ballot secrecy envelope, and without opening the secrecy envelope, ~~the~~ election ~~judges~~ officials shall ~~on election day~~ place the secrecy envelope in the proper ballot box."

NEW SECTION. **Section 7. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after receipt of an elector's absentee ballot application or return envelope, the election administrator shall give notice to the elector by the most expedient method available if the election administrator has not received or is unable to verify the elector's or agent's signature under 13-13-213 or 13-13-241.

(2) The election administrator shall inform the elector that, prior to 8 p.m. on election day, the elector may:

(a) by mail, facsimile, electronic means, or in person, verify the elector's or agent's signature or provide a signature, after proof of identification, by affirming that the signature is in fact the elector's, by completing a new registration card containing the elector's current signature, or by providing a new agent designation form; or

(b) if necessary, request and receive a replacement ballot pursuant to 13-13-204.

(3) The ballot of an elector who fails to provide information pursuant to subsection (2) must be handled as a provisional ballot pursuant to 13-15-107.

(4) (a) If a ballot is returned as undeliverable, the election administrator shall investigate the reason for the return.

(b) An elector must be provided with:

(i) the elector's undeliverable ballot upon notification by the elector of the elector's correct mailing address; or

(ii) a replacement ballot if a request has been made pursuant to 13-13-204.

Section 8. Section 13-15-201, MCA, is amended to read:

"13-15-201. Preparation for count -- absentee ballot count procedures. (1) Subject to 13-10-311, to prepare for a ~~manual or automatic~~ count of ballots, the counting board or, if appointed, the absentee counting board shall take ballots out of the box to determine whether each ballot is single.

~~(2) An absentee ballot must be rejected and handled as provided in 13-15-108 if the envelope contains more than one voted ballot for each election.~~

~~(3)~~(2) The board shall count all ballots to ensure that the total number of ballots corresponds with the total number of names in the pollbook.

~~(4)~~(3) If the board cannot reconcile the total number of ballots with the pollbook, the board shall submit to the election administrator a written report stating how many ballots were missing or in excess and any reason of which they are aware for the discrepancy. Each judge on the board shall sign the report.

~~(5)~~(4) A ballot that is not marked as official is void and may not be counted unless all judges on the board agree that the marking is missing because of an error by election officials, in which case the ballot must be marked "unmarked by error" on the back and must be initialed by all judges.

~~(6)~~(5) If two or more ballots are folded or stuck together to look like a single ballot, they must be laid aside until the count is complete. The counting board shall compare the count with the pollbooks, and if a majority believes that the ballots folded together were voted by one elector, the ballots must be rejected and handled as provided in 13-15-108, otherwise they must be counted.

(6) Only valid absentee ballots may be counted in an election conducted under this chapter.

(7) For the purpose of this chapter, a voted absentee ballot is valid only if:

(a) the elector's signature on the affirmation on the return envelope is verified pursuant to 13-13-241; and

(b) it is received before 8 p.m. on election day, except as provided in 13-21-206 and 13-21-207.

(8) (a) A ballot is invalid if:

(i) problems with the ballot have not been resolved pursuant to [section 7];

(ii) any identifying marks are placed on the ballot by the elector; or

(iii) except as provided in subsection (8)(b), more than one ballot is enclosed in a single return or secrecy envelope.

(b) The provisions of subsection (8)(a)(iii) do not apply if:

(i) there are multiple elections being held at the same time and the envelope contains only one ballot for each election; or

(ii) the return envelope contains ballots from the same household, each ballot is in its own secrecy envelope, and the return envelope contains a valid signature for each elector who has returned a ballot."

Section 9. Section 13-19-102, MCA, is amended to read:

"13-19-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Ballot" means the ballot or set of ballots that is to be returned by a specified election day.

(2) "Election day" is the date established by law on which a particular election would be held if that election were being conducted by means other than a mail ballot election.

(3) "Political subdivision" means a political subdivision of the state, including a school district.

(4) ~~"Return/verification~~ "Return envelope" means an envelope that contains a secrecy envelope and ballot and that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail.

(5) "Secrecy envelope" means an envelope used to contain the elector's ballot and that is designed to conceal the elector's ballot and to prevent that elector's ballot from being distinguished from the ballots of other electors."

Section 10. Section 13-19-106, MCA, is amended to read:

"13-19-106. General requirements for mail ballot election. A mail ballot election must be conducted substantially as follows:

(1) Subject to 13-12-202, official mail ballots must be prepared and all other initial procedures followed as provided by law, except that mail ballots must be paper ballots and are not required to have stubs.

(2) An official ballot must be mailed to every qualified elector of the political subdivision conducting the election.

(3) Each ~~return/verification~~ return envelope must contain a form that is the same as the form for absentee ballot return envelopes and that is prescribed by the secretary of state for the elector to verify the accuracy of the elector's address or notify the election administrator of the elector's correct mailing address and to return the corrected address with the voted ballot in the manner provided by 13-19-306.

(4) The elector shall mark the ballot and place it in a secrecy envelope.

(5) (a) The elector shall then place the secrecy envelope containing the elector's ballot in a ~~return/verification~~ return envelope and mail it or deliver it in person to a place of deposit designated by the election administrator.

(b) Except as provided in 13-21-206 and 13-21-207, the voted ballot must be received before 8 p.m. on

election day.

(6) Election officials shall first qualify the voted ballot by examining the ~~return/verification~~ return envelope to determine whether it is submitted by a qualified elector who has not previously voted in the election.

(7) If the voted ballot qualifies and is otherwise valid, officials shall then open the ~~return/verification~~ return envelope and remove the secrecy envelope, which must be deposited unopened in an official ballot box.

(8) Except as provided in 13-19-312, after the close of voting on election day, voted ballots must be counted and canvassed as provided in Title 13, chapter 15."

Section 11. Section 13-19-205, MCA, is amended to read:

"13-19-205. Written plan for conduct of election -- amendments -- approval procedures. (1) The election administrator shall prepare a written plan for the conduct of the election and shall submit it to the secretary of state in a manner that ensures that it is received at least 60 days prior to the date set for the election.

(2) The written plan must include:

(a) a timetable for the election; and

(b) sample written instructions that will be sent to the electors. The instructions must include but are not limited to:

(i) information on the estimated amount of postage required to return the ballot; ~~and~~

(ii) (A) the location of the places of deposit and the days and times when ballots may be returned to the places of deposit, if the information is available; or

(B) if the information on location and hours of places of deposit is not available, a section that will allow the information to be added before the instructions are mailed to electors; and

(iii) any applicable instructions specified under 13-13-214(5).

(3) The plan may be amended by the election administrator any time prior to the 35th day before election day by notifying the secretary of state in writing of any changes.

(4) Within 5 days of receiving the plan and as soon as possible after receiving any amendments, the secretary of state shall approve, disapprove, or recommend changes to the plan or amendments.

(5) When the written plan has been approved, the election administrator shall proceed to conduct the election according to the approved plan unless the election is canceled for any reason provided by law."

Section 12. Section 13-19-206, MCA, is amended to read:

"13-19-206. Distributing materials to electors -- procedure. For each election conducted under this chapter, the election administrator shall:

(1) mail a single packet to every qualified elector of the political subdivision conducting the election;

(2) ensure that each packet contains only one each of the following:

(a) an official ballot for each type of election being held on the specified election day;

(b) a secrecy envelope;

(c) a ~~return/verification~~ return envelope; and

(d) complete written instructions, as approved by the secretary of state pursuant to 13-19-205, for mail ballot voting procedures;

(3) ensure that each packet is:

(a) addressed to a single individual elector at the most current address available from the official registration records; and

(b) deposited in the United States mail with sufficient postage for it to be delivered to the elector's address; and

(4) mail the packet in a manner that conforms to postal regulations to require the return, not forwarding, of undelivered packets."

Section 13. Section 13-19-207, MCA, is amended to read:

"13-19-207. When materials to be mailed. (1) Except as provided in subsection (2), for any election conducted by mail, ballots must be mailed no sooner than the 25th day and no later than the 15th day before election day.

(2) (a) All ballots mailed to electors on the active list and provisionally registered list must be mailed the same day.

(b) At any time before noon on the day before election day, a ballot may be mailed or, upon request, provided in person at the election administrator's office to:

(i) an elector on the inactive list after the elector reactivates the elector's registration as provided in 13-2-222; or

(ii) an individual who registers under the late registration option provided for in 13-2-304.

(c) An elector on the inactive list shall vote at the election administrator's office on election day if the elector reactivates the elector's registration after noon on the day before election day.

(d) An elector who registers pursuant to 13-2-304 on election day or on the day before election day must receive the ballot and vote it at the election administrator's office."

Section 14. Section 13-19-301, MCA, is amended to read:

"13-19-301. Voting mail ballots. (1) Upon receipt of a mailed ballot, the elector may vote by:

(a) marking the ballot in the manner specified;

(b) placing the marked ballot in the secrecy envelope, free of any identifying marks;

(c) placing the secrecy envelope containing one ballot for each election being held in the ~~return/verification~~ return envelope;

(d) executing the affidavit printed on the ~~return/verification~~ return envelope; and

(e) returning the ~~return/verification~~ return envelope with ~~the secrecy envelope containing the ballot~~ all appropriate enclosures, as provided in 13-19-306.

(2) For the purpose of this chapter, an official ballot is voted when the marked ballot is received at a place of deposit."

Section 15. Section 13-19-303, MCA, is amended to read:

"13-19-303. Voting by elector when absent from place of residence during conduct of election. (1) A qualified elector who will be absent from the county during the time the election is being conducted may:

(a) vote in person in the election administrator's office as soon as ballots are available and until noon the day before the ballots are scheduled to be mailed; or

(b) make a written request, signed by the applicant and addressed to the election administrator, that the ballot be mailed to an address other than the address that appears on the registration card. Written requests must be accepted until noon the day before the ballots are scheduled to be mailed.

(2) (a) Ballots mailed to electors on the active list and provisionally registered list pursuant to this section must be mailed the same day that all other ballots are mailed, except that a ballot requested pursuant to Title 13, chapter 21, may be sent to the elector as soon as the ballot is available.

(b) A ballot may be provided pursuant to this section until noon on the day before election day if, after the ballots are mailed to active and provisionally registered electors:

(i) an inactive elector reactivates the elector's registration as provided in 13-2-222; or

(ii) an individual registers under the late registration option provided for in 13-2-304 and receives a ballot

in person."

Section 16. Section 13-19-305, MCA, is amended to read:

"13-19-305. Replacement ballots ~~-- procedures~~. ~~(1) An elector may obtain a replacement ballot as provided in this section if the original ballot is destroyed, spoiled, lost, or not received by the elector~~ Replacement ballots may be issued as specified in 13-13-204.

~~(2) An elector seeking or receiving a replacement ballot shall sign a sworn statement stating that the original ballot was either destroyed, spoiled, lost, or not received and shall present the statement to the election administrator no later than 8 p.m. on election day.~~

~~(3) Upon receiving the sworn statement, the election administrator shall issue a replacement ballot to the elector. Each spoiled ballot must be returned before another ballot may be issued.~~

~~(4) The election administrator shall designate the election administrator's office or a central location in the political subdivision in which the election is conducted as the single location for obtaining a replacement ballot.~~

~~(5) A replacement ballot may also be issued pursuant to 13-19-313.~~

~~(6) The election administrator shall keep a record of each replacement ballot issued. If the election administrator later determines that any elector to whom a replacement ballot has been issued has attempted to vote more than once, the election administrator shall immediately notify the county attorney and the secretary of state of each instance.~~"

Section 17. Section 13-19-306, MCA, is amended to read:

"13-19-306. Returning marked ballots -- when -- where. (1) After complying with 13-19-301, an elector or the elector's agent or designee may return the elector's ballot on or before election day by either:

(a) depositing the ~~return/verification~~ return envelope in the United States mail, with sufficient postage affixed; or

(b) returning it to any place of deposit designated by the election administrator pursuant to 13-19-307.

(2) Except as provided in 13-21-206 and 13-21-207, in order for the ballot to be counted, each elector shall return it in a manner that ensures it is received prior to 8 p.m. on election day."

Section 18. Section 13-19-308, MCA, is amended to read:

"13-19-308. Disposition of ballots returned in person. ~~Ballots~~ If a ballot is returned in person by the

elector or the elector's agent or designee ~~must be processed as follows:~~

~~(1) If returned to the election administrator's office directly, the ballot must be processed in the same manner provided for ballots returned by mail except that, while the elector, agent, or designee is present, officials shall:~~

~~(a) verify the signature pursuant to 13-19-310;~~

~~(b) resolve any questions as to the validity of the ballot as provided in 13-19-314; and~~

~~(c) deposit the unopened secrecy envelope containing the voted ballot in the official ballot box.~~

~~(2) If returned~~ to a place of deposit other than the election administrator's office, the election officials on location shall:

~~(a)~~(1) keep a log of the names of all electors for whom the officials receive ballots;

~~(b)~~(2) deposit the unopened ~~return/verification~~ return envelope in the sealed ballot transport box provided for that purpose; and

~~(c)~~(3) securely retain all voted ballots until they are transported to the election administrator's office. The transport boxes must then be opened and the ballots handled in the same manner provided for ballots returned ~~by mail~~ under 13-19-309."

Section 19. Section 13-19-309, MCA, is amended to read:

"13-19-309. Disposition of ballots returned ~~by mail~~ to election administrator's office. ~~(1) Upon receipt of each return/verification envelope, election officials shall:~~

~~(a) compare the name with the official register to determine that the person has not previously voted;~~

~~(b) verify the signature on the affidavit in the manner provided by 13-19-310;~~

~~(c) open the return/verification envelope and retain it as an official record;~~

~~(d) remove and examine the secrecy envelope to determine if the ballot is valid pursuant to 13-19-311;~~

~~(e) if the ballot is valid, record the name of the elector in the official register as having voted; and~~

~~(f) deposit the unopened secrecy envelope containing the ballot in the official ballot box.~~

~~(2) If at any point there is a question concerning the validity of a particular ballot, the question must be resolved as provided in 13-19-314.~~ Ballots returned to the election administrator's office must be handled as provided for absentee ballots in 13-13-241."

Section 20. Section 13-19-312, MCA, is amended to read:

"13-19-312. ~~Counting~~ Preparation for count and counting procedure. (1) The preparation for counting ballots must be as provided in 13-15-201.

~~(1)~~(2) Except as provided in subsection ~~(2)~~ (3), after the close of voting on election day, the counting board appointed pursuant to 13-15-112 shall:

(a) open the official ballot boxes;

(b) open each secrecy envelope, removing the voted ballot; and

(c) proceed to count the votes as provided in Title 13, chapter 15.

~~(2)~~(3) On election day, the election administrator may begin the procedures described in subsection ~~(1)~~ (2) before the polls close if the election administrator complies with the procedures described in 13-15-207(3)."

Section 21. Section 13-19-313, MCA, is amended to read:

"13-19-313. Notice to elector -- opportunity to resolve questions. ~~(1) As soon as possible after receipt of an elector's return/verification envelope, the election administrator shall give notice to the elector by the most expedient method available if the election administrator:~~

~~(a) is unable to verify the elector's or agent's signature under 13-19-310;~~

~~(b) has discovered a procedural mistake made by the elector that would invalidate the elector's ballot under 13-19-311; or~~

~~(c) finds that the elector has failed to attest to the accuracy of the elector's address or notify the election administrator of the elector's correct mailing address as provided in 13-19-106.~~

~~(2) The election administrator shall inform the elector that, prior to 8 p.m. on election day, the elector may:~~

~~(a) by mail or in person, verify the elector's or agent's signature, after proof of identification, by affirming that the signature is in fact the elector's, by completing a new registration card containing the elector's current signature, or by providing a new agent designation form;~~

~~(b) by mail, facsimile, telephone, or electronic means, provide the address information required under 13-19-106 or correct any minor mistake if the correction would render the ballot valid; or~~

~~(c) if necessary, request and receive a replacement ballot and vote it at the election administrator's office.~~

~~(3) The ballot of an elector who fails to provide information pursuant to subsection (2) must be handled as a provisional ballot pursuant to 13-15-107.~~ Notice to the elector and the opportunity to resolve questions must be as provided in [section 7], except as follows:

~~(4) (a)~~(1) If a mail ballot is returned as undeliverable, the election administrator shall ~~investigate~~ attempt to contact the elector by the most expedient means available to determine the reason for the return and mail a confirmation notice if the elector cannot be contacted otherwise. The notice must be sent by forwardable, first-class mail with a postage-paid, return-addressed notice.

~~(b)~~(2) If the confirmation notice is returned to the election administrator, the election administrator shall place the elector ~~must be placed~~ on the inactive list provided for in 13-2-220 until the elector becomes a qualified elector."

NEW SECTION. **Section 22. Repealer.** The following sections of the Montana Code Annotated are repealed:

13-19-310. Signature verification -- procedures.

13-19-311. Valid ballots -- requirements.

NEW SECTION. **Section 23. Codification instruction.** [Section 7] is intended to be codified as an integral part of Title 13, chapter 13, part 2, and the provisions of Title 13, chapter 13, part 2, apply to [section 7].

NEW SECTION. **Section 24. Effective date.** [This act] is effective January 1, 2012.

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