

1 HOUSE BILL NO. 130

2 INTRODUCED BY P. INGRAHAM

3 BY REQUEST OF THE SECRETARY OF STATE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROCEDURES FOR CONDUCTING MAIL BALLOT
6 ELECTIONS; REQUIRING ELECTIONS OTHER THAN SCHOOL ELECTIONS TO BE HELD BY MAIL;
7 PROVIDING FOR TRAINING OF ELECTION ADMINISTRATORS AND ELECTION JUDGES; REVISING
8 PROCEDURES BY WHICH ELECTION ADMINISTRATORS CONFIRM ELECTORS' RESIDENCE AND
9 MAILING ADDRESSES; REVISING PROCEDURES FOR REACTIVATING AN ELECTOR'S REGISTRATION;
10 REVISING CERTAIN ABSENTEE BALLOT PROVISIONS; REQUIRING COUNTIES TO PAY FOR BALLOTS
11 RETURNED WITH INSUFFICIENT POSTAGE; REVISING PROCEDURES FOR CREATING AND APPROVING
12 A WRITTEN ELECTION PLAN; PROVIDING FOR NOTICE TO INACTIVE ELECTORS; PROVIDING
13 REQUIREMENTS FOR VOTING BOOTHS; PROVIDING REQUIREMENTS FOR PLACES OF DEPOSIT AND
14 OFFICIAL DROP BOXES FOR BALLOT RETURNS; REVISING PROCEDURES FOR HANDLING AND
15 COUNTING RETURNED BALLOTS; REPEALING THE REQUIREMENT THAT ELECTION ADMINISTRATORS
16 PROVIDE FOR PROPORTIONAL VOTING IN CERTAIN ELECTIONS; AMENDING SECTIONS 13-1-101,
17 13-1-203, 13-2-220, 13-2-222, 13-2-301, 13-4-203, 13-13-212, 13-13-214, 13-19-101, 13-19-102, 13-19-104,
18 13-19-105, 13-19-106, 13-19-201, 13-19-202, 13-19-203, 13-19-204, 13-19-205, 13-19-206, 13-19-207,
19 13-19-301, 13-19-303, 13-19-304, 13-19-305, 13-19-306, 13-19-307, 13-19-308, 13-19-309, 13-19-310,
20 13-19-311, 13-19-313, AND 13-21-210, MCA; REPEALING SECTION 13-19-302, MCA; AND PROVIDING A
21 DELAYED EFFECTIVE DATE AND A TERMINATION DATE."

22

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

24

25 **Section 1.** Section 13-1-101, MCA, is amended to read:26 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
27 definitions apply:28 (1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure
29 to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

30 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

1 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that
2 is ordinarily not given away free but is purchased.

3 (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state
4 that is completed and signed by an elector, submitted to the election administrator, and contains voter registration
5 information subject to verification as provided by law.

6 (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an
7 optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

8 (6) "Candidate" means:

9 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or
10 appointment as a candidate for public office as required by law;

11 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained
12 contributions, made expenditures, or given consent to an individual, organization, political party, or committee
13 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination
14 or election to any office at any time, whether or not the office for which the individual will seek nomination or
15 election is known when the:

16 (i) solicitation is made;

17 (ii) contribution is received and retained; or

18 (iii) expenditure is made; or

19 (c) an officeholder who is the subject of a recall election.

20 (7) (a) "Contribution" means:

21 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value
22 to influence an election;

23 (ii) a transfer of funds between political committees;

24 (iii) the payment by a person other than a candidate or political committee of compensation for the
25 personal services of another person that are rendered to a candidate or political committee.

26 (b) "Contribution" does not mean:

27 (i) services provided without compensation by individuals volunteering a portion or all of their time on
28 behalf of a candidate or political committee or meals and lodging provided by individuals in their private
29 residences for a candidate or other individual;

30 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any

1 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

2 (iii) the cost of any communication by any membership organization or corporation to its members or
3 stockholders or employees; or

4 (iv) filing fees paid by the candidate.

5 (8) "Election" means a general, regular, special, or primary election held pursuant to the requirements
6 of state law, regardless of the time or purpose.

7 (9) "Election administrator" means the county clerk and recorder or the individual designated by a county
8 governing body to be responsible for all election administration duties, except that with regard to school elections
9 not administered by the county, the term means the school district clerk.

10 (10) "Elector" means an individual qualified to vote under state law.

11 (11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
12 of money or anything of value made for the purpose of influencing the results of an election.

13 (b) "Expenditure" does not mean:

14 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);

15 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
16 personal necessities for the candidate and the candidate's family;

17 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
18 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

19 (iv) the cost of any communication by any membership organization or corporation to its members or
20 stockholders or employees.

21 (12) "Federal election" means a general, ~~or~~ primary, or special election in which an elector may vote for
22 individuals for the office of president of the United States or for the United States congress.

23 (13) "General election" or "regular election" means an election held for the election of public officers
24 throughout the state at times specified by law, including elections for officers of political subdivisions when the
25 time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues
26 required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the
27 legislature to the electors at a general election, "general election" means an election held at the time provided
28 in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted
29 as a constitutional initiative at a regular election, regular election means an election held at the time provided in
30 13-1-104(1).

1 (14) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name
2 was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

3 (15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

4 (16) "Individual" means a human being.

5 (17) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval
6 or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall
7 questions, school levy questions, bond issue questions, or a ballot question.

8 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the
9 proper official that the legal procedure necessary for its qualification and placement upon the ballot has been
10 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the
11 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

12 (18) "Legally registered elector" means an individual whose application for voter registration was
13 accepted, processed, and verified as provided by law.

14 (19) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing
15 ballots to all active electors.

16 (20) "Official drop box" means a secure ballot container designated by the election administrator pursuant
17 to 13-19-307.

18 ~~(20)~~(21) "Person" means an individual, corporation, association, firm, partnership, cooperative,
19 committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

20 ~~(21)~~(22) "Place of deposit" means a location designated by the election administrator pursuant to
21 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

22 ~~(22)~~(23) "Political committee" means a combination of two or more individuals or a person other than an
23 individual who makes a contribution or expenditure:

24 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a
25 petition for nomination; or

26 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

27 (c) as an earmarked contribution.

28 ~~(23)~~(24) "Political subdivision" means a county, consolidated municipal-county government, municipality,
29 special district, or any other unit of government, except school districts, having authority to hold an election for
30 officers or on a ballot issue.

1 ~~(24)~~(25) "Polling place election" means an election primarily conducted at polling places rather than by
2 mail under the provisions of Title 13, chapter 19.

3 ~~(25)~~(26) "Primary" or "primary election" means an election held throughout the state to nominate
4 candidates for public office at times specified by law, including nominations of candidates for offices of political
5 subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

6 ~~(26)~~(27) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not
7 been verified as provided by law.

8 ~~(27)~~(28) "Provisionally registered elector" means an individual whose application for voter registration
9 was accepted but whose identity or eligibility has not yet been verified as provided by law.

10 ~~(28)~~(29) "Public office" means a state, county, municipal, school, or other district office that is filled by
11 the people at an election.

12 ~~(29)~~(30) "Random-sample audit" means an audit involving a manual count of ballots from designated
13 races and ballot issues in precincts selected through a random process as provided in 13-17-503.

14 ~~(30)~~(31) "Registrar" means the county election administrator and any regularly appointed deputy or
15 assistant election administrator.

16 ~~(31)~~(32) "Special election" means an election other than a statutorily scheduled primary or general
17 election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily
18 scheduled election.

19 ~~(32)~~(33) "Statewide voter registration list" means the voter registration list established and maintained
20 pursuant to 13-2-107 and 13-2-108.

21 ~~(33)~~(34) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an
22 elector to transfer the elector's registration when the elector's residence address has changed within the county.

23 ~~(34)~~(35) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided
24 in 13-15-206.

25 ~~(35)~~(36) "Voted ballot" means a ballot that is:

- 26 (a) deposited in the ballot box at a polling place;
27 (b) received at the election administrator's office; or
28 (c) returned to a place of deposit or an official drop box.

29 ~~(36)~~(37) "Voting system" or "system" means any machine, device, technology, or equipment used to
30 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."

1
2 **Section 2.** Section 13-1-203, MCA, is amended to read:
3 **"13-1-203. Secretary of state to advise, assist, and train.** (1) The secretary of state shall advise and
4 assist election administrators, including administrators of school elections under Title 20, chapter 20, with regard
5 to:

6 (a) the application, operation, and interpretation of Title 13, except for chapter 35, 36, or 37;
7 (b) the implementation and operation of the National Voter Registration Act of 1993, Public Law 103-31;
8 and
9 (c) the procedures adopted pursuant to 13-17-211.

10 (2) The secretary of state shall prepare and distribute training materials for election judges to be trained
11 pursuant to 13-4-203. Sufficient copies of the materials to supply all election judges in the county and to provide
12 a small extra supply must be sent to each election administrator.

13 (3) The secretary of state shall hold at least one workshop every 2 years to instruct election
14 administrators and their staffs in use of the materials and in procedures for signature verification. Workshops may
15 be held in various locations around the state. Costs of the materials and workshops must be paid by the secretary
16 of state. Attendees of the training must receive a certificate of instruction, which is valid for 2 years."
17

18 **Section 3.** Section 13-2-220, MCA, is amended to read:

19 **"13-2-220. Maintenance of active and inactive voter registration lists for elections -- rules by**
20 **secretary of state.** (1) The rules adopted by the secretary of state under 13-2-108 must ~~include the following~~
21 ~~procedures, which require~~ an election administrator ~~shall follow in every odd-numbered year:~~

22 ~~—— (a) to compare the entire list of registered electors against the United States postal service national~~
23 ~~change of address files and provide appropriate confirmation notice to those individuals whose addresses have~~
24 ~~apparently changed; beginning in January of every odd-numbered year and subject to the following procedures:~~

25 (a) If an election administrator determines there are material differences between the mailing address
26 from the United States postal service national change of address files and the mailing address on record in the
27 statewide voter registration database, the election administrator shall, no later than February 1 of each
28 odd-numbered year, send to the address from the postal service national change of address files a forwardable,
29 postage-prepaid, and pre-addressed return confirmation notice on which the elector may state the elector's
30 current mailing address.

1 ~~(b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to~~
 2 ~~all registered electors of each jurisdiction to confirm their addresses and provide the appropriate confirmation~~
 3 ~~notice to those individuals who return the notices;~~

4 ~~_____ (c) mail a targeted mailing to electors who failed to vote in the preceding federal general election by:~~

5 ~~_____ (i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable~~
 6 ~~confirmation notice to those electors who appear to have moved from their addresses of record;~~

7 ~~_____ (ii) comparing the list of nonvoters against the national change of address files, followed by the~~
 8 ~~appropriate confirmation notices to those electors who appear to have moved from their addresses of record;~~

9 ~~_____ (iii) sending forwardable confirmation notices; or~~

10 ~~_____ (iv) making a door-to-door canvass.~~

11 ~~_____ (2) Any notices returned to the election administrator after using the procedures provided in subsection~~
 12 ~~(1) must be followed by an appropriate confirmation notice that is a forwardable, first-class, postage-paid,~~
 13 ~~self-addressed, return notice. If the elector fails to respond within 30 days of the confirmation notice, the election~~
 14 ~~administrator shall move the elector to the inactive list.~~

15 (b) The election administrator shall place the elector on the inactive list no later than 90 days before the
 16 next federal election if:

17 (i) the elector fails to respond to the confirmation notice specified in subsection (1)(a) within 30 days of
 18 the date when the notice is sent;

19 (ii) the confirmation notice specified in subsection (1)(a) is returned as undeliverable without a forwarding
 20 address; or

21 (iii) the confirmation notice specified in subsection (1)(a) is returned as undeliverable with a forwarding
 22 address and the elector does not respond within 30 days to a second notice sent to the forwarding address that
 23 includes a warning that failure to respond will result in a ballot not being mailed to the elector.

24 ~~(3)(2) A~~ Nothing in this section prevents an election administrator from:

25 (a) conducting the procedures specified in subsection (1) more frequently than specified, except that a
 26 procedure used by an election administrator pursuant to this section must be completed at least 90 days before
 27 a primary or general election for federal election office; and

28 (b) utilizing other governmental address files in addition to the files specified in subsection (1), including
 29 but not limited to tribal government enrollment files, if available.

30 ~~(4)(3)~~ An elector's registration may be reactivated pursuant to 13-2-222 or may be canceled pursuant

1 to 13-2-402."

2

3 **Section 4.** Section 13-2-222, MCA, is amended to read:

4 **"13-2-222. Reactivation of elector.** (1) The name of an elector must be moved by an election
5 administrator from the inactive list to the active list of a county if an elector meets the requirements for registration
6 provided in this chapter and:

7 (a) appears at a polling place in order to vote, votes by absentee ballot in a polling place election or mail
8 ballot election, or votes in a mail ballot election conducted under Title 13, chapter 19;

9 (b) notifies the county election administrator in writing person, by mail, or by facsimile or other electronic
10 means of the elector's current residence, ~~which must be in~~ address and mailing address if either is different from
11 the address or addresses in the statewide voter registration database but still within that county; or

12 (c) notifies the county election administrator in person, by mail, or by telephone, facsimile, or other
13 electronic means that the elector's residence address and mailing address have not changed;

14 (d) notifies election officials in writing at a place of deposit that the elector's residence address and
15 mailing address have not changed; or

16 ~~(e)~~(e) completes a reactivation form provided by the county election administrator that provides the
17 elector's current address information in that county.

18 (2) After an elector has complied with the requirements of subsection (1)~~(a), (1)(b), or (1)(c)~~, the county
19 election administrator shall place the elector's name on the active voting list for that county.

20 (3) An elector reactivated pursuant to ~~subsection (1)(a)~~ this section is a legally registered elector ~~for~~
21 ~~purposes of the election in which the elector voted."~~

22

23 **Section 5.** Section 13-2-301, MCA, is amended to read:

24 **"13-2-301. Close of regular registration -- notice -- changes.** (1) The election administrator shall:

25 (a) close regular registrations for 30 days before any election; and

26 (b) publish a notice specifying the day regular registrations will close and the availability of the late
27 registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times
28 in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in
29 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest
30 number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or

1 broadcast of the notice.

2 (2) ~~Information to be included in the~~ The notice must be prescribed by the secretary of state and must
3 include information on how an elector can check the status of the elector's voter registration online and how an
4 inactive elector may reactivate under 13-2-222.

5 (3) An application for voter registration properly executed and postmarked on or before the day regular
6 registration is closed must be accepted as a regular registration for 3 days after regular registration is closed
7 under subsection (1)(a).

8 (4) An individual who submits a completed registration form to the election administrator before the
9 deadlines provided in this section is allowed to correct a mistake on the completed registration form until 5 p.m.
10 on the 10th day following the close of regular registration, and the qualified elector is then eligible to vote in the
11 election.

12 (5) An elector who misses the deadlines provided for in this section may register to vote or change the
13 elector's voter information and vote in the election, except as otherwise provided in 13-2-304."
14

15 **Section 6.** Section 13-4-203, MCA, is amended to read:

16 **"13-4-203. Instruction of judges -- training materials.** (1) Before each election, all election judges who
17 do not possess a current certificate of instruction obtained pursuant to 13-1-203(3) must be instructed by the
18 election administrator on uniform election procedures, including procedures for signature verification. In precincts
19 where voting systems are used, instructions must cover both how to operate the voting system and how to
20 manually process any paper ballots.

21 (2) Chief election judges may be required to attend the training session before each election, as well as
22 a special session that may be held for chief election judges only, even if they possess a current certificate of
23 instruction.

24 (3) Any individual willing to be appointed as an election judge may attend an instruction session by
25 registering with the election administrator. However, the individual may not be paid for attendance unless the
26 individual is appointed as an election judge.

27 (4) Each election judge completing a training session under this section must be given a certificate of
28 completion. An individual may not serve as an election judge without a valid certificate obtained under
29 13-1-203(3) or this section. However, this requirement does not apply to individuals filling vacancies in
30 emergencies.

1 (5) All election judges shall obtain a certificate of instruction or be recertified before the primary election
2 in even-numbered years.

3 (6) Notice of the place and time of instruction must be given by the election administrator to the presiding
4 officers of the political parties in the county."
5

6 **Section 7.** Section 13-13-212, MCA, is amended to read:

7 **"13-13-212. Application for absentee ballot -- special provisions.** (1) (a) Except as provided in
8 subsection (1)(b), an elector may apply for an absentee ballot by using a standardized form provided by rule by
9 the secretary of state or by making a written request, which must include the applicant's birth date and must be
10 signed by the applicant. The request must be submitted to the election administrator of the applicant's county of
11 residence within the time period specified in 13-13-211.

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

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

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

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

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

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

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

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

9

10 **Section 8.** Section 13-13-214, MCA, is amended to read:

11 **"13-13-214. Mailing absentee ballot to elector -- delivery to person other than elector.** (1) (a) Except
 12 as provided in 13-13-213 and in subsection (1)(c) of this section, the election administrator shall mail, postage
 13 prepaid, to each legally registered elector and provisionally registered elector from whom the election
 14 administrator has received a valid absentee ballot application under 13-13-211 and 13-13-212 whatever official
 15 ballots are necessary.

16 (b) The election administrator shall mail the ballots in a manner that conforms to the deadlines
 17 established for ballot availability in 13-13-205.

18 (c) The election administrator may deliver a ballot in person to an individual other than the elector if:

19 (i) the elector has designated the individual, either by a signed letter or by making the designation on
 20 the application form in a manner prescribed by the secretary of state or pursuant to 13-1-116;

21 (ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the
 22 ballot;

23 (iii) the election administrator believes that the individual receiving the ballot is the designated person;

24 and

25 (iv) the designated person has not previously picked up ballots for four other electors.

26 (2) The election administrator shall enclose with the ballots:

27 ~~(a) a form prescribed by the secretary of state that allows the elector to request absentee ballots for each~~
 28 ~~subsequent federal election only or for all subsequent elections, as provided for in 13-13-212(4);~~

29 ~~(b)(a)~~ a secrecy envelope, free of any marks that would identify the voter; and

30 ~~(c)(b)~~ an a signature envelope for the return of the ballots. The envelope must be self-addressed by the

1 election administrator and an affirmation in the form prescribed by the secretary of state must be printed on the
2 back of the envelope.

3 (3) The election administrator shall ensure that the ballots provided to an absentee elector are marked
4 as provided in 13-13-116 and remove the stubs from the ballots, attaching the stubs to the elector's absentee
5 ballot application.

6 (4) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an
7 extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way
8 so that it can be identified as being used by any one elector.

9 (5) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must
10 include use of the envelope for unvoted ballots. The instructions must include information concerning the type
11 or types of writing instruments that may be used to mark the absentee ballot. The instructions must include
12 information regarding use of the secrecy envelope and use of the ~~return~~ signature envelope. The election
13 administrator shall include a voter information pamphlet with the instructions if:

14 (a) a statewide ballot issue appears on the ballot mailed to the elector; and

15 (b) the elector requests a voter information pamphlet."
16

17 **Section 9.** Section 13-19-101, MCA, is amended to read:

18 **"13-19-101. Statement of purpose.** The purpose of this chapter is to provide ~~the option of and~~
19 procedures for conducting ~~certain specified~~ elections as mail ballot elections. The provisions of this chapter
20 recognize that sound public policy concerning the conduct of elections often requires the balancing of various
21 elements of the public interest that are sometimes in conflict. Among these factors are the public's interest in fair
22 and accurate elections, the election of those who will govern or represent, and cost-effective administration of
23 all functions of government, including the conduct of elections. The provisions of this chapter further recognize
24 that when these and other factors are balanced, the conduct of elections by mail ballot is potentially the most
25 desirable of the available options in certain circumstances."
26

27 **Section 10.** Section 13-19-102, MCA, is amended to read:

28 **"13-19-102. Definitions.** As used in this chapter, the following definitions apply:

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

30 (2) "Election day" is the date established by law on which a particular election would be held if that

1 election were being conducted by means other than a mail ballot election.

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

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

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

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

8 ~~(5)(4) "Secrecy envelope" means an envelope used to contain the elector's ballot and that is designed~~
9 ~~to conceal the elector's ballot and to prevent that elector's ballot from being distinguished from the ballots of other~~
10 ~~electors.~~

11 ~~(5) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is~~
12 ~~designed to:~~

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

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

16 ~~(6) "Signature verification" means a process prescribed by the secretary of state to compare and verify~~
17 ~~a voter's signature pursuant to 13-19-310."~~

18

19 **Section 11.** Section 13-19-104, MCA, is amended to read:

20 **"13-19-104. Mail ballot elections not mandatory -- when authorized exception -- when prohibited**
21 **-- when county election administrator conducts.** (1) ~~Conducting elections by mail ballot is only one option~~
22 ~~available to local officials, and this chapter does not mandate that the procedure be used.~~

23 ~~—— (2) Except as provided in subsection (3), any election may~~ All elections, except those conducted under
24 Title 20, chapter 20, must be conducted by mail ballot.

25 ~~(3) The following elections may not be conducted by mail ballot:~~

26 ~~—— (a) a regularly scheduled federal, state, or county election;~~

27 ~~—— (b) a special federal or state election, unless authorized by the legislature; or~~

28 ~~—— (c) a regularly scheduled or special election when another election in the political subdivision is taking~~
29 ~~place at the polls on the same day.~~

30 (2) Elections conducted by a school district clerk under Title 20, chapter 20, may be conducted under this

1 chapter or as polling place elections.

2 ~~(4)(3)~~ (a) Except as provided in subsection ~~(4)(b)~~ (3)(b), if more than one mail ballot election is being
3 conducted in the political subdivision on the same day, the county election administrator shall conduct the
4 elections.

5 (b) The requirement that a county election administrator shall conduct more than one mail ballot election
6 on the same day does not apply to a mail ballot school bond election conducted by the trustees of any two or
7 more school districts that have unified pursuant to 20-6-312 or that have created a joint board of trustees pursuant
8 to 20-3-361."

9

10 **Section 12.** Section 13-19-105, MCA, is amended to read:

11 **"13-19-105. Role of secretary of state.** In addition to other powers and duties conveyed by law, the
12 secretary of state, with advice from election administrators, shall:

- 13 (1) prescribe the form of materials to be used in the conduct of mail ballot elections;
14 (2) review written plans for the conduct of mail ballot elections as provided in 13-19-205; and
15 (3) adopt rules consistent with this chapter to:
16 (a) establish and maintain uniformity in the conduct of mail ballot elections; and
17 (b) establish procedures for the conduct of mail ballot elections that, when implemented by the election
18 administrator:

- 19 (i) prevent fraud;
20 (ii) ensure the uniform and accurate handling and canvassing of mail ballots; and
21 (iii) ensure that the secrecy of voted ballots is maintained."

22

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

24 **"13-19-106. General requirements for mail ballot election.** A mail ballot election must be conducted
25 substantially as follows:

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

28 (2) (a) An official ballot must be mailed to every ~~qualified~~ active and provisionally registered elector of
29 the political subdivision conducting the election.

30 (b) The signature envelope must contain a warning that, pursuant to 13-35-103 and 13-35-218, any

1 person who unduly influences a person to vote in a particular manner or to refrain from voting commits a
 2 misdemeanor and may be subject to fine, imprisonment, or both.

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

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

8 (5) (a) The elector or the elector's agent or designee shall then place the secrecy envelope containing
 9 the elector's ballot in a return/verification signature envelope, sign the signature envelope, and mail it or deliver
 10 it in person to a county election office, a place of deposit, or an official drop box designated by the election
 11 administrator.

12 (b) If the elector returns the ballot by mail, postage must be affixed.

13 (c) Each county shall pay for insufficient postage on ballots being returned by mail, subject to 13-1-302.

14 ~~(b)~~(d) Except as provided in 13-21-206 and 13-21-207, the voted ballot must be received before at the
 15 election office, a designated place of deposit, or an official drop box not later than 8 p.m. on election day.

16 (6) Election officials shall first qualify the voted ballot by examining the return/verification signature
 17 envelope to determine whether the signature on the envelope, when compared to the signature on file for that
 18 elector in the statewide voter registration database, meets the requirements for signature verification as
 19 prescribed by the secretary of state and whether it is submitted by a qualified elector who has not previously
 20 voted in the election.

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

24 (8) Except as provided in 13-19-312, after the close of voting on election day, voted ballots must be
 25 counted and canvassed as provided in Title 13, chapter 15."
 26

27 **Section 14.** Section 13-19-201, MCA, is amended to read:

28 **"13-19-201. How mail ballot school election initiated.** A proposal to conduct an election held pursuant
 29 to Title 20, chapter 20, under the provisions of this chapter may be initiated by either the election administrator
 30 or the appropriate governing body as provided in 13-19-202 through 13-19-204."

1

2 **Section 15.** Section 13-19-202, MCA, is amended to read:

3 **"13-19-202. Initiation by school district governing body.** (1) A ~~political subdivision~~ school district may,
4 by resolution of the governing body addressed to the election administrator, request that a particular election be
5 conducted under the provisions of this chapter.

6 (2) No later than 70 days before election day, the school district governing body shall transmit its request
7 to the election administrator, who shall determine whether it is economically and administratively feasible to
8 conduct the requested election by mail ballot.

9 (3) Except as provided in 13-19-204, the decision to conduct ~~an~~ a school district election under the
10 provisions of this chapter is within the sole discretion of the election administrator.

11 (4) Within 5 days after receiving a request, the election administrator shall respond in writing, stating that
12 the request is either granted or denied for reasons specified. If granted, the election administrator shall prepare
13 a plan as provided in 13-19-205."
14

15 **Section 16.** Section 13-19-203, MCA, is amended to read:

16 **"13-19-203. Initiation by election administrator.** (1) Even if a request has not been received from the
17 school district governing body concerned, the election administrator may conduct ~~any~~ a school district election
18 ~~authorized by 13-19-104~~ under the provisions of this chapter if the election administrator determines that a mail
19 ballot election is the most economically and administratively feasible way of conducting the election in question.

20 (2) If the election administrator decides to conduct ~~an~~ a school district election pursuant to subsection
21 (1), the election administrator shall prepare a written plan as provided in 13-19-205 and forward a copy to the
22 school district governing body ~~concerned~~, together with a written statement informing the governing body of the
23 decision to conduct the election by mail ballot, the reasons for the decision, and the right of the governing body
24 to object under 13-19-204."
25

26 **Section 17.** Section 13-19-204, MCA, is amended to read:

27 **"13-19-204. Objection of political subdivision school district.** (1) A ~~political subdivision~~ school district
28 may, by resolution of the governing body, object to the conduct of one of its elections under this chapter. The
29 resolution must include a statement of the reasons for the objection.

30 (2) If the resolution is filed with the election administrator no later than 55 days prior to election day, the

1 election may not be conducted by mail under this chapter."
 2

3 **Section 18.** Section 13-19-205, MCA, is amended to read:

4 **"13-19-205. Written plan for conduct of election -- amendments -- approval procedures.** (1) (a) The
 5 election administrator shall:

6 (i) prepare and submit to the secretary of state a preliminary written plan in January of each year for the
 7 conduct of the election all elections to be held in the year beginning April 1 and ending March 31, except those
 8 conducted by a school district clerk under Title 20, chapter 20;

9 (ii) and shall hold a public hearing on the preliminary plan by March 15; and

10 (iii) submit the final written plan to the secretary of state in a manner that ensures that it is received at
 11 least 60 days prior to the date set for the election no later than March 31.

12 (b) A notice of the preliminary plan must be published pursuant to 7-1-2121 and must allow for a
 13 minimum of 30 days for public comment before the public hearing is held.

14 (c) A school district clerk conducting an election under Title 20, chapter 20, by mail shall prepare a
 15 written plan for the conduct of the election and shall submit it to the secretary of state in a manner that ensures
 16 the plan is received at least 60 days prior to the date set for the election.

17 (2) The written plan for elections other than an election conducted pursuant to Title 20, chapter 20, must
 18 include:

19 (a) a timetable for the election; and

20 (a) public outreach efforts to notify electors that ballots will be mailed to active and provisionally
 21 registered electors only and to explain how an elector may check the status of the elector's voter registration and
 22 how an inactive elector may reactivate. Outreach efforts must include outreach to each public or private college
 23 or university, college of technology, community college, and tribal college, as well as outreach to Indian
 24 reservations, as applicable.

25 (b) security procedures for transporting ballots and official drop boxes, storing ballots and tabulation
 26 equipment, and processing and tabulating ballots;

27 (c) the location of all official drop box sites, the days and times that each official drop box site will be
 28 available, and an explanation of how the official drop box site selection addresses demographic and geographic
 29 considerations;

30 (d) the location of all places of deposit and the days and times that each place of deposit will be

1 available;

2 (e) the services that will be available at each place of deposit, including services for persons with
3 disabilities and, if applicable, issuance of replacement ballots;

4 (f) a description of the steps taken to ensure that persons with disabilities are able to vote both privately
5 and independently, including a county phone number for persons with disabilities to call if they need assistance;

6 and

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

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

10 (ii) (A) the location of the official drop boxes and places of deposit and the days and times when ballots
11 may be returned to the official drop boxes and places of deposit, ~~if the information is available; or for all elections~~
12 to be held in that year; and

13 ~~(B) if the information on location and hours of places of deposit is not available, a section that will allow~~
14 ~~the information to be added before the instructions are mailed to electors~~ any applicable instructions specified
15 under 13-13-214(5).

16 (3) The written plan for an election conducted by a school district clerk pursuant to Title 20, chapter 20,
17 must include:

18 (a) a timetable for the election; and

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

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

22 (ii) (A) the location of the places of deposit and the days and times when the ballots may be returned to
23 the places of deposit; or

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

26 ~~(3)(4) The plan may be amended by the election administrator~~ may amend a written plan at any time
27 prior to the 35th day before election day by notifying the secretary of state in writing of any changes. Public notice
28 must be given of material amendments to a final written plan.

29 ~~(4)(5) Within 5~~ Except as provided in subsection (6), within 30 days of receiving the preliminary written
30 plan and as soon as possible after receiving any amendments, the secretary of state shall approve, disapprove,

1 ~~or recommend~~ notify the election administrator of any changes that must be made to the written plan or its
 2 amendments.

3 (6) Within 5 days of receiving a written plan for a mail ballot election conducted by a school district clerk
 4 under Title 20, chapter 20, and as soon as possible after receiving any amendments, the secretary of state shall
 5 approve, disapprove, or recommend changes to the written plan or its amendments.

6 ~~(5)(7)~~ When the written plan has been approved, the election administrator shall proceed to conduct the
 7 ~~election~~ elections according to the approved plan unless ~~the~~ an election is canceled for any reason provided by
 8 law."

9
 10 **NEW SECTION. Section 19. Notice to inactive voter.** (1) Each election administrator shall send a
 11 forwardable notice to each inactive voter with instructions on procedures for reactivation under 13-2-222.

12 (2) The notice must be sent on April 1 and September 1 of each year when there is a federal election
 13 and on January 31 for nonfederal election years.

14
 15 **Section 20.** Section 13-19-206, MCA, is amended to read:

16 **"13-19-206. Distributing materials to electors -- procedure.** For each election conducted under this
 17 chapter, the election administrator shall:

18 (1) mail a single packet to every ~~qualified~~ active or provisionally registered elector of the political
 19 subdivision conducting the election;

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

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

22 (b) a secrecy envelope;

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

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

26 (3) ensure that each packet is:

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

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

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

3

4 **Section 21.** Section 13-19-207, MCA, is amended to read:

5 **"13-19-207. When materials to be mailed.** (1) Except as provided in subsection (2) and except for
6 ballots mailed pursuant to 13-13-205(2), for any election conducted by mail, ballots must be mailed to electors
7 ~~no sooner than on~~ the 25th day ~~and no later than the 15th day~~ before the election day.

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

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

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

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

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

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

19

20 **Section 22.** Section 13-19-301, MCA, is amended to read:

21 **"13-19-301. Voting mail ballots.** (1) Upon receipt of a mailed ballot, the elector may vote by:

22 (a) marking the ballot in the manner specified;

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

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

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

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

29 (2) For the purpose of this chapter, an official ballot is voted when the ~~marked~~ ballot is received at the
30 election administrator's office, at a place of deposit, or in an official drop box."

1
2 **NEW SECTION. Section 23. Voting booths for primary, general, and special elections.** At each
3 primary election, general election, and special election conducted by the county election administrator, the county
4 election administrator shall maintain a minimum of one voting booth at any location where ballots are issued.

5
6 **Section 24.** Section 13-19-303, MCA, is amended to read:

7 **"13-19-303. Voting by elector when absent from place of residence during conduct of election.**

8 (1) A qualified elector who will be absent from the county during the time the election is being conducted may:

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

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

14 (2) (a) Ballots mailed to electors on the active list and provisionally registered list pursuant to this section
15 must be mailed the same day that all other ballots are mailed, except that a ballot requested pursuant to Title 13,
16 chapter 21, may be sent to the elector as soon as the ballot is available, consistent with 13-13-205(2).

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

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

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

22
23 **Section 25.** Section 13-19-304, MCA, is amended to read:

24 **"13-19-304. Voting by nonregistered electors.** (1) For any election being conducted under this chapter
25 by a political subdivision that allows individuals to vote who are not registered electors in the political subdivision,
26 the individual may vote by appearing in person at the election administrator's office or by providing materials by
27 mail, facsimile, or electronic means and demonstrating that the individual possesses the qualifications required
28 for voting.

29 (2) An individual complying with subsection (1) before official ballots are available may provide a card
30 to the election administrator containing the signature of the individual or the individual's agent designated

1 pursuant to 13-1-116 and the address to which the ballot is to be mailed. The signature provided must be used
 2 for verification when the mail ballot is returned.

3 (3) An individual complying with subsection (1) after official ballots are available and before the close
 4 of the polls on election day must be permitted to vote at that time."

5

6 **Section 26.** Section 13-19-305, MCA, is amended to read:

7 "**13-19-305. Replacement ballots -- procedures.** (1) ~~An elector may obtain a replacement ballot as~~
 8 ~~provided in this section if the original ballot is destroyed, spoiled, lost, or not received by the elector.~~

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

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

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

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

17 ~~———— (6) The election administrator shall keep a record of each replacement ballot issued. If the election~~
 18 ~~administrator later determines that any elector to whom a replacement ballot has been issued has attempted to~~
 19 ~~vote more than once, the election administrator shall immediately notify the county attorney and the secretary of~~
 20 ~~state of each instance (1) Replacement ballots may be issued as specified in 13-13-204 and, if applicable, as~~
 21 ~~specified in 13-19-307(3).~~

22 (2) A replacement ballot may be issued upon a telephonic request by an elector if the ballot will be sent
 23 to the mailing address in the statewide voter registration database or to the mailing address specified in the
 24 elector's request for an absentee ballot."

25

26 **Section 27.** Section 13-19-306, MCA, is amended to read:

27 "**13-19-306. Returning marked ballots -- when -- where.** (1) After complying with 13-19-301, an elector
 28 or the elector's agent or designee may return the elector's ballot on or before election day by either:

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

1 (b) returning it to any election office, place of deposit, or official drop box ~~designated by the election~~
 2 ~~administrator pursuant to 13-19-307.~~

3 (2) Except as provided in 13-21-206, in order for the ballot to be counted, each elector shall return it in
 4 a manner that ensures it is received prior to 8 p.m. on election day at the election office, a place of deposit, or
 5 an official drop box.

6 (3) Any ballot that is returned to an election office, place of deposit, or official drop box in a county other
 7 than the county in which the elector is registered must be sent by the county in receipt of the ballot to the county
 8 from which the ballot was issued, subject to the following:

9 (a) The ballot must be counted as a regular ballot on election day if it is received by the county of
 10 issuance by 8 p.m. on election day.

11 (b) If the ballot is received at the county of issuance after 8 p.m. on election day and by no later than 3
 12 p.m. on the 6th day after the election from the county to which the ballot was returned, the ballot must be handled
 13 as a provisional ballot under 13-15-107."

14

15 **Section 28.** Section 13-19-307, MCA, is amended to read:

16 "**13-19-307. Places of deposit and drop boxes.** (1) ~~(a)~~ The election administrator shall designate the
 17 election administrator's office and ~~may designate~~ one or more places in the political subdivision in which the
 18 election is being conducted as places of deposit on election day where ballots may be returned in person by the
 19 elector or the elector's agent or designee as follows:

20 (a) For counties with 6,000 or more active voters, there must be a minimum of three staffed places of
 21 deposit.

22 (b) For counties with less than 6,000 active voters but at least 3,000 active voters, there must be a
 23 minimum of two staffed places of deposit.

24 (c) For counties with less than 3,000 active voters, there must be a minimum of one staffed place of
 25 deposit.

26 (d) The county election office may be one of the required locations for a staffed place of deposit.

27 (2) A staffed place of deposit may function as a place of deposit for a period before election day, as
 28 designated by the election administrator.

29 (3) The election administrator may designate a place of deposit as a location that will issue replacement
 30 ballots.

1 ~~(b)~~(4) If the election administrator's office is not accessible pursuant to 13-3-205, the election
2 administrator shall designate at least one accessible place of deposit.

3 (5) (a) Places of deposit for any federal or state election or for a county election held in conjunction with
4 a federal or state election must have accessible voting technology available to electors at each place of deposit.

5 (b) Nothing in this section prevents an election administrator from providing additional services to voters
6 with disabilities for any election under this title. Election administrators shall make reasonable accommodations
7 for voters with disabilities to use accessible voting technology, including providing accessible voting technology
8 at an alternate location upon the request of an elector or the elector's agent, unless it is an undue hardship for
9 the election administrator to do so. A request made pursuant to this subsection (5)(b) must be made before noon
10 on election day and must allow sufficient time for the election administrator to provide the requested assistance.

11 (6) The election administrator shall designate official drop box locations in addition to the county election
12 office for the deposit of voted ballots as follows:

13 (a) Each county must have at least one additional official drop box location for every 15,000 active
14 registered electors, including in the following locations:

15 (i) each town or city with 400 or more active registered electors must have at least one official drop box
16 location; and

17 (ii) each county must have at least one official drop box location that is open 24 hours, 7 days a week,
18 for every 30,000 active registered electors.

19 (b) In addition to the requirements in subsections (6)(a)(i) and (6)(a)(ii):

20 (i) each Indian reservation must have at least one additional official drop box location; and

21 (ii) by consent of the facility, each public or private college or university, college of technology, community
22 college, and tribal college must have at least one additional official drop box location available on campus for
23 every 10,000 enrolled students at the facility.

24 (7) (a) Places of deposit and official drop box locations that are in businesses or public buildings must
25 be available during the hours designated by the election administrator and within the regular hours of the
26 business.

27 (b) On election day, all places of deposit and official drop box locations must be available 8 hours or more
28 and must remain available until 8 p.m.

29 (c) All places of deposit and official drop box locations and times must be publicly noticed at least 30
30 days before an election and included in the preliminary plan specified in 13-19-205 for public comment. This

1 notice must also include information on locations with accessible voting technology available.

2 (d) Places of deposit and official drop box locations and times may be changed from the initial plan up
 3 to 35 days before an election. The updated plan must be sent to the secretary of state, and if the initial notice has
 4 already been published, the updated plan must be readvertised.

5 (e) An election administrator may make changes in the location of a place of deposit or official drop box
 6 location if an emergency occurs 10 days or less before an election or if the official drop box location becomes
 7 unavailable for any reason. Notice must be posted at both the old and new locations, and other notice may be
 8 given by whatever means are available.

9 ~~(2)(8)~~ Prior to election day Beginning on the 25th day before the election, ballots may be returned to any
 10 designated place of deposit official drop box during the days and times set by the election administrator and within
 11 the regular business hours of the location.

12 ~~(3)(9)~~ On election day, each location designated as a place of deposit and each official drop box location
 13 must be open available as provided in 13-1-106, and ballots may be returned during those hours.

14 ~~(4)~~ The election administrator may designate certain locations as election day places of deposit, and any
 15 designated location functions as a place of deposit only on election day.

16 ~~(5)(10)~~ Each place of deposit must be staffed by at least two election officials who are selected in the
 17 same manner as provided for the selection of election judges in 13-4-102 by the election administrator. When
 18 possible, the two election officials must be from different political parties.

19 ~~(6)(11)~~ The election administrator shall provide each designated place of deposit with an official ballot
 20 transport box secured as provided by law.

21 (12) The election administrator shall provide for secure pickup of ballots from official drop boxes by at
 22 least two designated individuals, one from each political party, if possible.

23 (13) A ballot returned to a place of deposit other than the county election office must be handled as
 24 provided in 13-19-308.

25 (14) Nothing in this section prevents an election administrator from increasing the number of places of
 26 deposit or official drop box locations beyond the minimum numbers provided in this section."

27

28 **Section 29.** Section 13-19-308, MCA, is amended to read:

29 **"13-19-308. Disposition of ballots returned in person to place of deposit other than election office.**

30 **Ballots** If a ballot is returned in person by the elector or the elector's agent or designee must be processed as

1 follows to a place of deposit other than the election administrator's office, the election officials on location shall:

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

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

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

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

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

10 ~~(a)(1) keep a log of the names of all electors for whom the officials receive ballots or to whom the officials~~
 11 ~~issue replacement ballots, if applicable;~~

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

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

17

18 **Section 30.** Section 13-19-309, MCA, is amended to read:

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

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

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

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

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

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

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

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

30

1 **Section 31.** Section 13-19-310, MCA, is amended to read:

2 **"13-19-310. Signature verification -- procedures.** (1) The election administrator shall verify the
3 signature of each elector by comparing the affidavit printed on the ~~return/verification~~ signature envelope to the
4 signature on that elector's registration card or agent designation form or on the signature card provided under
5 13-19-304.

6 (2) If the election administrator is convinced that the individual signing the affidavit is the same as the
7 one whose name appears on the registration card, agent designation form, or signature card, the election
8 administrator shall proceed to validate the ballot.

9 (3) If the election administrator is not convinced that the individual signing the ~~return/verification~~ signature
10 envelope is the same as the one whose name appears on the registration card, agent designation form, or
11 signature card or if no signature is provided; the election administrator shall:

12 (a) designate the ballot as a provisional ballot; and

13 (b) give notice to the elector as provided in 13-19-313.

14 (4) An election official may not assist with the signature verification process in this part unless the official
15 has been trained in accordance with 13-1-203(3) or 13-4-203.

16 (5) A ballot may not be rejected due to a signature mismatch until it has been reviewed and approved
17 by the election administrator."

18

19 **Section 32.** Section 13-19-311, MCA, is amended to read:

20 **"13-19-311. Valid ballots -- requirements.** (1) Only valid ballots may be counted in an election
21 conducted under this chapter.

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

23 (a) it is sealed in the secrecy envelope and returned in the ~~return/verification~~ signature envelope;

24 (b) the elector's signature on the affidavit on the ~~return/verification~~ signature envelope is verified pursuant
25 to 13-19-310; and

26 (c) it is received before 8 p.m. on election day, except as provided in 13-21-206 and 13-19-307.

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

29 (4) A ballot is invalid if:

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

- 1 (b) more than one ballot is enclosed in a single ~~return/verification~~ signature or secrecy envelope unless:
- 2 (i) there are multiple elections being held at the same time and the envelope contains only one ballot for
- 3 each election; or
- 4 (ii) (A) the ~~return/verification~~ signature envelope contains ballots from the same household;
- 5 (B) each ballot is in its own secrecy envelope; and
- 6 (C) the ~~return/verification~~ signature envelope contains a valid signature for each elector who has returned
- 7 a ballot."

8

9 **Section 33.** Section 13-19-313, MCA, is amended to read:

10 **"13-19-313. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after

11 receipt of an elector's ~~return/verification~~ signature envelope, the election administrator shall give notice to the

12 elector by the most expedient method available if the election administrator:

- 13 (a) is unable to verify the elector's or agent's signature under 13-19-310;
- 14 (b) has discovered a procedural mistake made by the elector that would invalidate the elector's ballot
- 15 under 13-19-311; or
- 16 (c) finds that the elector has failed to attest to the accuracy of the elector's address or notify the election
- 17 administrator of the elector's correct mailing address as provided in 13-19-106.

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

19 may:

20 (a) by mail, by facsimile or other electronic means, or in person, verify the elector's or agent's signature

21 or provide a signature, after proof of identification, by affirming that the signature is in fact the elector's, by

22 completing a new registration card containing the elector's current signature, or by providing a new agent

23 designation form;

24 (b) by mail; or by facsimile, telephone, or other electronic means, provide the address information

25 required under 13-19-106 or correct any minor mistake if the correction would render the ballot valid; or

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

27 (3) The ballot of an elector who fails to provide information pursuant to subsection (2) must be handled

28 as a provisional ballot pursuant to 13-15-107.

29 (4) (a) If a mail ballot is returned as undeliverable with a forwarding address, the election administrator

30 shall ~~investigate the reason for the return and mail a confirmation notice. The notice must be sent by forwardable,~~

1 ~~first-class mail with a postage-paid, return-addressed notice.~~ mail the ballot to the forwarding address provided
 2 by the United States postal service and include a notice prescribed by the secretary of state that contains
 3 instructions to the elector to affirm or to update the elector's address on the signature envelope. The election
 4 administrator shall update the elector's address in the statewide voter registration database if the elector provides
 5 an updated address on the signature envelope.

6 (b) ~~If the confirmation notice is returned to the election administrator, the elector must be placed on the~~
 7 ~~inactive list provided for in 13-2-220 until the elector becomes a qualified elector. If a mail ballot is returned as~~
 8 ~~undeliverable without a forwarding address, the election administrator shall:~~

9 (i) attempt to contact the elector by the most expedient means possible to determine the reason for the
 10 return;

11 (ii) mail a forwardable confirmation notice to the elector; and

12 (iii) place the elector on the inactive list if the elector does not respond to the confirmation notice or
 13 otherwise update the elector's address.

14 (c) All list maintenance procedures conducted under this section must be conducted in accordance with
 15 13-2-220."

16

17 **Section 34.** Section 13-21-210, MCA, is amended to read:

18 **"13-21-210. Application for absentee ballots.** (1) (a) A United States elector may apply for a regular
 19 absentee ballot as follows:

20 (i) by making a written request, which must include the elector's birth date and signature; or

21 (ii) by properly completing, signing, and returning to the election administrator the federal post card
 22 application.

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

26 (2) An application for a regular absentee ballot must be received by the appropriate county election
 27 administrator by the time specified in 13-2-304 for late registration.

28 ~~(3) An application under this section is valid for all state and local elections in the calendar year in which~~
 29 ~~the application is made and the next two regularly scheduled federal general elections unless an elector requests~~
 30 ~~to be mailed an absentee ballot for each subsequent election in which the elector is eligible to vote or only for~~

1 each subsequent federal election in which the elector is eligible to vote for as long as the elector remains eligible
2 to vote and resides at the address provided in the initial application:

3 ~~—— (4) If an elector fails to provide the address confirmation required by 13-13-212, the elector will be~~
4 ~~removed from the permanent absentee ballot list. An elector who is removed from the permanent absentee ballot~~
5 ~~list will continue to receive absentee ballots during the period covered in the elector's initial application under this~~
6 ~~section.~~

7 ~~(5) The elector's county election administrator shall provide the elector with a regular absentee ballot~~
8 ~~for the elections described in subsection (3) as soon as the ballots are printed."~~

9
10 **NEW SECTION. Section 35. Repealer.** The following section of the Montana Code Annotated is
11 repealed:

12 13-19-302. Proportional voting.

13
14 **NEW SECTION. Section 36. Codification instruction.** (1) [Section 19] is intended to be codified as
15 an integral part of Title 13, chapter 19, part 2, and the provisions of Title 13, chapter 19, part 2, apply to [section
16 19].

17 (2) [Section 23] is intended to be codified as an integral part of Title 13, chapter 19, part 3, and the
18 provisions of Title 13, chapter 19, part 3, apply to [section 23].

19
20 **COORDINATION SECTION. Section 37. Coordination instruction.** If [LC0738] is not enacted and
21 [this act] is enacted, then [section 26 of this act], amending 13-19-305, is void.

22
23 **NEW SECTION. Section 38. Effective date.** [This act] is effective January 1, 2012.

24
25 **NEW SECTION. Section 39. Termination.** [Section 19] terminates December 1, 2014.

26 - END -