

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 BY REQUEST OF THE SECRETARY OF STATE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ELECTIONS OTHER THAN SCHOOL ELECTIONS TO
7 BE HELD BY MAIL; REVISING PROCEDURES FOR CONDUCTING MAIL BALLOT ELECTIONS; PROVIDING
8 FOR TRAINING OF ELECTION ADMINISTRATORS AND ELECTION JUDGES; REVISING PROCEDURES BY
9 WHICH ELECTION ADMINISTRATORS CONFIRM ELECTORS' RESIDENCE AND MAILING ADDRESSES;
10 REVISING PROCEDURES FOR REACTIVATING AN ELECTOR'S REGISTRATION; REVISING CERTAIN
11 ABSENTEE BALLOT PROVISIONS; REQUIRING COUNTIES TO PAY FOR BALLOTS RETURNED WITH
12 INSUFFICIENT POSTAGE; REVISING PROCEDURES FOR CREATING AND APPROVING A WRITTEN
13 ELECTION PLAN; PROVIDING NOTICE TO INACTIVE ELECTORS; PROVIDING REQUIREMENTS FOR
14 VOTING BOOTHS; PROVIDING REQUIREMENTS FOR PLACES OF DEPOSIT AND OFFICIAL SECURE
15 DROP BOXES FOR BALLOT RETURNS; REPEALING THE REQUIREMENT THAT ELECTION
16 ADMINISTRATORS PROVIDE FOR PROPORTIONAL VOTING IN CERTAIN ELECTIONS; AMENDING
17 SECTIONS 13-1-101, 13-1-203, 13-1-210, 13-2-220, 13-2-222, 13-2-301, 13-4-203, 13-13-201, 13-13-205,
18 13-13-212, 13-13-214, 13-13-229, 13-13-241, 13-13-244, 13-13-245, 13-13-602, 13-13-603, 13-15-108,
19 13-15-201, 13-19-101, 13-19-102, 13-19-104, 13-19-105, 13-19-106, 13-19-201, 13-19-202, 13-19-203,
20 13-19-204, 13-19-205, 13-19-206, 13-19-207, 13-19-301, 13-19-303, 13-19-304, 13-19-305, 13-19-306,
21 13-19-307, 13-19-308, 13-21-210, AND 13-21-212, MCA; REPEALING SECTION 13-19-302, MCA; AND
22 PROVIDING A DELAYED EFFECTIVE DATE AND A TERMINATION DATE."

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

25
26 **Section 1.** Section 13-1-101, MCA, is amended to read:

27 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
28 definitions apply:

29 (1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure
30 to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.



- 1 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.
- 2 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that
3 is ordinarily not given away free but is purchased.
- 4 (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state
5 that is completed and signed by an elector, submitted to the election administrator, and contains voter registration
6 information subject to verification as provided by law.
- 7 (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an
8 optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.
- 9 (6) "Candidate" means:
- 10 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or
11 appointment as a candidate for public office as required by law;
- 12 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained
13 contributions, made expenditures, or given consent to an individual, organization, political party, or committee
14 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination
15 or election to any office at any time, whether or not the office for which the individual will seek nomination or
16 election is known when the:
- 17 (i) solicitation is made;
- 18 (ii) contribution is received and retained; or
- 19 (iii) expenditure is made; or
- 20 (c) an officeholder who is the subject of a recall election.
- 21 (7) (a) "Contribution" means:
- 22 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value
23 to influence an election;
- 24 (ii) a transfer of funds between political committees;
- 25 (iii) the payment by a person other than a candidate or political committee of compensation for the
26 personal services of another person that are rendered to a candidate or political committee.
- 27 (b) "Contribution" does not mean:
- 28 (i) services provided without compensation by individuals volunteering a portion or all of their time on
29 behalf of a candidate or political committee or meals and lodging provided by individuals in their private
30 residences for a candidate or other individual;

- 1 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
2 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;
- 3 (iii) the cost of any communication by any membership organization or corporation to its members or
4 stockholders or employees; or
- 5 (iv) filing fees paid by the candidate.
- 6 (8) "Election" means a general, regular, special, or primary election held pursuant to the requirements
7 of state law, regardless of the time or purpose.
- 8 (9) "Election administrator" means the county clerk and recorder or the individual designated by a county
9 governing body to be responsible for all election administration duties, except that with regard to school elections
10 not administered by the county, the term means the school district clerk.
- 11 (10) "Elector" means an individual qualified to vote under state law.
- 12 (11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
13 of money or anything of value made for the purpose of influencing the results of an election.
- 14 (b) "Expenditure" does not mean:
- 15 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);
- 16 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
17 personal necessities for the candidate and the candidate's family;
- 18 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
19 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or
- 20 (iv) the cost of any communication by any membership organization or corporation to its members or
21 stockholders or employees.
- 22 (12) "Federal election" means a general or primary election in which an elector may vote for individuals
23 for the office of president of the United States or for the United States congress.
- 24 (13) "General election" or "regular election" means an election held for the election of public officers
25 throughout the state at times specified by law, including elections for officers of political subdivisions when the
26 time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues
27 required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the
28 legislature to the electors at a general election, "general election" means an election held at the time provided
29 in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted
30 as a constitutional initiative at a regular election, regular election means an election held at the time provided in

1 13-1-104(1).

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

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

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

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

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

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

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

17 (20) "Official secure drop box" means a secure ballot container placed in an area with sufficient security
18 as prescribed in rule by the secretary of state and designated by the election administrator pursuant to 13-19-307.

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

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

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

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

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

28 (c) as an earmarked contribution.

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

1 officers or on a ballot issue.

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

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

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

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

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

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

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

17 (32) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is
18 designed to:

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

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

22 (33) "Signature verification" means a process prescribed by the secretary of state to compare and verify
23 a voter's signature pursuant to 13-19-106(9) through (12).

24 ~~(34)~~(34) "Special election" means an election other than a statutorily scheduled primary or general
25 election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily
26 scheduled election.

27 ~~(32)~~(35) "Statewide voter registration list" means the voter registration list established and maintained
28 pursuant to 13-2-107 and 13-2-108.

29 ~~(33)~~(36) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an
30 elector to transfer the elector's registration when the elector's residence address has changed within the county.

1 ~~(34)~~(37) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided
2 in 13-15-206.

3 ~~(35)~~(38) "Voted ballot" means a ballot that is:

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

7 ~~(36)~~(39) "Voting system" or "system" means any machine, device, technology, or equipment used to
8 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."
9

10 **Section 2.** Section 13-1-203, MCA, is amended to read:

11 **"13-1-203. Secretary of state to advise, assist, and train.** (1) The secretary of state shall advise and
12 assist election administrators, including administrators of school elections under Title 20, chapter 20, with regard
13 to:

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

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

21 (3) The secretary of state shall hold at least one workshop every 2 years to instruct election
22 administrators and their staffs in use of the materials and procedures for signature verification. Workshops may
23 be held in various locations around the state. Costs of the materials and workshops must be paid by the secretary
24 of state. Attendees of the training must receive a certificate of instruction, which is valid for 2 years."
25

26 **Section 3.** Section 13-1-210, MCA, is amended to read:

27 **"13-1-210. Standard application form for voter registration and absentee ballot requests.** (1) The
28 secretary of state shall establish by rule a standard application form, to be used by each election administrator,
29 that allows an individual to apply for voter registration and to request to be added to the absentee ballot list in
30 order to receive ballots for subsequent elections.

1 (2) Pursuant to 13-13-212(4), the absentee ballot application portion of the standard form must include
2 substantially the following language and options:

3 Optional: I request an absentee ballot to be mailed to me for as long as I reside at the address listed:

4 for each subsequent election in which I am eligible to vote; or

5 for each subsequent federal election in which I am eligible to vote.

6 I understand that in order to continue to receive an absentee ballot, I must complete, sign, and return a
7 confirmation form that will be mailed to me in January of each year."
8

9 **Section 4.** Section 13-2-220, MCA, is amended to read:

10 **"13-2-220. Maintenance of active and inactive voter registration lists for elections -- rules by**
11 **secretary of state.** (1) The rules adopted by the secretary of state under 13-2-108 must include the following
12 procedures, at least one of which require an election administrator shall follow in every odd-numbered year:

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

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

19 ~~_____ (c) mail a targeted mailing to electors who failed to vote in the preceding federal general election,~~
20 ~~applicants who failed to provide required information on registration cards, and provisionally registered electors~~
21 ~~by:~~

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

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

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

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

28 ~~_____ (2) An individual who submits an application for an absentee ballot for a federal general election or who~~
29 ~~completes and returns the address confirmation notice specified in 13-13-212(4) during the calendar year in which~~
30 ~~a federal general election is held is not subject to the procedure in subsection (1)(c) unless the individual's ballot~~

1 for a federal general election is returned as undeliverable and the election administrator is not able to contact the
2 elector through the most expedient means available to resolve the issue.

3 (a) If an election administrator determines that there are material differences between the mailing
4 address from the United States postal service national change of address files and the mailing address on record
5 in the statewide voter registration database, the election administrator shall, no later than February 1 of each
6 odd-numbered year, send to the address from the postal service national change of address files a forwardable,
7 postage-prepaid, and preaddressed return confirmation notice on which the elector may state the elector's current
8 mailing address.

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

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

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

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

18 ~~(3)(2)~~ Any notices returned as undeliverable to the election administrator or any notices to which the
19 elector fails to respond after the election administrator uses the procedures provided in subsection (1) must be
20 followed within 30 days by an appropriate confirmation notice that is a forwardable, first-class, postage-paid,
21 self-addressed, return notice. If the elector fails to respond within 30 days of the final confirmation notice, the
22 election administrator shall move the elector to the inactive list. Nothing in this section prevents an election
23 administrator from:

24 (a) conducting the procedures specified in subsection (1) more frequently than specified; and

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

27 ~~(4)(3)~~ A procedure used by an election administrator pursuant to this section must be completed at least
28 90 days before a primary or general an election for federal office.

29 ~~(5)(4)~~ An elector's registration may be reactivated pursuant to 13-2-222 or may be canceled pursuant
30 to 13-2-402."

1

2 **Section 5.** Section 13-2-222, MCA, is amended to read:

3 **"13-2-222. Reactivation of elector.** (1) The name of an elector must be moved by an election
4 administrator from the inactive list to the active list of a county if an elector meets the requirements for registration
5 provided in this chapter and:

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

9 (b) notifies the county election administrator in ~~writing~~ person, by mail, by facsimile, or by other electronic
10 means of the elector's current residence, ~~which must be in that county~~ address and mailing address if either is
11 different from the address or addresses in the statewide voter registration system 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)~~ (1), the
19 county 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 6.** 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.

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

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

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

13

14 **Section 7.** Section 13-4-203, MCA, is amended to read:

15 **"13-4-203. Instruction of judges -- training materials.** (1) Before each election, all election judges who
16 do not possess a current certificate of instruction obtained pursuant to 13-1-203(3) must be instructed by the
17 election administrator on uniform election procedures, including procedures for signature verification. In precincts
18 where voting systems are used, instructions must cover both how to operate the voting system and how to
19 manually process any paper ballots.

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

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

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

30 (5) All election judges shall obtain a certificate of instruction or be recertified before the primary election

1 in even-numbered years.

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

4

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

6 **"13-13-201. Voting by absentee ballot -- procedures.** (1) A legally registered elector or provisionally
7 registered elector is entitled to vote by absentee ballot as provided for in this part.

8 (2) The elector may vote absentee by:

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

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

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

13 (d) executing the affirmation printed on the return signature envelope; and

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

16 (i) the election office;

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

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

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

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

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

30

1 **Section 9.** Section 13-13-205, MCA, is amended to read:

2 **"13-13-205. When ballots to be available.** (1) Except as provided in ~~subsection (2)~~ subsections (2) and
3 (3), the election administrator shall ensure that ballots are available for voting at least:

4 (a) 30 days prior to an election for those elections held in compliance with 13-1-107(1);

5 (b) 20 days prior to an election for those elections held in compliance with 13-1-104(2) and (3) and
6 13-1-107(2); and

7 (c) 30 days prior to an election held in conjunction with a federal general election in compliance with
8 13-1-104(1).

9 (2) A ballot requested pursuant to Title 13, chapter 21, must be sent to the elector as soon as the ballot
10 is printed or at least 45 days in advance of an election held in conjunction with a federal primary election, federal
11 general election, or federal special election.

12 (3) Ballots for elections held pursuant to 13-19-104 must be available as required in 13-19-207."

13

14 **Section 10.** Section 13-13-212, MCA, is amended to read:

15 **"13-13-212. Application for absentee ballot -- special provisions -- annual absentee ballot list.**

16 (1) (a) Except as provided in subsection (1)(b), an elector may apply for an absentee ballot by using a standard
17 application form provided by rule by the secretary of state pursuant to 13-1-210 or by making a written request,
18 which must include the applicant's birth date and must be signed by the applicant. The request must be submitted
19 to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

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

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

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

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

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

5 ~~———— (4) (a) An elector may at any time request to be mailed an absentee ballot for each subsequent election
 6 in which the elector is eligible to vote or only for each subsequent federal election in which the elector is eligible
 7 to vote for as long as the elector remains qualified to vote and resides at the address provided in the initial
 8 application. The request may be made when the individual applies for voter registration using the standard
 9 application form provided for in 13-1-210.~~

10 ~~———— (b) The election administrator shall annually mail a forwardable address confirmation form to each elector
 11 who has requested an absentee ballot for subsequent elections. The address confirmation form must be mailed
 12 in January. The address confirmation form is for elections to be held between February 1 following the mailing
 13 through January of the succeeding year. The elector shall sign the form, indicate the address to which the
 14 absentee ballot should be sent, and return the form to the election administrator. If the form is not completed and
 15 returned, the election administrator shall remove the elector from the annual absentee ballot list.~~

16 ~~———— (c) An elector who has been removed from the annual absentee ballot list may subsequently request to
 17 be mailed an absentee ballot for each subsequent election.~~

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

20

21 **Section 11.** Section 13-13-214, MCA, is amended to read:

22 **"13-13-214. Mailing absentee ballot to elector -- delivery to person other than elector.** (1) (a) Except
 23 as provided in 13-13-213 and in subsection (1)(c) of this section, the election administrator shall mail, postage
 24 prepaid, to each legally registered elector and provisionally registered elector from whom the election
 25 administrator has received a valid absentee ballot application under 13-13-211 and 13-13-212 whatever official
 26 ballots are necessary.

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

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

30 (i) the elector has designated the individual, either by a signed letter or by making the designation on

- 1 the application form in a manner prescribed by the secretary of state or pursuant to 13-1-116;
- 2 (ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the
- 3 ballot;
- 4 (iii) the election administrator believes that the individual receiving the ballot is the designated person;
- 5 and
- 6 (iv) the designated person has not previously picked up ballots for four other electors.
- 7 (2) The election administrator shall enclose with the ballots:
- 8 (a) a secrecy envelope, free of any marks that would identify the voter; and
- 9 (b) ~~an~~ a signature envelope for the return of the ballots. The envelope must be self-addressed by the
- 10 election administrator and an affirmation in the form prescribed by the secretary of state must be printed on the
- 11 back of the envelope.
- 12 (3) The election administrator shall ensure that the ballots provided to an absentee elector are marked
- 13 as provided in 13-13-116 and shall remove the stubs from the ballots, keeping the stubs in numerical order with
- 14 the application for absentee ballots, if applicable, or in a precinct envelope or container for that purpose.
- 15 (4) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an
- 16 extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way
- 17 so that it can be identified as being used by any one elector.
- 18 (5) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must
- 19 include use of the envelope for unvoted ballots. The instructions must include information concerning the type
- 20 or types of writing instruments that may be used to mark the absentee ballot. The instructions must include
- 21 information regarding use of the secrecy envelope and use of the ~~return~~ signature envelope. The election
- 22 administrator shall include a voter information pamphlet with the instructions if:
- 23 (a) a statewide ballot issue appears on the ballot mailed to the elector; and
- 24 (b) the elector requests a voter information pamphlet."
- 25

26 **Section 12.** Section 13-13-229, MCA, is amended to read:

27 **"13-13-229. Voting performed before special absentee election board.** (1) Pursuant to 13-13-212(2),

28 the elector may request that a special absentee election board personally deliver a ballot to the elector.

29 (2) The manner and procedure of voting by use of an absentee ballot under this section must be the

30 same as provided in 13-13-201, except that the elector shall hand the marked ballot in the sealed ~~return~~ signature

1 envelope to the special absentee election board, and the board shall deliver the sealed return signature envelope
2 to the election administrator or to the election judges of the precinct in which the elector is registered.

3 (3) An absentee ballot cast by a qualified elector pursuant to this section may not be rejected by the
4 election administrator if the ballot was in the possession of the board before the time designated for the closing
5 of the polls.

6 (4) An elector who needs assistance in marking the elector's ballot because of physical incapacity or
7 inability to read or write may receive assistance from the special absentee election board appointed to personally
8 deliver the ballot. Any assistance given an elector pursuant to this section must be provided in substantially the
9 same manner as required in 13-13-119."

10

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

12 **"13-13-241. Examination of absentee ballot return signature envelopes -- deposit of absentee and**
13 **unvoted ballots -- rulemaking.** (1) (a) Upon receipt of each absentee ballot signature envelope, an election
14 administrator shall compare the signature of the elector or elector's agent on the absentee ballot request or on
15 the elector's voter registration card with the signature on the return signature envelope.

16 (b) If the elector is legally registered and the signature on the return signature envelope matches the
17 signature on the absentee ballot application or on the elector's voter registration card, the election administrator
18 or an election judge shall handle the ballot as a regular ballot.

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

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

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

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

30 (3) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and

1 handled without being removed from their enclosure envelopes. If an unvoted party ballot is not received, the
2 election administrator shall process the voted party ballot as if the unvoted party ballot had been received.

3 (4) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify the
4 absentee elector as provided in 13-13-245.

5 (5) If the signature on the absentee ballot ~~return~~ signature envelope does not match the signature on
6 the absentee ballot request form or on the elector's voter registration card or if there is no signature on the
7 absentee ballot ~~return~~ signature envelope, the election administrator shall notify the elector as provided in
8 13-13-245.

9 (6) If at any point there is a question concerning the validity of a particular ballot, the question must be
10 resolved as provided in 13-13-245.

11 (7) After receiving an absentee ballot secrecy envelope and if the validity of the ballot is confirmed
12 pursuant to 13-13-245, then no sooner than 1 business day before election day, the election official may, in the
13 presence of a poll watcher, open the secrecy envelope and place the ballot in the proper, secured ballot box until
14 tabulation occurs on election day.

15 (8) The election administrator shall safely and securely keep the absentee ballots in the election
16 administrator's office until delivered by the election administrator to the election judges.

17 (9) The secretary of state shall develop administrative rules to establish the process and procedures to
18 be used during the early preparation of ballots to ensure the security of the ballots and the secrecy of the votes
19 during the early preparation period. The rules must include but are not limited to:

- 20 (a) the allowable distance from the observers to the judges and ballots;
21 (b) the security in the observation area;
22 (c) secrecy of votes during the preparation of the ballots; and
23 (d) security of the secured ballot boxes in storage until tabulation procedures begin on election day."
24

25 **Section 14.** Section 13-13-244, MCA, is amended to read:

26 "**13-13-244. Opening of ~~return~~ signature envelopes after deposit.** If a ~~return~~ signature envelope
27 containing an absentee ballot has been deposited unopened in the ballot box and the envelope has not been
28 marked rejected, the ~~return~~ signature envelope must be processed as provided in 13-13-241."
29

30 **Section 15.** Section 13-13-245, MCA, is amended to read:

1 **"13-13-245. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after
2 receipt of an elector's absentee ballot application or return signature envelope, the election administrator shall
3 give notice to the elector by the most expedient method available if the election administrator has not received
4 or is unable to verify the elector's or agent's signature under 13-13-213 or 13-13-241.

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

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

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

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

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

15 (b) An elector must be provided with:

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

18 (ii) a replacement ballot if a request has been made pursuant to 13-13-204."
19

20 **Section 16.** Section 13-13-602, MCA, is amended to read:

21 **"13-13-602. Fail-safe and provisional voting by mail.** (1) To ensure the election administrator has
22 information sufficient to determine the elector's eligibility to vote, an elector voting by mail may enclose in the
23 outer return signature envelope, together with the voted ballot in the secrecy envelope, a copy of a current and
24 valid photo identification with the elector's name or a copy of a current utility bill, bank statement, paycheck, notice
25 of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government
26 document that shows the elector's name and current address or other information necessary to determine the
27 elector's eligibility to vote.

28 (2) The elector's ballot must be handled as a provisional ballot under 13-15-107 if:

29 (a) a provisionally registered elector voting by mail does not enclose with the ballot the information
30 described in subsection (1);

- 1 (b) the information provided under subsection (1) is invalid or insufficient to verify the elector's eligibility;
2 or
3 (c) the elector's name does not appear on the precinct register."
4

5 **Section 17.** Section 13-13-603, MCA, is amended to read:

6 **"13-13-603. Rulemaking on provisional voting, absentee ballots, and challenged ballots.** (1) The
7 secretary of state shall adopt rules to:

8 (a) implement the provisions of 13-13-114 and this part concerning verification of voter identification and
9 eligibility;

10 (b) establish standards for determining the sufficiency of information provided on absentee ballot ~~return~~
11 signature envelopes pursuant to 13-13-241;

12 (c) implement the provisions of 13-15-107 on the handling and counting of provisional and challenged
13 ballots, including the establishment of procedures for verifying voter registration and eligibility information with
14 respect to the ballots.

15 (2) The rules may not conflict with rules established under 13-2-109."
16

17 **Section 18.** Section 13-15-108, MCA, is amended to read:

18 **"13-15-108. Rejected ballots -- handling provided by rule.** (1) All rejected absentee ballots, the
19 absentee ballot applications, and all absentee ballot ~~return~~ signature envelopes must be handled and marked
20 as provided under rules adopted by the secretary of state.

21 (2) After being handled and marked as provided in this section, all rejected ballots must be placed in a
22 package or container in which the voted ballots are to be placed and the package or container must be sealed,
23 dated, and marked as provided under rules adopted by the secretary of state. After a package or container is
24 sealed pursuant to this subsection (3), a package or container may not be opened without a court order."
25

26 **Section 19.** Section 13-15-201, MCA, is amended to read:

27 **"13-15-201. Preparation for count -- absentee ballot count procedures.** (1) Subject to 13-10-311,
28 to prepare for a count of ballots, the counting board or, if appointed, the absentee counting board shall take
29 ballots out of the box to determine whether each ballot is single.

30 (2) The board shall count all ballots to ensure that the total number of ballots corresponds with the total

1 number of names in the pollbook.

2 (3) If the board cannot reconcile the total number of ballots with the pollbook, the board shall submit to
3 the election administrator a written report stating how many ballots were missing or in excess and any reason
4 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
6 agree that the marking is missing because of an error by election officials, in which case the ballot must be
7 marked "unmarked by error" on the back and must be initialed by all judges.

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

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

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

14 (a) the elector's signature on the affirmation on the ~~return~~ signature envelope is verified pursuant to
15 13-13-241; and

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

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

18 (i) problems with the ballot have not been resolved pursuant to 13-13-245;

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

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

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

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

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

28

29 **Section 20.** Section 13-19-101, MCA, is amended to read:

30 "**13-19-101. Statement of purpose.** The purpose of this chapter is to provide ~~the option of and~~

1 procedures for conducting ~~certain specified elections~~ as mail ballot elections. The provisions of this chapter
 2 recognize that sound public policy concerning the conduct of elections often requires the balancing of various
 3 elements of the public interest that are sometimes in conflict. Among these factors are the public's interest in fair
 4 and accurate elections, the election of those who will govern or represent, and cost-effective administration of
 5 all functions of government, including the conduct of elections. The provisions of this chapter further recognize
 6 that when these and other factors are balanced, the conduct of elections by mail ballot is potentially the most
 7 desirable of the available options in certain circumstances."

8

9 **Section 21.** Section 13-19-102, MCA, is amended to read:

10 **"13-19-102. Definitions.** As used in this chapter, the following definitions apply:

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

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

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

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

18 ~~_____ (5) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is
 19 designed to:~~

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

22 ~~_____ (b) allow it to be used in the United States mail."~~

23

24 **Section 22.** Section 13-19-104, MCA, is amended to read:

25 **"13-19-104. Mail ballot elections ~~not mandatory -- when authorized exception -- when prohibited~~**
 26 **~~-- when county election administrator conducts.~~** (1) ~~Conducting elections by mail ballot is only one option~~
 27 ~~available to local officials, and this chapter does not mandate that the procedure be used:~~

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

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

- 1 ~~_____ (a) a regularly scheduled federal, state, or county election;~~
 2 ~~_____ (b) a special federal or state election, unless authorized by the legislature; or~~
 3 ~~_____ (c) a regularly scheduled or special election when another election in the political subdivision is taking~~
 4 ~~place at the polls on the same day.~~

5 (2) Elections conducted by a school district clerk under Title 20, chapter 20, may be conducted under
 6 this chapter or as polling place elections.

7 ~~(4)(3)~~ (a) Except as provided in subsection ~~(4)(b)~~ (3)(b), if more than one mail ballot election is being
 8 conducted in the political subdivision on the same day, the county election administrator shall conduct the
 9 elections.

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

14

15 **Section 23.** Section 13-19-105, MCA, is amended to read:

16 **"13-19-105. Role of secretary of state.** In addition to other powers and duties conveyed by law, the
 17 secretary of state, with advice from election administrators, shall:

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

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

27

28 **Section 24.** Section 13-19-106, MCA, is amended to read:

29 **"13-19-106. General requirements for mail ballot election.** A mail ballot election must be conducted
 30 substantially as follows:

- 1 (1) Subject to 13-12-202, official mail ballots must be prepared and all other initial procedures followed
2 as provided by law, except that mail ballots must be paper ballots and are not required to have stubs.
- 3 (2) An official ballot must be mailed to every ~~qualified~~ active and provisionally registered elector of the
4 political subdivision conducting the election.
- 5 (3) Each signature envelope must contain:
- 6 (a) a warning that, pursuant to 13-35-103 and 13-35-218, any person who unduly influences a person
7 to vote in a particular manner or to refrain from voting commits a misdemeanor and may be subject to fine,
8 imprisonment, or both; and
- 9 (b) a form that is the same as the form for absentee ballot return signature envelopes and that is
10 prescribed by the secretary of state for the elector to verify the accuracy of the elector's address or notify the
11 election administrator of the elector's correct mailing address and to return the corrected address with the voted
12 ballot in the manner provided by 13-19-306.
- 13 (4) The elector shall mark the ballot and place it in a secrecy envelope.
- 14 (5) ~~(a)~~ The elector or the elector's agent or designee shall then place the secrecy envelope containing
15 the elector's ballot in a signature envelope, sign the signature envelope, and mail it or deliver it in person to a
16 county election office, a place of deposit, or an official secure drop box designated by the election administrator.
- 17 (6) If the elector returns the ballot by mail, postage must be affixed.
- 18 (7) Each county shall pay for insufficient postage on ballots returned by mail, subject to 13-1-302.
- 19 ~~(b)(8)~~ Except as provided in 13-21-206 and 13-21-207, the voted ballot must be received ~~before~~ at the
20 election office, a designated place of deposit, or an official secure drop box no later than 8 p.m. on election day.
- 21 ~~(6)(9)~~ Election officials shall first qualify the voted ballot by examining the signature envelope to
22 determine whether the signature on the envelope, when compared to the signature on file for that elector in the
23 statewide voter registration database, meets the requirements for signature verification as prescribed by the
24 secretary of state and whether it is submitted by a qualified elector who has not previously voted in the election.
- 25 (10) An election official may not assist with the signature verification process in this part unless the official
26 has been trained in accordance with 13-1-203(3) or 13-4-203.
- 27 (11) A ballot may not be rejected due to a signature mismatch until it has been reviewed and approved
28 by the election administrator.
- 29 ~~(7)(12)~~ If the signature is verified and the voted ballot qualifies and is otherwise valid, officials shall then
30 open the signature envelope and remove the secrecy envelope, which must be deposited unopened in an official

1 ballot box.

2 ~~(8)(13)~~ Except as provided in 13-19-312, after the close of voting on election day, voted ballots must be
3 counted and canvassed as provided in Title 13, chapter 15."

4

5 **Section 25.** Section 13-19-201, MCA, is amended to read:

6 "**13-19-201. How mail ballot election initiated.** A proposal to conduct an election held pursuant to Title
7 20, chapter 20, under the provisions of this chapter may be initiated by either the election administrator or the
8 appropriate governing body as provided in 13-19-202 through 13-19-204."

9

10 **Section 26.** Section 13-19-202, MCA, is amended to read:

11 "**13-19-202. Initiation by school district governing body.** (1) A ~~political subdivision~~ school district may,
12 by resolution of the governing body addressed to the election administrator, request that a particular election be
13 conducted under the provisions of this chapter.

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

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

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

22

23 **Section 27.** Section 13-19-203, MCA, is amended to read:

24 "**13-19-203. Initiation by election administrator.** (1) Even if a request has not been received from ~~the~~
25 a school district governing body ~~concerned~~, the election administrator may conduct ~~any~~ a school district election
26 authorized by 13-19-104 under the provisions of this chapter if the election administrator determines that a mail
27 ballot election is the most economically and administratively feasible way of conducting the election in question.

28 (2) If the election administrator decides to conduct ~~an~~ a school district election pursuant to subsection
29 (1), the election administrator shall prepare a written plan as provided in 13-19-205 and forward a copy to the
30 school district governing body ~~concerned~~, together with a written statement informing the governing body of the

1 decision to conduct the election by mail ballot, the reasons for the decision, and the right of the governing body
2 to object under 13-19-204."

3

4 **Section 28.** Section 13-19-204, MCA, is amended to read:

5 **"13-19-204. Objection of ~~political subdivision~~ school district.** (1) A ~~political subdivision~~ school district
6 may, by resolution of the governing body, object to the conduct of one of its elections under this chapter. The
7 resolution must include a statement of the reasons for the objection.

8 (2) If the resolution is filed with the election administrator no later than 55 days prior to election day, the
9 election may not be conducted by mail under this chapter."

10

11 **Section 29.** Section 13-19-205, MCA, is amended to read:

12 **"13-19-205. Written plan for conduct of election -- amendments -- approval procedures.** (1) The
13 election administrator shall:

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

17 (b) hold a public hearing on the preliminary plan by March 15; and

18 (c) ~~and shall~~ submit the final written plan to the secretary of state in a manner that ensures that it is
19 received ~~at least 60 days prior to the date set for the election~~ no later than March 31.

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

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

25 ~~(2)(4)~~ (4) The written plan for elections other than an election conducted pursuant to Title 20, chapter 20,
26 must include:

27 (a) ~~a timetable for the election; and~~ public outreach efforts to notify electors that ballots will be mailed
28 to active and provisionally registered electors only, an explanation of how electors may check their voter
29 registration status, and how inactive electors may reactivate their voter registration;

30 (b) security procedures for transporting ballots and official secure drop boxes, storing ballots and

1 tabulating equipment, and processing and tabulating ballots;

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

5 (d) the location of all places of deposit and the days and times that each place of deposit will be
 6 available;

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

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

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

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

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

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

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

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

22 (a) a timetable for the election; and

23 (b) sample written instructions that will be sent to electors, which include but are not limited to:

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

25 (ii) the location of the places of deposit and the days and times when the ballots may be returned to the
 26 places of deposit; and

27 (iii) a section where information can be added before the instructions are mailed to electors if information
 28 on the location and hours of places of deposit is not available at the time the written plan is submitted.

29 ~~(3)~~(6) The plan may be amended by the election administrator may amend a written plan at any time
 30 prior to the 35th day before election day by notifying the secretary of state in writing of any changes. Any material

1 amendments to a final written plan will require public notice.

2 ~~(4)(7) Within 5~~ Except as provided in subsection (8), the secretary of state shall notify the election
 3 administrator of any changes that must be made to the written plan or its amendments within 30 days of receiving
 4 the preliminary plan and as soon as possible after receiving any amendments, the secretary of state shall
 5 approve, disapprove, or recommend changes to the plan or amendments.

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

9 ~~(5)(9)~~ When the written plan has been approved, the election administrator shall proceed to conduct the
 10 ~~election~~ elections according to the approved plan unless ~~the~~ an election is canceled for any reason provided by
 11 law."
 12

13 NEW SECTION. Section 30. Notice to inactive voter. (1) Each election administrator shall send a
 14 forwardable notice to each inactive voter with instructions on procedures for reactivation under 13-2-222.

15 (2) The notice must be sent on April 1 and September 1 of each year when there is a federal election
 16 and on January 31 for nonfederal election years.
 17

18 **Section 31.** Section 13-19-206, MCA, is amended to read:

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

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

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

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

25 (b) a secrecy envelope;

26 (c) a signature envelope; and

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

29 (3) ensure that each packet is:

30 (a) addressed to a single individual elector at the most current address available from the official

1 registration records; and

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

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

6

7 **Section 32.** Section 13-19-207, MCA, is amended to read:

8 **"13-19-207. When materials to be mailed.** (1) Except as provided in subsection ~~(2)~~ (3) and except for
9 ballots mailed pursuant to 13-13-205(2), for any election conducted by mail, ballots must be mailed ~~no sooner~~
10 ~~than to electors on the 25th day and no later than the 15th day~~ before the election day.

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

13 ~~(b)~~(3) At any time before noon on the day before election day, a ballot may be mailed or, upon request,
14 provided in person at the election administrator's office to:

15 ~~(i)~~(a) an elector on the inactive list after the elector reactivates the elector's registration as provided in
16 13-2-222; or

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

18 ~~(c)~~(4) An elector on the inactive list shall vote at the election administrator's office on election day if the
19 elector reactivates the elector's registration after noon on the day before election day.

20 ~~(d)~~(5) An elector who registers pursuant to 13-2-304 on election day or on the day before election day
21 must receive the ballot in person and vote it at the election administrator's office."

22

23 **Section 33.** Section 13-19-301, MCA, is amended to read:

24 **"13-19-301. Voting mail ballots.** (1) Upon receipt of a mailed ballot, the elector may vote by:

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

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

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

29 (d) executing the affirmation printed on the signature envelope; and

30 (e) returning the signature envelope with all appropriate enclosures, as provided in 13-19-306.

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

3
 4 **NEW SECTION. Section 34. Voting booths for primary, general, and special elections.** At each
 5 primary election, general election, and special election conducted by the county election administrator, the county
 6 election administrator shall maintain a minimum of one voting booth at any location where ballots are issued.

7
 8 **Section 35.** Section 13-19-303, MCA, is amended to read:

9 **"13-19-303. Voting by elector when absent from place of residence during conduct of election.**

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

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

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

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

19 ~~(b)~~(3) A ballot may be provided pursuant to this section until noon on the day before election day if, after
 20 the ballots are mailed to active and provisionally registered electors:

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

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

24
 25 **Section 36.** Section 13-19-304, MCA, is amended to read:

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

1 (2) An individual complying with subsection (1) before official ballots are available may provide a card
 2 to the election administrator containing the signature of the individual or the individual's agent designated
 3 pursuant to 13-1-116 and the address to which the ballot is to be mailed. The signature provided must be used
 4 for verification when the mail ballot is returned.

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

7

8 **Section 37.** Section 13-19-305, MCA, is amended to read:

9 **"13-19-305. Replacement ballots.** (1) Replacement ballots may be issued as specified in 13-13-204
 10 and, if applicable, as specified in 13-19-307(4).

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

14

15 **Section 38.** Section 13-19-306, MCA, is amended to read:

16 **"13-19-306. Returning marked ballots -- when -- where.** (1) After complying with 13-19-301, an elector
 17 or the elector's agent or designee may return the elector's ballot on or before election day by either:

18 (a) depositing the signature envelope in the United States mail, with sufficient postage affixed; or

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

21 (2) Except as provided in 13-21-206 and 13-21-207, in order for the ballot to be counted, each elector
 22 shall return it in a manner that ensures it is received prior to 8 p.m. on election day at the election office, a place
 23 of deposit, or an official secure drop box.

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

27 (a) the ballot must be counted as a regular ballot on election day if it is received by the county of
 28 issuance by 8 p.m. on election day; and

29 (b) if the ballot is received at the county of issuance after 8 p.m. on election day and by no later than 3
 30 p.m. on the 6th day after the election from the county to which the ballot was returned, the ballot must be handled

1 as a provisional ballot under 13-15-107."

2

3 **Section 39.** Section 13-19-307, MCA, is amended to read:

4 **"13-19-307. Places of deposit and official secure drop boxes.** (1) ~~(a)~~ The election administrator of
5 an election held pursuant to 13-1-104(1) and 13-1-107(1) shall designate the election administrator's office and
6 ~~may designate~~ one or more places in the political subdivision in which the election is being conducted as places
7 of deposit on election day where ballots may be returned in person by the elector or the elector's agent or
8 designee; as follows:

9 (a) for counties with 6,000 or more active voters, there must be a minimum of three staffed places of
10 deposit;

11 (b) for counties with less than 6,000 active voters but at least 3,000 active voters there must be a
12 minimum of two staffed places of deposit;

13 (c) for counties with less than 3,000 active voters, there must be a minimum of one staffed place of
14 deposit.

15 (2) The county election office must be one of the required locations for a staffed place of deposit and
16 counts towards the minimum number required.

17 (3) A staffed place of deposit may function as a place of deposit for a period before election day, as
18 designated by the election administrator.

19 (4) The election administrator may designate a staffed place of deposit as a location that will issue
20 replacement ballots.

21 (5) Each place of deposit must be staffed by at least two election officials who are selected by the
22 election administrator and, when possible, are from different political parties.

23 (6) The election administrator shall provide each designated place of deposit with an official secure ballot
24 transport box.

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

27 ~~(b)~~(8) If the election administrator's office is not accessible pursuant to 13-3-205, the election
28 administrator shall designate at least one accessible staffed place of deposit.

29 (9) Staffed places of deposit for any federal or state election or for a county election held in conjunction
30 with a federal or state election must have accessible voting available to electors at each staffed place of deposit.

1 (10) Nothing in this section prevents an election administrator from providing additional services to voters
2 with disabilities for any election under this title.

3 (11) Election administrators shall make reasonable accommodations for voters with disabilities to use
4 accessible voting technology, including providing accessible voting technology at an alternate location upon the
5 request of an elector or the elector's agent, unless it is an undue hardship for the election administrator to do so.

6 (12) A request made pursuant to subsection (11) must be made before noon on election day and must
7 allow sufficient time for the election administrator to provide the requested assistance.

8 (13) In addition to the staffed places of deposit required in subsection (1), the election administrator shall
9 designate official secure drop box locations in addition to the county election office for the deposit of voted ballots
10 as follows:

11 (a) each county must have at least one additional official secure drop box location for every 15,000 active
12 registered electors;

13 (b) if a county has less than 15,000 active registered electors, at least one additional official secure drop
14 box must be provided;

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

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

19 (e) if a county has the minimum number of required official secure drop box locations, one of those must
20 be open 24 hours a day, 7 days a week.

21 (14) Consistent with the requirements of subsections (13)(a) through (13)(d):

22 (a) each Indian reservation must have at least one official secure drop box location; and

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

26 (15) A college with less than 10,000 enrolled students at the facility must have at least one official secure
27 drop box.

28 (16) The official secure drop box locations in subsection (14) may be included in the calculation for the
29 total minimum number of official secure drop box locations required for each county.

30 (17) Beginning on the 25th day before the election, ballots may be returned to any official secure drop

1 box during the days and times set by the election administrator.

2 (18) The election administrator shall provide for secure pickup of ballots from official secure drop boxes
 3 by at least two designated individuals, each from different political parties if possible.

4 (19) Places of deposit and official secure drop box locations that are in businesses or public buildings
 5 must be available during the hours designated by the election administrator and within the regular hours of the
 6 business.

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

9 (21) All places of deposit and official secure drop box locations and times must be publicly noticed at least
 10 30 days before an election and included in the preliminary plan specified in 13-19-205 for public comment. This
 11 notice must include information on locations with accessible voting technology available.

12 (22) Staffed places of deposit and official secure drop box locations and times may be changed from the
 13 initial plan up to 35 days before an election. The updated plan must be sent to the secretary of state. If the initial
 14 notice has already been published, the updated plan must be readvertised.

15 (23) An election administrator may make changes in the location of a staffed place of deposit or official
 16 secure drop box location if an emergency occurs 10 days or less before an election or if the official secure drop
 17 box location becomes unavailable for any reason. Notice must be posted at both the old and new locations and
 18 other notice may be given by whatever methods are available.

19 ~~———— (2) Prior to election day, ballots may be returned to any designated place of deposit during the days and~~
 20 ~~times set by the election administrator and within the regular business hours of the location.~~

21 ~~(3)~~(24) On election day, each location designated as a staffed place of deposit and each official secure
 22 drop box location must be open available as provided in 13-1-106, and ballots may be returned during those
 23 hours.

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

26 ~~———— (5) Each place of deposit must be staffed by at least two election officials who, except for election judges~~
 27 ~~serving in elections under Title 20, chapter 20, are selected in the same manner as provided for the selection of~~
 28 ~~election judges in 13-4-102.~~

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

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

3

4 **Section 40.** Section 13-19-308, MCA, is amended to read:

5 **"13-19-308. Disposition of ballots returned in person to place of deposit other than election office.**

6 If a ballot is returned in person by the elector or the elector's agent or designee to a place of deposit other than
7 the election administrator's office, the election officials on location shall:

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

10 (2) deposit the unopened signature envelope in the sealed ballot transport box provided for that purpose;

11 and

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

15

16 **Section 41.** Section 13-21-210, MCA, is amended to read:

17 **"13-21-210. Application for absentee ballots.** (1) (a) A United States elector may apply for a regular
18 absentee ballot as follows:

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

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

22 (iii) by making an electronic request that includes the elector's birth date and affirmation of the voter's
23 eligibility to vote under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, et seq.; or

24 (iv) by submitting to the election administrator the standard application form provided for in 13-1-210
25 when registering to vote.

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

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

1 ~~———(3) An application under this section is valid for all federal, state, and local elections in the calendar year~~
 2 ~~in which the application is made unless an elector requests to be mailed an absentee ballot for each subsequent~~
 3 ~~election in which the elector is eligible to vote or only for each subsequent federal election in which the elector~~
 4 ~~is eligible to vote for as long as the elector remains eligible to vote and resides at the address provided in the~~
 5 ~~initial application.~~

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

9 ~~———(5) The elector's county election administrator shall provide the elector with a regular absentee ballot~~
 10 ~~for the elections described in subsection (3) as soon as the ballots are printed, but not later than 45 days before~~
 11 ~~either a federal primary election, federal general election, or federal special election."~~

12

13 **Section 42.** Section 13-21-212, MCA, is amended to read:

14 **"13-21-212. Mailing ballots to United States elector.** Ballots mailed to a United States elector must
 15 be handled as prescribed in 13-13-214, except that both the envelope in which a ballot is mailed to the elector
 16 and the return signature envelope for the ballot must have printed across its face the information and graphics
 17 and be of the color prescribed by the secretary of state consistent with the regulations established by the federal
 18 election commission, the U.S. postal service, or other federal agency."

19

20 NEW SECTION. **Section 43. Repealer.** The following section of the Montana Code Annotated is
 21 repealed:

22 13-19-302. Proportional voting.

23

24 NEW SECTION. **Section 44. Codification instruction.** (1) [Section 30] is intended to be codified as
 25 an integral part of Title 13, chapter 19, part 2, and the provisions of Title 13, chapter 19, part 2, apply to [section
 26 30].

27 (2) [Section 34] is intended to be codified as an integral part of Title 13, chapter 19, part 3, and the
 28 provisions of Title 13, chapter 19, part 3, apply to [section 34].

29

30 NEW SECTION. **Section 45. Effective date.** [This act] is effective January 1, 2014.

1

2 NEW SECTION. **Section 46. Termination.** [Section 30] terminates December 1, 2016.

3

- END -