

HOUSE BILL NO. 200

INTRODUCED BY S. FITZPATRICK

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; ~~PROHIBITING A~~
 5 ~~PERSON FROM COLLECTING AND RETURNING ABSENTEE OR MAIL BALLOTS TO AN ELECTION OFFICE;~~
 6 ~~PROVIDING EXEMPTIONS FOR CERTAIN INDIVIDUALS; REVISING THE QUALIFICATIONS FOR ELECTION~~
 7 ~~JUDGES AND MEMBERS OF A SPECIAL ABSENTEE ELECTION BOARD; REVISING WHO MAY BE AN~~
 8 ~~ELECTION OFFICIAL HANDLING ABSENTEE BALLOTS; PROHIBITING CERTAIN ITEMS PERSONS FROM~~
 9 ~~BEING DISTRIBUTED DISTRIBUTING CERTAIN ITEMS TO ELECTORS AT OR OUTSIDE A POLLING PLACE;~~
 10 AND AMENDING SECTIONS 13-4-107, 13-13-225, 13-13-241, 13-19-306, AND SECTION 13-35-211, MCA."

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

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 14 ~~NEW SECTION. Section 1. Prohibition on collecting and returning ballots to election office --~~
 15 ~~exceptions.~~ (1) Except as provided in subsection (2), a person may not collect and return absentee or mail
 16 ballots to an election office.

17 ~~(2) (a) This section does not apply to:~~

18 ~~(i) an individual returning the individual's own ballot to an election office; or~~

19 ~~(ii) an individual who returns a ballot to an election office as part of the individual's employment or~~
20 ~~contract with the United States postal service or a mail delivery business.~~

21 ~~(b) Nothing in this section may be construed to interfere with an individual, election judge, or election~~
22 ~~administrator:~~

23 ~~(i) providing assistance to a disabled elector as provided in 13-13-118;~~

24 ~~(ii) providing assistance to an elector as provided in 13-13-229; or~~

25 ~~(iii) complying with the provisions of Title 13, chapter 21.~~

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27 ~~Section 2. Section 13-4-107, MCA, is amended to read:~~

28 ~~"13-4-107. Qualifications of election judges -- prohibitions.~~ (1) Election judges shall must be
29 registered electors of the county and of the precinct in which they serve, except as provided in 13-4-102(4).

30 ~~(2) No Except as provided in subsection (3), in an election precinct where a candidate's name appears~~

1 ~~on the ballot, an election judge may not be:~~
 2 ~~—— (a) a the candidate; or a spouse;~~
 3 ~~—— (b) an ascendant, descendant, brother, or sister of a the candidate; or a candidate's spouse or~~
 4 ~~—— (c) the spouse of any of these in an election precinct where the candidate's name appears on the ballot.~~
 5 ~~However, this does the candidate or any of the individuals listed in subsection (2)(b):~~
 6 ~~—— (3) The provisions of subsection (2) do not apply to candidates for precinct offices.~~
 7 ~~—— (4) A campaign worker or an officer of a political party or a party central committee may not serve as an~~
 8 ~~election judge."~~

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 10 ~~—— **Section 3.** Section 13-13-225, MCA, is amended to read:~~
 11 ~~—— **"13-13-225. Special absentee election boards -- members -- appointment.** (1) The election~~
 12 ~~administrator shall designate and appoint a number of special absentee election boards as needed to serve in~~
 13 ~~various places to deliver ballots to electors who are entitled to vote by absentee ballot as provided in 13-13-229.~~
 14 ~~—— (2) In a partisan election, each special absentee election board must consist of two members, one from~~
 15 ~~each of the two political parties receiving the highest number of votes in the state during the last preceding~~
 16 ~~general election, if possible. Board members shall reside in the county in which they serve:~~
 17 ~~—— (3) A member of a special absentee election board may not be:~~
 18 ~~—— (a) in an election precinct where a candidate's name appears on the ballot: a~~
 19 ~~—— (i) the candidate; or a spouse;~~
 20 ~~—— (ii) an ascendant, descendant, brother, or sister of a the candidate; or of a candidate's spouse or~~
 21 ~~—— (iii) the spouse of any one of these if the candidate's name appears on a ballot in the county the~~
 22 ~~candidate or any of the individuals listed in subsection (3)(a)(ii):~~
 23 ~~—— (b) a campaign worker or an officer of a political party or a party central committee."~~

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 25 ~~—— **Section 4.** Section 13-13-241, MCA, is amended to read:~~
 26 ~~—— **"13-13-241. Examination of absentee ballot return envelopes -- deposit of absentee and unvoted**~~
 27 ~~**ballots -- rulemaking.** (1) (a) Upon receipt of each absentee ballot signature envelope, an election administrator~~
 28 ~~shall compare the signature of the elector or elector's agent on the absentee ballot request or on the elector's~~
 29 ~~voter registration card with the signature on the return envelope:~~
 30 ~~—— (b) If the elector is legally registered and the signature on the return envelope matches the signature on~~

1 the absentee ballot application or on the elector's voter registration card, the election administrator or an election
2 judge shall handle the ballot as a regular ballot.

3 ~~——— (c) (i) If the elector is provisionally registered and the signature on the return envelope matches the
4 signature on the absentee ballot application or on the elector's voter registration card, the election administrator
5 or an election judge shall open the outer return envelope and determine whether the elector's voter identification
6 and eligibility information, if enclosed pursuant to 13-13-201, is sufficient pursuant to rules adopted under
7 13-2-109 to legally register the elector.~~

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

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

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

14 ~~——— (3) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and
15 handled without being removed from their enclosure envelopes. If an unvoted party ballot is not received, the
16 election administrator shall process the voted party ballot as if the unvoted party ballot had been received.~~

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

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

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

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

28 ~~——— (b) For the purposes of this section, an election official may not be a candidate, a campaign worker, or
29 an officer of a political party or party central committee unless the official is the election administrator.~~

30 ~~——— (8) The election administrator shall safely and securely keep the absentee ballots in the election~~

1 administrator's office until delivered by the election administrator to the election judges.

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

5 ~~———— (a) the allowable distance from the observers to the judges and ballots;~~

6 ~~———— (b) the security in the observation area;~~

7 ~~———— (c) secrecy of votes during the preparation of the ballots; and~~

8 ~~———— (d) security of the secured ballot boxes in storage until tabulation procedures begin on election day."~~

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10 ~~———— **Section 5.** Section 13-19-306, MCA, is amended to read:~~

11 ~~———— **"13-19-306. Returning marked ballots -- when -- where.** (1) After complying with 13-19-301 and~~
12 ~~subject to [section 1], an elector or the elector's agent or designee may return the elector's ballot on or before~~
13 ~~election day by either:~~

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

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

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

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19 **Section 1.** Section 13-35-211, MCA, is amended to read:

20 **"13-35-211. Electioneering -- soliciting information from electors.** (1) A person may not do any
21 electioneering on election day within any polling place or any building in which an election is being held or within
22 100 feet of any entrance to the building in which the polling place is located, ~~which~~ that aids or promotes the
23 success or defeat of any candidate or ballot issue to be voted upon at the election.

24 (2) A person CANDIDATE, A FAMILY MEMBER OF A CANDIDATE, OR A WORKER OR VOLUNTEER FOR THE
25 CANDIDATE'S CAMPAIGN may not distribute alcohol, tobacco, food, drink, or anything of value to a voter within any
26 polling place or any building in which an election is being held or within 100 feet of any entrance to the building
27 in which the polling place is located.

28 ~~(2)(3)~~ (3) A person may not buy, sell, give, wear, or display at or about the polls on an election day any
29 badge, button, or other insignia ~~which~~ that is designed or tends to aid or promote the success or defeat of any
30 candidate or ballot issue to be voted upon at the election.

