

SENATE BILL NO. 57

INTRODUCED BY L. JENT

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING CERTAIN UNIFORM LAWS FOR MILITARY AND OVERSEAS BALLOTS; AMENDING SECTIONS 13-2-110, 13-13-201, 13-13-211, 13-13-233, 13-15-201, 13-19-106, 13-19-306, 13-21-101, 13-21-102, 13-21-104, AND 13-21-213, MCA; REPEALING SECTIONS 13-21-103, 13-21-201, 13-21-202, 13-21-203, 13-21-205, 13-21-207, AND 13-21-210, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**Section 1.** Section 13-2-110, MCA, is amended to read:

**"13-2-110. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by mail, postage paid, by completing and signing the standard application form for voter registration provided for in 13-1-210 and providing the application to the election administrator in the county in which the elector resides.

(2) Each application for voter registration must be accepted and processed as provided in rules adopted under 13-2-109.

(3) Except as provided in subsection (4):

(a) an applicant for voter registration shall provide the applicant's Montana driver's license number; or

(b) if the applicant does not have a Montana driver's license, the applicant shall provide the last four digits of the applicant's social security number.

(4) (a) If an applicant does not have a Montana driver's license or social security number, the applicant shall provide as an alternative form of identification:

(i) a current and valid photo identification, including but not limited to a school district or postsecondary education photo identification or a tribal photo identification, with the individual's name; or

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(b) The alternative form of identification must be:



1 (i) an original version presented to the election administrator if the applicant is applying in person; or  
2 (ii) a copy of any of the required documents, which must be enclosed with the application, if the applicant  
3 is applying by mail.

4 (5) (a) If information provided on an application for voter registration is sufficient to be accepted and  
5 processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall register the  
6 elector as a legally registered elector.

7 (b) If information provided on an application for voter registration was sufficient to be accepted but the  
8 applicant failed to provide the information required in subsection (3) or (4) or if the information provided was  
9 incorrect or insufficient to verify the individual's identity or eligibility to vote, the election administrator shall register  
10 the applicant as a provisionally registered elector.

11 (6) Each applicant for voter registration must be notified of the elector's registration status pursuant to  
12 rules adopted under 13-2-109.

13 (7) The secretary of state shall assign to each elector whose application was accepted a unique  
14 identification number for voting purposes and shall establish a statewide uniform method to allow the secretary  
15 of state and local election officials to distinguish legally registered electors from provisionally registered electors.

16 (8) The provisions of this section may not be interpreted to conflict with voter registration accomplished  
17 under 13-2-221, ~~13-21-201~~, ~~13-21-203~~, [SECTION 15], and 61-5-107 and as provided for in federal law."  
18

19 **Section 2.** Section 13-13-201, MCA, is amended to read:

20 **"13-13-201. Voting by absentee ballot -- procedures.** (1) A legally registered elector or provisionally  
21 registered elector is entitled to vote by absentee ballot as provided for in this part.

22 (2) The elector may vote absentee by:

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

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

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

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

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

30 (i) the election office;

- 1 (ii) a polling place within the elector's county;
- 2 (iii) pursuant to 13-13-229, the special absentee election board; or
- 3 (iv) in a mail ballot election held pursuant to Title 13, chapter 19, a designated place of deposit within the
- 4 elector's county.

5 (3) Except as provided in 13-21-206 ~~and 13-21-207~~ AND [SECTION 20], in order for the ballot to be

6 counted, each elector shall return it in a manner that ensures the ballot is received prior to 8 p.m. on election day.

7 (4) A provisionally registered elector may also enclose in the outer return envelope a copy of the elector's

8 photo identification showing the elector's name. The photo identification may be but is not limited to a valid driver's

9 license, a school district or postsecondary education photo identification, or a tribal photo identification. If the

10 provisionally registered elector does not enclose a photo identification, the elector may enclose a copy of a

11 current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to

12 13-2-207, government check, or other government document that shows the elector's name and current address."

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14 **Section 3.** Section 13-13-211, MCA, is amended to read:

15 **"13-13-211. Time period for application.** (1) Except as provided in 13-13-222, ~~13-21-210,~~ [SECTION

16 17], and subsection (2) of this section, an application for an absentee ballot must be made before noon on the

17 day before the election.

18 (2) A qualified elector who is prevented from voting at the polls as a result of illness or health emergency

19 occurring between 5 p.m. of the Friday preceding the election and noon on election day may request to vote by

20 absentee ballot as provided in 13-13-212(2)."

21

22 **Section 4.** Section 13-13-233, MCA, is amended to read:

23 **"13-13-233. Issuing and recording absentee ballots -- certificate to election judges.** (1) Absentee

24 ballots must be official numbered paper ballots beginning with ballot number 1 and following consecutively

25 according to the number of applications for absentee ballots.

26 (2) The election administrator shall keep a record of all absentee ballots issued.

27 (3) When the election administrator delivers the voted absentee ballots pursuant to 13-13-232(1), the

28 election administrator shall also provide a certificate stating:

29 (a) the ballot numbers of the absentee ballots mailed or transmitted pursuant to 13-13-214 ~~or 13-21-207,~~

30 [SECTION 13(3)(A)], AND [SECTION 18], delivered pursuant to 13-13-229, or marked in person pursuant to 13-13-222;

1 (b) the number of ballots to be reserved for late absentee voting pursuant to 13-13-211(2); and

2 (c) the names of the electors within the precinct to whom the ballots were provided.

3 (4) The chief election judge shall post in a conspicuous location at the polling place a list of the names

4 of electors appearing on the certificate required under subsection (3)."

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6 **Section 5.** Section 13-15-201, MCA, is amended to read:

7 **"13-15-201. Preparation for count -- absentee ballot count procedures.** (1) Subject to 13-10-311,

8 to prepare for a count of ballots, the counting board or, if appointed, the absentee counting board shall take

9 ballots out of the box to determine whether each ballot is single.

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

11 number of names in the pollbook.

12 (3) If the board cannot reconcile the total number of ballots with the pollbook, the board shall submit to

13 the election administrator a written report stating how many ballots were missing or in excess and any reason

14 of which they are aware for the discrepancy. Each judge on the board shall sign the report.

15 (4) A ballot that is not marked as official is void and may not be counted unless all judges on the board

16 agree that the marking is missing because of an error by election officials, in which case the ballot must be

17 marked "unmarked by error" on the back and must be initialed by all judges.

18 (5) If two or more ballots are folded or stuck together to look like a single ballot, they must be laid aside

19 until the count is complete. The counting board shall compare the count with the pollbooks, and if a majority

20 believes that the ballots folded together were voted by one elector, the ballots must be rejected and handled as

21 provided in 13-15-108, otherwise they must be counted.

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

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

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

25 and

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

27 [SECTION 20].

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

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

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

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

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

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

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

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9 **Section 6.** Section 13-19-106, MCA, is amended to read:

10 **"13-19-106. General requirements for mail ballot election.** A mail ballot election must be conducted  
11 substantially as follows:

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

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

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

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

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

23 (b) Except as provided in 13-21-206 ~~and 13-21-207~~ AND [SECTION 20], the voted ballot must be received  
24 before 8 p.m. on election day.

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

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

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

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**Section 7.** Section 13-19-306, MCA, is amended to read:

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

- (a) depositing the signature envelope in the United States mail, with sufficient postage affixed; or
- (b) returning it to any place of deposit designated by the election administrator pursuant to 13-19-307.

(2) Except as provided in 13-21-206 ~~and 13-21-207~~ AND [SECTION 20], in order for the ballot to be counted, each elector shall return it in a manner that ensures it is received prior to 8 p.m. on election day."

**Section 8.** Section 13-21-101, MCA, is amended to read:

**"13-21-101. Short title.** This chapter may be cited as the "Montana Absent Uniformed Services and Overseas ~~Elector Voting~~ Voter Act."

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

**"13-21-102. Definitions.** As used in this chapter, the following definitions apply:

~~(1) "Absent uniformed services elector" means an absent uniformed services voter pursuant to 42 U.S.C. 1973ff-6 who is:~~

~~—— (a) a member of the uniformed services on active duty who, by reason of the active duty, is absent from the place of residence where the member is otherwise qualified to vote;~~

~~—— (b) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or~~

~~—— (c) a spouse or dependent of a member referred to in subsection (1)(a) or (1)(b) who, by reason of the member's active duty, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.~~

(1) "Covered voter" means:

(a) a uniformed-service voter or an overseas voter who is registered to vote in Montana;

(b) a uniformed-service voter whose voting residence is in Montana and who otherwise satisfies Montana's voter eligibility requirements;

(c) an overseas voter who, before leaving the United States, was last eligible to vote in Montana and, except for a state residency requirement, otherwise satisfies Montana's voter eligibility requirements;

1 (d) an overseas voter who, before leaving the United States, would have been last eligible to vote in  
 2 Montana had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies  
 3 Montana's voter eligibility requirements.

4 (2) "Dependent" means an individual recognized as a dependent by a uniformed service.

5 ~~(2)(3)~~ "Federal post-card postcard application" means the federal post-card application prescribed  
 6 pursuant to 42 U.S.C. 1973ff the application prescribed under section 101(b)(2) of the Uniformed and Overseas  
 7 Citizens Absentee Voting Act, 42 U.S.C. 1973ff(b)(2).

8 ~~(3)(4)~~ "Federal write-in absentee ballot" means the federal write-in absentee ballot prescribed pursuant  
 9 to 42 U.S.C. 1973ff-2 the ballot described in section 103 of the Uniformed and Overseas Citizens Absentee  
 10 Voting Act, 42 U.S.C. 1973ff-2.

11 ~~(4) "Member of the merchant marine" means, pursuant to 42 U.S.C. 1973ff-6, a person, other than a~~  
 12 ~~member of the uniformed services or an individual employed, enrolled, or maintained on the Great Lakes of the~~  
 13 ~~inland waterways, who is:~~

14 ~~—— (a) employed as an officer or crew member of a vessel documented under the laws of the United States,~~  
 15 ~~a vessel owned by the United States, or a vessel of a foreign-flag registry under charter to or control of the United~~  
 16 ~~States; or~~

17 ~~—— (b) enrolled as an officer or crew member with the United States for employment or for training for~~  
 18 ~~employment or who is maintained by the United States for emergency relief service on a vessel described in~~  
 19 ~~subsection (4)(a).~~

20 (5) "Military-overseas ballot" means:

21 (a) a federal write-in absentee ballot;

22 (b) an absentee ballot specifically prepared or distributed for use by a covered voter in accordance with  
 23 this chapter; or

24 (c) a ballot cast by a covered voter in accordance with this chapter.

25 ~~(5)(6)~~ "Overseas elector voter" means an overseas voter pursuant to 42 U.S.C. 1973ff-6 who is:

26 ~~—— (a) an absent uniformed services elector who by reason of active duty or service is absent from the~~  
 27 ~~United States on the date of the election involved;~~

28 ~~—— (b) a person who resides outside the United States and is qualified to vote in the last place in which the~~  
 29 ~~person was domiciled before leaving the United States; or~~

30 ~~—— (c) a person who resides outside the United States and would otherwise be qualified to vote in the last~~

1 ~~place in which the person was domiciled before leaving the United States~~ a United States citizen who resides  
 2 outside the United States who would otherwise be qualified to vote in the last place in which the person was  
 3 domiciled before leaving the United States.

4 ~~(6) "Regular absentee ballot" means the absentee ballot prepared by the election administrator for any~~  
 5 ~~election.~~

6 ~~(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States~~  
 7 ~~Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.~~

8 ~~(7)(8) "Uniformed services service" means, pursuant to 42 U.S.C. 1973ff-6, the U.S. army, navy, air~~  
 9 ~~force, marine corps, and coast guard, the commissioned corps of the U.S. public health service, and the~~  
 10 ~~commissioned corps of the U.S. national oceanic and atmospheric administration~~

11 ~~(a) active and reserve components of the army, navy, air force, marine corps, or coast guard of the~~  
 12 ~~United States;~~

13 ~~(b) the merchant marine, the commissioned corps of the public health service, or the commissioned~~  
 14 ~~corps of the national oceanic and atmospheric administration of the United States; or~~

15 ~~(c) the national guard and state militia.~~

16 ~~(9) "Uniformed-service voter" means an individual who is qualified to vote and is:~~

17 ~~(a) a member of the active or reserve components of the army, navy, air force, marine corps, or coast~~  
 18 ~~guard of the United States who is on active duty;~~

19 ~~(b) a member of the merchant marine, the commissioned corps of the public health service, or the~~  
 20 ~~commissioned corps of the national oceanic and atmospheric administration of the United States;~~

21 ~~(c) a member of the national guard or state militia in activated status; or~~

22 ~~(d) a spouse or dependent of a member referred to in this subsection (9).~~

23 ~~(8)(10) "United States", as used in the context of describing a geographical area, means, pursuant to 42~~  
 24 ~~U.S.C. 1973ff-6, the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin~~  
 25 ~~Islands, and American Samoa used in the territorial sense, means the several states, the District of Columbia,~~  
 26 ~~Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction~~  
 27 ~~of the United States.~~

28 ~~(9) "United States elector" means an absent uniformed services elector or an overseas elector.~~

29 ~~(10)(11) "Voter registration form application" means the form approved by the secretary of state that an~~  
 30 ~~elector may use to register to vote in Montana."~~

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2 **Section 10.** Section 13-21-104, MCA, is amended to read:

3 **"13-21-104. Adoption of rules on electronic registration and voting -- acceptance of funds.** (1) The  
4 secretary of state shall adopt reasonable rules under the rulemaking provisions of the Montana Administrative  
5 Procedure Act to implement ~~13-21-207~~ this chapter. The rules are binding upon election administrators.

6 (2) The rules must provide that:

7 (a) there are uniform statewide standards concerning electronic registration and voting;

8 (b) regular absentee ballots for a primary, general, or special election are available in a format that allows  
9 the ballot to be electronically transmitted to a United States elector as soon as the ballots are available pursuant  
10 to 13-13-205;

11 (c) a ~~United States elector~~ covered voter may, subject to 13-2-304, register and vote up to the time that  
12 the polls close on election day;

13 (d) a ~~United States elector~~ covered voter is allowed to cast a provisional ballot if there is a question about  
14 the elector's registration information or eligibility to vote; and

15 (e) a ballot cast by a ~~United States elector~~ covered voter and transmitted electronically will remain secret,  
16 as required by Article IV, section 1, of the Montana constitution. This subsection (2)(e) does not prohibit the  
17 adoption of rules establishing administrative procedures on how electronically transmitted votes must be  
18 transcribed to an official ballot. However, the rules must be designed to protect the accuracy, integrity, and  
19 secrecy of the process.

20 (3) The secretary of state may apply for and receive a grant of funds from any agency or office of the  
21 United States government or from any other public or private source and may use the money for the purpose of  
22 implementing this chapter."  
23

24 **Section 11.** Section 13-21-213, MCA, is amended to read:

25 **"13-21-213. Report on absentee ballots.** (1) Within 60 days after the date of each regularly scheduled  
26 federal general election, each county election administrator shall report to the secretary of state:

27 (a) the number of ~~regular~~ absentee ballots transmitted by the election administrator to ~~United States~~  
28 ~~electors~~ covered voters for the election; and

29 (b) the number of ~~regular~~ absentee ballots cast and returned to the election administrator for the election  
30 from ~~United States electors~~ covered voters; and

1           (c) the method of transmission and the method of submission of each absentee ballot in subsections  
 2 (1)(a) and (1)(b).

3           (2) The secretary of state may prescribe a standardized format for the report.

4           (3) Within 90 days after the date of each regularly scheduled federal general election, the secretary of  
 5 state shall report to the federal election assistance commission, established pursuant to the Help America Vote  
 6 Act of 2002, Public Law 107-252, or its successor a statewide report containing the information provided under  
 7 subsection (1) and any other information required by the federal election assistance commission. The report must  
 8 be made in the format prescribed by the federal election assistance commission."

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 10           NEW SECTION. Section 12. Elections covered. (1) The voting procedures in this chapter apply to:

11           (a) a general, special, presidential preference, or primary election for federal office;

12           (b) a general, special, recall, or primary election for statewide or state legislative office or state ballot  
 13 measure.

14           (2) Nothing in this section prohibits the application of the voting procedures in this chapter to any other  
 15 elections.

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 17           NEW SECTION. Section 13. Role of secretary of state. (1) The secretary of state is the state official  
 18 responsible for implementing the provisions of this chapter and the state's responsibilities under the Uniformed  
 19 and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, et seq.

20           (2) The secretary of state shall make available to covered voters information regarding voter registration  
 21 procedures for covered voters and procedures for casting military-overseas ballots. The secretary of state may  
 22 delegate the responsibility under this subsection only to the state office designated in compliance with section  
 23 102(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff-1(b)(1).

24           (3) (a) The secretary of state shall establish an electronic transmission system that must be available  
 25 at least 45 days before a covered election or any other approved method through which a covered voter may  
 26 apply for and receive voter registration materials, military-overseas ballots, and other information under this  
 27 chapter.

28           (b) If required identification is included, materials submitted through the electronic transmission system  
 29 are not required to be signed.

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1            **NEW SECTION. Section 14. Covered voter's registration address.** In registering to vote, a covered  
2 voter who is eligible to vote in Montana shall use and must be assigned to the voting precinct of the address of  
3 the last place of residence of the voter in Montana. If that address is no longer a recognized residential address,  
4 the voter must be assigned an address for voting purposes.

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6            **NEW SECTION. Section 15. Methods of registering to vote.** (1) To apply to register to vote, in  
7 addition to any other approved method, a covered voter may use a federal postcard application or the  
8 application's electronic equivalent.

9            (2) A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply  
10 to register to vote simultaneously with the submission of the federal write-in absentee ballot.

11            (3) The secretary of state shall ensure that the electronic transmission system described in [section  
12 13(3)] is capable of accepting both a federal postcard application and any other approved electronic registration  
13 application sent to the appropriate election official. The voter may use the electronic transmission system when  
14 available or any other approved method to register to vote.

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16            **NEW SECTION. Section 16. Methods of applying for military-overseas ballot.** (1) A covered voter  
17 who is registered to vote in this state may apply for a military-overseas ballot:

18            (a) using either the regular absentee ballot application in use in the voter's jurisdiction under 13-13-212  
19 or the federal postcard application or the application's electronic equivalent;

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

21            (c) by making an electronic request that includes the voter's birth date and affirmation of the voter's  
22 eligibility to vote under the Montana Absent Uniformed Services and Overseas Voter Act.

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

26            (3) A covered voter who is not registered to vote in Montana may use a federal postcard application or  
27 the application's electronic equivalent to apply simultaneously to register to vote under [section 15] and for a  
28 military-overseas ballot.

29            (4) The secretary of state shall ensure that the electronic transmission system described in [section  
30 13(3)] is capable of accepting the submission of a federal postcard application. The voter may use the electronic

1 transmission system or any other approved method to apply for a military-overseas ballot.

2 (5) A covered voter may use the declaration accompanying a federal write-in absentee ballot as an  
3 application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot  
4 if the declaration is received by the appropriate election official within the time period required by this chapter.

5 (6) An application from a covered voter who applies for a ballot under this section is considered a request  
6 for an absentee ballot for all elections held through December 31 of the year following the calendar year of  
7 application or for a shorter period if requested by the covered voter.

8 (7) To receive the benefits of this chapter, a covered voter shall inform the appropriate election official  
9 that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered  
10 voter include:

11 (a) the use of a federal postcard application or federal write-in absentee ballot;

12 (b) the use of an overseas address on an approved voter registration application or ballot application;

13 and

14 (c) the inclusion on an approved voter registration application or ballot application or other information  
15 sufficient to identify the voter as a covered voter.

16 (8) This section does not preclude a covered voter from voting under Title 13, chapter 13, part 2.

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18 **NEW SECTION. Section 17. Timeliness of application for military-overseas ballot.** Except as  
19 provided in [section 20], an application for a military-overseas ballot is timely if received by 8 p.m. on election day.

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21 **NEW SECTION. Section 18. Transmission of unvoted ballots.** (1) For an election described in  
22 [section 12], not later than 45 days before the election or, if the 45th day before the election falls on a weekend  
23 or holiday, not later than the business day preceding the 45th day, the election official in each jurisdiction charged  
24 with distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all covered voters  
25 who by that date submit a valid military-overseas ballot application.

26 (2) A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic  
27 transmission may choose facsimile transmission or electronic mail or online delivery. The election official in each  
28 jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials  
29 to the voter using the means of transmission chosen by the voter.

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1            NEW SECTION. **Section 19. Use of federal write-in absentee ballot.** A covered voter may use a  
2 federal write-in absentee ballot to vote for all offices and ballot measures in an election described in [section 12].

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4            NEW SECTION. **Section 20. Receipt of voted ballot.** (1) A valid military-overseas ballot must be  
5 counted if it is received by 8 p.m. on election day or by 5 p.m. the day after election day if transmitted  
6 electronically by 8 p.m. on election day.

7            (2) Voted ballots transmitted electronically by 8 p.m. on election day and received by 5 p.m. the day after  
8 election day must be counted at the same time as provisional ballots are counted.

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10           NEW SECTION. **Section 21. Confirmation of receipt of application and voted ballot.** The secretary  
11 of state, in coordination with local election officials, shall implement an electronic free-access system by which  
12 a covered voter may determine by telephone, electronic mail, or internet whether:

13            (1) the voter's federal postcard application or other registration or military-overseas ballot application has  
14 been received and accepted; and

15            (2) the voter's military-overseas ballot has been received and the current status of the ballot.

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17           NEW SECTION. **Section 22. Use of voter's e-mail address.** (1) A local election official shall request  
18 an e-mail address from each covered voter who registers to vote after [the effective date of this act].

19            (2) An e-mail address provided by a covered voter may not be made available to the public or any  
20 individual or organization other than a state or local election official and is exempt from disclosure under Title 2,  
21 chapter 6.

22            (3) The address may be used only for official communication with the voter about the voting process,  
23 including transmitting military-overseas ballots and election materials if the voter has requested electronic  
24 transmission and verifying the voter's mailing address and physical location.

25  
26           NEW SECTION. **Section 23. Repealer.** The following sections of the Montana Code Annotated are  
27 repealed:

28 13-21-103.      Secretary of state designated as single point of contact -- rulemaking.

29 13-21-201.      Registration of United States electors -- simultaneous application for absentee ballot.

30 13-21-202.      Classification of applications for regular absentee ballots -- notification of elector.

- 1 13-21-203. Registration of United States electors after return.  
2 13-21-205. Federal write-in absentee ballot.  
3 13-21-207. Registration and voting electronically -- definition.  
4 13-21-210. Application for absentee ballots.

5

6 **NEW SECTION. Section 24. Codification instruction.** (1) [Sections 12 and 13] are intended to be  
7 codified as an integral part of Title 13, chapter 21, part 1, and the provisions of Title 13, chapter 21, part 1, apply  
8 to [sections 12 and 13].

9 (2) [Sections 14 through 22] are intended to be codified as an integral part of Title 13, chapter 21, part  
10 2, and the provisions of Title 13, chapter 21, part 2, apply to [sections 14 through 22].

11

12 **NEW SECTION. Section 25. Effective date.** [This act] is effective January 1, 2014.

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