

HOUSE BILL NO. 807

INTRODUCED BY L. HELLEGAARD, T. MOORE, F. NAVE, J. READ, J. GILLETTE, B. PHALEN

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; MAKING THE ELECTION ADMINISTRATOR AN ELECTED POSITION; PROVIDING DEFINITIONS; REVISING PROVISIONS FOR THE REACTIVATION OF AN ELECTOR; AMENDING SECTIONS 2-2-121, 7-4-2611, 13-1-101, 13-1-301, 13-1-305, 13-1-404, 13-2-222, 13-13-205, 13-19-313, 13-37-201, 13-37-219, 13-37-226, AND 13-37-234, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-2-121, MCA, is amended to read:

"2-2-121. Rules of conduct for public officers and public employees. (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

(2) A public officer or a public employee may not:

(a) subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes;

(b) engage in a substantial financial transaction for the officer's or employee's private business purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

(c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the officer's or employee's agency;

(d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the officer or employee regulates in the course of official duties without first giving written

1 notification to the officer's or employee's supervisor and department director.

2 (3) (a) Except as provided in subsection (3)(b), a public officer or public employee may not use or
3 permit the use of public time, facilities, equipment, supplies, personnel, or funds to solicit support for or
4 opposition to any political committee, the nomination or election of any person to public office, or the passage of
5 a ballot issue unless the use is:

6 (i) authorized by law; or

7 (ii) properly incidental to another activity required or authorized by law, such as the function of an
8 elected public officer, the officer's staff, or the legislative staff in the normal course of duties.

9 (b) As used in this subsection (3), "properly incidental to another activity required or authorized by
10 law" does not include any activities related to solicitation of support for or opposition to the nomination or
11 election of a person to public office or political committees organized to support or oppose a candidate or
12 candidates for public office. With respect to ballot issues, properly incidental activities are restricted to:

13 (i) the activities of a public officer, the public officer's staff, or legislative staff related to
14 determining the impact of passage or failure of a ballot issue on state or local government operations;

15 (ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the
16 requirements of law governing public meetings of the local board of trustees, including the resulting
17 dissemination of information by a board of trustees or a school superintendent or a designated employee in a
18 district with no superintendent in support of or opposition to a bond issue or levy submitted to the electors.

19 Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond
20 issue or levy submitted to the electors.

21 (c) This subsection (3) is not intended to restrict the right of a public officer or public employee to
22 express personal political views.

23 (d) (i) If the public officer or public employee is a Montana highway patrol chief or highway patrol
24 officer appointed under Title 44, chapter 1, the term "equipment" as used in this subsection (3) includes the
25 chief's or officer's official highway patrol uniform.

26 (ii) A Montana highway patrol chief's or highway patrol officer's title may not be referred to in the
27 solicitation of support for or opposition to any political committee, the nomination or election of any person to
28 public office, or the passage of a ballot issue.

1 (4) (a) A candidate, as defined in ~~13-1-101(8)(a)~~ 13-1-101(9)(a), may not use or permit the use of
2 state funds for any advertisement or public service announcement in a newspaper, on radio, or on television
3 that contains the candidate's name, picture, or voice except in the case of a state or national emergency and
4 then only if the announcement is reasonably necessary to the candidate's official functions.

5 (b) A state officer may not use or permit the use of public time, facilities, equipment, supplies,
6 personnel, or funds to produce, print, or broadcast any advertisement or public service announcement in a
7 newspaper, on radio, or on television that contains the state officer's name, picture, or voice except in the case
8 of a state or national emergency if the announcement is reasonably necessary to the state officer's official
9 functions or in the case of an announcement directly related to a program or activity under the jurisdiction of the
10 office or position to which the state officer was elected or appointed.

11 (5) A public officer or public employee may not participate in a proceeding when an organization,
12 other than an organization or association of local government officials, of which the public officer or public
13 employee is an officer or director is:

14 (a) involved in a proceeding before the employing agency that is within the scope of the public
15 officer's or public employee's job duties; or

16 (b) attempting to influence a local, state, or federal proceeding in which the public officer or public
17 employee represents the state or local government.

18 (6) A public officer or public employee may not engage in any activity, including lobbying, as
19 defined in 5-7-102, on behalf of an organization, other than an organization or association of local government
20 officials, of which the public officer or public employee is a member while performing the public officer's or
21 public employee's job duties. The provisions of this subsection do not prohibit a public officer or public
22 employee from performing charitable fundraising activities if approved by the public officer's or public
23 employee's supervisor or authorized by law.

24 (7) A listing by a public officer or a public employee in the electronic directory provided for in 30-
25 17-101 of any product created outside of work in a public agency is not in violation of subsection (2)(a) of this
26 section. The public officer or public employee may not make arrangements for the listing in the electronic
27 directory during work hours.

28 (8) A department head or a member of a quasi-judicial or rulemaking board may perform an official

1 act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a
2 statute and if the person complies with the disclosure procedures under 2-2-131.

3 (9) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee
4 unless the member is also a full-time public employee.

5 (10) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local
6 government from performing an official act when the member's participation is necessary to obtain a quorum or
7 to otherwise enable the body to act. The member shall disclose the interest creating the appearance of
8 impropriety prior to performing the official act."

9

10 **Section 2.** Section 7-4-2611, MCA, is amended to read:

11 **"7-4-2611. Role and duties of county clerk and election administrator.** (1) The county clerk of a
12 county is also clerk of the county commissioners and ex officio recorder. A duty imposed by law upon the
13 officer, whether as county clerk, clerk of the county commissioners, or recorder, must be performed by the
14 county clerk, and any official act performed or certified by the county clerk is as valid and effectual as if
15 performed and certified by the clerk of the county commissioners or the recorder.

16 (2) The county clerk shall:

17 (a) take charge of and safely keep or dispose of according to law all books, papers, maps, and
18 records that may be filed or deposited in the county clerk's office;

19 (b) record all the proceedings of the board;

20 (c) make full entries of all its resolutions and decisions on all questions concerning the raising of
21 money for and the allowance of accounts against the county;

22 (d) record the vote of each member on a question upon which there is a division or at the request
23 of any member present;

24 (e) sign all orders made and warrants issued by order of the board for the payment of money and
25 certify the orders and warrants to the county treasurer;

26 (f) record the reports of the county treasurer of the receipts and disbursements of the county;

27 (g) preserve and file all accounts acted upon by the board;

28 (h) preserve and file all petitions and applications for franchises and record the action of the board

1 on the petitions and applications;

2 (i) record all orders levying taxes;

3 (j) designate upon each account allowed by the board the amount allowed and deliver to any
4 person who may demand it a certified copy of any record or any account on file in the county clerk's office;

5 (k) when a new township is organized or the boundaries of a township are altered, immediately
6 make out and transmit to the secretary of state a certified statement of the names and boundaries of the
7 township organized or altered;

8 (l) keep other records and books and perform other duties that are prescribed by law or by rule or
9 order of the board.

10 (3) An election administrator as defined in 13-1-101 and 13-1-301 shall file, code, and cross-index
11 all reports and statements filed as prescribed by the commissioner of political practices.

12 (4) An election administrator shall make statements and other information filed under the
13 provisions of Title 13, chapters 35, 36, and 37, available for public inspection and copying during the office
14 hours determined by the governing body by resolution after a public hearing and make copying facilities
15 available free of charge or at a charge not to exceed actual cost."

16

17 **Section 3.** Section 13-1-101, MCA, is amended to read:

18 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the
19 following definitions apply:

20 (1) "Absentee voter" means a legally registered qualified elector entitled to vote as provided for in
21 13-13-201.

22 ~~(4)~~(2) "Active elector" means an elector whose name has not been placed on the inactive list due to
23 failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

24 ~~(2)~~(3) "Active list" means a list of active electors maintained pursuant to 13-2-220.

25 ~~(3)~~(4) "Anything of value" means any goods that have a certain utility to the recipient that is real and
26 that is ordinarily not given away free but is purchased.

27 ~~(4)~~(5) "Application for voter registration" means a voter registration form prescribed by the secretary
28 of state that is completed, containing no prefilled information, and signed by an elector, is submitted to the

1 election administrator, and contains voter registration information subject to verification as provided by law.

2 ~~(5)(6)~~ "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such
3 as an optical scan system or other technology that automatically tabulates votes cast by processing the paper
4 ballots.

5 ~~(6)(7)~~ (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their
6 approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment,
7 recall question, school levy question, bond issue question, or ballot question.

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

12 ~~(7)(8)~~ "Ballot issue committee" means a political committee specifically organized to support or
13 oppose a ballot issue.

14 ~~(8)(9)~~ "Candidate" means:

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

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

22 (i) solicitation is made;

23 (ii) contribution is received and retained; or

24 (iii) expenditure is made; or

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

26 ~~(9)(10)~~ (a) "Contribution" means:

27 (i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance,
28 deposit, payment, or distribution of money or anything of value to support or oppose a candidate or a ballot

1 issue;

2 (ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate
3 or ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

4 (iii) the receipt by a political committee of funds transferred from another political committee; or

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

7 (b) The term does not mean:

8 (i) services provided without compensation by individuals volunteering a portion or all of their time
9 on behalf of a candidate or political committee;

10 (ii) meals and lodging provided by individuals in their private residences for a candidate or other
11 individual;

12 (iii) the use of a person's real property for a fundraising reception or other political event; or

13 (iv) the cost of a communication not for distribution to the general public by a religious organization
14 exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held
15 religious beliefs or practices.

16 (c) This definition does not apply to Title 13, chapter 37, part 6.

17 ~~(10)~~(11) "Coordinated", including any variations of the term, means made in cooperation with, in
18 consultation with, at the request of, or with the express prior consent of a candidate or political committee or an
19 agent of a candidate or political committee.

20 ~~(11)~~(12) "De minimis act" means an action, contribution, or expenditure that is so small that it does not
21 trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant
22 enforcement as a campaign practices violation under Title 13, chapter 37.

23 ~~(12)~~(13) "Disability" means a temporary or permanent mental or physical impairment such as:

24 (a) impaired vision;

25 (b) impaired hearing;

26 (c) impaired mobility. Individuals having impaired mobility include those who require use of a
27 wheelchair and those who are ambulatory but are physically impaired because of age, disability, or disease.

28 (d) impaired mental or physical functioning that makes it difficult for the person to participate in the

1 process of voting.

2 ~~(13)~~(14) "Election" means a general, special, or primary election held pursuant to the requirements of
3 state law, regardless of the time or purpose.

4 ~~(14)~~(15) (a) "Election administrator" means, except as provided in subsection ~~(14)~~ (15)(b), the county
5 elected clerk and recorder or the individual designated by a county governing body, in the event of resignation,
6 recall, physical or mental incapacity, or death of the elected county clerk and recorder, the individual designated
7 by a county governing body until a replacement is elected at the next scheduled county election to complete a
8 term or run for election, to be responsible for all election administration duties, ~~except that with regard to~~
9 including school elections not administered by the county, the term means the school district clerk.

10 (b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder
11 or the individual designated by a county governing body as allowed in subsection (15)(a) to be responsible for
12 all election administration duties even if the school election is administered by the school district clerk.

13 ~~(15)~~(16) (a) "Election communication" means the following forms of communication to support or
14 oppose a candidate or ballot issue:

- 15 (i) a paid advertisement broadcast over radio, television, cable, or satellite;
- 16 (ii) paid placement of content on the internet or other electronic communication network;
- 17 (iii) a paid advertisement published in a newspaper or periodical or on a billboard;
- 18 (iv) a mailing; or
- 19 (v) printed materials.

20 (b) The term does not mean:

- 21 (i) an activity or communication for the purpose of encouraging individuals to register to vote or to
22 vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;
- 23 (ii) a communication that does not support or oppose a candidate or ballot issue;
- 24 (iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any
25 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general
26 circulation;
- 27 (iv) a communication by any membership organization or corporation to its members, stockholders,
28 or employees;

1 (v) a communication not for distribution to the general public by a religious organization exempt
2 from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious
3 beliefs or practices; or

4 (vi) a communication that the commissioner determines by rule is not an election communication.

5 ~~(16)~~(17) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to
6 perform duties as specified by law.

7 ~~(17)~~(18) (a) "Electioneering communication" means a paid communication that is publicly distributed by
8 radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other
9 distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does
10 not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the
11 district voting on the candidate or ballot issue, and that:

12 (i) refers to one or more clearly identified candidates in that election;

13 (ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that
14 election; or

15 (iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

16 (b) The term does not mean:

17 (i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any
18 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general
19 circulation unless the facilities are owned or controlled by a candidate or political committee;

20 (ii) a communication by any membership organization or corporation to its members, stockholders,
21 or employees;

22 (iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in
23 the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

24 (iv) a communication that constitutes a candidate debate or forum or that solely promotes a
25 candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum;

26 (v) a communication not for distribution to the general public by a religious organization exempt
27 from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious
28 beliefs or practices; or

1 (vi) a communication that the commissioner determines by rule is not an electioneering
2 communication.

3 ~~(18)~~(19) "Elector" means an individual qualified to vote under state law.

4 ~~(19)~~(20) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge,
5 or gift of money or anything of value:

6 (i) made by a candidate or political committee to support or oppose a candidate or a ballot issue;

7 (ii) made by a candidate while the candidate is engaging in campaign activity to pay child-care
8 expenses as provided in 13-37-220; or

9 (iii) used or intended for use in making independent expenditures or in producing electioneering
10 communications.

11 (b) The term does not mean:

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

13 ~~(9)~~ (10);

14 (ii) except as provided in subsection ~~(19)~~ (20)(a)(ii), payments by a candidate for personal travel
15 expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

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

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

21 (v) the use of a person's real property for a fundraising reception or other political event; or

22 (vi) the cost of a communication not for distribution to the general public by a religious organization
23 exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held
24 religious beliefs or practices.

25 (c) This definition does not apply to Title 13, chapter 37, part 6.

26 ~~(20)~~(21) "Federal election" means an election in even-numbered years in which an elector may vote for
27 individuals for the office of president of the United States or for the United States congress.

28 ~~(24)~~(22) "General election" means an election that is held for offices that first appear on a primary

1 election ballot, unless the primary is cancelled as authorized by law, and that is held on a date specified in 13-
2 1-104.

3 ~~(22)~~(23) "Inactive elector" means an individual who failed to respond to confirmation notices and
4 whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

5 ~~(23)~~(24) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

6 ~~(24)~~(25) (a) "Incidental committee" means a political committee that is not specifically organized or
7 operating for the primary purpose of supporting or opposing candidates or ballot issues but that may
8 incidentally become a political committee by receiving a contribution or making an expenditure.

9 (b) For the purpose of this subsection ~~(24)~~ (25), the primary purpose is determined by the
10 commissioner by rule and includes criteria such as the allocation of budget, staff, or members' activity or the
11 statement of purpose or goal of the person or individuals that form the committee.

12 ~~(25)~~(26) "Independent committee" means a political committee organized for the primary purpose of
13 receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate
14 and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant
15 to the limits set forth in 13-37-216(1).

16 ~~(26)~~(27) "Independent expenditure" means an expenditure for an election communication to support or
17 oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue
18 committee.

19 ~~(27)~~(28) "Individual" means a human being.

20 ~~(28)~~(29) "Legally registered elector" means an individual whose application for voter registration was
21 accepted, processed, and verified as provided by law.

22 ~~(29)~~(30) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by
23 mailing ballots to all active electors.

24 ~~(30)~~(31) "Person" means an individual, corporation, association, firm, partnership, cooperative,
25 committee, including a political committee, club, union, or other organization or group of individuals or a
26 candidate as defined in subsection ~~(8)~~ (9).

27 ~~(34)~~(32) "Place of deposit" means a location designated by the election administrator pursuant to 13-
28 19-307 for a mail ballot election conducted under Title 13, chapter 19.

1 ~~(32)~~(33) (a) "Political committee" means a combination of two or more individuals or a person other
2 than an individual who receives a contribution or makes an expenditure:

3 (i) to support or oppose a candidate or a committee organized to support or oppose a candidate
4 or a petition for nomination;

5 (ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot
6 issue; or

7 (iii) to prepare or disseminate an election communication, an electioneering communication, or an
8 independent expenditure.

9 (b) Political committees include ballot issue committees, incidental committees, independent
10 committees, and political party committees.

11 (c) A candidate and the candidate's treasurer do not constitute a political committee.

12 (d) A political committee is not formed when a combination of two or more individuals or a person
13 other than an individual makes an election communication, an electioneering communication, or an
14 independent expenditure of \$250 or less.

15 (e) A joint fundraising committee is not a political committee.

16 ~~(33)~~(34) "Political party committee" means a political committee formed by a political party organization
17 and includes all county and city central committees.

18 ~~(34)~~(35) "Political party organization" means a political organization that:

19 (a) was represented on the official ballot in either of the two most recent statewide general
20 elections; or

21 (b) has met the petition requirements provided in Title 13, chapter 10, part 5.

22 ~~(35)~~(36) "Political subdivision" means a county, consolidated municipal-county government,
23 municipality, special purpose district, or any other unit of government, ~~except~~ including school districts, having
24 authority to hold an election.

25 ~~(36)~~(37) "Polling place election" means an election primarily conducted at polling places rather than by
26 mail ballot under the provisions of Title 13, chapter 19.

27 (38) "Prefilled" means completed by a third party from outside data sources.

28 ~~(37)~~(39) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to

1 nominate candidates for offices filled at a general election.

2 ~~(38)~~(40) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has
3 not been verified as provided by law.

4 ~~(39)~~(41) "Provisionally registered elector" means an individual whose application for voter registration
5 was accepted but whose identity or eligibility has not yet been verified as provided by law.

6 ~~(40)~~(42) "Public office" means a state, county, municipal, school, or other district office that is filled by
7 the people at an election.

8 ~~(41)~~(43) "Random-sample audit" means an audit involving a manual count of ballots from designated
9 races and ballot issues in precincts selected through a random process as provided in 13-17-503.

10 ~~(42)~~(44) "Registrar" means the county election administrator and any regularly appointed deputy or
11 assistant election administrator.

12 ~~(43)~~(45) "Regular school election" means the school trustee election provided for in 20-20-105(1).

13 ~~(44)~~(46) "Religious organization" means a house of worship with the major purpose of supporting
14 religious activities, including but not limited to a church, mosque, shrine, synagogue, or temple. The organic
15 documents of the organization must list a formal code of doctrine and discipline, and the organization must
16 spend the majority of its money on religious activities such as regular religious services, educational
17 preparation for its ministers, development and support of its ministers, membership development, outreach and
18 support, and the production and distribution of religious literature developed by the organization.

19 ~~(45)~~(47) "School election" has the meaning provided in 20-1-101.

20 ~~(46)~~(48) "School election filing officer" means the filing officer with whom the declarations for
21 nomination for school district office were filed or with whom the school ballot issue was filed.

22 ~~(47)~~(49) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount
23 duties in school elections.

24 ~~(48)~~(50) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and
25 that is designed to:

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

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

1 ~~(49)~~(51) "Special election" means an election held on a day other than the day specified for a primary
2 election, general election, or regular school election.

3 ~~(50)~~(52) "Special purpose district" means an area with special boundaries created as authorized by
4 law for a specialized and limited purpose.

5 ~~(51)~~(53) "Statewide voter registration list" means the voter registration list established and maintained
6 pursuant to 13-2-107 and 13-2-108.

7 ~~(52)~~(54) "Support or oppose", including any variations of the term, means:

8 (a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or
9 "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election
10 or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to
11 voters in an election; or

12 (b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or
13 ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the
14 nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the
15 passage or defeat of the ballot issue or other question submitted to the voters in an election.

16 ~~(53)~~(55) "Valid vote" means a vote that has been counted as valid or determined to be valid as
17 provided in 13-15-206.

18 ~~(54)~~(56) "Voted ballot" means a ballot that is:

- 19 (a) deposited in the ballot box at a polling place;
20 (b) received at the election administrator's office; or
21 (c) returned to a place of deposit.

22 ~~(55)~~(57) "Voter interface device" means a voting system that:

- 23 (a) is accessible to electors with disabilities;
24 (b) communicates voting instructions and ballot information to a voter;
25 (c) allows the voter to select and vote for candidates and issues and to verify and change
26 selections; and
27 (d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's
28 accuracy and that may be manually counted.

1 ~~(56)~~(58) "Voting system" or "system" means any machine, device, technology, or equipment used to
2 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."

3

4 **Section 4.** Section 13-1-301, MCA, is amended to read:

5 "**13-1-301. Election administrator.** (1) The county clerk and recorder of each county is the election
6 administrator unless the governing body of the county designates another official or appoints an election
7 administrator.

8 (2) The election administrator must be elected unless designated by a county governing body in
9 accordance with 13-1-101(15).

10 ~~(2)~~(3) The election administrator is responsible for the administration of all procedures relating to
11 registration of electors and conduct of elections, shall keep all county records relating to elector registration and
12 elections, and is the primary point of contact for the county with respect to the statewide voter registration list
13 and implementation of other provisions of applicable federal law governing elections.

14 ~~(3)~~(4) The election administrator may appoint a deputy election administrator for each political
15 subdivision required to hold elections."

16

17 **Section 5.** Section 13-1-305, MCA, is amended to read:

18 "**13-1-305. School district and political subdivision election cooperation.** Any political subdivision
19 holding a polling place election on the same day as a regular school election shall cooperate with a school
20 district having similar district boundaries to hold the election at the same polling place. The election
21 administrator ~~appointed~~ elected under the provisions of 13-1-301 shall cooperate with the school district
22 election administrator to share costs, as provided in 13-1-302."

23

24 **Section 6.** Section 13-1-404, MCA, is amended to read:

25 "**13-1-404. Deadline for absentee ballots and mail ballots.** (1) Pursuant to 13-13-205, ballots for a
26 local government election must be:

27 (a) available for absentee voting in person at least 30 days before election day; and

28 (b) mailed to absentee voters at least 25 days prior to election day.

1 (2) Pursuant to 13-19-207, ballots for a local government election conducted by mail ballot must be
2 mailed no sooner than the 20th day and no later than the 15th day before election day."

3

4 **Section 7.** Section 13-2-222, MCA, is amended to read:

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

8 (a) appears at a polling place in order to vote, or submits an application containing no prefilled
9 information to vote by absentee ballot in a polling place election ~~or mail ballot election~~, or votes in a mail ballot
10 election conducted under Title 13, chapter 19; and

11 ~~(b) notifies the county election administrator in writing of the elector's current residence, which must~~
12 ~~be in that county; or~~

13 ~~(c)(b)~~ completes a ~~reactivation~~ registration form provided by the county election administrator that
14 provides current address information in that county.

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

17 (3) An elector reactivated pursuant to subsection (1)(a) is a legally registered elector for purposes
18 of the election in which the elector voted."

19

20 **Section 8.** Section 13-13-205, MCA, is amended to read:

21 **"13-13-205. When ballots to be available for absentee voting.** (1) Except as provided in subsection
22 (2), the election administrator shall ensure that ballots for ~~a polling place election~~ an election not conducted by
23 mail are available ~~as follows~~ for absentee voting at least:

24 ~~(a) for an election conducted on a primary or general election day:~~

25 ~~(i)(a)~~ 30 25 days prior to election day for ~~absentee voting in person~~ an election not covered under
26 subsection (1)(b); and

27 ~~(ii) 25 days prior to the election for mailing ballots to absentee voters; and~~

28 (b) 20 days prior to election day for a special purpose district or school district election, ~~except that~~

1 ~~ballots for a conservation district election held on a primary or general election day must be available as~~
2 ~~provided in subsection (1)(a).~~

3 (2) A federal election ballot requested by an absent uniformed services or overseas elector
4 pursuant to Title 13, chapter 21, must be sent to the elector as soon as the ballot is printed but not later than 45
5 days in advance of the election."

6

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

8 **"13-19-313. Notice to elector -- opportunity to resolve questions.** Notice to the elector and the
9 opportunity to resolve questions must be as provided in 13-13-245, except as follows:

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

14 (2) If the confirmation notice is returned to the election administrator, the election administrator
15 shall place the elector on the inactive list provided for in 13-2-220 until the elector becomes ~~a qualified~~ an active
16 qualified elector."

17

18 **Section 10.** Section 13-37-201, MCA, is amended to read:

19 **"13-37-201. Campaign treasurer.** (1) Except as provided in 13-37-206, each candidate, each political
20 committee, and each joint fundraising committee shall appoint one campaign treasurer and certify the full name
21 and complete address of the campaign treasurer pursuant to this section.

22 (2) (a) A candidate shall file the certification within 5 days after becoming a candidate.

23 (b) Except as provided in subsection (2)(c), a political committee and a joint fundraising committee
24 shall file the certification, which must include an organizational statement and the name and address of all
25 officers, if any, within 5 days after it makes an expenditure or authorizes another person to make an
26 expenditure on its behalf, whichever occurs first. A joint fundraising committee shall also provide a list of
27 participants with the certification.

28 (c) A political committee that is seeking to place a ballot issue before the electors shall file the

1 certification, including the information required in subsection (2)(b), within 5 days after the issue becomes a
2 ballot issue, as defined in ~~13-1-101(6)(b)~~, 13-1-101(7)(b).

3 (3) The certification of a candidate, political committee, or joint fundraising committee must be filed
4 with the commissioner."

5

6 **Section 11.** Section 13-37-219, MCA, is amended to read:

7 **"13-37-219. Limitations on contributions to candidate when office sought is not known.** A

8 candidate, as defined in ~~13-1-101(8)(b)~~ 13-1-101(9)(b), who has not determined the office to which the
9 individual will seek nomination or election is subject to the lowest contribution limitation of the offices the
10 candidate is considering seeking."

11

12 **Section 12.** Section 13-37-226, MCA, is amended to read:

13 **"13-37-226. Time for filing reports.** (1) Except as provided in 13-37-206 and 13-37-225(3), a
14 candidate shall file reports required by 13-37-225(1)(a) containing the information required by 13-37-229, 13-
15 37-231, and 13-37-232 as follows:

16 (a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter
17 in which funds are received or expended during the year or years prior to the election year that the candidate
18 expects to be on the ballot and ending in the final quarter of the year preceding the year of an election in which
19 the candidate participates;

20 (b) except as provided in subsection (4)(a), the 20th day of March, April, May, June, August,
21 September, October, and November in the year of an election in which the candidate participates;

22 (c) within 2 business days of receiving a contribution of \$250 or more if the candidate is a
23 candidate for a statewide office or \$125 or more for any other candidate if the contribution is received between
24 the 15th day of the month preceding an election in which the candidate participates and the day before the
25 election;

26 (d) within 2 business days of making an expenditure of \$250 or more if the candidate is a
27 candidate for statewide office or \$125 or more for any other candidate if made between the 15th day of the
28 month preceding an election in which the candidate participates and the day before the election;

1 (e) semiannually on the 10th day of March and September, starting in the year following an
2 election in which the candidate participates until the candidate files a closing report as specified in 13-37-
3 228(3); and

4 (f) as provided by subsection (3).

5 (2) Except as provided in 13-37-206, 13-37-225(3), and 13-37-227, a political committee or a joint
6 fundraising committee shall file reports required by 13-37-225(1)(a) containing the information required by 13-
7 37-229, 13-37-231, and 13-37-232 as follows:

8 (a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter
9 in which the political committee or the joint fundraising committee receives a contribution or makes an
10 expenditure after an individual becomes a candidate or an issue becomes a ballot issue, as defined in ~~13-4-~~
11 ~~101(6)(b)~~ 13-1-101(7)(b), and ending in the final quarter of the year preceding the year in which the candidate
12 or the ballot issue appears on the ballot;

13 (b) except as provided in subsection (4)(b), the 30th day of March, April, May, June, August,
14 September, October, and November in the year of an election in which the political committee or the joint
15 fundraising committee participates;

16 (c) within 2 business days of receiving a contribution, except as provided in 13-37-232, of \$500 or
17 more if received between the 25th day of the month before an election in which the political committee or the
18 joint fundraising committee participates and the day before the election;

19 (d) within 2 business days of making an expenditure of \$500 or more that is made between the
20 25th day of the month before an election in which the political committee or the joint fundraising committee
21 participates and the day before the election;

22 (e) quarterly, due on the 5th day following a calendar quarter, beginning in the calendar quarter
23 following a year of an election in which the political committee or the joint fundraising committee participates
24 until the political committee or the joint fundraising committee files a closing report as specified in 13-37-228(3);
25 and

26 (f) as provided by subsection (3).

27 (3) In addition to the reports required by subsections (1), (2), and (4), if a candidate, political
28 committee, or joint fundraising committee participates in a special election, the candidate, political committee,

1 or joint fundraising committee shall file reports as follows:

2 (a) a report on the 60th, 35th, and 12th days preceding the date of the special election; and

3 (b) 20 days after the special election.

4 (4) (a) A candidate for a municipal office who participates in an election held in an odd-numbered
5 year shall file the reports required in subsection (1) on the 20th day of June, July, August, September, October,
6 and November of the year of the election in which the candidate participates.

7 (b) A political committee that participates in a municipal election held in an odd-numbered year
8 shall file the reports required in subsection (2) on the 30th day of June, July, August, September, October, and
9 November of the year of the election in which the committee participates.

10 (5) Except as provided by 13-37-206, candidates for a local office and political committees that
11 receive contributions or make expenditures referencing a particular local issue or a local candidate shall file the
12 reports specified in subsections (1) through (4) only if the total amount of contributions received or the total
13 amount of funds expended for all elections in a campaign exceeds \$500.

14 (6) A report required by this section must cover contributions received and expenditures made
15 pursuant to the time periods specified in 13-37-228.

16 (7) A political committee may file a closing report prior to the date in 13-37-228(3) and after the
17 complete termination of its contribution and expenditure activity during an election cycle.

18 (8) For the purposes of this section:

19 (a) a candidate participates in an election by attempting to secure nomination or election to an
20 office that appears on the ballot; and

21 (b) a political committee or a joint fundraising committee participates in an election by receiving a
22 contribution or making an expenditure."

23

24 **Section 13.** Section 13-37-234, MCA, is amended to read:

25 "**13-37-234. Religious organization exemptions to be broadly construed.** Pursuant to the first
26 amendment to the United States constitution and to ensure the consistent application of the law, the
27 commissioner shall broadly construe the exemptions concerning religious organizations provided in ~~13-4-~~
28 ~~101(9)(b)(iv), (15)(b)(v), (17)(b)(v), and (19)(b)(vi)~~ 13-1-101(10)(b)(iv), (16)(b)(v), (18)(b)(v), and (20)(b)(vi)."

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NEW SECTION. **Section 14. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 15. Effective date.** [This act] is effective October 1, 2023.

- END -