

HOUSE BILL NO. 806

INTRODUCED BY L. SHELDON-GALLOWAY

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELIGIBILITY CRITERIA FOR ABSENTEE BALLOTS; DEFINING A "QUALIFIED ABSENTEE VOTER"; REQUIRING THAT APPLICATIONS FOR ABSENTEE BALLOTS BE SUBMITTED IN JANUARY OF EVERY EVEN-NUMBERED YEAR; REQUIRING ELECTRONIC SAMPLE BALLOTS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 13-1-101, 13-1-210, 13-12-214, 13-13-201, 13-13-211, 13-13-212, 13-13-233, AND 13-13-234, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

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

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

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

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

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

(6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment,

1 recall question, school levy question, bond issue question, or ballot question.

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

6 (7) "Ballot issue committee" means a political committee specifically organized to support or  
7 oppose a ballot issue.

8 (8) "Candidate" means:

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

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

16 (i) solicitation is made;

17 (ii) contribution is received and retained; or

18 (iii) expenditure is made; or

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

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

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

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

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

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

1 (b) The term does not mean:

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

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

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

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

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

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

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

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

18 (a) impaired vision;

19 (b) impaired hearing;

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

22 (d) impaired mental or physical functioning that makes it difficult for the person to participate in the  
23 process of voting.

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

26 (14) (a) "Election administrator" means, except as provided in subsection (14)(b), the county clerk  
27 and recorder or the individual designated by a county governing body to be responsible for all election  
28 administration duties, except that with regard to school elections not administered by the county, the term

1 means the school district clerk.

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

5 (15) (a) "Election communication" means the following forms of communication to support or  
6 oppose a candidate or ballot issue:

7 (i) a paid advertisement broadcast over radio, television, cable, or satellite;

8 (ii) paid placement of content on the internet or other electronic communication network;

9 (iii) a paid advertisement published in a newspaper or periodical or on a billboard;

10 (iv) a mailing; or

11 (v) printed materials.

12 (b) The term does not mean:

13 (i) an activity or communication for the purpose of encouraging individuals to register to vote or to  
14 vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

15 (ii) a communication that does not support or oppose a candidate or ballot issue;

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

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

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

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

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

27 (17) (a) "Electioneering communication" means a paid communication that is publicly distributed by  
28 radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other

1 distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does  
2 not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the  
3 district voting on the candidate or ballot issue, and that:

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

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

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

8 (b) The term does not mean:

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

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

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

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

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

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

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

24 (19) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or  
25 gift of money or anything of value:

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

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

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

3 (b) The term does not mean:

4 (i) services, food, or lodging provided in a manner that they are not contributions under subsection  
5 (9);

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

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

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

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

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

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

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

20 (21) "General election" means an election that is held for offices that first appear on a primary  
21 election ballot, unless the primary is cancelled as authorized by law, and that is held on a date specified in 13-  
22 1-104.

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

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

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

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

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

8 (26) "Independent expenditure" means an expenditure for an election communication to support or  
9 oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue  
10 committee.

11 (27) "Individual" means a human being.

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

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

16 (30) "Person" means an individual, corporation, association, firm, partnership, cooperative,  
17 committee, including a political committee, club, union, or other organization or group of individuals or a  
18 candidate as defined in subsection (8).

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

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

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

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

27 (iii) to prepare or disseminate an election communication, an electioneering communication, or an  
28 independent expenditure.

1 (b) Political committees include ballot issue committees, incidental committees, independent  
2 committees, and political party committees.

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

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

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

8 (33) "Political party committee" means a political committee formed by a political party organization  
9 and includes all county and city central committees.

10 (34) "Political party organization" means a political organization that:

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

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

14 (35) "Political subdivision" means a county, consolidated municipal-county government,  
15 municipality, special purpose district, or any other unit of government, except school districts, having authority  
16 to hold an election.

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

19 (37) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to  
20 nominate candidates for offices filled at a general election.

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

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

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

27 (41) (a) "Qualified absentee voter" means an individual who has completed the request for an  
28 absentee ballot form provided for in 13-1-210 no later than 7 days immediately prior to the election and who:



1           (i) is in a nursing home or long-term care facility, is homebound, is hospitalized, or is on vacation  
2 the day of a primary or general election; or

3           (ii) may be absent from the individual's election district on the day of a primary or general election.

4           (b) The term includes covered voters as defined in 13-21-102.

5           ~~(41)~~(42) "Random-sample audit" means an audit involving a manual count of ballots from designated  
6 races and ballot issues in precincts selected through a random process as provided in 13-17-503.

7           ~~(42)~~(43) "Registrar" means the county election administrator and any regularly appointed deputy or  
8 assistant election administrator.

9           ~~(43)~~(44) "Regular school election" means the school trustee election provided for in 20-20-105(1).

10          ~~(44)~~(45) "Religious organization" means a house of worship with the major purpose of supporting  
11 religious activities, including but not limited to a church, mosque, shrine, synagogue, or temple. The organic  
12 documents of the organization must list a formal code of doctrine and discipline, and the organization must  
13 spend the majority of its money on religious activities such as regular religious services, educational  
14 preparation for its ministers, development and support of its ministers, membership development, outreach and  
15 support, and the production and distribution of religious literature developed by the organization.

16          ~~(45)~~(46) "School election" has the meaning provided in 20-1-101.

17          ~~(46)~~(47) "School election filing officer" means the filing officer with whom the declarations for  
18 nomination for school district office were filed or with whom the school ballot issue was filed.

19          ~~(47)~~(48) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount  
20 duties in school elections.

21          ~~(48)~~(49) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and  
22 that is designed to:

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

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

26          ~~(49)~~(50) "Special election" means an election held on a day other than the day specified for a primary  
27 election, general election, or regular school election.

28          ~~(50)~~(51) "Special purpose district" means an area with special boundaries created as authorized by

1 law for a specialized and limited purpose.

2 ~~(51)~~(52) "Statewide voter registration list" means the voter registration list established and maintained  
3 pursuant to 13-2-107 and 13-2-108.

4 ~~(52)~~(53) "Support or oppose", including any variations of the term, means:

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

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

13 ~~(53)~~(54) "Valid vote" means a vote that has been counted as valid or determined to be valid as  
14 provided in 13-15-206.

15 ~~(54)~~(55) "Voted ballot" means a ballot that is:

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

19 ~~(55)~~(56) "Voter interface device" means a voting system that:

- 20 (a) is accessible to electors with disabilities;  
21 (b) communicates voting instructions and ballot information to a voter;  
22 (c) allows the voter to select and vote for candidates and issues and to verify and change  
23 selections; and

24 (d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's  
25 accuracy and that may be manually counted.

26 ~~(56)~~(57) "Voting system" or "system" means any machine, device, technology, or equipment used to  
27 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."  
28

1           **Section 2.** Section 13-1-210, MCA, is amended to read:

2           **"13-1-210. Standard application form for voter registration and absentee ballot requests. (1)**

3           The secretary of state shall establish by rule a standard application form, to be used by each election  
4           administrator, that allows ~~an individual~~ a qualified absentee voter to apply for voter registration and to request to  
5           be added to the absentee ballot list ~~in order to receive ballots for subsequent elections.~~ Qualified absentee  
6           voters shall request to be added to the absentee ballot list in January of every even-numbered year. The county  
7           shall send absentee ballot renewal cards to individuals already on the list.

8           (2) Pursuant to 13-13-212(3), the absentee ballot application portion of the standard form must  
9           include substantially the following language ~~and option~~:

10           ~~[ ] Optional: I request an absentee ballot to be mailed to me at my residential address that I used to~~  
11           ~~register for as long as I reside at the address listed for each subsequent election in which I am eligible to vote.~~

12           ~~I understand that in order to continue to receive an absentee ballot, I must complete, sign, and return a~~  
13           ~~confirmation form that will be mailed to me in January of every even-numbered year."~~

14

15           **Section 3.** Section 13-12-214, MCA, is amended to read:

16           **"13-12-214. Sample ballots -- rulemaking. (1)** The election administrator may have sample ballots  
17           printed in a number sufficient to answer requests from the political parties, schools, and electors. Sample  
18           ballots must be duplicates of the official ballots but must be clearly distinguishable from official ballots and may  
19           not have perforated stubs or be numbered.

20           (2) (a) At least 30 days prior to an election, a personalized sample ballot must be available online  
21           on the same electronic system in which voters check their voter status.

22           (b) The secretary of state shall adopt rules implementing subsection (2)(a) and shall publish  
23           instructions for voters on the secretary of state's website."

24

25           **Section 4.** Section 13-13-201, MCA, is amended to read:

26           **"13-13-201. Voting by absentee ballot -- procedures. (1)** A legally registered elector or provisionally  
27           registered elector who is a qualified absentee voter is entitled to vote by absentee ballot as provided for in this  
28           part.

- 1           (2)     The elector may vote absentee by:
- 2           (a)     marking the ballot in the manner specified;
- 3           (b)     placing the marked ballot in the secrecy envelope, free of any identifying marks;
- 4           (c)     placing the secrecy envelope containing one ballot for each election being held in the signature
- 5 envelope;
- 6           (d)     executing the affirmation printed on the signature envelope; and
- 7           (e)     returning the signature envelope with all appropriate enclosures by regular mail, postage paid,
- 8 or by delivering it to:
- 9           (i)     the election office;
- 10          (ii)    a polling place within the elector's county;
- 11          (iii)  pursuant to 13-13-229, the absentee election board or an authorized election official; or
- 12          (iv)   in a mail ballot election held pursuant to Title 13, chapter 19, a designated place of deposit
- 13 within the elector's county.
- 14          (3)     Except as provided in 13-21-206 and 13-21-226, in order for the ballot to be counted, each
- 15 elector shall return it in a manner that ensures the ballot is received prior to 8 p.m. on election day.
- 16          (4)     A provisionally registered elector who is a qualified absentee voter may also enclose in the
- 17 outer signature envelope a copy of the elector's photo identification showing the elector's name. The photo
- 18 identification may be but is not limited to a valid driver's license, a school district or postsecondary education
- 19 photo identification, or a tribal photo identification. If the provisionally registered elector does not enclose a
- 20 photo identification, the elector may enclose a copy of a current utility bill, bank statement, paycheck, notice of
- 21 confirmation of voter registration issued pursuant to 13-2-207, government check, or other government
- 22 document that shows the elector's name and current address."

23

24           **Section 5.** Section 13-13-211, MCA, is amended to read:

25           "**13-13-211. Time period for application.** ~~(1)~~ Except as provided in 13-13-222, and 13-21-223, ~~and~~

26 ~~subsection (2) of this section~~, an application for an absentee ballot must be made ~~before noon on the day~~ 7

27 days before the election.

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

1 emergency occurring between 5 p.m. of the Friday preceding the election and before the close of polls on  
2 election day may request to vote by absentee ballot as provided in ~~13-13-212(2)~~.

3 ~~(3) An absentee ballot cast pursuant to subsection (2) must be received prior to 8 p.m. on election~~  
4 ~~day pursuant to 13-13-201."~~

5

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

7 **"13-13-212. Application for absentee ballot -- special provisions -- absentee ballot list for**  
8 **subsequent elections.** (1) (a) Except as provided in subsection (1)(b), an elector who is a qualified absentee  
9 voter may apply for an absentee ballot by using a standard application form provided by rule by the secretary of  
10 state pursuant to 13-1-210 or by making a written request, which must include the applicant's birth date and  
11 must be signed by the applicant. The request must be submitted to the election administrator of the applicant's  
12 county of residence within the time period specified in 13-13-211.

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

16 (2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency,  
17 the application for an absentee ballot may be made by written request signed by the elector at the time that the  
18 ballot is delivered in person by the absentee election board or by an authorized election official as provided in  
19 13-13-225.

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

23 (c) A request under subsection (2)(a) must be received by the election administrator within the  
24 time period specified in ~~13-13-211(2)~~ 13-13-211.

25 (3) An elector who is a qualified absentee voter may at any time request to be mailed an absentee  
26 ballot for each subsequent election in which the elector is eligible to vote as long as the elector remains  
27 qualified to vote and resides at the address provided in the initial application. The request may be made when  
28 the individual applies for voter registration using the standard application form provided for in 13-1-210.

1           (4)     (a) An elector who is a qualified absentee voter who has requested to be on the absentee  
2 ballot list and who has not filed a change of address with the U.S. postal service must continue to receive an  
3 absentee ballot for each subsequent election.

4           (b)     (i) The election administrator shall biennially mail a forwardable address confirmation form to  
5 each elector who is listed in the national change of address system of the U.S. postal service as having  
6 changed the elector's address.

7           (ii)     The address confirmation form must request the elector's driver's license number or the last  
8 four digits of the elector's social security number. The address confirmation form must include an e-mail  
9 address for the election administrator that can be used by the elector to confirm that the elector wishes to  
10 continue to receive an absentee ballot and to provide the requested information. The address confirmation form  
11 must be mailed in January of every even-numbered year. The address confirmation form is for elections to be  
12 held between February 1 following the mailing through January of the next even-numbered year.

13          (iii)     An election administrator may provide a website on which the elector can provide the required  
14 information to confirm that the elector wishes to remain on the absentee ballot list.

15          (iv)     If the elector is providing confirmation using the address confirmation form, the elector shall  
16 sign the form, indicate the address to which the absentee ballot should be sent, provide the elector's driver's  
17 license number or the last four digits of the elector's social security number, and return the form to the election  
18 administrator.

19          (v)     The elector may provide the required information to the election administrator using:

20           (A)     the e-mail address provided on the form; or

21           (B)     a website established by the election administrator.

22          (vi)     The elector does not need to provide a signature when using either option provided in  
23 subsection (4)(b)(v) to confirm that the elector wishes to remain on the absentee ballot list.

24          (vii)     If the form is not completed and returned or if the elector does not respond using the options  
25 provided in subsection (4)(b)(v), the election administrator shall remove the elector from the absentee ballot list.

26          (c)     An elector may request to be removed from the absentee ballot list for subsequent elections by  
27 notifying the election administrator in writing.

28          (d)     An elector who has been or who requests to be removed from the absentee ballot list may

1 subsequently request to be mailed an absentee ballot for each subsequent election.

2 (5) In a mail ballot election, ballots must be sent under mail ballot procedures rather than under the  
3 absentee ballot procedures set forth in this section."

4

5 **Section 7.** Section 13-13-233, MCA, is amended to read:

6 **"13-13-233. Issuing and recording absentee ballots -- certificate to election judges.** (1) Absentee  
7 ballots must be official numbered paper ballots beginning with ballot number 1 and following consecutively  
8 according to the number of applications for absentee ballots.

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

10 (3) When the election administrator delivers the voted absentee ballots pursuant to 13-13-232(1),  
11 the election administrator shall also provide a certificate stating:

12 (a) the ballot numbers of the absentee ballots mailed or transmitted pursuant to 13-13-214, 13-21-  
13 106(3)(a), and 13-21-224, delivered pursuant to 13-13-229, or marked in person pursuant to 13-13-222; and

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

15 ~~(c)~~(b) the names of the electors within the precinct to whom the ballots were provided.

16 (4) The chief election judge shall post in a conspicuous location at the polling place a list of the  
17 names of electors appearing on the certificate required under subsection (3)."

18

19 **Section 8.** Section 13-13-234, MCA, is amended to read:

20 **"13-13-234. Duty of election judges -- pollbook.** (1) The election judges, at the opening of the polls,  
21 shall:

22 ~~(a) note on the pollbook opposite the appropriate ballot numbers the fact that the ballots were~~  
23 issued as absentee ballots; ~~and~~

24 ~~(b) reserve the numbers for electors who may vote late under 13-13-214.~~

25 (2) The election judges shall insert only the name of the elector entitled to each particular number  
26 according to the certificate provided by the election administrator pursuant to 13-13-233(3) and the number of  
27 the elector's ballot."

28

