

Unofficial Draft Copy

As of: April 16, 2008 (11:59am)

LC0059

**** Bill No. ****

Introduced By *****

By Request of the State Administration and Veterans' Affairs

Interim Committee

A Bill for an Act entitled: "An Act to revise absentee ballot laws and the handling of ballots caused by the death of a candidate; amending sections 13-13-204 and 13-15-108, MCA; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 13-13-204, MCA, is amended to read:

"13-13-204. Authority to vote in person -- printing error or ballot destroyed -- failure to receive ballot -- effect of absentee elector's death. (1) (a) If an elector has ~~voted by~~ received an absentee ballot but the absentee ballot contains printing errors or omissions, ~~except that the name of a candidate who has died since the printing of the ballot and that appears on the ballot does not constitute an error or omission,~~ the elector may receive a corrected ballot and vote in person ~~in any manner at the elector's polling place~~ at the election administrator's office.

(b) The death of a candidate after the printing of the ballot constitutes a printing error or omission on the ballot.

(2) If an elector does not receive an absentee ballot or if the absentee ballot was destroyed, the elector may appear at the

appropriate polling place on election day and vote in person after signing an affidavit, in the form prescribed by the secretary of state, swearing that the elector's ballot has not been received or was destroyed. The ballot must be handled as a provisional ballot under 13-15-107.

(3) If an elector votes by absentee ballot and the ballot has been mailed or otherwise returned to the election administrator but the elector dies between the time of balloting and election day, the deceased elector's ballot must be counted."

{*Internal References to 13-13-204:
13-15-108a*}

Section 2. Section 13-15-108, MCA, is amended to read:

"13-15-108. Rejected ballots -- handling provided by rule.

(1) All rejected absentee ballots, the absentee ballot applications, and all absentee ballot return envelopes must be handled and marked as provided under rules adopted by the secretary of state.

(2) The unopened absentee ballot envelope of an elector who has requested a corrected ballot that was voted in person as provided in 13-13-204 must be handled and marked as provided under rules adopted by the secretary of state.

(3) After being handled and marked as provided in this section, all rejected ballots must be placed in a package or container in which the voted ballots are to be placed and the package or container must be sealed, dated, and marked as provided under rules adopted by the secretary of state. After a

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package or container is sealed pursuant to this subsection (3), a package or container may not be opened without a court order."

{Internal References to 13-15-108:

13-13-232x 13-13-241x 13-15-107x 13-15-107x
13-15-201x 13-15-201x}

NEW SECTION. **Section 3. {standard} Effective date.** [This act] is effective on passage and approval.

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