

SENATE BILL NO. 252

INTRODUCED BY SQUIRES, KITZENBERG, MAHLUM, SHEA, TROPILA

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN ELECTOR APPLYING FOR AN ABSENTEE BALLOT MAY REQUEST, EITHER IN THE INITIAL APPLICATION OR ON A FORM ENCLOSED WHEN AN ABSENTEE BALLOT IS MAILED TO THE ELECTOR, THAT AN ABSENTEE BALLOT BE MAILED TO THE ELECTOR FOR EACH SUBSEQUENT ELECTION IN WHICH THE ELECTOR IS ELIGIBLE TO VOTE AND REMAINS AT THE ADDRESS PROVIDED; ~~AND~~ AMENDING SECTIONS 13-13-212 AND 13-13-214, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot -- special provisions. (1) An elector may apply for an absentee ballot by making a written request, signed by the applicant, to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

(2) An elector in the United States service absent from the state and county in which the elector is registered may apply for an absentee ballot as follows:

(a) as provided in subsection (1);

(b) by using the federal postcard application signed by the applicant and made within the time period specified in 13-13-211; or

(c) if eligible, by using the federal write-in ballot as provided in 13-13-271(3).

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

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

(c) A request under this subsection (3) must be received by the election administrator by noon on election day.

(4) An elector who has made a request for an absentee ballot by one of the methods provided in this

section may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election administrator.

(5) In making a request for an absentee ballot pursuant to this section, except for in the circumstances under subsection (3), an elector may include a request, ON A FORM PRESCRIBED PURSUANT TO 13-13-214(8), that the elector be mailed an absentee ballot, when available, for each subsequent election in which the elector is eligible to vote for as long as the elector remains qualified to vote and resides at the address provided in the initial application."

Section 2. Section 13-13-214, MCA, is amended to read:

"13-13-214. Mailing ballot to elector. (1) (a) Except as provided in 13-13-213 and in subsection (1)(b) of this section, as soon as the official ballots are printed, the election administrator shall send by mail, postage prepaid, to each elector from whom the election administrator has received a valid application whatever official ballots are necessary. Ballots must be sent immediately to electors submitting valid requests after the official ballots are printed.

(b) The election administrator may deliver a ballot in person to an individual other than the elector if:

(i) the elector has designated the individual, either by a signed letter or by making the designation on the application form in a manner prescribed by the secretary of state;

(ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the ballot;

(iii) the election administrator believes that the individual receiving the ballot is the designated person; and

(iv) the designated person has not previously picked up ballots for four other electors.

(2) The election administrator shall enclose with the ballots:

(a) a secrecy envelope, free of any marks that would identify the voter; and

(b) a self-addressed envelope for the return of the ballots. An affirmation in the form prescribed by the secretary of state must be printed on the back of the envelope.

(3) The election administrator shall stamp the ballots provided to an absentee elector as provided in 13-13-116 and remove the stubs from the ballots, attaching the stubs to the elector's absentee ballot application.

(4) Both the envelope in which the ballot is mailed to an elector in the United States service and the return envelope must have printed across the face the information and graphics and be of the color prescribed

by the secretary of state consistent with the regulations established by the federal election commission, the U.S. postal service, or other federal agency.

(5) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way so that it can be identified as being used by any one elector.

(6) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must include use of the envelope for unvoted ballots. The instructions must include information concerning the type or types of writing instruments that may be used to mark the absentee ballot. The instructions must include information regarding use of the secrecy envelope and use of the return and verification envelope. The election administrator shall include a voter information pamphlet with the instructions if:

- (a) a statewide ballot issue appears on the ballot mailed to the elector;
- (b) the elector is out of the state or will be out of the state at the time of the election; and
- (c) the elector requests a voter information pamphlet.

(7) The return envelope must be self-addressed to the election administrator.

(8) The election administration shall also enclose with the absentee ballot:

(A) a form, prescribed by the secretary of state, that allows the elector to request that an absentee ballot, when available, be mailed to the elector for each subsequent election in which the elector is eligible to vote for as long as the elector remains qualified to vote and resides at the address provided in the initial application;

(B) A FORM, PRESCRIBED BY THE SECRETARY OF STATE, THAT MUST BE COMPLETED BY AN ELECTOR WHO RECEIVES AN ABSENTEE BALLOT BECAUSE OF AN APPLICATION MADE UNDER 13-13-212(5) AND RETURNED TO THE ELECTION ADMINISTRATOR WITH THE VOTED ABSENTEE BALLOT. THE FORM MUST ASK THE ELECTOR TO PROVIDE THE ELECTOR'S CURRENT PERMANENT MONTANA ADDRESS. THIS FORM MUST BE INCLUDED IN DETERMINING THE ELECTOR'S ELIGIBILITY TO VOTE PURSUANT TO 13-13-241."

NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JANUARY 1, 2006.

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