

HOUSE BILL NO. 245
INTRODUCED BY B. WISEMAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR STATE REIMBURSEMENT OF COUNTY COSTS FOR MAILING ABSENTEE BALLOTS; REQUIRING PREPAID POSTAGE ON RETURN ENVELOPES; AND AMENDING SECTION 13-13-214, MCA."

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

NEW SECTION. **Section 1. Cost for postage reimbursed by state.** (1) By July 15 of each year, for each election, except a mail ballot election under chapter 19, the county shall report to the secretary of state the county's actual cost for postage under 13-13-214 incurred by the county during the previous fiscal year.

(2) By August 15 of each year, to the extent that funding is appropriated to the secretary of state for the purposes of this section, the secretary of state shall reimburse counties for the postage costs reported under subsection (1). Reimbursement must be based on each county's actual cost compared to total available funding. A county may not be reimbursed more than 100% of the county's actual cost. If appropriated funding is insufficient to cover 100% of all actual costs, reimbursements must be prorated accordingly. If appropriated funding is more than sufficient to cover 100% of each county's actual cost, the excess must revert to the general fund.

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

"13-13-214. Mailing absentee ballot to elector -- delivery to person other than elector. (1) (a) Except as provided in 13-13-213 and in subsection (1)(b) of this section, as soon as the official paper absentee ballots are printed, the election administrator shall immediately send by mail, ~~postage prepaid~~, to each legally registered elector and provisionally registered elector from whom the election administrator has received a valid absentee ballot application under 13-13-211 and 13-13-212 whatever official ballots are necessary.

(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 or pursuant to 13-1-116;

(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 form prescribed by the secretary of state that allows the elector to request absentee ballots for each subsequent federal election only or for all subsequent elections, as provided for in 13-13-212(4);

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

(c) an envelope, postage prepaid, for the return of the ballots. The envelope must be self-addressed by the election administrator, and 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 ensure that the ballots provided to an absentee elector are marked as provided in 13-13-116 and remove the stubs from the ballots, attaching the stubs to the elector's absentee ballot application.

(4) 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.

(5) 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 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; and

(b) the elector requests a voter information pamphlet."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 13, chapter 13, part 2, and the provisions of Title 13, chapter 13, part 2, apply to [section 1].

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