

HOUSE BILL NO. 570
INTRODUCED BY J. COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE MONTANA ABSENT UNIFORMED SERVICES AND OVERSEAS ELECTOR VOTING ACT; PROVIDING FOR A SPECIAL WRITE-IN ABSENTEE BALLOT; AND PROVIDING RULEMAKING AUTHORITY."

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

NEW SECTION. **Section 1. Special write-in absentee ballot -- rulemaking.** (1) A legally or provisionally registered United States elector may request a special write-in absentee ballot for any election. The request must:

(a) be submitted to the election administrator not less than 90 days before the election;

(b) include a statement that the elector will be unable to vote using a regular absentee ballot because of the elector's duty-related circumstances that preclude mail delivery during the period of time for the mail out and return of an absentee ballot pursuant to part 2 of this chapter; and

(c) if the elector is provisionally registered, include the information required pursuant to 13-2-110 so that the election administrator may verify the elector's identity and eligibility to vote in the election.

(2) After receiving an application under subsection (1), the election administrator shall immediately mail to the United States elector the special write-in absentee ballot for the election. The election administrator shall enclose with the ballot:

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

(b) an envelope for the return of the ballot that is self-addressed by the election administrator and that has printed on the back of it an affirmation in the form prescribed by the secretary of state;

(c) if the election is a primary election, an extra envelope marked "For Unvoted Party Ballot(s)", which may not be numbered or marked in any way that can allow it to be identified as having been used by any one elector;

(d) if the elector is provisionally registered or not registered, a form that notifies the elector to include in the return envelope the information required to verify the elector's identity and verify the elector's eligibility to vote in the election; and

(e) instructions consistent with the provisions of this section about how to properly cast and return the

ballot.

(3) A United States elector may cast a vote on a special write-in absentee ballot by writing in the elector's vote in a manner prescribed by the secretary of state.

(4) A special write-in absentee ballot may be counted only if:

(a) the election administrator has not received a regular absentee ballot from the elector;

(b) the voted ballot was sent by the elector to the election administrator before the close of polls on election day; and

(c) the voted ballot is received by 3 p.m. on the sixth day following the election.

(5) A special write-in absentee ballot may not be counted before election day.

(6) The secretary of state shall adopt rules to implement the provisions of this section and to ensure that election administrators handle the procedures for registration, voting, and counting of votes pursuant to this section in a standard and consistent manner.

NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 13, chapter 21, part 2, and the provisions of Title 13, chapter 21, part 2, apply to [section 1].

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