

## HOUSE BILL NO. 570

INTRODUCED BY J. COHENOUR, HENRY, LAMBERT, MCGEE, WINDY BOY, AUGARE, LEWIS, GALLUS,  
MCALPIN, WISEMAN, KEANE, SMITH, POMNICHOWSKI, WANZENRIED, COCCHIARELLA

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE MONTANA ABSENT UNIFORMED SERVICES AND OVERSEAS ELECTOR VOTING ACT; ~~PROVIDING FOR A SPECIAL~~ AUTHORIZING THE USE OF THE FEDERAL WRITE-IN ABSENTEE BALLOT FOR ANY ELECTION; CLARIFYING REGULAR ABSENTEE BALLOT AND FEDERAL WRITE-IN ABSENTEE BALLOT PROCEDURES; AND PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 13-21-103, 13-21-201, 13-21-202, 13-21-205, 13-21-206, AND 13-21-210, MCA; AND REPEALING SECTION 13-21-204, MCA."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

**Section 1.** Section 13-21-103, MCA, is amended to read:

**"13-21-103. Secretary of state designated as single point of contact -- rulemaking.** (1) The office of the secretary of state is the state's single point of contact responsible for providing information regarding voter registration and absentee ballot procedures to be used by a United States elector.

(2) The secretary of state shall, with the assistance of local election administrators, compile, make available to the general public, or forward to appropriate federal authorities any reports or information required to be compiled, made available, or forwarded pursuant to federal law.

(3) The secretary of state may adopt rules to implement the provisions of this chapter."

**Section 2.** Section 13-21-201, MCA, is amended to read:

**"13-21-201. Registration of United States electors -- simultaneous application for absentee ballot.**

(1) A United States elector may register with the election administrator in the elector's county of residence by properly completing, signing, and returning:

- (a) the voter registration form;
- (b) the federal post card application; or
- (c) the federal write-in absentee ballot ~~transmission envelope~~ as provided in 13-21-205.

(2) A registration application under ~~this section~~ subsection (1)(a) or (1)(b) must be received by the election administrator not less than 30 days before the election for the registration to be valid for the election. If the registration application is received less than 30 days before the election, the registration application must be processed for the next election.

(3) A registration application using a federal post card application or the federal write-in absentee ballot transmission envelope must be considered a simultaneous application for absentee ballots under 13-21-210."

**Section 3.** Section 13-21-202, MCA, is amended to read:

**"13-21-202. Classification of applications for regular absentee ballots -- notification of elector.**

(1) Upon receipt by the election administrator of an application by a United States elector for a regular absentee ballot pursuant to 13-13-212 or 13-21-210, the election administrator shall:

(a) classify the application according to the precinct in which the elector resides or, if the information is insufficient to determine precinct of residence, assign an appropriate precinct;

(b) immediately enter all information in the registration records of the office and either file the federal post card application with regular registration forms or file a photocopy attached to a regular registration form on which the information has been entered. This information is sufficient to meet any identification requirements provided by law for an elector.

(c) send to the applicant by the fastest mail service available, which may include facsimile transmission or electronic mail, a notice that the elector has been registered and informing the elector that a regular absentee ballot is enclosed or that the elector will be mailed ~~an~~ a regular absentee ballot for that election or for the next election in which the elector is entitled to vote under subsection (1) or, if the application is rejected, a notice that the application has been rejected and the reasons for the rejection.

(2) The election administrator may use photocopies of the federal post card application to complete all necessary records."

**Section 4.** Section 13-21-205, MCA, is amended to read:

**"13-21-205. Procedure for voting federal Federal write-in absentee ballot.** (1) A United States elector may register, if not already registered, and vote in any election by completing, signing, and returning a federal write-in absentee ballot and meeting the requirements in 13-21-206.

~~(1)~~(2) (a) A United States elector voting a federal write-in absentee ballot for a federal general election may designate a candidate by writing in the name of the candidate or by writing in the name of the political party

for which the elector is voting. A written designation of the political party must be counted as a vote for the candidate of that party.

(b) (i) Except as provided in subsection (2)(b)(ii), a United States elector may vote in any election for a public office other than for a federal office by using the addendum provided in the federal write-in absentee ballot and writing in the title of the office and the name of the candidate for whom the elector is voting.

(ii) If the elector is voting in a primary election, the elector shall identify the elector's political party affiliation as provided for in the appropriate section of the ballot. A vote cast by writing in the name of a candidate who is not affiliated with the elector's identified party is void and may not be counted.

(3) A vote may not be voided for reasons of misspellings, abbreviations, or other minor variations of the candidate's name.

~~(2)(4)~~ If the elector receives the regular absentee ballot for the federal general election after the elector has voted and mailed a federal write-in absentee ballot, the elector may vote and return the regular absentee ballot."

**Section 5.** Section 13-21-206, MCA, is amended to read:

**"13-21-206. Counting of federal write-in absentee ballots.** (1) A federal write-in absentee ballot received by an election administrator may be counted only if:

~~— (a) a valid application was made by the elector pursuant to 13-21-210;~~

(a) the elector's voter registration and identification information is sufficient to determine that the elector is eligible to vote in the election;

(b) the ballot is not received before regular absentee ballots have been printed pursuant to 13-13-205;

~~(b)(c)~~ the election administrator has not received a regular absentee ballot from the elector by 8 p.m. on election day; and

~~(e)(d)~~ the ballot is sent by 8 p.m. on election day and is received by 3 p.m. on the Monday following the election.

(2) Federal write-in absentee ballots received before the close of the polls on election day may not be counted until the polls have closed."

**Section 6.** Section 13-21-210, MCA, is amended to read:

**"13-21-210. Application for absentee ballots.** (1) A United States elector may apply for a regular absentee ~~ballots~~ ballot as follows:

- (a) by making a written request, which must include the elector's birth date and signature; or
- (b) by properly completing, signing, and returning to the election administrator the federal post card application; ~~or~~
- ~~—— (c) by properly completing, signing, and returning to the appropriate county election administrator the federal write-in absentee ballot transmission envelope.~~

(2) An application for a ~~federal write-in~~ regular absentee ballot must be received by the appropriate county election administrator not less than 30 days before the date of an election. An application for a regular absentee ballot that is received less than 30 days before the date of an election must be processed for the next election.

(3) An application under this section is valid for all state and local elections in the calendar year in which the application is made and the next two regularly scheduled federal general elections.

(4) The elector's county election administrator shall provide the elector with a regular absentee ballot for the elections described in this subsection as soon as the ballots ~~become available~~ are printed."

NEW SECTION. **Section 7. Repealer.** Section 13-21-204, MCA, is repealed.

NEW SECTION. **Section 8. 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.

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