

SENATE BILL NO. 374  
INTRODUCED BY M. COONEY

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A PERSON WHO HOLDS A POWER OF ATTORNEY FROM A MEMBER OF THE UNITED STATES ARMED FORCES WHO IS STATIONED OVERSEAS TO APPLY FOR AN ABSENTEE BALLOT ON BEHALF OF THE MEMBER OF THE ARMED FORCES; AMENDING SECTIONS 13-13-212 AND 13-21-210, MCA; AND PROVIDING AN 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) ~~(a) An~~ Except as provided in subsection (1)(b), an elector may apply for an absentee ballot by using a standardized form provided by rule by the secretary of state or by making a written request, which must include the applicant's birth date and must be signed by the applicant. The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

~~(b) A person who holds a power of attorney from an absent uniformed services elector who by reason of active duty or service will be absent from the United States on the date of an election may apply for an absentee ballot for that election on behalf of the uniformed services elector. The applicant shall provide a copy of the power of attorney authorizing the request for an absentee ballot along with the application.~~

(2) (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 (2) must be received by the election administrator within the time period specified in 13-13-211(2).

(3) 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.

(4) (a) When applying for an absentee ballot under this section, an elector may also request to be mailed an absentee ballot, as soon as the ballot becomes available, for each subsequent election in which the elector is eligible to vote or only for each subsequent federal 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) The election administrator shall mail an address confirmation form at least 75 days before the election to each elector who has requested an absentee ballot for subsequent elections. The elector shall sign the form, indicate the address to which the absentee ballot should be sent, and return the form to the election administrator. If the form is not completed and returned, the election administrator shall remove the elector from the register of electors who have requested an absentee ballot for each subsequent election.

(c) An elector who has been removed from the register may subsequently request to be mailed an absentee ballot for each subsequent election."

**Section 2.** Section 13-21-210, MCA, is amended to read:

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

~~(a)~~(i) by making a written request, which must include the elector's birth date and signature;

~~(b)~~(ii) by properly completing, signing, and returning to the election administrator the federal post card application; or

~~(c)~~(iii) by properly completing, signing, and returning to the appropriate county election administrator the federal write-in absentee ballot transmission envelope.

(b) A person who holds a power of attorney from an absent uniformed services elector ~~who by reason of active duty or service will be absent from the United States on the date of an election~~ may apply for an absentee ballot for that election on behalf of the uniformed services elector. The applicant shall provide a copy of the power of attorney authorizing the request for an absentee ballot along with the application.

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

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2007.

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