



AN ACT IMPLEMENTING THE FEDERAL MILITARY AND OVERSEAS VOTER EMPOWERMENT ACT; AMENDING SECTIONS 13-13-205, 13-21-201, AND 13-21-210, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

**Section 1.** Section 13-13-205, MCA, is amended to read:

**"13-13-205. When ballots to be available.** (1) Except as provided in subsection (2), the election administrator shall ensure that ballots are available for voting at least:

- (a) 30 days prior to an election for those elections held in compliance with 13-1-107(1);
- (b) 20 days prior to an election for those elections held in compliance with 13-1-104(2) and (3) and 13-1-107(2); and
- (c) 30 days prior to an election held in conjunction with a federal general election in compliance with 13-1-104(1).

(2) A ballot requested pursuant to Title 13, chapter 21, must be sent to the elector as soon as the ballot is printed or at least 45 days in advance of an election held in conjunction with a federal primary election, federal general election, or federal special election ~~in compliance with 13-1-104(1).~~"

**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 as provided in 13-21-205.

(2) A registration application under subsection (1)(a) or (1)(b) must be received by the election

administrator by the time specified in 13-2-304 for late registration.

(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 and, if transmitted electronically and if required identification is included, is not required to be signed."

**Section 3.** 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 a regular absentee ballot as follows:

- (i) by making a written request, which must include the elector's birth date and signature; ~~or~~
- (ii) by properly completing, signing, and returning to the election administrator the federal post card application; or
- (iii) by making an electronic request that includes the elector's birth date and affirmation of the voter's eligibility to vote under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, et seq.

(b) A person who holds a power of attorney from an absent uniformed services elector 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 regular absentee ballot must be received by the appropriate county election administrator by the time specified in 13-2-304 for late registration.

(3) An application under this section is valid for all federal, state, and local elections in the calendar year in which the application is made ~~and the next two regularly scheduled federal general elections~~ unless an elector requests to be mailed an absentee ballot 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 eligible to vote and resides at the address provided in the initial application.

(4) If an elector fails to provide the address confirmation required by 13-13-212, the elector will be removed from the ~~permanent absentee ballot~~ list. An elector who is removed from the ~~permanent absentee ballot~~ list will continue to receive absentee ballots during the period covered in the elector's initial application under this section.

(5) The elector's county election administrator shall provide the elector with a regular absentee ballot for the elections described in subsection (3) as soon as the ballots are printed, but not later than 45 days before

either a federal primary election, federal general election, or federal special election."

**Section 4. Effective date.** [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,  
SB 0055, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

SENATE BILL NO. 55  
INTRODUCED BY L. JENT  
BY REQUEST OF THE SECRETARY OF STATE

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