

HOUSE BILL NO. 510

INTRODUCED BY P. INGRAHAM

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A BILL FOR AN ACT ENTITLED: "AN ACT REPLACING MANDATORY ANNUAL ABSENTEE BALLOT LIST ADDRESS CONFIRMATION PROCEDURES FOR ELECTION ADMINISTRATORS WITH ~~OPTIONAL~~ BIENNIAL PROCEDURES; AMENDING THE STANDARD VOTER REGISTRATION AND ABSENTEE BALLOT REQUEST APPLICATION; ALLOWING ELECTORS TO REQUEST REMOVAL FROM THE ABSENTEE BALLOT LIST; AND AMENDING SECTIONS ~~13-1-210~~, 13-13-212; AND 13-21-210, MCA."

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

~~Section 1.~~ Section 13-1-210, MCA, is amended to read:

~~"13-1-210. Standard application form for voter registration and absentee ballot requests. (1) The secretary of state shall establish by rule a standard application form, to be used by each election administrator, that allows an individual to apply for voter registration and to request to be added to the absentee ballot list in order to receive ballots for subsequent elections:~~

~~(2) Pursuant to 13-13-212(4), the absentee ballot application portion of the standard form must include substantially the following language and options:~~

~~Optional: I request an absentee ballot to be mailed to me for as long as I reside at the address listed:~~

~~for each subsequent election in which I am eligible to vote; or~~

~~for each subsequent federal election in which I am eligible to vote.~~

~~I understand that in order to continue to receive an absentee ballot, I must complete, sign, and return a confirmation form that, will upon the discretion of the election administrator, may be mailed to me in January of each year."~~

Section 1. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot -- special provisions -- annual perennial BIENNIAL absentee ballot list. (1) (a) Except as provided in subsection (1)(b), an elector may apply for an absentee ballot by using a standard application form provided by rule by the secretary of state pursuant to 13-1-210 or by making a written request, which must include the applicant's birth date and must be signed by the applicant. The request

1 must be submitted to the election administrator of the applicant's county of residence within the time period
2 specified in 13-13-211.

3 (b) A person who holds a power of attorney from an absent uniformed services elector may apply for an
4 absentee ballot for that election on behalf of the uniformed services elector. The applicant shall provide a copy
5 of the power of attorney authorizing the request for an absentee ballot along with the application.

6 (2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the
7 application for an absentee ballot may be made by written request signed by the elector at the time that the ballot
8 is delivered in person by the special absentee election board provided for in 13-13-225.

9 (b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and
10 application personally delivered by the special absentee election board at the elector's place of confinement,
11 hospitalization, or residence within the county.

12 (c) A request under this subsection (2) must be received by the election administrator within the time
13 period specified in 13-13-211(2).

14 (3) An elector who has made a request for an absentee ballot by one of the methods provided in this
15 section may, in the event of the death of a candidate after the primary election but before the general election,
16 make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election
17 administrator.

18 (4) (a) An elector may at any time request to be mailed an absentee ballot for each subsequent election
19 in which the elector is eligible to vote or only for each subsequent federal election in which the elector is eligible
20 to vote for as long as the elector remains qualified to vote and resides at the address provided in the initial
21 application. The request may be made when the individual applies for voter registration using the standard
22 application form provided for in 13-1-210.

23 (b) The election administrator ~~shall may annually from time to time~~ SHALL BIENNIALY mail a forwardable
24 address confirmation form to each elector who has requested an absentee ballot for subsequent elections. ~~The~~
25 ~~if the election administrator chooses to send the confirmation form, the~~ THE address confirmation form must be
26 mailed in January OF EVERY EVEN-NUMBERED YEAR. The address confirmation form is for elections to be held
27 between February 1 following the mailing through January of the ~~succeeding~~ NEXT EVEN-NUMBERED year. The
28 elector shall sign the form, indicate the address to which the absentee ballot should be sent, and return the form
29 to the election administrator. If the form is not completed and returned, the election administrator shall remove
30 the elector from the ~~annual perennial~~ BIENNIAL absentee ballot list.

1 (c) An elector may request to be removed from the ~~perennial~~ BIENNIAL absentee ballot list for subsequent
 2 elections by notifying the election administrator in writing.

3 ~~(e)(d)~~ An elector who has been or who requests to be removed from the ~~annual~~ ~~perennial~~ BIENNIAL
 4 absentee ballot list may subsequently request to be mailed an absentee ballot for each subsequent election.

5 (5) In a mail ballot election, ballots must be sent under mail ballot procedures rather than under the
 6 absentee ballot procedures set forth in subsection (4)."

7

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

9 **"13-21-210. Application for absentee ballots.** (1) (a) A United States elector may apply for a regular
 10 absentee ballot as follows:

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

12 (ii) by properly completing, signing, and returning to the election administrator the federal post card
 13 application;

14 (iii) by making an electronic request that includes the elector's birth date and affirmation of the voter's
 15 eligibility to vote under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, et seq.; or

16 (iv) by submitting to the election administrator the standard application form provided for in 13-1-210
 17 when registering to vote.

18 (b) A person who holds a power of attorney from an absent uniformed services elector may apply for an
 19 absentee ballot for that election on behalf of the uniformed services elector. The applicant shall provide a copy
 20 of the power of attorney authorizing the request for an absentee ballot along with the application.

21 (2) An application for a regular absentee ballot must be received by the appropriate county election
 22 administrator by the time specified in 13-2-304 for late registration.

23 (3) An application under this section is valid for all federal, state, and local elections in the calendar year
 24 in which the application is made unless an elector requests to be mailed an absentee ballot for each subsequent
 25 election in which the elector is eligible to vote or only for each subsequent federal election in which the elector
 26 is eligible to vote for as long as the elector remains eligible to vote and resides at the address provided in the
 27 initial application.

28 (4) If an ~~election administrator sends out the~~ ~~elector fails to provide the~~ ELECTOR FAILS TO PROVIDE THE
 29 address confirmation required by form pursuant to REQUIRED BY 13-13-212 and if an elector fails to provide the
 30 address confirmation, the elector must be removed from the ~~annual~~ ~~perennial~~ BIENNIAL absentee ballot list. An

1 elector who is removed from the ~~annual~~ ~~perennial~~ BIENNIAL absentee ballot list will continue to receive absentee
2 ballots during the period covered in the elector's initial application under this section.

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

6 - END -