1	HOUSE BILL NO. 247
2	INTRODUCED BY G. CUSTER
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TIMELINE FOR PREPARING ABSENTEE BALLOTS
5	AND MAIL BALLOTS FOR COUNTING; PROVIDING RESTRICTIONS; AND AMENDING SECTIONS 13-13-241
6	AND 13-19-312, MCA."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	
10	**Section 1.** Section 13-13-241, MCA, is amended to read:
11	**"13-13-241. Examination of absentee ballot signature envelopes -- deposit of absentee and**
12	**unvoted ballots -- rulemaking.** (1) (a) Upon receipt of each absentee ballot signature envelope, an election
13	administrator shall compare the signature of the elector or elector's agent on the absentee ballot request or on
14	the elector's voter registration card with the signature on the signature envelope.
15	(b) If the elector is legally registered and the signature on the signature envelope matches the signature
16	on the absentee ballot application or on the elector's voter registration card, the election administrator or an
17	election judge shall handle the ballot as a regular ballot.
18	(c) (i) If the elector is provisionally registered and the signature on the signature envelope matches the
19	signature on the absentee ballot application or on the elector's voter registration card, the election administrator
20	or an election judge shall open the outer signature envelope and determine whether the elector's voter
21	identification and eligibility information, if enclosed pursuant to 13-13-201, is sufficient pursuant to rules adopted
22	under 13-2-109 to legally register the elector.
23	(ii) If the voter identification and eligibility information is sufficient to legally register the elector, the ballot
24	must be handled as a regular ballot.
25	(iii) If voter identification or eligibility information was not enclosed or the information enclosed is
26	insufficient to legally register the elector, the ballot must be handled as a provisional ballot under 13-15-107.
27	(2) If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall
28	place the ballot in a secrecy envelope without examining the ballot.
29	(3) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and
30	handled without being removed from their enclosure envelopes. If an unvoted party ballot is not received, the

1   election administrator shall process the voted party ballot as if the unvoted party ballot had been received.

2   (4) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify the

3   absentee elector as provided in 13-13-245.

4   (5) If the signature on the absentee ballot signature envelope does not match the signature on the

5   absentee ballot request form or on the elector's voter registration card or if there is no signature on the absentee

6   ballot signature envelope, the election administrator shall notify the elector as provided in 13-13-245.

7   (6) If at any point there is a question concerning the validity of a particular ballot, the question must be

8   resolved as provided in 13-13-245.

9   (7) (a) After receiving an absentee ballot secrecy envelope and if the validity of the ballot is confirmed

10   pursuant to 13-13-245, then no sooner than ~~1~~ 3 business ~~day~~ days before election day, the election official may~~,~~

11   ~~in the presence of a poll watcher,~~ open the secrecy envelope and place the ballot in the proper, secured ballot

12   box until tabulation occurs on election day.

13   (b) The process described in subsection (7)(a):

14   (i) must be public; and

15   (ii) may not be conducted on a Saturday or a Sunday.

16   (8) The election administrator shall safely and securely keep the absentee ballots in the election

17   administrator's office until delivered by the election administrator to the election judges.

18   (9) The secretary of state shall develop administrative rules to establish the process and procedures to

19   be used during the early preparation of ballots to ensure the security of the ballots and the secrecy of the votes

20   during the early preparation period. The rules must include but are not limited to:

21   (a) the allowable distance from the observers to the judges and ballots;

22   (b) the security in the observation area;

23   (c) secrecy of votes during the preparation of the ballots; and

24   (d) security of the secured ballot boxes in storage until tabulation procedures begin on election day."

25

26   **Section 2.** Section 13-19-312, MCA, is amended to read:

27   **"13-19-312. Preparation for count and counting procedure.** (1) The preparation for counting ballots

28   must be as provided in 13-15-201.

29   (2) Except as provided in subsection (3), after the close of voting on election day, the counting board

30   appointed pursuant to 13-15-112 shall:

1   (a) open the official ballot boxes;

2   (b) if the process authorized under 13-13-241(7) was not used, open each secrecy envelope, removing

3   the voted ballot; and

4   (c) proceed to count the votes as provided in Title 13, chapter 15.

5   (3) On election day, the election administrator may begin the procedures described in subsection (2)

6   before the polls close if the election administrator complies with the procedures described in 13-15-207(3)."

7   - END -