

HOUSE BILL NO. 342

INTRODUCED BY B. BENNETT, G. CUSTER, W. MCKAMEY, C. SCHREINER, N. SCHWADERER

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR ELECTRONIC ADDRESS CONFIRMATION FOR AN ELECTOR RESPONDING TO THE BIENNIAL ABSENTEE BALLOT LIST CONFIRMATION MAILING; ALLOWING AN ELECTOR TO RESPOND TO THE CONFIRMATION MAILING USING E-MAIL; ALLOWING AN ELECTION ADMINISTRATOR TO ESTABLISH A WEBSITE FOR ELECTORS TO RESPOND TO THE CONFIRMATION MAILING; AND AMENDING SECTIONS ~~13-1-210~~ AND SECTION 13-13-212, 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(3), the absentee ballot application portion of the standard form must include:~~

~~(a) an e-mail address for the election administrator that can be used by the elector to confirm that the elector wishes to continue to receive an absentee ballot and to provide the requested information; and~~

~~(b) substantially the following language and option:~~

~~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.~~

~~I understand that in order to continue to receive an absentee ballot, I must complete, sign, and return respond to a confirmation form that will be mailed to me in January of every even-numbered year."~~

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

"13-13-212. Application for absentee ballot -- special provisions -- 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 must be submitted

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

2 (b) A person who holds a power of attorney from an absent uniformed services elector [a
3 uniformed-service voter] may apply for an absentee ballot for that election on behalf of the uniformed services
4 elector [uniformed-service voter]. The applicant shall provide a copy of the power of attorney authorizing the
5 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 absentee election board or by an authorized election official as provided in
9 13-13-225.

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

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

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

19 (b) (i) The election administrator shall biennially mail a forwardable address confirmation form to each
20 elector who has requested an absentee ballot for subsequent elections. The address confirmation form must
21 request the elector's driver's license number or the last four digits of the elector's social security number. The
22 address confirmation form must include an e-mail address for the election administrator that can be used by the
23 elector to confirm that the elector wishes to continue to receive an absentee ballot and to provide the requested
24 information. The address confirmation form must be mailed in January of every even-numbered year. The
25 address confirmation form is for elections to be held between February 1 following the mailing through January
26 of the next even-numbered year.

27 (ii) An election administrator may provide a website on which the elector can provide the required
28 information to confirm that the elector wishes to remain on the biennial absentee ballot list.

29 (iii) Except as provided in subsections (3)(b)(iv) and (3)(b)(v), the elector shall sign the form, indicate
30 the address to which the absentee ballot should be sent, provide the elector's driver's license number or the last

1 four digits of the elector's social security number, and return the form to the election administrator.

2 (iv) The elector may provide the required information to the election administrator using:

3 (A) the e-mail address provided on the form; or

4 (B) a website established by the election administrator.

5 (v) The elector does not need to provide a signature when using either option provided in subsection

6 (3)(b)(iv) to confirm that the elector wishes to remain on the biennial absentee ballot list.

7 (c) If the form is not completed and returned or if the elector does not respond using the options provided

8 in subsection (3)(b)(iv), the election administrator shall remove the elector from the biennial absentee ballot list.

9 ~~(e)~~(d) An elector may request to be removed from the biennial absentee ballot list for subsequent
10 elections by notifying the election administrator in writing.

11 ~~(d)~~(e) An elector who has been or who requests to be removed from the biennial absentee ballot list may
12 subsequently request to be mailed an absentee ballot for each subsequent election.

13 (4) In a mail ballot election, ballots must be sent under mail ballot procedures rather than under the
14 absentee ballot procedures set forth in subsection (3)."

15 - END -