

## HOUSE BILL NO. 400

INTRODUCED BY G. CUSTER

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN ELECTOR WITH A DISABILITY TO VOTE USING AN ELECTRONIC BALLOT; PROVIDING VOTING PROCEDURES RELATING TO ELECTRONIC BALLOTS FOR ELECTORS WITH DISABILITIES; REVISING THE SECRETARY OF STATE'S RULEMAKING AUTHORITY; AND AMENDING SECTION 13-19-301, MCA."

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

**NEW SECTION. Section 1. Electronic ballots for disabled persons -- procedures -- definition -- rulemaking.** (1) (a) Upon a written or an in-person request from a legally registered or provisionally registered elector with a disability, an election administrator shall provide the elector with an electronic ballot.

(b) The request may be made by electronic mail.

(2) (a) After receiving a request and verifying that the elector is legally registered or provisionally registered, the election administrator shall provide to the elector an electronic ballot, instructions for completing the ballot, a secrecy envelope, and a transmittal cover sheet that includes an elector affirmation. If the elector is provisionally registered, the election administrator shall include instructions about what information the elector shall include with the voted ballot pursuant to 13-13-201(4).

(b) The election administrator shall maintain an official log of all ballots provided pursuant to this section.

(c) After voting the ballot, the elector shall print the ballot, place it in the secrecy envelope, sign the affirmation, including by fingerprint, mark, or agent pursuant to 13-1-116, or provide a driver's license number or the last four digits of the elector's social security number. If the elector is provisionally registered, the elector shall also return sufficient voter identification and eligibility information to allow the election administrator to determine pursuant to rules adopted under 13-2-109 that the elector is legally registered. The elector shall return the voted ballot and affirmation in a manner that ensures both are received by 8 p.m. on election day.

(d) An elector may return the voted ballot and affirmation in the regular mail provided they are received at the office of the election administrator by 8 p.m. on election day. A valid ballot must be counted if it is received at the office of the election administrator by 8 p.m. on election day.

(3) After receiving a ballot and secrecy envelope and if the validity of the ballot is confirmed pursuant to

1 13-13-241, the election administrator shall log the receipt of the ballot and process it as required in Title 13,  
2 chapter 13. If the ballot is rejected, the election administrator shall notify the elector pursuant to 13-13-245.

3 (4) (a) When performing the procedures prescribed in 13-13-241(7) to open secrecy envelopes, an  
4 election official shall place in a secure absentee ballot envelope any ballot returned pursuant to this section that  
5 requires transcription. No sooner than the time provided in 13-13-241(7), the election administrator shall  
6 transcribe the returned ballots using the procedure prescribed below and in accordance with any rules  
7 established by the secretary of state to ensure the security of the ballots and the secrecy of the votes.

8 (b) No fewer than ~~two~~ THREE election officials shall participate in the transcription process to transfer the  
9 elector's vote from the received ballot to the standard ballot used in the precinct. A POLL WATCHER FROM EACH OF  
10 THE TWO LARGEST POLITICAL PARTIES IN THE COUNTY MUST BE PRESENT DURING THE TRANSCRIPTION PROCESS.

11 (c) A number must be written on the secrecy envelope that contains the original voted electronic ballot,  
12 and the same number must be placed on the transcribed ballot and in the official log.

13 (d) The election officials who transcribed the original voted electronic ballot shall sign the log next to the  
14 number.

15 (e) No one participating in the ballot transmission process may reveal any information about the ballot.

16 (5) The secretary of state shall adopt rules to implement and administer this section, including rules to  
17 ensure the security of the ballots and the secrecy of the votes.

18 (6) For the purposes of this section, "disability" has the meaning provided in 13-3-202.

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20 **Section 2.** Section 13-19-301, MCA, is amended to read:

21 **"13-19-301. Voting mail ballots.** (1) Upon receipt of a mailed ballot, the elector may vote by:

22 (a) marking the ballot in the manner specified;

23 (b) placing the marked ballot in the secrecy envelope, free of any identifying marks;

24 (c) placing the secrecy envelope containing one ballot for each election being held in the signature  
25 envelope;

26 (d) executing the affirmation printed on the signature envelope; and

27 (e) returning the signature envelope with all appropriate enclosures, as provided in 13-19-306.

28 (2) For the purpose of this chapter, an official ballot is voted when the marked ballot is received at a  
29 place of deposit.

30 (3) A legally registered or provisionally registered elector with a disability may receive and vote a ballot

1 using procedures established in [section 1]."

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3 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
4 integral part of Title 13, chapter 13, and the provisions of Title 13, chapter 13, apply to [section 1].

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