

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING AN EXCEPTION SO THAT COUNTIES WITH FEWER
5 REGISTERED ELECTORS MAY BEGIN PREPARING ABSENTEE BALLOTS AND PUTTING THEM INTO A
6 SECURED BALLOT BOX 3 DAYS BEFORE ELECTION DAY AS AUTHORIZED UNDER CURRENT LAW
7 FOR COUNTIES WITH MORE REGISTERED ELECTORS; AND AMENDING SECTION 13-13-241, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 13-13-241, MCA, is amended to read:

12 **"13-13-241. Examination of absentee ballot signature envelopes -- deposit of absentee and**
13 **unvoted ballots -- rulemaking.** (1) (a) Upon receipt of each absentee ballot signature envelope, an election
14 administrator shall compare the signature of the elector or elector's agent on the absentee ballot request or on
15 the elector's voter registration form with the signature on the signature envelope.

16 (b) If the elector is legally registered and the signature on the signature envelope matches the
17 signature on the absentee ballot application or on the elector's voter registration form, the election administrator
18 or an election judge shall handle the ballot as a regular ballot.

19 (c) (i) If the elector is provisionally registered and the signature on the signature envelope matches
20 the signature on the absentee ballot application or on the elector's voter registration form, the election
21 administrator or an election judge shall open the outer signature envelope and determine whether the elector's
22 voter identification and eligibility information, if enclosed pursuant to 13-13-201, is sufficient pursuant to rules
23 adopted under 13-2-109 to legally register the elector.

24 (ii) If the voter identification and eligibility information is sufficient to legally register the elector, the
25 ballot must be handled as a regular ballot.

26 (iii) If voter identification or eligibility information was not enclosed or the information enclosed is
27 insufficient to legally register the elector, the ballot must be handled as a provisional ballot under 13-15-107.

28 (2) If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator

1 shall place the ballot in a secrecy envelope without examining the ballot.

2 (3) In a primary election, if unvoted party ballots are returned by a voter, they must be separated and
3 handled pursuant to 13-1-303 and 13-12-202.

4 (4) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify
5 the absentee elector as provided in 13-13-245.

6 (5) If the signature on the absentee ballot signature envelope does not match the signature on the
7 absentee ballot request form or on the elector's voter registration form or if there is no signature on the
8 absentee ballot signature envelope, the election administrator shall notify the elector as provided in 13-13-245.

9 (6) If at any point there is a question concerning the validity of a particular ballot, the question must be
10 resolved as provided in 13-13-245.

11 (7) (a) ~~Except as provided in subsection (8), after~~ After receiving an absentee ballot secrecy
12 envelope and if the validity of the ballot is confirmed pursuant to 13-13-245, then no sooner than 3 business
13 days before election day, the election official may open the secrecy envelope and place the ballot in the proper,
14 secured ballot box until tabulation occurs. Automatic tabulation using a vote-counting machine may not begin
15 sooner than 1 day before election day. Tabulation using a manual count may not begin until election day.

16 (b) An election official may not conduct the process described in subsection (7)(a) on a Saturday or a
17 Sunday.

18 (c) Ballot preparation as described in this subsection (7) is open to the public. Tabulation is open to
19 the public as provided in 13-15-101.

20 (d) Access to an electronic system containing early tabulation results is limited to the election
21 administrator and the election administrator's designee. Results may not be released except as provided in 13-
22 35-241.

23 ~~(8) For a county with fewer than 8,000 registered electors or fewer than 5,000 absentee electors at~~
24 ~~the close of regular registration, the ballot preparation process described in subsection (7)(a) may not begin~~
25 ~~sooner than 1 business day before election day.~~

26 ~~(9)(8)~~ The election administrator shall safely and securely keep the absentee ballots in the election
27 administrator's office until delivered by the election administrator to the election judges.

28 ~~(40)(9)~~ The secretary of state shall develop administrative rules to establish the process and

- 1 procedures to be used during the early preparation of ballots to ensure the security of the ballots and the
2 secrecy of the votes during the early preparation period. The rules must include but are not limited to:
- 3 (a) the allowable distance from the observers to the judges and ballots;
 - 4 (b) the security in the observation area;
 - 5 (c) secrecy of votes during the preparation of the ballots; and
 - 6 (d) security of the secured ballot boxes in storage until tabulation procedures begin."

7 - END -