

## 1 HOUSE BILL NO. 287

2 INTRODUCED BY K. KORTUM

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE STATE SHALL REIMBURSE COUNTIES  
5 FOR THE COST OF RETURN POSTAGE FOR ABSENTEE BALLOTS RETURNED BY MAIL; PROVIDING  
6 RULEMAKING AUTHORITY; AND AMENDING SECTIONS 13-13-201 AND 13-13-214, MCA."

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

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10 **NEW SECTION. Section 1. Payment of postage for absentee ballot return -- rulemaking.** (1)

11 Each county may determine how to pay the postage on return envelopes mailed to electors pursuant to 13-13-  
12 214(2)(b) for the return of absentee ballots by mail.

13 (2) The office of the secretary of state shall reimburse each county for postage costs incurred for the  
14 return of absentee ballots by mail. The reimbursement must be paid from funds appropriated by the legislature  
15 to the office of the secretary of state for the purpose of this section.

16 (3) The office of the secretary of state shall adopt rules to administer the provisions of this section.

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18 **Section 2.** Section 13-13-201, MCA, is amended to read:

19 **"13-13-201. Voting by absentee ballot -- procedures.** (1) A legally registered elector or provisionally  
20 registered elector is entitled to vote by absentee ballot as provided for in this part.

21 (2) The elector may vote absentee 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 by regular mail, ~~postage paid~~, or

28 by delivering it to:

- 1 (i) the election office;
- 2 (ii) a polling place within the elector's county;
- 3 (iii) pursuant to 13-13-229, the absentee election board or an authorized election official; or
- 4 (iv) in a mail ballot election held pursuant to Title 13, chapter 19, a designated place of deposit within
- 5 the elector's county.

6 (3) Except as provided in 13-21-206 and 13-21-226, in order for the ballot to be counted, each elector

7 shall return it in a manner that ensures the ballot is received prior to 8 p.m. on election day.

8 (4) A provisionally registered elector may also enclose in the outer signature envelope a copy of the

9 elector's photo identification showing the elector's name. The photo identification may be but is not limited to a

10 valid driver's license, a school district or postsecondary education photo identification, or a tribal photo

11 identification. If the provisionally registered elector does not enclose a photo identification, the elector may

12 enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration

13 issued pursuant to 13-2-207, government check, or other government document that shows the elector's name

14 and current address."

15

16 **Section 3.** Section 13-13-214, MCA, is amended to read:

17 **"13-13-214. Mailing absentee ballot to elector -- delivery to person other than elector.** (1) (a)

18 Except as provided in 13-13-213 and in subsection (1)(c) of this section, the election administrator shall mail,

19 postage prepaid, to each legally registered elector and provisionally registered elector from whom the election

20 administrator has received a valid absentee ballot application under 13-13-211 and 13-13-212 whatever official

21 ballots are necessary in a manner that conforms to postal regulations to require the return rather than

22 forwarding of ballots.

23 (b) The election administrator shall mail the ballots in a manner that conforms to the deadlines

24 established for ballot availability in 13-13-205.

25 (c) The election administrator may deliver a ballot in person to an individual other than the elector if:

26 (i) the elector has designated the individual, either by a signed letter or by making the designation on

27 the application form in a manner prescribed by the secretary of state or pursuant to 13-1-116;

28 (ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of

1 the ballot;

2 (iii) the election administrator believes that the individual receiving the ballot is the designated person;

3 and

4 (iv) the designated person has not previously picked up ballots for four other electors.

5 (2) The election administrator shall enclose with the ballots:

6 (a) a secrecy envelope, free of any marks that would identify the voter; and

7 (b) a signature envelope for the return of the ballot. The signature envelope must have postage paid  
 8 by the county if it is returned by mail, be self-addressed by the election administrator, and include an affirmation  
 9 that is printed on the back of the envelope in the form prescribed by the secretary of state ~~must be printed on~~  
 10 ~~the back of the signature envelope.~~

11 (3) The election administrator shall ensure that the ballots provided to an absentee elector are  
 12 marked as provided in 13-13-116 and shall remove the stubs from the ballots, keeping the stubs in numerical  
 13 order with the application for absentee ballots, if applicable, or in a precinct envelope or container for that  
 14 purpose.

15 (4) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must  
 16 include disposal instructions for unvoted ballots. The instructions must include information concerning the type  
 17 or types of writing instruments that may be used to mark the absentee ballot. The instructions must include  
 18 information regarding use of the secrecy envelope and use of the signature envelope. The election  
 19 administrator shall include a voter information pamphlet with the instructions if:

20 (a) a statewide ballot issue appears on the ballot mailed to the elector; and

21 (b) the elector requests a voter information pamphlet."

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23 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an  
 24 integral part of Title 13, chapter 13, part 2, and the provisions of Title 13, chapter 13, part 2, apply to [section 1].

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