

1 HOUSE BILL NO. 366

2 INTRODUCED BY K. KORTUM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTION TERMINOLOGY; CHANGING ABSENTEE
5 BALLOT TO MAIL BALLOT; CHANGING MAIL BALLOT TO ALL-MAIL BALLOT IN ALL-MAIL BALLOT
6 ELECTIONS; AND AMENDING SECTIONS 2-2-121, 13-1-101, 13-1-115, 13-1-210, 13-1-404, 13-1-503, 13-2-
7 116, 13-2-220, 13-2-222, 13-2-512, 13-2-514, 13-3-213, 13-12-102, 13-13-201, 13-13-204, 13-13-205, 13-13-
8 211, 13-13-212, 13-13-213, 13-13-214, 13-13-222, 13-13-225, 13-13-226, 13-13-227, 13-13-228, 13-13-229,
9 13-13-232, 13-13-233, 13-13-234, 13-13-241, 13-13-244, 13-13-245, 13-13-246, 13-13-270, 13-13-603, 13-15-
10 104, 13-15-105, 13-15-106, 13-15-108, 13-15-112, 13-15-201, 13-15-205, 13-15-206, 13-19-101, 13-19-102,
11 13-19-103, 13-19-104, 13-19-105, 13-19-106, 13-19-202, 13-19-203, 13-19-206, 13-19-304, 13-19-309, 13-19-
12 313, 13-21-102, 13-21-104, 13-21-107, 13-21-206, 13-21-213, 13-21-221, 13-21-222, 13-21-225, 13-35-602,
13 13-35-603, 13-35-604, 13-37-201, 13-37-219, 13-37-226, 20-9-428, 20-20-204, 20-20-401, 22-1-702, 32-3-310,
14 AND 85-9-623, MCA."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17
18 **Section 1.** Section 2-2-121, MCA, is amended to read:

19 **"2-2-121. Rules of conduct for public officers and public employees.** (1) Proof of commission of
20 any act enumerated in subsection (2) is proof that the actor has breached a public duty.

21 (2) A public officer or a public employee may not:

22 (a) subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for
23 the officer's or employee's private business purposes;

24 (b) engage in a substantial financial transaction for the officer's or employee's private business
25 purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

26 (c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other
27 economic benefit from the officer's or employee's agency;

28 (d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic

1 benefit from any agency;

2 (e) perform an official act directly and substantially affecting to its economic benefit a business or
3 other undertaking in which the officer or employee either has a substantial financial interest or is engaged as
4 counsel, consultant, representative, or agent; or

5 (f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with
6 a person whom the officer or employee regulates in the course of official duties without first giving written
7 notification to the officer's or employee's supervisor and department director.

8 (3) (a) Except as provided in subsection (3)(b), a public officer or public employee may not use or
9 permit the use of public time, facilities, equipment, supplies, personnel, or funds to solicit support for or
10 opposition to any political committee, the nomination or election of any person to public office, or the passage of
11 a ballot issue unless the use is:

12 (i) authorized by law; or

13 (ii) properly incidental to another activity required or authorized by law, such as the function of an
14 elected public officer, the officer's staff, or the legislative staff in the normal course of duties.

15 (b) As used in this subsection (3), "properly incidental to another activity required or authorized by
16 law" does not include any activities related to solicitation of support for or opposition to the nomination or
17 election of a person to public office or political committees organized to support or oppose a candidate or
18 candidates for public office. With respect to ballot issues, properly incidental activities are restricted to:

19 (i) the activities of a public officer, the public officer's staff, or legislative staff related to determining
20 the impact of passage or failure of a ballot issue on state or local government operations;

21 (ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements
22 of law governing public meetings of the local board of trustees, including the resulting dissemination of
23 information by a board of trustees or a school superintendent or a designated employee in a district with no
24 superintendent in support of or opposition to a bond issue or levy submitted to the electors. Public funds may
25 not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy
26 submitted to the electors.

27 (c) This subsection (3) is not intended to restrict the right of a public officer or public employee to
28 express personal political views.

1 (d) (i) If the public officer or public employee is a Montana highway patrol chief or highway patrol
2 officer appointed under Title 44, chapter 1, the term "equipment" as used in this subsection (3) includes the
3 chief's or officer's official highway patrol uniform.

4 (ii) A Montana highway patrol chief's or highway patrol officer's title may not be referred to in the
5 solicitation of support for or opposition to any political committee, the nomination or election of any person to
6 public office, or the passage of a ballot issue.

7 (4) (a) A candidate, as defined in ~~13-1-101(8)(a)~~ 13-1-101(9)(a), may not use or permit the use of
8 state funds for any advertisement or public service announcement in a newspaper, on radio, or on television
9 that contains the candidate's name, picture, or voice except in the case of a state or national emergency and
10 then only if the announcement is reasonably necessary to the candidate's official functions.

11 (b) A state officer may not use or permit the use of public time, facilities, equipment, supplies,
12 personnel, or funds to produce, print, or broadcast any advertisement or public service announcement in a
13 newspaper, on radio, or on television that contains the state officer's name, picture, or voice except in the case
14 of a state or national emergency if the announcement is reasonably necessary to the state officer's official
15 functions or in the case of an announcement directly related to a program or activity under the jurisdiction of the
16 office or position to which the state officer was elected or appointed.

17 (5) A public officer or public employee may not participate in a proceeding when an organization,
18 other than an organization or association of local government officials, of which the public officer or public
19 employee is an officer or director is:

20 (a) involved in a proceeding before the employing agency that is within the scope of the public
21 officer's or public employee's job duties; or

22 (b) attempting to influence a local, state, or federal proceeding in which the public officer or public
23 employee represents the state or local government.

24 (6) A public officer or public employee may not engage in any activity, including lobbying, as defined
25 in 5-7-102, on behalf of an organization, other than an organization or association of local government officials,
26 of which the public officer or public employee is a member while performing the public officer's or public
27 employee's job duties. The provisions of this subsection do not prohibit a public officer or public employee from
28 performing charitable fundraising activities if approved by the public officer's or public employee's supervisor or

1 authorized by law.

2 (7) A listing by a public officer or a public employee in the electronic directory provided for in 30-17-
3 101 of any product created outside of work in a public agency is not in violation of subsection (2)(a) of this
4 section. The public officer or public employee may not make arrangements for the listing in the electronic
5 directory during work hours.

6 (8) A department head or a member of a quasi-judicial or rulemaking board may perform an official
7 act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a
8 statute and if the person complies with the disclosure procedures under 2-2-131.

9 (9) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee
10 unless the member is also a full-time public employee.

11 (10) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local
12 government from performing an official act when the member's participation is necessary to obtain a quorum or
13 to otherwise enable the body to act. The member shall disclose the interest creating the appearance of
14 impropriety prior to performing the official act."
15

16 **Section 2.** Section 13-1-101, MCA, is amended to read:

17 "**13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the
18 following definitions apply:

19 (1) "Active elector" means an elector whose name has not been placed on the inactive list due to
20 failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

21 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

22 (3) "All-mail ballot election" means any election that is conducted under Title 13, chapter 19, by
23 mailing ballots to all active electors.

24 ~~(3)(4)~~ "Anything of value" means any goods that have a certain utility to the recipient that is real and
25 that is ordinarily not given away free but is purchased.

26 ~~(4)(5)~~ "Application for voter registration" means a voter registration form prescribed by the secretary of
27 state that is completed and signed by an elector, is submitted to the election administrator, and contains voter
28 registration information subject to verification as provided by law.

1 ~~(5)~~(6) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such
 2 as an optical scan system or other technology that automatically tabulates votes cast by processing the paper
 3 ballots.

4 ~~(6)~~(7) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their
 5 approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment,
 6 recall question, school levy question, bond issue question, or ballot question.

7 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by
 8 the proper official that the legal procedure necessary for its qualification and placement on the ballot has been
 9 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the
 10 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

11 ~~(7)~~(8) "Ballot issue committee" means a political committee specifically organized to support or
 12 oppose a ballot issue.

13 ~~(8)~~(9) "Candidate" means:

14 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or
 15 appointment as a candidate for public office as required by law;

16 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained
 17 contributions, made expenditures, or given consent to an individual, organization, political party, or committee
 18 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure
 19 nomination or election to any office at any time, whether or not the office for which the individual will seek
 20 nomination or election is known when the:

21 (i) solicitation is made;

22 (ii) contribution is received and retained; or

23 (iii) expenditure is made; or

24 (c) an officeholder who is the subject of a recall election.

25 ~~(9)~~(10) (a) "Contribution" means:

26 (i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit,
 27 payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;

28 (ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or

1 ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

2 (iii) the receipt by a political committee of funds transferred from another political committee; or

3 (iv) the payment by a person other than a candidate or political committee of compensation for the
4 personal services of another person that are rendered to a candidate or political committee.

5 (b) The term does not mean services provided without compensation by individuals volunteering a
6 portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by
7 individuals in their private residences for a candidate or other individual.

8 (c) This definition does not apply to Title 13, chapter 37, part 6.

9 ~~(10)~~(11) "Coordinated", including any variations of the term, means made in cooperation with, in
10 consultation with, at the request of, or with the express prior consent of a candidate or political committee or an
11 agent of a candidate or political committee.

12 ~~(11)~~ (12) "De minimis act" means an action, contribution, or expenditure that is so small that it does not
13 trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant
14 enforcement as a campaign practices violation under Title 13, chapter 37.

15 ~~(12)~~(13) "Election" means a general, special, or primary election held pursuant to the requirements of
16 state law, regardless of the time or purpose.

17 ~~(13)~~(14) (a) "Election administrator" means, except as provided in subsection ~~(13)~~ (14)(b), the county
18 clerk and recorder or the individual designated by a county governing body to be responsible for all election
19 administration duties, except that with regard to school elections not administered by the county, the term
20 means the school district clerk.

21 (b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder or
22 the individual designated by a county governing body to be responsible for all election administration duties
23 even if the school election is administered by the school district clerk.

24 ~~(14)~~(15) (a) "Election communication" means the following forms of communication to support or
25 oppose a candidate or ballot issue:

26 (i) a paid advertisement broadcast over radio, television, cable, or satellite;

27 (ii) paid placement of content on the internet or other electronic communication network;

28 (iii) a paid advertisement published in a newspaper or periodical or on a billboard;

- 1 (iv) a mailing; or
- 2 (v) printed materials.
- 3 (b) The term does not mean:
- 4 (i) an activity or communication for the purpose of encouraging individuals to register to vote or to
- 5 vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;
- 6 (ii) a communication that does not support or oppose a candidate or ballot issue;
- 7 (iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any
- 8 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general
- 9 circulation;
- 10 (iv) a communication by any membership organization or corporation to its members, stockholders, or
- 11 employees; or
- 12 (v) a communication that the commissioner determines by rule is not an election communication.
- 13 ~~(15)~~(16) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to
- 14 perform duties as specified by law.
- 15 ~~(16)~~(17) (a) "Electioneering communication" means a paid communication that is publicly distributed
- 16 by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other
- 17 distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does
- 18 not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the
- 19 district voting on the candidate or ballot issue, and that:
- 20 (i) refers to one or more clearly identified candidates in that election;
- 21 (ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that
- 22 election; or
- 23 (iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.
- 24 (b) The term does not mean:
- 25 (i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any
- 26 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general
- 27 circulation unless the facilities are owned or controlled by a candidate or political committee;
- 28 (ii) a communication by any membership organization or corporation to its members, stockholders, or

1 employees;

2 (iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the
3 candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

4 (iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate
5 debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

6 (v) a communication that the commissioner determines by rule is not an electioneering
7 communication.

8 ~~(17)~~(18) "Elector" means an individual qualified to vote under state law.

9 ~~(18)~~(19) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge,
10 or gift of money or anything of value:

11 (i) made by a candidate or political committee to support or oppose a candidate or a ballot issue; or

12 (ii) used or intended for use in making independent expenditures or in producing electioneering
13 communications.

14 (b) The term does not mean:

15 (i) services, food, or lodging provided in a manner that they are not contributions under subsection
16 (9);

17 (ii) payments by a candidate for personal travel expenses, food, clothing, lodging, or personal
18 necessities for the candidate and the candidate's family;

19 (iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities
20 of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

21 (iv) the cost of any communication by any membership organization or corporation to its members or
22 stockholders or employees.

23 (c) This definition does not apply to Title 13, chapter 37, part 6.

24 ~~(19)~~(20) "Federal election" means an election in even-numbered years in which an elector may vote for
25 individuals for the office of president of the United States or for the United States congress.

26 ~~(20)~~(21) "General election" means an election that is held for offices that first appear on a primary
27 election ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-
28 104.

1 ~~(21)~~(22) "Inactive elector" means an individual who failed to respond to confirmation notices and
2 whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

3 ~~(22)~~(23) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

4 ~~(23)~~(24) (a) "Incidental committee" means a political committee that is not specifically organized or
5 operating for the primary purpose of supporting or opposing candidates or ballot issues but that may
6 incidentally become a political committee by receiving a contribution or making an expenditure.

7 (b) For the purpose of this subsection ~~(23)~~ (24), the primary purpose is determined by the
8 commissioner by rule and includes criteria such as the allocation of budget, staff, or members' activity or the
9 statement of purpose or goal of the person or individuals that form the committee.

10 ~~(24)~~(25) "Independent committee" means a political committee organized for the primary purpose of
11 receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate
12 and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant
13 to the limits set forth in 13-37-216(1).

14 ~~(25)~~(26) "Independent expenditure" means an expenditure for an election communication to support or
15 oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue
16 committee.

17 ~~(26)~~(27) "Individual" means a human being.

18 ~~(27)~~(28) "Legally registered elector" means an individual whose application for voter registration was
19 accepted, processed, and verified as provided by law.

20 ~~(28) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing~~
21 ~~ballots to all active electors.~~

22 (29) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,
23 including a political committee, club, union, or other organization or group of individuals or a candidate as
24 defined in subsection ~~(8)~~ (9).

25 (30) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-
26 307 for ~~a mail~~ an all-mail ballot election conducted under Title 13, chapter 19.

27 (31) (a) "Political committee" means a combination of two or more individuals or a person other than
28 an individual who receives a contribution or makes an expenditure:

- 1 (i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a
2 petition for nomination;
- 3 (ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or
4 (iii) to prepare or disseminate an election communication, an electioneering communication, or an
5 independent expenditure.
- 6 (b) Political committees include ballot issue committees, incidental committees, independent
7 committees, and political party committees.
- 8 (c) A candidate and the candidate's treasurer do not constitute a political committee.
- 9 (d) A political committee is not formed when a combination of two or more individuals or a person
10 other than an individual makes an election communication, an electioneering communication, or an
11 independent expenditure of \$250 or less.
- 12 (32) "Political party committee" means a political committee formed by a political party organization
13 and includes all county and city central committees.
- 14 (33) "Political party organization" means a political organization that:
- 15 (a) was represented on the official ballot in either of the two most recent statewide general elections;
16 or
17 (b) has met the petition requirements provided in Title 13, chapter 10, part 5.
- 18 (34) "Political subdivision" means a county, consolidated municipal-county government, municipality,
19 special purpose district, or any other unit of government, except school districts, having authority to hold an
20 election.
- 21 (35) "Polling place election" means an election primarily conducted at polling places rather than by
22 mail under the provisions of Title 13, chapter 19.
- 23 (36) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate
24 candidates for offices filled at a general election.
- 25 (37) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not
26 been verified as provided by law.
- 27 (38) "Provisionally registered elector" means an individual whose application for voter registration was
28 accepted but whose identity or eligibility has not yet been verified as provided by law.

1 (39) "Public office" means a state, county, municipal, school, or other district office that is filled by the
2 people at an election.

3 (40) "Random-sample audit" means an audit involving a manual count of ballots from designated races
4 and ballot issues in precincts selected through a random process as provided in 13-17-503.

5 (41) "Registrar" means the county election administrator and any regularly appointed deputy or
6 assistant election administrator.

7 (42) "Regular school election" means the school trustee election provided for in 20-20-105(1).

8 (43) "School election" has the meaning provided in 20-1-101.

9 (44) "School election filing officer" means the filing officer with whom the declarations for nomination
10 for school district office were filed or with whom the school ballot issue was filed.

11 (45) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount
12 duties in school elections.

13 (46) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is
14 designed to:

15 (a) allow election officials, upon examination of the outside of the envelope, to determine that the
16 ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

17 (b) allow it to be used in the United States mail.

18 (47) "Special election" means an election held on a day other than the day specified for a primary
19 election, general election, or regular school election.

20 (48) "Special purpose district" means an area with special boundaries created as authorized by law for
21 a specialized and limited purpose.

22 (49) "Statewide voter registration list" means the voter registration list established and maintained
23 pursuant to 13-2-107 and 13-2-108.

24 (50) "Support or oppose", including any variations of the term, means:

25 (a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or
26 "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election
27 or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to
28 voters in an election; or

1 (b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or
 2 ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the
 3 nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the
 4 passage or defeat of the ballot issue or other question submitted to the voters in an election.

5 (51) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in
 6 13-15-206.

7 (52) "Voted ballot" means a ballot that is:

- 8 (a) deposited in the ballot box at a polling place;
- 9 (b) received at the election administrator's office; or
- 10 (c) returned to a place of deposit.

11 (53) "Voter interface device" means a voting system that:

- 12 (a) is accessible to electors with disabilities;
- 13 (b) communicates voting instructions and ballot information to a voter;
- 14 (c) allows the voter to select and vote for candidates and issues and to verify and change selections;

15 and

16 (d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's
 17 accuracy and that may be manually counted.

18 (54) "Voting system" or "system" means any machine, device, technology, or equipment used to
 19 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."
 20

21 **Section 3.** Section 13-1-115, MCA, is amended to read:

22 "**13-1-115. Privilege from arrest.** Electors may not be arrested during their attendance at elections
 23 and in going to and from voting places in polling place elections and to and from places of deposit in ~~mail-all-~~
 24 mail ballot elections, except in cases of treason, felony, or breach of the peace."
 25

26 **Section 4.** Section 13-1-210, MCA, is amended to read:

27 "**13-1-210. Standard application form for voter registration and ~~absentee-mail~~ ballot requests.**

28 (1) The secretary of state shall establish by rule a standard application form, to be used by each election

1 administrator, that allows an individual to apply for voter registration and to request to be added to the ~~absentee~~
2 mail ballot list in order to receive ballots for subsequent elections.

3 (2) Pursuant to 13-13-212(3), the ~~absentee-mail~~ ballot application portion of the standard form must
4 include substantially the following language and option:

5 Optional: I request ~~an absentee a~~ mail ballot to be mailed to me for as long as I reside at the
6 address listed for each subsequent election in which I am eligible to vote.

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

9

10 **Section 5.** Section 13-1-404, MCA, is amended to read:

11 "**13-1-404. Deadline for ~~absentee-mail~~ ballots and ~~mail~~ ballots in all-mail elections.** (1) Pursuant
12 to 13-13-205, ballots for a local government election must be:

13 (a) available for ~~absentee-mail ballot~~ voting in person at least 30 days before election day; and

14 (b) mailed to ~~absentee-mail ballot~~ voters at least 25 days prior to election day.

15 (2) Pursuant to 13-19-207, ballots for a local government election conducted by mail must be mailed
16 no sooner than the 20th day and no later than the 15th day before election day."

17

18 **Section 6.** Section 13-1-503, MCA, is amended to read:

19 "**13-1-503. Deadlines for ~~absentee-mail~~ ballots and ~~mail~~ ballots all-mail election ballots.** (1)

20 Pursuant to 13-13-205, ballots for a special purpose district election must be available for ~~absentee-mail ballot~~
21 voting at least 20 days before election day if the election is not conducted by mail.

22 (2) Pursuant to 13-19-207, ballots must be mailed no sooner than the 20th day and no later than the
23 15th day before election day if the election is conducted by mail."

24

25 **Section 7.** Section 13-2-116, MCA, is amended to read:

26 "**13-2-116. Precinct register.** (1) Except for ~~mail-all-mail~~ ballot elections conducted under Title 13,
27 chapter 19, the election administrator shall prepare from the certified statewide voter registration list a precinct
28 register for each precinct in the county for use by the election judges. The register may be prepared no sooner

1 than the Friday before each election and must contain an alphabetical list of the names, with addresses, of the
2 legally registered electors and provisionally registered electors, a space for the signature of the elector, and
3 other information as prescribed by the secretary of state.

4 (2) If some of the electors in a precinct are not eligible to receive all ballots at an election because of
5 a combination of the elections of more than one political subdivision, the election administrator shall distinguish
6 the names of those eligible for each ballot by whatever method will be clear and efficient.

7 (3) When several precincts have been combined at one polling place for an election, the election
8 administrator may combine the electors from all precincts into one register or may provide separate registers for
9 each precinct.

10 (4) Precinct registers need not be printed if the election will not be held."
11

12 **Section 8.** Section 13-2-220, MCA, is amended to read:

13 **"13-2-220. Maintenance of active and inactive voter registration lists for elections -- rules by**
14 **secretary of state.** (1) The rules adopted by the secretary of state under 13-2-108 must include the following
15 procedures, at least one of which an election administrator shall follow in every odd-numbered year:

16 (a) compare the entire list of registered electors against the national change of address files and
17 provide appropriate confirmation notice to those individuals whose addresses have apparently changed;

18 (b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to
19 all registered electors of each jurisdiction to confirm their addresses and provide the appropriate confirmation
20 notice to those individuals who return the notices;

21 (c) mail a targeted mailing to electors who failed to vote in the preceding federal general election,
22 applicants who failed to provide required information on registration forms, and provisionally registered electors
23 by:

24 (i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable
25 confirmation notice to those electors who appear to have moved from their addresses of record;

26 (ii) comparing the list of nonvoters against the national change of address files, followed by the
27 appropriate confirmation notices to those electors who appear to have moved from their addresses of record;

28 (iii) sending forwardable confirmation notices; or

1 (iv) making a door-to-door canvass.

2 (2) An individual who submits an application for ~~an absentee~~ a mail ballot for a federal general
3 election or who completes and returns the address confirmation notice specified in 13-13-212(4) during the
4 calendar year in which a federal general election is held is not subject to the procedure in subsection (1)(c)
5 unless the individual's ballot for a federal general election is returned as undeliverable and the election
6 administrator is not able to contact the elector through the most expedient means available to resolve the issue.

7 (3) Any notices returned as undeliverable to the election administrator or any notices to which the
8 elector fails to respond after the election administrator uses the procedures provided in subsection (1) must be
9 followed within 30 days by an appropriate confirmation notice that is a forwardable, first-class, postage-paid,
10 self-addressed, return notice. If the elector fails to respond within 30 days of the final confirmation notice, after
11 the 30th day, the election administrator shall move the elector to the inactive list.

12 (4) A procedure used by an election administrator pursuant to this section must be completed at least
13 90 days before a primary or general election for federal office.

14 (5) An elector's registration may be reactivated pursuant to 13-2-222 or may be canceled pursuant to
15 13-2-402."

16

17 **Section 9.** Section 13-2-222, MCA, is amended to read:

18 **"13-2-222. Reactivation of elector.** (1) The name of an elector must be moved by an election
19 administrator from the inactive list to the active list of a county if an elector meets the requirements for
20 registration provided in this chapter and:

21 (a) appears at a polling place in order to vote, submits an application to vote by ~~absentee-mail~~ mail ballot
22 in a polling place election or ~~mail-all-mail~~ mail ballot election, or votes in ~~a mail~~ an all-mail ballot election conducted
23 under Title 13, chapter 19;

24 (b) notifies the county election administrator in writing of the elector's current residence, which must
25 be in that county; or

26 (c) completes a reactivation form provided by the county election administrator that provides current
27 address information in that county.

28 (2) After an elector has complied with subsection (1)(a), (1)(b), or (1)(c), the county election

1 administrator shall place the elector's name on the active voting list for that county.

2 (3) An elector reactivated pursuant to subsection (1)(a) is a legally registered elector for purposes of
3 the election in which the elector voted."
4

5 **Section 10.** Section 13-2-512, MCA, is amended to read:

6 **"13-2-512. Right to vote when precinct or name changed -- change of status.** (1) An elector who
7 has changed residence to a different precinct within the same county and has failed to notify the election
8 administrator of the change by a new registration form may vote at the polling place or by ~~absentee-mail ballot~~
9 or ~~mail ballot~~ by ballot in all-mail elections in the precinct where the elector is registered at the first election at
10 which the elector offers to vote after the change or at a central location designated by the election administrator
11 unless the elector's registration has been canceled as provided in 13-2-402.

12 (2) An elector who still resides in the same precinct where registered, whose name has changed, and
13 who has failed to notify the election administrator of the change by a new registration form may vote under the
14 elector's former name at the first election at which the elector offers to vote after the change unless the elector's
15 registration has been canceled as provided in 13-2-402.

16 (3) The elector shall state the elector's correct residence address and name when offering to vote and
17 shall complete a new registration form to make the necessary correction before being allowed to vote in a
18 polling place election or by ~~absentee-mail ballot~~ or by ballot in all-mail elections ~~mail ballot~~."
19

20 **Section 11.** Section 13-2-514, MCA, is amended to read:

21 **"13-2-514. Change of residence to another county.** (1) Except as provided in subsection (2)(a), an
22 elector who changes residence to a different county within this state shall register in the new county of
23 residence in order to vote in any election.

24 (2) An elector who changes residence to a different county 30 days or less before an election may:

25 (a) vote in person or by ~~absentee-mail~~ ballot in the precinct and county where previously registered;

26 or

27 (b) update the elector's registration information and vote in the elector's new county of residence,

28 subject to the regular registration provisions of 13-2-301 or the late registration provisions of 13-2-304.

1 (3) The registration information of an elector whose information is changed pursuant to this section
2 must be updated in the statewide voter registration list pursuant to rules adopted under 13-2-108."

3

4 **Section 12.** Section 13-3-213, MCA, is amended to read:

5 **"13-3-213. Alternative means for casting ballot.** (1) The election administrator shall provide
6 individuals with disabilities and elderly individuals an alternative means for casting a ballot on election day if
7 they are assigned to an inaccessible polling place. These alternative means for casting a ballot include:

8 (a) delivery of a ballot to the elector as provided in 13-13-118;

9 (b) voting by ~~absentee-mail~~ ballot in person at a designated voting station at the county election
10 administrator's office; and

11 (c) prearranged assignment to an accessible polling place within the county.

12 (2) An elector with a disability or an elderly elector assigned to an inaccessible polling place who
13 desires to vote at an accessible polling place:

14 (a) shall request assignment to an accessible polling place by notifying the election administrator in
15 writing at least 7 days preceding the election;

16 (b) must be assigned to the nearest accessible polling place for the purpose of voting in the election;

17 (c) shall sign the elector's name on a special addendum to the official precinct register as required in
18 subsection (4); and

19 (d) must receive the same ballot to which the elector is otherwise entitled.

20 (3) For the purpose of subsection (2), the ballot cast at an alternative polling place must be processed
21 and counted in the same manner as an ~~absentee~~ a mail ballot.

22 (4) The name of an elector who has been assigned to vote in a precinct other than the precinct in
23 which the person is registered, as provided in subsection (2), must be printed on a special addendum to the
24 precinct register in a form prescribed by the secretary of state."

25

26 **Section 13.** Section 13-12-102, MCA, is amended to read:

27 **"13-12-102. Items to be furnished by election administrators.** The election administrators shall
28 deliver to each polling place or to the chief election judge for a polling place all supplies necessary to conduct

1 the election at that polling place. If the blank ballots for the polling place are delivered before noon of the day
 2 before the election, the election administrator shall retain sufficient ballots to supply electors requesting
 3 ~~absentee-mail~~ ballots. The election administrator shall write in the pollbook for that polling place, after the
 4 numbers of the ballots retained, "reserved for ~~absentee-mail~~ ballots".

5

6 **Section 14.** Section 13-13-201, MCA, is amended to read:

7 **"13-13-201. Voting by absentee-mail ballot -- procedures.** (1) A legally registered elector or
 8 provisionally registered elector is entitled to vote by absentee-mail ballot as provided for in this part.

9 (2) The elector may vote ~~absentee-by~~ mail ballot by:

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

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

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

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

15 (e) returning the signature envelope with all appropriate enclosures by regular mail, postage paid, or
 16 by delivering it to:

17 (i) the election office;

18 (ii) a polling place within the elector's county;

19 (iii) pursuant to 13-13-229, the ~~absentee-mail~~ ballot election board or an authorized election official; or

20 (iv) in ~~a mail~~ an all-mail ballot election held pursuant to Title 13, chapter 19, a designated place of
 21 deposit within the elector's county.

22 (3) Except as provided in 13-21-206 and 13-21-226, in order for the ballot to be counted, each elector
 23 shall return it in a manner that ensures the ballot is received prior to 8 p.m. on election day.

24 (4) A provisionally registered elector may also enclose in the outer signature envelope a copy of the
 25 elector's photo identification showing the elector's name. The photo identification may be but is not limited to a
 26 valid driver's license, a school district or postsecondary education photo identification, or a tribal photo
 27 identification. If the provisionally registered elector does not enclose a photo identification, the elector may
 28 enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration

1 issued pursuant to 13-2-207, government check, or other government document that shows the elector's name
2 and current address."
3

4 **Section 15.** Section 13-13-204, MCA, is amended to read:

5 **"13-13-204. Authority to vote in person -- printing error or ballot destroyed -- replacement**
6 **ballot -- effect of ~~absentee-mail~~ ballot elector's death.** (1) (a) If an elector has received but not voted an
7 ~~absentee-mail~~ ballot and the ~~absentee-mail~~ ballot contains printing errors or omissions, the elector may receive
8 a replacement or corrected ballot.

9 (b) The death of a candidate after the printing of the ballot constitutes a printing error or omission on
10 the ballot.

11 (2) An elector may:

12 (a) request a replacement ballot from the election administrator pursuant to subsection (1) or if the
13 original ballot is destroyed, spoiled, lost, or not received by the elector; or

14 (b) appear at the appropriate polling place on election day and vote in person after being issued a
15 provisional ballot.

16 (3) A request for a replacement ballot submitted to the election administrator must be made on a form
17 prescribed by the secretary of state and must be made in person, by regular or electronic mail, or by facsimile
18 no later than 8 p.m. on election day.

19 (4) Upon receiving a request for a replacement ballot pursuant to subsection (3), the election
20 administrator shall mark the original issued ballot as void in the statewide voter registration system and issue a
21 replacement regular ballot to the elector.

22 (5) A replacement ballot may also be issued pursuant to 13-13-245.

23 (6) If an elector votes by ~~absentee-mail~~ ballot and the ballot has been mailed to or received by the
24 election administrator but the elector dies between the time of balloting and election day, the deceased elector's
25 ballot must be counted."
26

27 **Section 16.** Section 13-13-205, MCA, is amended to read:

28 **"13-13-205. When ballots to be available for ~~absentee-mail~~ ballot voting.** (1) Except as provided

1 in subsection (2), the election administrator shall ensure that ballots for a polling place election are available as
2 follows:

3 (a) for an election conducted on a primary or general election day:

4 (i) 30 days prior to election day for ~~absentee-mail ballot~~ voting in person;

5 (ii) 25 days prior to the election for mailing ballots to ~~absentee-mail ballot~~ voters; and

6 (b) 20 days prior to election day for a special purpose district or school district election, except that
7 ballots for a conservation district election held on a primary or general election day must be available as
8 provided in subsection (1)(a).

9 (2) A federal election ballot requested by an absent uniformed services or overseas elector pursuant
10 to Title 13, chapter 21, must be sent to the elector as soon as the ballot is printed but not later than 45 days in
11 advance of the election."
12

13 **Section 17.** Section 13-13-211, MCA, is amended to read:

14 "**13-13-211. Time period for application.** (1) Except as provided in 13-13-222, 13-21-223, and
15 subsection (2) of this section, an application for ~~an absentee a mail~~ ballot must be made before noon on the
16 day before the election.

17 (2) A qualified elector who is prevented from voting at the polls as a result of illness or health
18 emergency occurring between 5 p.m. of the Friday preceding the election and before the close of polls on
19 election day may request to vote by ~~absentee-mail~~ ballot as provided in 13-13-212(2).

20 (3) ~~An absentee~~ A mail ballot cast pursuant to subsection (2) must be received prior to 8 p.m. on
21 election day pursuant to 13-13-201."
22

23 **Section 18.** Section 13-13-212, MCA, is amended to read:

24 "**13-13-212. Application for ~~absentee-mail~~ ballot -- special provisions -- ~~absentee-mail~~ ballot list**
25 **for subsequent elections.** (1) (a) Except as provided in subsection (1)(b), an elector may apply for ~~an~~
26 ~~absentee a mail~~ ballot by using a standard application form provided by rule by the secretary of state pursuant
27 to 13-1-210 or by making a written request, which must include the applicant's birth date and must be signed by
28 the applicant. The request must be submitted to the election administrator of the applicant's county of residence

1 within the time period specified in 13-13-211.

2 (b) A person who holds a power of attorney from a uniformed-service voter may apply for ~~an absentee~~
3 a mail ballot for that election on behalf of the uniformed-service voter. The applicant shall provide a copy of the
4 power of attorney authorizing the request for ~~an absentee~~ a mail ballot along with the application.

5 (2) (a) If an elector requests ~~an absentee~~ a mail ballot because of a sudden illness or health
6 emergency, the application for ~~an absentee~~ a mail ballot may be made by written request signed by the elector
7 at the time that the ballot is delivered in person by the ~~absentee-mail ballot~~ election board or by an authorized
8 election official as provided in 13-13-225.

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

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

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

18 (4) (a) An elector who has requested to be on the ~~absentee-mail~~ ballot list and who has not filed a
19 change of address with the U.S. postal service must continue to receive ~~an absentee~~ a mail ballot for each
20 subsequent election.

21 (b) (i) The election administrator shall biennially mail a forwardable address confirmation form to
22 each elector who is listed in the national change of address system of the U.S. postal service as having
23 changed the elector's address.

24 (ii) The address confirmation form must request the elector's driver's license number or the last four
25 digits of the elector's social security number. The address confirmation form must include an e-mail address for
26 the election administrator that can be used by the elector to confirm that the elector wishes to continue to
27 receive ~~an absentee~~ a mail ballot and to provide the requested information. The address confirmation form
28 must be mailed in January of every even-numbered year. The address confirmation form is for elections to be

1 held between February 1 following the mailing through January of the next even-numbered year.

2 (iii) An election administrator may provide a website on which the elector can provide the required
3 information to confirm that the elector wishes to remain on the ~~absentee-mail~~ ballot list.

4 (iv) If the elector is providing confirmation using the address confirmation form, the elector shall sign
5 the form, indicate the address to which the ~~absentee-mail~~ ballot should be sent, provide the elector's driver's
6 license number or the last four digits of the elector's social security number, and return the form to the election
7 administrator.

8 (v) The elector may provide the required information to the election administrator using:

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

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

11 (vi) The elector does not need to provide a signature when using either option provided in subsection
12 (4)(b)(v) to confirm that the elector wishes to remain on the ~~absentee-mail~~ ballot list.

13 (vii) If the form is not completed and returned or if the elector does not respond using the options
14 provided in subsection (4)(b)(v), the election administrator shall remove the elector from the ~~absentee-mail~~
15 ballot list.

16 (c) An elector may request to be removed from the ~~absentee-mail~~ ballot list for subsequent elections
17 by notifying the election administrator in writing.

18 (d) An elector who has been or who requests to be removed from the ~~absentee-mail~~ ballot list may
19 subsequently request to be mailed an ~~absentee a mail~~ ballot for each subsequent election.

20 (5) In a an all-mail ballot election, ballots must be sent under all-mail ballot procedures rather than
21 under the ~~absentee-mail~~ ballot procedures set forth in this section."

22

23 **Section 19.** Section 13-13-213, MCA, is amended to read:

24 **"13-13-213. Transmission of application to election administrator -- delivery of ballot.** (1) All
25 ~~absentee-mail~~ ballot application forms must be addressed to the appropriate county election office.

26 (2) Except as provided in subsection (4), the elector may mail the signed application directly to the
27 election administrator or deliver the application in person to the election administrator. An agent designated
28 pursuant to 13-1-116 or a third party may collect the elector's application and forward it to the election

1 administrator.

2 (3) (a) The election administrator shall compare the signature on the application with the applicant's
3 signature on the registration form or the agent's signature on the agent designation form. If convinced that the
4 individual making the application is the same as the one whose name appears on the registration form or the
5 agent designation form, the election administrator shall deliver the ballot to the elector in person or as otherwise
6 provided in 13-13-214, subject to 13-13-205.

7 (b) If no signature is provided or the election administrator is not convinced that the individual signing
8 the application is the same person whose name appears on the registration form or agent designation form, the
9 election administrator shall notify the elector as provided in 13-13-245.

10 (4) In lieu of the requirement provided in subsection (2), an elector who requests ~~an absentee a mail~~
11 ballot pursuant to 13-13-212(2) may return the application to the ~~absentee-mail ballot~~ election board or an
12 authorized election official. Upon receipt of the application, the ~~absentee-mail ballot~~ election board or authorized
13 election official shall examine the signatures on the application and a copy of the voting registration form or
14 agent designation form to be provided by the election administrator. If the ~~absentee-mail ballot~~ election board or
15 an authorized election official believes that the applicant is the same person as the one whose name appears
16 on the registration form or agent designation form, the ~~absentee-mail ballot~~ election board or authorized
17 election official shall provide a ballot to the elector when the ballot is available pursuant to 13-13-205."
18

19 **Section 20.** Section 13-13-214, MCA, is amended to read:

20 **"13-13-214. Mailing ~~absentee-mail~~ ballot to elector -- delivery to person other than elector. (1)**

21 (a) Except as provided in 13-13-213 and in subsection (1)(c) of this section, the election administrator shall
22 mail, postage prepaid, to each legally registered elector and provisionally registered elector from whom the
23 election administrator has received a valid ~~absentee-mail~~ ballot application under 13-13-211 and 13-13-212
24 whatever official ballots are necessary in a manner that conforms to postal regulations to require the return
25 rather than forwarding of ballots.

26 (b) The election administrator shall mail the ballots in a manner that conforms to the deadlines
27 established for ballot availability in 13-13-205.

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

1 (i) the elector has designated the individual, either by a signed letter or by making the designation on
2 the application form in a manner prescribed by the secretary of state or pursuant to 13-1-116;

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

5 (iii) the election administrator believes that the individual receiving the ballot is the designated person;
6 and

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

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

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

10 (b) a signature envelope for the return of the ballot. The signature envelope must be self-addressed
11 by the election administrator and an affirmation in the form prescribed by the secretary of state must be printed
12 on the back of the signature envelope.

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

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

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

23 (b) the elector requests a voter information pamphlet."
24

25 **Section 21.** Section 13-13-222, MCA, is amended to read:

26 "**13-13-222. Marking ballot in person before election day.** (1) As soon as the official ballots are
27 available for in-person ~~absentee-mail ballot~~ voting under 13-13-205(1)(a)(i), the election administrator shall
28 permit an elector to apply for, receive, and mark ~~an absentee~~ a mail ballot before election day by appearing in

1 person at the office of the election administrator and marking the ballot in a voting station area designated by
2 the election administrator.

3 (2) The provisions of this chapter apply to voting under this section.

4 (3) For the purposes of this section, an official ballot is voted when the ballot is received at the
5 election administrator's office."

6

7 **Section 22.** Section 13-13-225, MCA, is amended to read:

8 **"13-13-225. ~~Absentee~~ Mail ballot election boards -- members -- appointment.** (1) The election
9 administrator may designate and appoint ~~absentee-mail ballot~~ election boards as needed or authorize one or
10 more election officials to serve in various places to deliver ballots to electors who are entitled to vote by
11 ~~absentee-mail~~ ballot as provided in 13-13-229.

12 (2) In a partisan election, each ~~absentee-mail ballot~~ election board or the authorized election officials
13 who are appointed must consist of two members, one from each of the two political parties receiving the highest
14 number of votes in the state during the last preceding general election, if possible. Board members and
15 authorized election officials shall reside in the county in which they serve.

16 (3) A member of an ~~absentee~~ a mail ballot election board or an authorized election official may not be
17 a candidate or a spouse, ascendant, descendant, brother, or sister of a candidate or of a candidate's spouse or
18 the spouse of any one of these if the candidate's name appears on a ballot in the county."

19

20 **Section 23.** Section 13-13-226, MCA, is amended to read:

21 **"13-13-226. **Manner of selection.**** The election administrator may make appointments to an ~~absentee~~
22 a mail ballot election board from lists of qualified electors in the county prepared in substantially the same
23 manner as provided in 13-4-102. The election administrator may refuse for cause to appoint or may for cause
24 remove a member of an ~~absentee~~ a mail ballot election board."

25

26 **Section 24.** Section 13-13-227, MCA, is amended to read:

27 **"13-13-227. **Oath of board members.**** Before assuming any of the responsibilities under this part,
28 each member of an ~~absentee~~ a mail ballot election board shall take and subscribe the official oath in the same

1 manner as prescribed for an election judge in 13-4-105."

2

3 **Section 25.** Section 13-13-228, MCA, is amended to read:

4 **"13-13-228. Compensation.** (1) Each member of an ~~absentee~~ a mail ballot election board is entitled
5 to compensation for the number of hours worked.

6 (2) Each member of an ~~absentee~~ a mail ballot election board is entitled to full reimbursement for
7 actual travel expenses incurred while delivering ballots on election day.

8 (3) The election administrator shall pay each member the same compensation and certify amounts
9 due in the same manner as for an election judge as provided for in 13-4-106(1)."

10

11 **Section 26.** Section 13-13-229, MCA, is amended to read:

12 **"13-13-229. Voting performed before ~~absentee~~ mail ballot election board or authorized election**
13 **official.** (1) Pursuant to 13-13-212(2), the elector may request that an ~~absentee~~ a mail ballot election board or
14 an authorized election official personally deliver a ballot to the elector.

15 (2) The manner and procedure of voting by use of an ~~absentee~~ a mail ballot under this section must
16 be the same as provided in 13-13-201, except that the elector shall hand the marked ballot in the sealed
17 signature envelope to the ~~absentee~~ mail ballot election board or authorized election official, and the board or
18 official shall deliver the sealed signature envelope to the election administrator or to the election judges of the
19 precinct in which the elector is registered.

20 (3) ~~An absentee~~ A mail ballot cast by a qualified elector pursuant to this section may not be rejected
21 by the election administrator if the ballot was in the possession of the board or an authorized election official
22 before the time designated for the closing of the polls.

23 (4) An elector who needs assistance in marking the elector's ballot because of physical incapacity or
24 inability to read or write may receive assistance from the ~~absentee~~ mail ballot election board or authorized
25 election official appointed to personally deliver the ballot. Any assistance given an elector pursuant to this
26 section must be provided in substantially the same manner as required in 13-13-119."

27

28 **Section 27.** Section 13-13-232, MCA, is amended to read:

1 **"13-13-232. Delivery of ballots and secrecy envelopes to election judges -- ballots to be**
 2 **rejected.** (1) If an ~~an~~ absentee a mail ballot is received prior to delivery of the official ballots to the election judges,
 3 the election administrator shall process it according to 13-13-241 and then, unless the early preparation
 4 process in 13-13-241(7) was followed, deliver the unopened secrecy envelope to the judges at the same time
 5 that the ballots are delivered.

6 (2) If an ~~an~~ absentee a mail ballot is received after the official ballots are delivered to the election judges
 7 but prior to the close of the polls, the election administrator shall process it according to 13-13-241 and shall
 8 then immediately deliver the unopened secrecy envelope to the judges.

9 (3) If the election administrator receives an ~~an~~ absentee a mail ballot for which an application or request
 10 was not made or received as required by this part, the election administrator shall endorse upon the elector's
 11 envelope the date and exact time of receipt and the words "to be rejected". ~~Absentee-Mail~~ ballots endorsed in
 12 this manner must be handled in the same manner as provided in 13-15-108(1)."
 13

14 **Section 28.** Section 13-13-233, MCA, is amended to read:

15 **"13-13-233. Issuing and recording ~~absentee-mail~~ ballots -- certificate to election judges.** (1)
 16 ~~Absentee-Mail~~ ballots must be official numbered paper ballots beginning with ballot number 1 and following
 17 consecutively according to the number of applications for ~~absentee-mail~~ ballots.

18 (2) The election administrator shall keep a record of all ~~absentee-mail~~ ballots issued.

19 (3) When the election administrator delivers the voted ~~absentee-mail~~ ballots pursuant to 13-13-232(1),
 20 the election administrator shall also provide a certificate stating:

21 (a) the ballot numbers of the ~~absentee-mail~~ ballots mailed or transmitted pursuant to 13-13-214, 13-
 22 21-106(3)(a), and 13-21-224, delivered pursuant to 13-13-229, or marked in person pursuant to 13-13-222;

23 (b) the number of ballots to be reserved for late ~~absentee-mail ballot~~ voting pursuant to 13-13-211(2);

24 and

25 (c) the names of the electors within the precinct to whom the ballots were provided.

26 (4) The chief election judge shall post in a conspicuous location at the polling place a list of the names
 27 of electors appearing on the certificate required under subsection (3)."
 28

1 **Section 29.** Section 13-13-234, MCA, is amended to read:

2 **"13-13-234. Duty of election judges -- pollbook.** (1) The election judges, at the opening of the polls,
3 shall:

4 (a) note on the pollbook opposite the appropriate ballot numbers the fact that the ballots were issued
5 as ~~absentee-mail~~ ballots; and

6 (b) reserve the numbers for electors who may vote late under 13-13-211(2).

7 (2) The election judges shall insert only the name of the elector entitled to each particular number
8 according to the certificate provided by the election administrator pursuant to 13-13-233(3) and the number of
9 the elector's ballot."

10

11 **Section 30.** Section 13-13-241, MCA, is amended to read:

12 **"13-13-241. Examination of ~~absentee-mail~~ ballot signature envelopes -- deposit of absentee**
13 **mail and unvoted ballots -- rulemaking.** (1) (a) Upon receipt of each ~~absentee-mail~~ ballot signature envelope,
14 an election administrator shall compare the signature of the elector or elector's agent on the ~~absentee-mail~~
15 ballot request or on 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-mail~~ ballot application or on the elector's voter registration form, the election
18 administrator 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-mail~~ 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-mail~~ ballot has not been placed in a secrecy envelope, the election

1 administrator 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-mail ballot~~ elector as provided in 13-13-245.

6 (5) If the signature on the ~~absentee-mail~~ ballot signature envelope does not match the signature on
7 the ~~absentee-mail~~ ballot request form or on the elector's voter registration form or if there is no signature on the
8 ~~absentee-mail~~ ballot signature envelope, the election administrator shall notify the elector as provided in 13-13-
9 245.

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

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

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

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

21 (d) Access to an electronic system containing early tabulation results is limited to the election
22 administrator and the election administrator's designee. Results may not be released except as provided in 13-
23 35-241.

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

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

1 (10) The secretary of state shall develop administrative rules to establish the process and procedures
2 to be used during the early preparation of ballots to ensure the security of the ballots and the secrecy of the
3 votes during the early preparation period. The rules must include but are not limited to:

- 4 (a) the allowable distance from the observers to the judges and ballots;
5 (b) the security in the observation area;
6 (c) secrecy of votes during the preparation of the ballots; and
7 (d) security of the secured ballot boxes in storage until tabulation procedures begin."
8

9 **Section 31.** Section 13-13-244, MCA, is amended to read:

10 "**13-13-244. Opening of signature envelopes after deposit.** If a signature envelope containing an
11 ~~absentee~~ a mail ballot has been deposited unopened in the ballot box and the envelope has not been marked
12 rejected, the signature envelope must be processed as provided in 13-13-241."
13

14 **Section 32.** Section 13-13-245, MCA, is amended to read:

15 "**13-13-245. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after
16 receipt of an elector's ~~absentee-mail~~ ballot application or signature envelope, the election administrator shall
17 give notice to the elector by the most expedient method available if the election administrator determines that:

- 18 (a) the elector's ballot is to be handled as a provisional ballot;
19 (b) the validity of the ballot is in question; or
20 (c) the election administrator has not received or is unable to verify the elector's or agent's signature
21 under 13-13-213 or 13-13-241.

22 (2) The election administrator shall inform the elector that, prior to 8 p.m. on election day, the elector
23 may:

- 24 (a) by mail, facsimile, electronic means, or in person, resolve the issue that resulted in the ballot being
25 handled as a provisional ballot, confirm the validity of the ballot, or verify the elector's or agent's signature or
26 provide a signature, after proof of identification, by affirming that the signature is in fact the elector's, by
27 completing a new registration form containing the elector's current signature, or by providing a new agent
28 designation form; or

1 (b) if necessary, request and receive a replacement ballot pursuant to 13-13-204.

2 (3) The ballot of an elector who fails to provide information pursuant to subsection (2) must be
3 handled as a provisional ballot pursuant to 13-15-107.

4 (4) (a) If a ballot is returned as undeliverable, the election administrator shall investigate the reason
5 for the return.

6 (b) An elector must be provided with:

7 (i) the elector's undeliverable ballot upon notification by the elector of the elector's correct mailing
8 address; or

9 (ii) a replacement ballot if a request has been made pursuant to 13-13-204."
10

11 **Section 33.** Section 13-13-246, MCA, is amended to read:

12 **"13-13-246. Electronic ballots for disabled persons -- procedures -- definition -- rulemaking. (1)**

13 (a) Upon a written or an in-person request from a legally registered or provisionally registered elector with a
14 disability, an election administrator shall provide the elector with an electronic ballot.

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

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

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

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

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

4 (3) After receiving a ballot and secrecy envelope and if the validity of the ballot is confirmed pursuant
5 to 13-13-241, the election administrator shall log the receipt of the ballot and process it as required in Title 13,
6 chapter 13. If the ballot is rejected, the election administrator shall notify the elector pursuant to 13-13-245.

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

12 (b) No fewer than three election officials shall participate in the transcription process to transfer the
13 elector's vote from the received ballot to the standard ballot used in the precinct.

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

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

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

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

22 (6) For the purposes of this section, "disability" has the meaning provided in 13-3-202."
23

24 **Section 34.** Section 13-13-270, MCA, is amended to read:

25 **"13-13-270. Absentee-Mail ballot voting provisions for United States electors supersede.** A
26 provision of this chapter may not be interpreted to conflict with Title 13, chapter 21."
27

28 **Section 35.** Section 13-13-603, MCA, is amended to read:

1 **"13-13-603. Rulemaking on provisional voting, absentee-mail ballots, and challenged ballots.**

2 (1) The secretary of state shall adopt rules to:

3 (a) implement the provisions of 13-13-114 and this part concerning verification of voter identification
4 and eligibility;

5 (b) establish standards for determining the sufficiency of information provided on absentee-mail ballot
6 signature envelopes pursuant to 13-13-241;

7 (c) implement the provisions of 13-15-107 on the handling and counting of provisional and challenged
8 ballots, including the establishment of procedures for verifying voter registration and eligibility information with
9 respect to the ballots.

10 (2) The rules may not conflict with rules established under 13-2-109."

11

12 **Section 36.** Section 13-15-104, MCA, is amended to read:

13 **"13-15-104. Absentee-Mail ballot counting board.** (1) The election administrator shall:

14 (a) give special instructions to any absentee-mail ballot counting board appointed under 13-15-112 on
15 the proper procedures for counting the absentee-mail ballots; and

16 (b) provide the forms and supplies necessary for the board to perform its duties.

17 (2) The absentee-mail ballot counting board shall:

18 (a) be in a room separate from where ballots are being cast;

19 (b) at any time prior to the closing of the polls but no sooner than 1 day before election day, start the
20 count of the absentee-mail ballot votes cast; and

21 (c) follow the procedures outlined in 13-13-241 and 13-15-207 for the counting of the votes cast.

22 (3) An election judge or other individual having access to any results of early counting is subject to
23 13-35-241.

24 (4) The absentee-mail ballot counting board shall take the oath and sign the affirmation specified in
25 13-15-207(4)."

26

27 **Section 37.** Section 13-15-105, MCA, is amended to read:

28 **"13-15-105. Notices relating to absentee-mail ballot counting board.** (1) Not more than 10 days or

1 less than 2 days before an election, the election administrator shall broadcast on radio or television, as
2 provided in 2-3-105 through 2-3-107, or publish in a newspaper of general circulation in the county a notice
3 indicating the method that will be used for counting absentee-mail ballots and the place and time that the
4 absentee-mail ballots will be counted.

5 (2) If the count will begin before the polls close, the notice required under subsection (1) must inform
6 the public that any person observing the procedures of the count is required to take the oath provided in 13-15-
7 207(4) and is subject to 13-35-241."

8

9 **Section 38.** Section 13-15-106, MCA, is amended to read:

10 **"13-15-106. Counting of absentee-mail ballot for deceased candidate.** (1) Except as provided in
11 subsection (2) or (3), ~~an absentee~~ a mail ballot voted for a candidate who dies after printing of the ballot but
12 before the election must be counted for the deceased candidate.

13 (2) A vote for a deceased candidate for governor must be counted as a vote for the lieutenant
14 governor candidate as governor and as a vote for the candidate chosen pursuant to 13-10-328 for lieutenant
15 governor.

16 (3) A vote for a deceased candidate for lieutenant governor must be counted as a vote for the
17 candidate chosen pursuant to 13-10-328 for lieutenant governor."

18

19 **Section 39.** Section 13-15-108, MCA, is amended to read:

20 **"13-15-108. Rejected ballots -- handling provided by rule.** (1) All rejected absentee-mail ballots,
21 the absentee-mail ballot applications, and all absentee-mail ballot signature envelopes must be handled and
22 marked as provided under rules adopted by the secretary of state.

23 (2) After being handled and marked as provided in this section, all rejected ballots must be placed in a
24 package or container in which the voted ballots are to be placed and the package or container must be sealed,
25 dated, and marked as provided under rules adopted by the secretary of state. After a package or container is
26 sealed pursuant to this subsection (2), a package or container may not be opened without a court order."

27

28 **Section 40.** Section 13-15-112, MCA, is amended to read:

1 **"13-15-112. Appointment of counting boards.** To count votes in any election under this title, when
 2 election judges are appointed under 13-4-101, each county's governing body shall designate one or more
 3 groups of three of the election judges to act as counting boards. The governing body may also designate one or
 4 more groups of three of the election judges to act as ~~absentee-mail~~ ballot counting boards under 13-15-104."

5

6 **Section 41.** Section 13-15-201, MCA, is amended to read:

7 **"13-15-201. Preparation for count -- ~~absentee-mail~~ ballot count procedures.** (1) Subject to 13-10-
 8 311, to prepare for a count of ballots, the counting board or, if appointed, the ~~absentee-mail ballot~~ counting
 9 board shall take ballots out of the box to determine whether each ballot is single.

10 (2) The board shall count all ballots to ensure that the total number of ballots corresponds with the
 11 total number of names in the pollbook.

12 (3) If the board cannot reconcile the total number of ballots with the pollbook, the board shall submit
 13 to the election administrator a written report stating how many ballots were missing or in excess and any reason
 14 of which they are aware for the discrepancy. Each judge on the board shall sign the report.

15 (4) A ballot that is not marked as official is void and may not be counted unless all judges on the
 16 board agree that the marking is missing because of an error by election officials, in which case the ballot must
 17 be marked "unmarked by error" on the back and must be initialed by all judges.

18 (5) If two or more ballots are folded or stuck together to look like a single ballot, they must be laid
 19 aside until the count is complete. The counting board shall compare the count with the pollbooks, and if a
 20 majority believes that the ballots folded together were marked by one elector, the ballots must be rejected and
 21 handled as provided in 13-15-108, otherwise they must be counted.

22 (6) Only valid ~~absentee-mail~~ ballots may be counted in an election conducted under this chapter.

23 (7) For the purpose of this chapter, a marked ~~absentee-mail~~ ballot is valid only if:

24 (a) the elector's signature on the affirmation on the signature envelope is verified pursuant to 13-13-
 25 241; and

26 (b) it is received before 8 p.m. on election day, except as provided in 13-21-206 and 13-21-226.

27 (8) (a) A ballot is invalid if:

28 (i) problems with the ballot have not been resolved pursuant to 13-13-245;

1 (ii) any identifying marks are placed on the ballot by the elector, which must result in the immediate
2 rejection of the ballot without notice to the elector; or

3 (iii) except as provided in subsection (8)(b), more than one ballot is enclosed in a single signature or
4 secrecy envelope.

5 (b) The provisions of subsection (8)(a)(iii) do not apply if:

6 (i) there are multiple elections being held at the same time and the envelope contains only one ballot
7 for each election; or

8 (ii) the signature envelope contains ballots from the same household, each ballot is in its own secrecy
9 envelope, and the signature envelope contains a valid signature for each elector who has returned a ballot."

10

11 **Section 42.** Section 13-15-205, MCA, is amended to read:

12 **"13-15-205. Items to be delivered to election administrator by election judges -- disposition of**
13 **other items.** (1) Before they adjourn, the election judges shall enclose in a strong envelope or package,
14 securely fastened:

15 (a) the precinct register;

16 (b) the list of individuals challenged;

17 (c) the pollbook;

18 (d) both of the tally sheets.

19 (2) The election judges shall enclose in a separate container, securely sealed, all unused ballots with
20 the numbered stubs attached.

21 (3) The election judges shall enclose in a separate container, securely sealed, all ballots voted,
22 including those not counted or allowed, and detached stubs from all counted or rejected ~~absentee-mail~~ ballots.
23 This envelope must be endorsed on the outside "ballots voted". At the primary election the unvoted party ballots
24 must be enclosed in a separate container, securely sealed, and marked on the outside "unvoted ballots".

25 (4) Each election judge shall sign the judge's name across all seals.

26 (5) The return form provided for in 13-15-101 must be returned with the items provided for in this
27 section but may not be sealed in any of the containers.

28 (6) The containers required by this section must be delivered to the election administrator by the chief

1 election judge or another judge appointed by the chief judge in the manner ordered by the election
2 administrator.

3 (7) The election administrator shall instruct the chief election judge in writing on the proper disposition
4 of all other election materials and supplies."
5

6 **Section 43.** Section 13-15-206, MCA, is amended to read:

7 **"13-15-206. Counting votes -- uniformity -- rulemaking -- definitions.** (1) When conducting vote
8 counts as provided by law, a counting board, ~~absentee-mail~~ ballot counting board, or recount board shall count
9 and determine the validity of each vote in a uniform manner as provided in this section.

10 (2) A manual count or recount of votes must be conducted as follows:

11 (a) One election judge on the board shall read the ballot while the two other judges on the board shall
12 each record on an official tally sheet the number of valid votes cast for each individual or ballot issue. Write-in
13 votes must be counted in accordance with subsection (5) and rules adopted pursuant to subsection (7). If a
14 vote has not been cast according to instructions, the vote must be considered questionable and the entire ballot
15 must be set aside and votes on the ballot must be handled as provided in subsection (4).

16 (b) (i) After the vote count is complete, the tally sheets of the two judges recording the votes must be
17 compared.

18 (ii) If the two tallies match, the judges shall record in the official results records:

19 (A) the names of all individuals who received votes;

20 (B) the offices for which individuals received votes;

21 (C) the total votes received by each individual as shown by the tally sheets; and

22 (D) the total votes received for or against each ballot issue, if any.

23 (iii) If the tallies do not match, the count must be conducted again as provided in this subsection (2)
24 until the two tallies match.

25 (3) (a) When a voting system is counting votes:

26 (i) if a vote is recognized and counted by the system, it is a valid vote;

27 (ii) if a vote is not recognized and counted by the system, it is not a valid vote; and

28 (iii) write-in votes must be counted in accordance with rules adopted pursuant to subsection (7).

1 (b) If the voting system cannot process the ballot because of the ballot's condition or if the voting
2 system registers an unmarked ballot or an overvote, which must be considered a questionable vote, the entire
3 ballot must be set aside and the votes on the ballot must be counted as provided in subsection (4).

4 (c) If an election administrator or counting board has reason to believe that a voting system is not
5 functioning correctly, the election administrator shall follow the procedures prescribed in 13-15-209.

6 (d) After all valid votes have been counted and totaled, the judges shall record in the official results
7 records the information specified in subsection (2)(b)(ii).

8 (4) (a) (i) Before being counted, each questionable vote on a ballot set aside under subsection (2)(a)
9 or (3)(b) must be reviewed by the counting board. The counting board shall evaluate each questionable vote
10 according to rules adopted by the secretary of state.

11 (ii) If a majority of the counting board members agree that under the rules the voter's intent can be
12 clearly determined, the vote is valid and must be counted according to the voter's intent.

13 (iii) If a majority of the counting board members do not agree that the voter's intent can be clearly
14 determined under the rules, the vote is not valid and may not be counted.

15 (b) If a ballot was set aside under subsection (3)(b) because it could not be processed by the voting
16 system due to the ballot's condition, the counting board shall transfer all valid votes to a new ballot that can be
17 processed by the voting system.

18 (5) A write-in vote may be counted only if:

19 (a) (i) the write-in vote identifies an individual by a designation filed pursuant to 13-10-211(1)(a); or

20 (ii) pursuant to 13-10-211(7), a declaration of nomination was not filed and the write-in vote identifies
21 an individual who is qualified for the office; and

22 (b) the oval, box, or other designated voting area on the ballot is marked.

23 (6) A vote is not valid and may not be counted if the elector's choice cannot be determined as
24 provided in this section.

25 (7) The secretary of state shall adopt rules defining a valid vote and a valid write-in vote for each type
26 of ballot and for each type of voting system used in the state. The rules must provide a sufficient guarantee that
27 all votes are treated equally among jurisdictions using similar ballot types and voting systems.

28 (8) Local election administrators shall adopt policies to govern local processes that are consistent with

1 the provisions of this title and that provide for:

2 (a) the security of the counting process against fraud;

3 (b) the place and time and public notice of each count or recount;

4 (c) public observance of each count or recount, including observance by representatives authorized
5 under 13-16-411;

6 (d) the recording of objections to determinations on the validity of an individual vote or to the entire
7 counting process; and

8 (e) the keeping of a public record of count or recount proceedings.

9 (9) For purposes of this section, "overvote" means an elector's vote that has been interpreted by the
10 voting system as an elector casting more votes than allowable for a particular office or ballot issue."
11

12 **Section 44.** Section 13-19-101, MCA, is amended to read:

13 "**13-19-101. Statement of purpose.** The purpose of this chapter is to provide the option of and
14 procedures for conducting certain specified elections as ~~mail~~all-mail ballot elections. The provisions of this
15 chapter recognize that sound public policy concerning the conduct of elections often requires the balancing of
16 various elements of the public interest that are sometimes in conflict. Among these factors are the public's
17 interest in fair and accurate elections, the election of those who will govern or represent, and cost-effective
18 administration of all functions of government, including the conduct of elections. The provisions of this chapter
19 further recognize that when these and other factors are balanced, the conduct of elections by ~~mail~~all-mail ballot
20 is potentially the most desirable of the available options in certain circumstances."
21

22 **Section 45.** Section 13-19-102, MCA, is amended to read:

23 "**13-19-102. Definitions.** As used in this chapter, the following definitions apply:

24 (1) "Ballot" means the ballot or set of ballots that is to be returned by a specified election day.

25 (2) "Election day" is the date established by law on which a particular election would be held if that
26 election were being conducted by means other than ~~a mail~~an all-mail ballot election.

27 (3) "Political subdivision" means a political subdivision of the state, including a school district.

28 (4) "Secrecy envelope" means an envelope used to contain the elector's ballot and that is designed to

1 conceal the elector's ballot and to prevent that elector's ballot from being distinguished from the ballots of other
2 electors."

3

4 **Section 46.** Section 13-19-103, MCA, is amended to read:

5 **"13-19-103. General election laws to apply.** All laws applicable to elections when voting is not done
6 by ~~mail-all-mail~~ ballot and all penalties prescribed for violation of those laws apply to elections conducted by
7 ~~mail-all-mail~~ ballot to the extent they do not specifically conflict with the provisions of this chapter or are not
8 otherwise provided for by this chapter."

9

10 **Section 47.** Section 13-19-104, MCA, is amended to read:

11 **"13-19-104. Mail-All-mail ballot elections not mandatory -- when authorized -- when prohibited -**
12 **- when county election administrator conducts.** (1) Conducting elections by ~~mail-all-mail~~ ballot is only one
13 option available to local officials, and this chapter does not mandate that the procedure be used.

14 (2) Except as provided in subsection (3), any election may be conducted by ~~mail-all-mail~~ ballot.

15 (3) The following elections may not be conducted by ~~mail-all-mail~~ ballot:

16 (a) a regularly scheduled federal, state, or county election;

17 (b) a special federal or state election, unless authorized by the legislature; or

18 (c) a regularly scheduled or special election when another election in the political subdivision is taking
19 place at the polls on the same day.

20 (4) (a) Except as provided in subsection (4)(b), if more than one ~~mail-all-mail~~ ballot election is being
21 conducted in the political subdivision on the same day, the county election administrator shall conduct the
22 elections.

23 (b) The requirement that a county election administrator shall conduct more than one ~~mail-all-mail~~
24 ballot election on the same day does not apply to ~~a mail an all-mail~~ ballot school bond election conducted by
25 the trustees of any two or more school districts that have unified pursuant to 20-6-312 or that have created a
26 joint board of trustees pursuant to 20-3-361."

27

28 **Section 48.** Section 13-19-105, MCA, is amended to read:

1 **"13-19-105. Role of secretary of state.** In addition to other powers and duties conveyed by law, the
2 secretary of state, with advice from election administrators, shall:

- 3 (1) prescribe the form of materials to be used in the conduct of ~~mail~~-all-mail ballot elections;
4 (2) review written plans for the conduct of ~~mail~~-all-mail ballot elections as provided in 13-19-205; and
5 (3) adopt rules consistent with this chapter to:
6 (a) establish and maintain uniformity in the conduct of ~~mail~~-all-mail ballot elections; and
7 (b) establish procedures for the conduct of ~~mail~~-all-mail ballot elections that, when implemented by
8 the election administrator:
9 (i) prevent fraud;
10 (ii) ensure the accurate handling and canvassing of ~~mail~~-all-mail ballots in all-mail ballot elections; and
11 (iii) ensure that the secrecy of voted ballots is maintained."

12

13 **Section 49.** Section 13-19-106, MCA, is amended to read:

14 **"13-19-106. General requirements for ~~mail~~-all-mail ballot election.** A ~~mail~~ An all-mail ballot
15 election must be conducted substantially as follows:

- 16 (1) Subject to 13-12-202, official ~~mail~~-all-mail ballots must be prepared and all other initial procedures
17 followed as provided by law, except that ~~mail~~-all-mail ballots must be paper ballots and are not required to have
18 stubs.
19 (2) An official ballot must be mailed to every qualified elector of the political subdivision conducting
20 the election.
21 (3) Each signature envelope must contain a form that is the same as the form for ~~absentee-mail~~ ballot
22 signature envelopes and that is prescribed by the secretary of state for the elector to verify the accuracy of the
23 elector's address or notify the election administrator of the elector's correct mailing address and to return the
24 corrected address with the voted ballot in the manner provided by 13-19-306.
25 (4) The elector shall mark the ballot and place it in a secrecy envelope.
26 (5) (a) The elector shall then place the secrecy envelope containing the elector's ballot in a signature
27 envelope and mail it or deliver it in person to a place of deposit designated by the election administrator.
28 (b) Except as provided in 13-21-206 and 13-21-226, the voted ballot must be received before 8 p.m.

1 on election day.

2 (6) Election officials shall first qualify the voted ballot by examining the signature envelope to
3 determine whether it is submitted by a qualified elector who has not previously voted in the election.

4 (7) If the voted ballot qualifies and is otherwise valid, officials shall then open the signature envelope
5 and remove the secrecy envelope, which must be deposited unopened in an official ballot box pursuant to the
6 timeline specified in 13-13-241(7).

7 (8) Except as provided in 13-19-312, voted ballots must be counted and canvassed as provided in
8 Title 13, chapter 15."

9

10 **Section 50.** Section 13-19-202, MCA, is amended to read:

11 "**13-19-202. Initiation by governing body.** (1) A political subdivision may, by resolution of the
12 governing body addressed to the election administrator, request that a particular election be conducted under
13 the provisions of this chapter.

14 (2) No later than 70 days before election day, the governing body shall transmit its request to the
15 election administrator, who shall determine whether it is economically and administratively feasible to conduct
16 the requested election by ~~mail~~all-mail ballot.

17 (3) Except as provided in 13-19-204, the decision to conduct an election under the provisions of this
18 chapter is within the sole discretion of the election administrator.

19 (4) Within 5 days after receiving a request, the election administrator shall respond in writing, stating
20 that the request is either granted or denied for reasons specified. If granted, the election administrator shall
21 prepare a plan as provided in 13-19-205."

22

23 **Section 51.** Section 13-19-203, MCA, is amended to read:

24 "**13-19-203. Initiation by election administrator.** (1) Even if a request has not been received from
25 the governing body concerned, the election administrator may conduct any election authorized by 13-19-104
26 under this chapter if the election administrator determines that ~~a mail~~an all-mail ballot election is the most
27 economically and administratively feasible way of conducting the election in question.

28 (2) If the election administrator decides to conduct an election pursuant to subsection (1), the election

1 administrator shall prepare a written plan as provided in 13-19-205 and forward a copy to the governing body
2 concerned, together with a written statement informing the governing body of the decision to conduct the
3 election by ~~mail~~all-mail ballot, the reasons for the decision, and the right of the governing body to object under
4 13-19-204."
5

6 **Section 52.** Section 13-19-206, MCA, is amended to read:

7 **"13-19-206. Distributing materials to electors -- procedure.** For each election conducted under this
8 chapter, the election administrator shall:

- 9 (1) mail a single packet to every qualified elector of the political subdivision conducting the election;
10 (2) ensure that each packet contains only one each of the following:
11 (a) an official ballot for each type of election being held on the specified election day;
12 (b) a secrecy envelope;
13 (c) a signature envelope; and
14 (d) complete written instructions, as approved by the secretary of state pursuant to 13-19-205, for
15 ~~mail~~all-mail ballot election voting procedures;
16 (3) ensure that each packet is:
17 (a) addressed to a single individual elector at the most current address available from the official
18 registration records; and
19 (b) deposited in the United States mail with sufficient postage for it to be delivered to the elector's
20 address; and
21 (4) mail the packet in a manner that conforms to postal regulations to require the return, not
22 forwarding, of undelivered packets."
23

24 **Section 53.** Section 13-19-304, MCA, is amended to read:

25 **"13-19-304. Voting by nonregistered electors.** (1) For any election being conducted under this
26 chapter by a political subdivision that allows individuals to vote who are not registered electors, the individual
27 may vote by appearing in person at the election administrator's office or by providing materials by mail,
28 facsimile, or electronic means and demonstrating that the individual possesses the qualifications required for

1 voting.

2 (2) An individual complying with subsection (1) before official ballots are available may provide a form
3 to the election administrator containing the signature of the individual or the individual's agent designated
4 pursuant to 13-1-116 and the address to which the ballot is to be mailed. The signature provided must be used
5 for verification when the ~~mail-all-mail~~ ballot is returned.

6 (3) An individual complying with subsection (1) after official ballots are available and before 8 p.m. on
7 election day must be permitted to vote at that time."

8

9 **Section 54.** Section 13-19-309, MCA, is amended to read:

10 **"13-19-309. Disposition of ballots returned to election administrator's office.** Ballots returned to
11 the election administrator's office must be handled as provided for ~~absentee-mail~~ ballots in 13-13-241."

12

13 **Section 55.** Section 13-19-313, MCA, is amended to read:

14 **"13-19-313. Notice to elector -- opportunity to resolve questions.** Notice to the elector and the
15 opportunity to resolve questions must be as provided in 13-13-245, except as follows:

16 (1) If a ~~mail~~ an all-mail ballot is returned as undeliverable, the election administrator shall attempt to
17 contact the elector by the most expedient means available to determine the reason for the return and mail a
18 confirmation notice if the elector cannot be contacted otherwise. The notice must be sent by forwardable, first-
19 class mail with a postage-paid, return-addressed notice.

20 (2) If the confirmation notice is returned to the election administrator, the election administrator shall
21 place the elector on the inactive list provided for in 13-2-220 until the elector becomes a qualified elector."

22

23 **Section 56.** Section 13-21-102, MCA, is amended to read:

24 **"13-21-102. Definitions.** As used in this chapter, the following definitions apply:

25 (1) "Covered voter" means:

26 (a) a uniformed-service voter or an overseas voter who is registered to vote in Montana;

27 (b) a uniformed-service voter whose voting residence is in Montana and who otherwise satisfies

28 Montana's voter eligibility requirements;

1 (c) an overseas voter who, before leaving the United States, was last eligible to vote in Montana and,
2 except for a state residency requirement, otherwise satisfies Montana's voter eligibility requirements;

3 (d) an overseas voter who, before leaving the United States, would have been last eligible to vote in
4 Montana had the voter then been of voting age and, except for a state residency requirement, otherwise
5 satisfies Montana's voter eligibility requirements.

6 (2) "Dependent" means an individual recognized as a dependent by a uniformed service.

7 (3) "Digital signature" means the certificate-based digital identification code issued to qualified
8 personnel by the U.S. department of defense as part of the common access card or its successor.

9 (4) "Federal postcard application" means the application prescribed under section 101(b)(2) of the
10 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. 20301(b)(2).

11 (5) "Federal write-in ~~absentee-mail~~ ballot" means the ballot described in section 103 of the Uniformed
12 and Overseas Citizens Absentee Voting Act, 52 U.S.C. 20303.

13 (6) "Military-overseas ballot" means:

14 (a) a federal write-in ~~absentee-mail~~ ballot;

15 (b) ~~an absentee~~ a mail ballot specifically prepared or distributed for use by a covered voter in
16 accordance with this chapter; or

17 (c) a ballot cast by a covered voter in accordance with this chapter.

18 (7) "Overseas voter" means a United States citizen who resides outside the United States who would
19 otherwise be qualified to vote in the last place in which the person was domiciled before leaving the United
20 States.

21 (8) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States
22 Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

23 (9) "Uniformed service" means:

24 (a) active and reserve components of the army, navy, air force, marine corps, or coast guard of the
25 United States;

26 (b) the merchant marine, the commissioned corps of the public health service, or the commissioned
27 corps of the national oceanic and atmospheric administration of the United States; or

28 (c) the national guard and state militia.

1 (10) "Uniformed-service voter" means an individual who is qualified to vote and is:

2 (a) a member of the active or reserve components of the army, navy, air force, marine corps, or coast
3 guard of the United States who is on active duty;

4 (b) a member of the merchant marine, the commissioned corps of the public health service, or the
5 commissioned corps of the national oceanic and atmospheric administration of the United States;

6 (c) a member of the national guard or state militia in activated status; or

7 (d) a spouse or dependent of a member referred to in this subsection (10).

8 (11) "United States", used in the territorial sense, means the several states, the District of Columbia,
9 Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction
10 of the United States.

11 (12) "Voter registration application" means the form approved by the secretary of state that an elector
12 may use to register to vote in Montana."

13

14 **Section 57.** Section 13-21-104, MCA, is amended to read:

15 **"13-21-104. Adoption of rules on electronic registration and voting -- acceptance of funds. (1)**

16 The secretary of state shall adopt reasonable rules under the rulemaking provisions of the Montana
17 Administrative Procedure Act to implement this chapter. The rules are binding upon election administrators.

18 (2) The rules must provide that:

19 (a) there are uniform statewide standards concerning electronic registration and voting;

20 (b) regular ~~absentee-mail~~ ballots for a primary, general, or special election are available in a format
21 that allows the ballot to be electronically transmitted to a covered voter as soon as the ballots are available
22 pursuant to 13-13-205;

23 (c) a covered voter may, subject to 13-2-304, register and vote up to the time that the polls close on
24 election day;

25 (d) a covered voter is allowed to cast a provisional ballot if there is a question about the elector's
26 registration information or eligibility to vote;

27 (e) a covered voter with a digital signature is allowed the option of using the digital signature as
28 provided in 13-21-107; and

1 (f) a ballot cast by a covered voter and transmitted electronically will remain secret, as required by
2 Article IV, section 1, of the Montana constitution. This subsection (2)(f) does not prohibit the adoption of rules
3 establishing administrative procedures on how electronically transmitted votes must be transcribed to an official
4 ballot. However, the rules must be designed to protect the accuracy, integrity, and secrecy of the process.

5 (3) The secretary of state may apply for and receive a grant of funds from any agency or office of the
6 United States government or from any other public or private source and may use the money for the purpose of
7 implementing this chapter."
8

9 **Section 58.** Section 13-21-107, MCA, is amended to read:

10 **"13-21-107. Digital signature authorized.** (1) A covered voter may use a digital signature as proof
11 that the voter is the sender when the voter is electronically transmitting any of the following documents to an
12 election administrator pursuant to this chapter:

- 13 (a) a federal postcard application;
14 (b) an application for voter registration;
15 (c) a request for ~~an absentee~~ a mail ballot; or
16 (d) the voter's marked ballot.

17 (2) An election administrator shall verify a digital signature received pursuant to this section and
18 accept a validated digital signature as proof that a document has been transmitted by the voter.

19 (3) Nothing in this section may be interpreted as:

- 20 (a) requiring a covered voter to use a digital signature;
21 (b) requiring that an election administrator use a digital signature in lieu of the voter's date of birth and
22 social security number or driver's license number to validate the voter's identity during the voter registration
23 process;

24 (c) requiring a county election administrator or the secretary of state to validate the voter's identity
25 with the certificate authority that issued the digital signature;

26 (d) requiring both a valid digital signature and the last four digits of a voter's social security number as
27 proof that a document is from the voter; or

28 (e) prohibiting a county election administrator from using the last four digits of a voter's social security

1 number, if provided on the document, to verify that the document was sent by the voter."

2

3 **Section 59.** Section 13-21-206, MCA, is amended to read:

4 **"13-21-206. Counting of federal write-in ~~absentee-mail~~ ballots.** (1) A federal write-in ~~absentee-mail~~
5 ballot received by an election administrator may be counted only if:

6 (a) the elector's voter registration and identification information is sufficient to determine that the
7 elector is eligible to vote in the election;

8 (b) the election administrator has not received a regular ~~absentee-mail~~ ballot from the elector by 8
9 p.m. on election day; and

10 (c) the ballot is sent by 8 p.m. on election day and is received by 3 p.m. on the Monday following the
11 election.

12 (2) Federal write-in ~~absentee-mail~~ ballots received before the close of the polls on election day may
13 not be counted until the polls have closed."

14

15 **Section 60.** Section 13-21-213, MCA, is amended to read:

16 **"13-21-213. Report on ~~absentee-mail~~ ballots.** (1) Within 60 days after the date of each regularly
17 scheduled federal general election, each county election administrator shall report to the secretary of state:

18 (a) the number of ~~absentee-mail~~ ballots transmitted by the election administrator to covered voters for
19 the election;

20 (b) the number of ~~absentee-mail~~ ballots cast and returned to the election administrator for the election
21 from covered voters; and

22 (c) the method of transmission and the method of submission of each ~~absentee-mail~~ ballot in
23 subsections (1)(a) and (1)(b).

24 (2) The secretary of state may prescribe a standardized format for the report.

25 (3) Within 90 days after the date of each regularly scheduled federal general election, the secretary of
26 state shall report to the federal election assistance commission, established pursuant to the Help America Vote
27 Act of 2002, Public Law 107-252, or its successor a statewide report containing the information provided under
28 subsection (1) and any other information required by the federal election assistance commission. The report

1 must be made in the format prescribed by the federal election assistance commission."

2

3 **Section 61.** Section 13-21-221, MCA, is amended to read:

4 **"13-21-221. Methods of registering to vote.** (1) To apply to register to vote, in addition to any other
5 approved method, a covered voter may use a federal postcard application or the application's electronic
6 equivalent.

7 (2) A covered voter may use the declaration accompanying a federal write-in ~~absentee-mail~~ ballot to
8 apply to register to vote simultaneously with the submission of the federal write-in ~~absentee-mail~~ ballot.

9 (3) The secretary of state shall ensure that the electronic transmission system described in 13-21-
10 106(3) is capable of accepting both a federal postcard application and any other approved electronic
11 registration application sent to the appropriate election official. The voter may use the electronic transmission
12 system when available or any other approved method to register to vote."

13

14 **Section 62.** Section 13-21-222, MCA, is amended to read:

15 **"13-21-222. Methods of applying for military-overseas ballot.** (1) A covered voter who is
16 registered to vote in this state may apply for a military-overseas ballot:

17 (a) using either the regular ~~absentee-mail~~ ballot application in use in the voter's jurisdiction under 13-
18 13-212 or the federal postcard application or the application's electronic equivalent;

19 (b) by making a written request, which must include the voter's birth date and signature; or

20 (c) by making an electronic request that includes the voter's birth date and affirmation of the voter's
21 eligibility to vote under the Montana Absent Uniformed Services and Overseas Voter Act.

22 (2) A person who holds a power of attorney from a uniformed-service voter may apply for ~~an absentee~~
23 a mail ballot for that election on behalf of the uniformed-service voter. The applicant shall provide a copy of the
24 power of attorney authorizing the request for ~~an absentee a mail~~ ballot along with the application.

25 (3) A covered voter who is not registered to vote in Montana may use a federal postcard application
26 or the application's electronic equivalent to apply simultaneously to register to vote under 13-21-221 and for a
27 military-overseas ballot.

28 (4) The secretary of state shall ensure that the electronic transmission system described in 13-21-

1 106(3) is capable of accepting the submission of a federal postcard application. The voter may use the
2 electronic transmission system or any other approved method to apply for a military-overseas ballot.

3 (5) A covered voter may use the declaration accompanying a federal write-in ~~absentee-mail~~
4 an application for a military-overseas ballot simultaneously with the submission of the federal write-in ~~absentee~~
5 mail ballot if the declaration is received by the appropriate election official within the time period required by this
6 chapter.

7 (6) An application from a covered voter who applies for a ballot under this section is considered a
8 request for an ~~absentee a mail~~ ballot for all elections held through December 31 of the year following the
9 calendar year of application or for a shorter period if requested by the covered voter.

10 (7) To receive the benefits of this chapter, a covered voter shall inform the appropriate election official
11 that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered
12 voter include:

- 13 (a) the use of a federal postcard application or federal write-in ~~absentee-mail~~ ballot;
14 (b) the use of an overseas address on an approved voter registration application or ballot application;
15 and
16 (c) the inclusion on an approved voter registration application or ballot application or other information
17 sufficient to identify the voter as a covered voter.

18 (8) This section does not preclude a covered voter from voting under Title 13, chapter 13, part 2."
19

20 **Section 63.** Section 13-21-225, MCA, is amended to read:

21 "**13-21-225. Use of federal write-in ~~absentee-mail~~ ballot.** A covered voter may use a federal write-in
22 ~~absentee-mail~~ ballot to vote for all offices and ballot measures in an election described in 13-21-105."
23

24 **Section 64.** Section 13-35-602, MCA, is amended to read:

25 "**13-35-602. Definitions.** As used in this part, the following definitions apply:

26 (1) "Campaign literature" means material that advocates the success or defeat of a candidate, political
27 party, or ballot issue.

28 (2) "Third-party registrar" means a person, other than an election official, who is supporting an

1 organized effort to register voters or to assist voters in applying for ~~absentee-mail~~ ballots."

2

3 **Section 65.** Section 13-35-603, MCA, is amended to read:

4 **"13-35-603. Prohibitions concerning mailings.** A third-party registrar may not mail a voter
5 registration or ~~absentee-mail~~ ballot application in the same envelope as campaign literature if the envelope is
6 marked to resemble a mailing from an election office."

7

8 **Section 66.** Section 13-35-604, MCA, is amended to read:

9 **"13-35-604. Return of voter registration and ~~absentee-mail~~ ballot applications.** A third-party
10 registrar may not mail or advise an applicant to mail a voter registration or ~~absentee-mail~~ ballot application to
11 any address other than the county election administrator's address in the applicant's county of residence."

12

13 **Section 67.** Section 13-37-201, MCA, is amended to read:

14 **"13-37-201. Campaign treasurer.** (1) Except as provided in 13-37-206, each candidate and each
15 political committee shall appoint one campaign treasurer and certify the full name and complete address of the
16 campaign treasurer pursuant to this section.

17 (2) (a) A candidate shall file the certification within 5 days after becoming a candidate.

18 (b) Except as provided in subsection (2)(c), a political committee shall file the certification, which must
19 include an organizational statement and the name and address of all officers, if any, within 5 days after it makes
20 an expenditure or authorizes another person to make an expenditure on its behalf, whichever occurs first.

21 (c) A political committee that is seeking to place a ballot issue before the electors shall file the
22 certification, including the information required in subsection (2)(b), within 5 days after the issue becomes a
23 ballot issue, as defined in ~~13-1-101(6)(b)~~, 13-1-101(7)(b).

24 (3) The certification of a candidate or political committee must be filed with the commissioner."

25

26 **Section 68.** Section 13-37-219, MCA, is amended to read:

27 **"13-37-219. Limitations on contributions to candidate when office sought is not known.** A
28 candidate, as defined in ~~13-1-101(8)(b)~~, 13-1-101(9)(b), who has not determined the office to which the

1 individual will seek nomination or election is subject to the lowest contribution limitation of the offices the
 2 candidate is considering seeking."

3

4 **Section 69.** Section 13-37-226, MCA, is amended to read:

5 **"13-37-226. Time for filing reports.** (1) Except as provided in 13-37-206 and 13-37-225(3), a
 6 candidate shall file reports required by 13-37-225(1)(a) containing the information required by 13-37-229, 13-
 7 37-231, and 13-37-232 as follows:

8 (a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in
 9 which funds are received or expended during the year or years prior to the election year that the candidate
 10 expects to be on the ballot and ending in the final quarter of the year preceding the year of an election in which
 11 the candidate participates;

12 (b) the 20th day of March, April, May, June, August, September, October, and November in the year
 13 of an election in which the candidate participates;

14 (c) within 2 business days of receiving a contribution of \$100 or more if received between the 15th
 15 day of the month preceding an election in which the candidate participates and the day of the election;

16 (d) within 2 business days of making an expenditure of \$100 or more if made between the 15th day of
 17 the month preceding an election in which the candidate participates and the day of the election;

18 (e) semiannually on the 10th day of March and September, starting in the year following an election in
 19 which the candidate participates until the candidate files a closing report as specified in 13-37-228(3); and

20 (f) as provided by subsection (3).

21 (2) Except as provided in 13-37-206, 13-37-225(3), and 13-37-227, a political committee shall file
 22 reports required by 13-35-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-
 23 232 as follows:

24 (a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in
 25 which the political committee receives a contribution or makes an expenditure after an individual becomes a
 26 candidate or an issue becomes a ballot issue, as defined in ~~13-1-101(6)(b)~~, 13-1-101(7)(b), and ending in the
 27 final quarter of the year preceding the year in which the candidate or the ballot issue appears on the ballot;

28 (b) the 30th day of March, April, May, June, August, September, October, and November in the year

1 of an election in which the political committee participates;

2 (c) within 2 business days of receiving a contribution, except as provided in 13-37-232, of \$500 or
3 more if received between the 25th day of the month before an election in which the political committee
4 participates and the day of the election; and

5 (d) within 2 business days of making an expenditure of \$500 or more that is made between the 25th
6 day of the month before an election in which the political committee participates and the day of the election;

7 (e) quarterly, due on the 5th day following a calendar quarter, beginning in the calendar quarter
8 following a year of an election in which the political committee participates until the political committee files a
9 closing report as specified in 13-37-228(3); and

10 (f) as provided by subsection (3).

11 (3) In addition to the reports required by subsections (1) and (2), if a candidate or a political
12 committee participates in a special election, the candidate or political committee shall file reports as follows:

13 (a) a report on the 60th, 35th, and 12th days preceding the date of the special election; and

14 (b) 20 days after the special election.

15 (4) Except as provided by 13-37-206, candidates for a local office and political committees that
16 receive contributions or make expenditures referencing a particular local issue or a local candidate shall file the
17 reports specified in subsections (1) through (3) only if the total amount of contributions received or the total
18 amount of funds expended for all elections in a campaign exceeds \$500.

19 (5) A report required by this section must cover contributions received and expenditures made
20 pursuant to the time periods specified in 13-37-228.

21 (6) A political committee may file a closing report prior to the date in 13-37-228(3) and after the
22 complete termination of its contribution and expenditure activity during an election cycle.

23 (7) For the purposes of this section:

24 (a) a candidate participates in an election by attempting to secure nomination or election to an office
25 that appears on the ballot; and

26 (b) a political committee participates in an election by receiving a contribution or making an
27 expenditure."

28

1 **Section 70.** Section 20-9-428, MCA, is amended to read:

2 **"20-9-428. Determination of approval or rejection of proposition at bond election.** (1) When the
3 trustees canvass the vote of a school district bond election under the provisions of 20-20-415, they shall
4 determine the approval or rejection of the school bond proposition in the following manner:

5 (a) Except as provided in subsection (1)(c), if the school district bond election is held at a regular
6 school election or at a special election called by the trustees, the trustees shall:

7 (i) determine the total number of electors of the school district who are qualified to vote under the
8 provisions of 20-20-301 from the list of electors supplied by the county registrar for the school bond election;

9 (ii) determine the total number of qualified electors voting at the school bond election from the tally
10 sheets for the election; and

11 (iii) calculate the percentage of qualified electors voting at the school bond election by dividing the
12 amount determined in subsection (1)(a)(ii) by the amount determined in subsection (1)(a)(i).

13 (b) When the calculated percentage in subsection (1)(a)(iii) is:

14 (i) 40% or more, the school bond proposition is approved and adopted if a majority of the votes were
15 cast in favor of the proposition, otherwise it is rejected;

16 (ii) more than 30% but less than 40%, the school bond proposition is approved and adopted if 60% or
17 more of the votes were cast in favor of the proposition, otherwise it is rejected; or

18 (iii) 30% or less, the school bond proposition is rejected.

19 (c) If the school district bond election is held in conjunction with an election that is conducted by ~~mail~~
20 all-mail ballot, as provided in Title 13, chapter 19, or in conjunction with a general or primary election, the
21 determination of the approval or rejection of the bond proposition is made by a majority of the votes cast on the
22 issue.

23 (2) If the canvass of the vote establishes the approval and adoption of the school bond proposition,
24 the trustees shall issue a certificate proclaiming the passage of the proposition and the authorization to issue
25 bonds of the school district for the purposes specified on the ballot for the school district bond election."

26

27 **Section 71.** Section 20-20-204, MCA, is amended to read:

28 **"20-20-204. Election notice.** (1) (a) When the trustees of a district call a school election, they shall

1 give notice of the election not less than 10 days or more than 40 days before the election by:

2 (i) publishing a notice in a newspaper of general circulation if there is one in the district;

3 (ii) posting notices in three public places in the district; and

4 (iii) posting notice on the district's website, if the district has an active website, for 10 days prior to the
5 election.

6 (b) Whenever, in the judgment of the trustees, the best interest of the district will be served by the
7 supplemental publication or broadcast of the school election notice by any recognized media organization in the
8 district, the trustees may cause the supplemental notification to be made.

9 (2) The notice of a school election, unless otherwise required by law, must specify:

10 (a) the date and polling places of the election;

11 (b) the hours that the polling places will be open;

12 (c) each proposition to be considered by the electorate;

13 (d) if there are trustees to be elected, the number of positions subject to election and the length of
14 term of each position;

15 (e) where and how ~~absentee-mail~~ ballots may be obtained; and

16 (f) where and how late registrants may obtain a ballot on election day.

17 (3) If more than one proposition is to be considered at the same school election, each proposition
18 must be set apart and separately identified in the same notice or published in separate notices."
19

20 **Section 72.** Section 20-20-401, MCA, is amended to read:

21 **"20-20-401. Trustees' election duties -- ballot certification.** (1) The trustees are the general
22 supervisors of school elections unless the trustees request and the county election administrator agrees to
23 conduct a school election under 20-20-417.

24 (2) Not less than 30 days before an election, the clerk of the district shall certify the ballot by
25 preparing a certified list of the names of all candidates entitled to be on the ballot subject to 13-37-126 and
26 certifying the official wording for each ballot issue. The candidates' names must appear on the ballot in
27 accordance with 13-12-203. The clerk shall arrange for printing the ballots. Ballots for ~~absentee-mail~~ ballot
28 voting must be printed and available at least 20 days before the election. Names of candidates on school

1 election ballots need not be rotated.

2 (3) Before the opening of the polls, the trustees shall cause each polling place to be supplied with the
3 ballots and supplies necessary to conduct the election."
4

5 **Section 73.** Section 22-1-702, MCA, is amended to read:

6 **"22-1-702. Creation or enlargement of public library district.** (1) Proceedings for the creation or
7 enlargement of a public library district or the conversion of a public library to a public library district may be
8 initiated by:

9 (a) a petition signed by not less than 15% of the qualified electors who reside within the proposed
10 district or the area to be added to an existing district; or

11 (b) a resolution of intent adopted by the county governing body, calling for the creation of a district.

12 (2) The petition must contain:

13 (a) the boundaries of the proposed public library district;

14 (b) a map showing the boundaries;

15 (c) subject to 15-10-420, the proposed maximum property tax mill levy that could be levied on
16 property owners within the district for the operation of the district; and

17 (d) the proposed number of members on the board of trustees. The number of members must be five
18 or seven.

19 (3) When the territory to be included in the proposed public library district lies in more than one
20 county, a petition must be presented to the governing body of each county in which the territory lies. Each
21 petition must be signed by not less than 15% of the qualified electors of the territory within the county proposed
22 for inclusion in the district.

23 (4) Upon receipt of a petition to create a public library district, the county clerk shall examine the
24 petition and within 15 days either reject the petition if it is insufficient under the provisions of subsection (1), (2),
25 or (3) or certify that the petition is sufficient and present it to the county governing body at its next meeting.

26 (5) The text of the petition must be published as provided in 7-1-2121 in each county in which territory
27 of the proposed public library district lies.

28 (6) At a hearing on the proposed public library district, the county governing body shall hear

1 testimony:

2 (a) of all interested persons on whether a district should be created;

3 (b) regarding the proposed boundary, the property tax mill levy, and the number of members of the
4 board of trustees; and

5 (c) on any other matter relating to the petition.

6 (7) After the hearing, if the county governing body determines that the proposed public library district
7 should be created, it shall by resolution:

8 (a) set the boundaries of the proposed district;

9 (b) set the maximum mill levy for the proposed district;

10 (c) set the number of members to be on the board of trustees; and

11 (d) call for an election on the question of whether to create the district. The election may be:

12 (i) held in conjunction with a regular or primary election; or

13 (ii) conducted by ~~mail~~-all-mail ballot in accordance with the provisions of Title 13, chapter 19."

14

15 **Section 74.** Section 32-3-310, MCA, is amended to read:

16 **"32-3-310. Meetings of members.** (1) The annual meeting and any special meetings of the members
17 of the credit union must be held at the time, place, and in the manner indicated by the bylaws.

18 (2) At all meetings a member has only one vote, irrespective of the member's shareholdings. A
19 member may not vote by proxy, but a member may vote by ~~absentee-mail~~ ballot or ~~mail~~-all-mail ballot if the
20 bylaws of the credit union so provide.

21 (3) A society, association, partnership, or corporation having membership in the credit union may be
22 represented and have its vote cast by one of its members or shareholders, provided that the person has been
23 fully authorized by the organization's governing body.

24 (4) The board of directors may establish a minimum age, not greater than 18 years of age, as a
25 qualification of eligibility to vote at meetings of the members or to hold office, or both."

26

27 **Section 75.** Section 85-9-623, MCA, is amended to read:

28 **"85-9-623. Issuance of bonds -- resolution and election.** When the directors find it necessary to

1 issue bonds, the directors shall:

2 (1) pass a resolution that includes:

3 (a) the purpose or purposes for which the bonds will be issued;

4 (b) the maximum amount and term of the bonds;

5 (c) the maximum interest rate that the bonds will bear; and

6 (d) whether the bonds will be repaid from revenue, assessments, or both;

7 (2) give notice in accordance with 7-1-2121 that must include the resolution adopted by the directors
8 and the location of polling places unless the election is conducted by ~~mail~~-all-mail ballot, as provided in Title 13,
9 chapter 19; and

10 (3) hold an election conducted in accordance with Title 13, chapter 1, part 5."

11 - END -