

## 1 HOUSE BILL NO. 455

2 INTRODUCED BY L. SHELDON-GALLOWAY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; ELIMINATING THE  
 5 OPTION TO REGISTER TO RECEIVE ABSENTEE BALLOTS AT SUBSEQUENT ELECTIONS; REQUIRING  
 6 THAT ABSENTEE BALLOTS BE PROVIDED ONLY TO ELECTORS AT THEIR COUNTY RESIDENTIAL  
 7 ADDRESS; ELIMINATING IN-PERSON ABSENTEE VOTING; REVISING THE TIME WHEN ABSENTEE  
 8 BALLOTS MUST BE RECEIVED ON ELECTION DAY; REVISING WHEN BALLOTS MUST BE RECEIVED IN  
 9 A MAIL BALLOT ELECTION; REVISING THE TIME WHEN FEDERAL WRITE-IN ABSENTEE BALLOTS AND  
 10 MILITARY-OVERSEAS BALLOTS MUST BE RECEIVED; AMENDING SECTIONS 13-1-210, 13-2-220, 13-3-  
 11 213, 13-12-102, 13-13-201, 13-13-204, 13-13-211, 13-13-212, 13-13-213, 13-13-232, 13-13-233, 13-13-245,  
 12 13-13-246, 13-15-201, 13-19-106, 13-21-206, AND 13-21-226, MCA; AND REPEALING SECTIONS 13-13-222  
 13 AND 13-21-223, MCA."

14

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

16

17 **Section 1.** Section 13-1-210, MCA, is amended to read:18 **"13-1-210. Standard application form for voter registration and absentee ballot requests. (1)**

19 The secretary of state shall establish by rule a standard application form, to be used by each election  
 20 administrator, that allows an individual to apply for voter registration and to request ~~to be added to the an~~  
 21 absentee ballot list in order to receive ballots for subsequent elections.

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

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

26 ~~I understand that in order to continue to receive an absentee ballot, I must complete, sign, and return a~~  
 27 ~~confirmation form that will be mailed to me in January of every even-numbered year at my county residential~~  
 28 ~~address that I used to register."~~

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

3           **"13-2-220. Maintenance of active and inactive voter registration lists for elections -- rules by**  
4 **secretary of state.** (1) The rules adopted by the secretary of state under 13-2-108 must include the following  
5 procedures, at least one of which an election administrator shall follow in every odd-numbered year:

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

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

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

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

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

18           (iii) sending forwardable confirmation notices; or

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

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

25           ~~(3)~~(2) Any notices returned as undeliverable to the election administrator or any notices to which the  
26 elector fails to respond after the election administrator uses the procedures provided in subsection (1) must be  
27 followed within 30 days by an appropriate confirmation notice that is a forwardable, first-class, postage-paid,  
28 self-addressed, return notice. If the elector fails to respond within 30 days of the final confirmation notice, after

1 the 30th day, the election administrator shall move the elector to the inactive list.

2 ~~(4)(3)~~ A procedure used by an election administrator pursuant to this section must be completed at  
3 least 90 days before a primary or general election for federal office.

4 ~~(5)(4)~~ An elector's registration may be reactivated pursuant to 13-2-222 or may be canceled pursuant  
5 to 13-2-402."

6

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

8 **"13-3-213. Alternative means for casting ballot.** (1) The election administrator shall provide  
9 individuals with disabilities and elderly individuals an alternative means for casting a ballot on election day if  
10 they are assigned to an inaccessible polling place. These alternative means for casting a ballot include:

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

12 ~~(b) voting by absentee ballot in person at a designated voting station at the county election  
13 administrator's office; and~~

14 ~~(c)(b)~~ prearranged assignment to an accessible polling place within the county.

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

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

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

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

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

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

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

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1           **Section 4.** Section 13-12-102, MCA, is amended to read:

2           "**13-12-102. Items to be furnished by election administrators.** The election administrators shall  
3 deliver to each polling place or to the chief election judge for a polling place all supplies necessary to conduct  
4 the election at that polling place. ~~If the blank ballots for the polling place are delivered before noon of the day~~  
5 ~~before the election, the election administrator shall retain sufficient ballots to supply electors requesting~~  
6 ~~absentee ballots. The election administrator shall write in the pollbook for that polling place, after the numbers~~  
7 ~~of the ballots retained, "reserved for absentee ballots"."~~

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9           **Section 5.** Section 13-13-201, MCA, is amended to read:

10           "**13-13-201. Voting by absentee ballot -- procedures.** (1) A legally registered elector ~~or provisionally~~  
11 ~~registered elector~~ is entitled to vote by absentee ballot as provided for in this part.

12           (2) The elector may vote absentee by:

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

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

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

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

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

20           (i) the election office;

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

22           (iii) pursuant to 13-13-229, the absentee election board or an authorized election official; or

23           (iv) in a mail ballot election held pursuant to Title 13, chapter 19, a designated place of deposit within  
24 the elector's county.

25           (3) Except as provided in 13-21-206 and 13-21-226, in order for the ballot to be counted, each elector  
26 shall return it in a manner that ensures the ballot is received prior to ~~8 p.m.~~ 6 p.m. on election day.

27           ~~(4) A provisionally registered elector may also enclose in the outer signature envelope a copy of the~~  
28 ~~elector's photo identification showing the elector's name. The photo identification may be but is not limited to a~~

1 valid driver's license, a school district or postsecondary education photo identification, or a tribal photo  
 2 identification. If the provisionally registered elector does not enclose a photo identification, the elector may  
 3 enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration  
 4 issued pursuant to 13-2-207, government check, or other government document that shows the elector's name  
 5 and current address."

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7 **Section 6.** Section 13-13-204, MCA, is amended to read:

8 **"13-13-204. Authority to vote in person -- printing error or ballot destroyed -- replacement**

9 **ballot -- effect of absentee elector's death.** (1) (a) If an elector has received but not voted an absentee ballot  
 10 and the absentee ballot contains printing errors or omissions, the elector may receive a replacement or  
 11 corrected ballot.

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

14 (2) –An elector may:

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

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

19 (3) A request for a replacement ballot submitted to the election administrator must be made on a form  
 20 prescribed by the secretary of state and must be made in person, ~~by regular or electronic mail, or by facsimile~~  
 21 no later than ~~8 p.m. on~~ 7 days before election day.

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

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

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

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**Section 7.** Section 13-13-211, MCA, is amended to read:

**"13-13-211. Time period for application.** (1) Except as provided in ~~13-13-222, 13-21-223, and~~ subsection (2) of this section, an application for an absentee ballot must be made any time during the current election year before noon on the seventh day before the election.

(2) A qualified elector who is prevented from voting at the polls as a result of illness or health emergency occurring between 5 p.m. of the Friday preceding the election and before ~~the close of polls~~ 6 p.m. on election day may request to vote by absentee ballot as provided in 13-13-212(2).

(3) An absentee ballot cast pursuant to subsection (2) must be received prior to ~~8 p.m.~~ 6 p.m. on election day pursuant to 13-13-201."

**Section 8.** Section 13-13-212, MCA, is amended to read:

**"13-13-212. Application for absentee ballot -- special provisions -- ~~absentee ballot list for subsequent elections.~~** (1) (a) Except as provided in subsection (1)(b), an elector may apply for an absentee ballot by using a standard application form provided by rule by the secretary of state pursuant to 13-1-210 ~~or by making a written request, which must include the applicant's birth date and must be signed by the applicant. The request must be submitted to the election administrator of the applicant's county of residence within the~~ time period specified in 13-13-211. The elector shall apply in person at the local election office and submit to the election administrator a valid photo identification, birth date, and county address.

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

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

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the absentee election board or by an authorized election official at the

1 elector's place of confinement, hospitalization, or residence within the county.

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

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

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

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

14 ~~(ii) The address confirmation form must request the elector's driver's license number or the last four  
15 digits of the elector's social security number. The address confirmation form must include an e-mail address for  
16 the election administrator that can be used by the elector to confirm that the elector wishes to continue to  
17 receive an absentee ballot and to provide the requested information. The address confirmation form must be  
18 mailed in January of every even-numbered year. The address confirmation form is for elections to be held  
19 between February 1 following the mailing through January of the next even-numbered year.~~

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

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

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

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

28 ~~(B) a website established by the election administrator.~~

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

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

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

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

9           ~~(5)(3)~~ In a mail ballot election, ballots must be sent under mail ballot procedures rather than under the  
 10 absentee ballot procedures set forth in this section."  
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12           **Section 9.** Section 13-13-213, MCA, is amended to read:

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

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

20           ~~(3)(1)~~ (a) The election administrator shall compare the signature on the application with the  
 21 applicant's signature on the registration form or the agent's signature on the agent designation form. If  
 22 convinced that the individual making the application is the same as the one whose name appears on the  
 23 registration form or the agent designation form, the election administrator shall deliver the ballot to the elector ~~in~~  
 24 ~~person or~~ as otherwise provided in 13-13-214, subject to 13-13-205.

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

28           ~~(4)(2) In lieu of the requirement provided in subsection (2), an~~ An elector who requests an absentee



1 ballot pursuant to 13-13-212(2) may return the application to the absentee election board or an authorized  
2 election official. Upon receipt of the application, the absentee election board or authorized election official shall  
3 examine the signatures on the application and a copy of the voting registration form or agent designation form  
4 to be provided by the election administrator. If the absentee election board or an authorized election official  
5 believes that the applicant is the same person as the one whose name appears on the registration form or  
6 agent designation form, the absentee election board or authorized election official shall provide a ballot to the  
7 elector when the ballot is available pursuant to 13-13-205."

8

9 **Section 10.** Section 13-13-232, MCA, is amended to read:

10 **"13-13-232. Delivery of ballots and secrecy envelopes to election judges -- ballots to be**  
11 **rejected.** (1) If an absentee ballot is received prior to delivery of the official ballots to the election judges, the  
12 election administrator shall process it according to 13-13-241 and then, unless the early preparation process in  
13 13-13-241(7) was followed, deliver the unopened secrecy envelope to the judges at the same time that the  
14 ballots are delivered.

15 (2) If an absentee ballot is received after the official ballots are delivered to the election judges but  
16 prior to the ~~close of the polls~~ deadline provided in 13-13-201(3), the election administrator shall process it  
17 according to 13-13-241 and shall then immediately deliver the unopened secrecy envelope to the judges.

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

22

23 **Section 11.** Section 13-13-233, MCA, is amended to read:

24 **"13-13-233. Issuing and recording absentee ballots -- certificate to election judges.** (1) Absentee  
25 ballots must be official numbered paper ballots beginning with ballot number 1 and following consecutively  
26 according to the number of applications for absentee ballots.

27 (2) The election administrator shall keep a record of all absentee ballots issued.

28 (3) When the election administrator delivers the voted absentee ballots pursuant to 13-13-232(1), the

1 election administrator shall also provide a certificate stating:

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

4 (b) the number of ballots to be reserved for late absentee voting pursuant to 13-13-211(2); and

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

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

8

9 **Section 12.** Section 13-13-245, MCA, is amended to read:

10 **"13-13-245. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after  
11 receipt of an elector's absentee ballot application or signature envelope, the election administrator shall give  
12 notice to the elector by the most expedient method available if the election administrator determines that:

13 (a) the elector's ballot is to be handled as a provisional ballot;

14 (b) the validity of the ballot is in question; or

15 (c) the election administrator has not received or is unable to verify the elector's or agent's signature  
16 under 13-13-213 or 13-13-241.

17 (2) The election administrator shall inform the elector that, prior to 8 6 p.m. on election day, the  
18 elector may:

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

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

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

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

1 (b) An elector must be provided with:

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

4 (ii) a replacement ballot if a request has been made pursuant to 13-13-204."  
5

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

7 **"13-13-246. Electronic ballots for disabled persons -- procedures -- definition -- rulemaking. (1)**

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

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

11 (2) (a) After receiving a request and verifying that the elector is legally registered or provisionally  
12 registered, the election administrator shall provide to the elector an electronic ballot, instructions for completing  
13 the ballot, a secrecy envelope, and a transmittal cover sheet that includes an elector affirmation. If the elector is  
14 provisionally registered, the ~~election administrator shall include instructions about what information the elector~~  
15 ~~shall include with the voted ballot pursuant to 13-13-201(4)~~ elector shall enclose in the outer signature envelope  
16 a copy of the elector's photo identification showing the elector's name. The photo identification may include but  
17 is not limited to a valid driver's license, a school district or postsecondary education photo identification, or a  
18 tribal photo identification. If the provisionally registered elector does not enclose a copy of the elector's photo  
19 identification, the elector may enclose a copy of a current utility bill, bank statement, paycheck, notice of  
20 confirmation of voter registration issued pursuant to 13-2-207, government check, or other government  
21 document that shows the elector's name and current address.

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

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

1 return the voted ballot and affirmation in a manner that ensures both are received by 8 p.m. on election day.

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

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

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

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

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

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

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

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

23 (6) For the purposes of this section, "disability" has the meaning provided in 13-3-202."  
24

25 **Section 14.** Section 13-15-201, MCA, is amended to read:

26 **"13-15-201. Preparation for count -- absentee ballot count procedures.** (1) Subject to 13-10-311,  
27 to prepare for a count of ballots, the counting board or, if appointed, the absentee counting board shall take  
28 ballots out of the box to determine whether each ballot is single.

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

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

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

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

13 (6) Only valid absentee ballots may be counted in an election conducted under this chapter.

14 (7) For the purpose of this chapter, a marked absentee ballot is valid only if:

15 (a) the elector's signature on the affirmation on the signature envelope is verified pursuant to 13-13-  
16 241; and

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

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

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

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

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

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

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

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

1

2           **Section 15.** Section 13-19-106, MCA, is amended to read:

3           **"13-19-106. General requirements for mail ballot election.** A mail ballot election must be  
4 conducted substantially as follows:

5           (1) Subject to 13-12-202, official mail ballots must be prepared and all other initial procedures  
6 followed as provided by law, except that mail ballots must be paper ballots and are not required to have stubs.

7           (2) An official ballot must be mailed to every qualified elector of the political subdivision conducting  
8 the election.

9           (3) Each signature envelope must contain a form that is the same as the form for absentee ballot  
10 signature envelopes and that is prescribed by the secretary of state for the elector to verify the accuracy of the  
11 elector's address or notify the election administrator of the elector's correct mailing address and to return the  
12 corrected address with the voted ballot in the manner provided by 13-19-306.

13           (4) The elector shall mark the ballot and place it in a secrecy envelope.

14           (5) (a) The elector shall then place the secrecy envelope containing the elector's ballot in a signature  
15 envelope and mail it or deliver it in person to a place of deposit designated by the election administrator.

16           (b) ~~Except as provided in 13-21-206 and 13-21-226, the~~ The voted ballot must be received before ~~8~~ 6  
17 p.m. on election day.

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

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

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

25

26           **Section 16.** Section 13-21-206, MCA, is amended to read:

27           **"13-21-206. Counting of federal write-in absentee ballots.** (1) A federal write-in absentee ballot  
28 received by an election administrator may be counted only if:

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

3 (b) the election administrator has not received a regular absentee ballot from the elector by 8 6 p.m.  
 4 on election day; ~~and~~

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

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

9

10 **Section 17.** Section 13-21-226, MCA, is amended to read:

11 "**13-21-226. Receipt of voted ballot.** ~~(4)~~ A valid military-overseas ballot must be counted if it is  
 12 received by 8 6 p.m. on election day ~~or by 5 p.m. on the day after election day if transmitted electronically by 8~~  
 13 ~~p.m. on election day.~~

14 ~~(2) Voted ballots transmitted electronically by 8 p.m. on election day and received by 5 p.m. on the~~  
 15 ~~day after election day must be counted at the same time as provisional ballots are counted."~~

16

17 NEW SECTION. **Section 18. Repealer.** The following sections of the Montana Code Annotated are  
 18 repealed:

19 13-13-222. Marking ballot in person before election day.

20 13-21-223. Timeliness of application for military-overseas ballot.

21

- END -