

HOUSE BILL NO. 335

INTRODUCED BY D. BEDEY, S. GIST, D. FERN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ABSENTEE BALLOT LIST PROCEDURES;
REQUIRING ELECTORS TO AFFIRM THEIR PLACE ON THE ABSENTEE BALLOT LIST EVERY FOURTH
ODD CALENDAR YEAR; PROVIDING FOR AN ABSENTEE BALLOT LIST MAINTENANCE ACCOUNT;
PROHIBITING VOTERS ON THE INACTIVE LIST FROM BEING MAILED AN ABSENTEE BALLOT;
PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 13-13-212; AND 17-7-502, MCA;
AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Absentee ballot list maintenance account. (1) There is an absentee
ballot list maintenance account in the state special revenue fund established in 17-2-102.

(2) (a) By August 15, 2023, the state treasurer shall transfer \$1,138,866 from the general fund to
this account to offset the cost of maintaining the absentee ballot list as provided for in 13-13-212.

(b) Beginning July 1, 2027, and by July 1 of every fourth odd calendar year thereafter, the state
treasurer shall transfer the amount in subsection (2)(a), with an adjustment for inflation, from the general fund to
this account to offset the cost of maintaining the absentee ballot list as provided for in 13-13-212.

(3) Money in the account is statutorily appropriated, as provided in 17-7-502, to the governor's
office of budget and program planning and may be used only to fulfill the requirements of maintaining the
absentee ballot list provided for in 13-13-212.

(4) The governor's office of budget and program planning shall distribute the money to the county
clerk and recorders in an amount proportionate to the number of registered voters in each county to fulfill the
requirements of 13-13-212.

Section 2. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot -- special provisions -- absentee ballot list for

1 **subsequent elections.** (1) (a) Except as provided in subsection (1)(b), an elector may apply for an absentee
2 ballot by using a standard application form provided by rule by the secretary of state pursuant to 13-1-210 or by
3 making a written request, which must include the applicant's birth date and must be signed by the applicant.
4 The request must be submitted to the election administrator of the applicant's county of residence within the
5 time period specified in 13-13-211.

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

9 (2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency,
10 the application for an absentee ballot may be made by written request signed by the elector at the time that the
11 ballot is delivered in person by the absentee election board or by an authorized election official as provided in
12 13-13-225.

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

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

18 (3) ~~An elector may at any time request to be mailed an absentee ballot for each subsequent~~
19 ~~election in which the elector is eligible to vote as long as the elector remains qualified to vote and resides at the~~
20 ~~address provided in the initial application. The request may be made when the individual applies for voter~~
21 ~~registration using the standard application form provided for in 13-1-210. An active elector on the absentee~~
22 ~~ballot list must be sent a form every fourth odd calendar year that allows the elector to affirm that the elector~~
23 ~~would like to continue to receive an absentee ballot. The form must request the elector's driver's license~~
24 ~~number or the last four digits of the elector's social security number and must require the elector's signature. If~~
25 ~~the elector does not return the form, the elector must be removed from the absentee ballot list. The election~~
26 ~~administrator shall send a notice notifying the elector of the removal from the absentee ballot list.~~

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

subsequent election for which the elector is on the active ballot list.

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

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

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

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

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

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

(B) a website established by the election administrator.

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

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

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

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

(5) In a mail ballot election, ballots must be sent under mail ballot procedures rather than under the

absentee ballot procedures set forth in this section.

(6) An elector on the inactive voter list may not receive a ballot until the elector reactivates the elector's registration as provided in 13-2-222."

Section 3. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; [\[section 1\]](#); 15-1-121; 15-1-218; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,

1 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
2 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
3 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined
4 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have
5 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the
6 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement
7 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410
8 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental
9 benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on
10 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
11 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30,
12 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025;
13 pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8,
14 Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec.
15 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017,
16 the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-
17 209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates
18 June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June
19 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to
20 sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139,
21 L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion
22 of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004
23 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30,
24 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and
25 pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

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

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2 NEW SECTION. **Section 5. Contingent voidness.** If [this act] is passed and approved without an
3 appropriation of \$1,138,866 for the governor's office of budget and program planning to distribute to county
4 clerk and records in an amount proportionate to the number of registered voters in the county, then [this act] is
5 void.

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7 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2023.

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