

SENATE BILL NO. 441

INTRODUCED BY M. NOLAND

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE MONTANA BALLOT INTERFERENCE PROTECTION ACT; PROVIDING FOR BALLOT COLLECTION; REVISING EXCEPTIONS FOR BALLOT COLLECTIONS; ESTABLISHING REQUIREMENTS FOR BALLOT COLLECTION; REQUIRING THE SECRETARY OF STATE TO MAINTAIN A REGISTRY FOR REGISTRATION AND BALLOT COLLECTION AND CONVEYANCE; ESTABLISHING A PROCESS TO REQUEST INFORMATION STORED IN THE REGISTRY; REVISING PENALTIES FOR BALLOT COLLECTION; REQUIRING IMPROPERLY COLLECTED BALLOTS TO BE TREATED AS PROVISIONAL BALLOTS; REVISING DEFINITIONS; AMENDING SECTIONS 13-35-702, 13-35-703, 13-35-704, AND 13-35-705, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 13-35-702, MCA, is amended to read:

"13-35-702. Definitions. As used in this part, the following definitions apply:

~~(1) "Acquaintance" means an individual known by the voter.~~

~~(2) "Caregiver" means an individual who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living home, residential care institution, adult day health care facility, or adult foster care home.~~

~~(3)(1)~~ "Collect" means to gain possession or control of a ballot.

~~(4)(2)~~ "Family member" means an individual who is related to the voter by blood, marriage, adoption, or legal guardianship a voter's spouse, an individual related to the voter by consanguinity or adoption within the second degree, an individual related to the voter's spouse by affinity or adoption within the second degree, or the legal guardian for a voter.

~~(5) "Household member" means an individual who resides at the same residence as the voter."~~

1 **Section 2.** Section 13-35-703, MCA, is amended to read:

2 "**13-35-703. Ballot collection prohibited -- exceptions.** (1) Except as provided in subsection (2), a
3 person may not knowingly collect a another voter's voted or unvoted ballot.

4 (2) ~~This~~ Except as provided in subsection (3), this section does not apply to:

5 (a) an election official;

6 (b) a United States postal service worker or other individual specifically authorized by law to
7 transmit United States mail; or

8 ~~(c) a caregiver;~~

9 ~~(d)(c)~~ a family member;

10 ~~(e) a household member; or~~

11 ~~(f) an acquaintance.~~

12 (3) ~~An individual authorized to collect a voter's ballot pursuant to subsections (2)(c) through (2)(f)~~
13 ~~may not collect and convey more than six ballots.~~ An individual authorized to collect a voter's ballot pursuant to
14 subsection (2)(c) shall comply with the requirements of 13-35-704 or is subject to the penalties established in
15 13-35-705."

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17 **Section 3.** Section 13-35-704, MCA, is amended to read:

18 "**13-35-704. Record of delivery.** (1) (a) An individual permitted to collect and convey a ballot under
19 13-35-703(2)(c) ~~through (2)(f)~~ shall sign a ballot collection and conveyance registry ~~when delivering the ballot to~~
20 ~~the polling place, a place of deposit, or for each ballot delivered to~~ the election administrator's office or
21 centralized absentee ballot processing location. Ballots may not be returned to a precinct polling location.

22 (b) In addition to the signature requirement under subsection (1)(a), the individual collecting and
23 conveying the ballot shall provide the following information:

24 ~~(1)(i)~~ the ~~individual's~~ collector's name, address, and phone number;

25 ~~(2)(ii)~~ the voter's name and address; ~~and~~

26 ~~(3)(iii)~~ the ~~individual's~~ collector's relationship to the voter required to collect and convey a ballot
27 pursuant to 13-35-703(2)(c) ~~through (2)(f)~~;

28 (iv) the date the ballot was conveyed; and

1 (v) a signed form from the voter conveying permission for the voter's ballot to be collected. An
 2 election administrator shall ensure that the voter's signature on the conveyance form is verified and shall
 3 compare the signature of the voter with the voter's voter registration form and with the signature on the
 4 absentee ballot envelope.

5 (2) The secretary of state shall establish a single official statewide ballot collection and
 6 conveyance registry.

7 (3) Each election administration shall keep an official registry in the statewide ballot collection and
 8 conveyance registry established in accordance with subsection (2). Each election administrator shall report the
 9 information for each entry under subsection (1) to the registry in a time and manner established by the
 10 secretary of state.

11 (4) Subject to subsection (6), on request and for noncommercial use:

12 (a) the secretary of state shall provide any individual available extracts and reports from the official
 13 registry established in accordance with subsection (2); and

14 (b) an election administrator shall provide any individual available extracts and reports under the
 15 election administrator's jurisdiction from the official registry kept in accordance with subsection (1)(b).

16 (5) The secretary of state or an election administrator may collect a fee commensurate with costs
 17 to fulfill a request made in accordance with subsection (4).

18 (6) For a voter whose information is protected from general distribution under 13-2-115(6) or (7),
 19 the secretary of state or an election administrator may not include the voter's residential address on any
 20 register, list, mailing labels, or available extracts and reports, but may list the voter's name."

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22 **Section 4.** Section 13-35-705, MCA, is amended to read:

23 "**13-35-705. Penalty -- treatment as provisional ballot.** A (1) (a) ~~Each violation of a provision of this~~
 24 ~~part is a misdemeanor punishable by a fine of \$500 for each ballot unlawfully collected.~~

25 (b) Each ballot collected in violation of 13-35-703(3) is considered a separate violation of this part.

26 (2) A ballot collected and conveyed in violation of this part must be treated as a provisional ballot
 27 under 13-15-107, and the election administrator shall give notice to the voter as required in accordance with 13-
 28 13-245."

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NEW SECTION. **Section 5. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

NEW SECTION. **Section 6. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 7. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 8. Effective date.** [This act] is effective January 1, 2024.

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