

**Unofficial Draft Copy**

As of: July 12, 2010 (1:01pm)

LCsv01

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the State Administration and Veterans' Affairs

Interim Committee

A Bill for an Act entitled: "An Act ."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 13-19-101, MCA, is amended to read:

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

{*Internal References to 13-19-101: None.*}

**Section 2.** Section 13-19-104, MCA, is amended to read:

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

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

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

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

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

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

~~(4)~~(3) (a) Except as provided in subsection ~~(4)(b)~~ (3)(b), if more than one mail ballot election is being conducted in the political subdivision on the same day, the county election administrator shall conduct the elections.

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

{*Internal References to 13-19-104:*

**Unofficial Draft Copy**

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LCsv01

13-19-203 x ok rw 6/30 }

**Section 3.** Section 13-19-202, MCA, is amended to read:

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

(2) Prior to requesting that a mail ballot be used for a state or federal election pursuant to subsection (1), the governing body shall hold a public hearing on the resolution at least 90 days and no later than 135 days before election day.

~~(2)~~(3) No later than 70 days before election day, the governing body shall transmit its request to the election administrator, who shall determine whether it is economically and administratively feasible to conduct the requested election by mail ballot.

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

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

{Internal References to 13-19-202:  
13-19-201\* ok rw 6/30 }

# Unofficial Draft Copy

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LCsv01

**Section 4.** Section 13-19-205, MCA, is amended to read:

**"13-19-205. Written plan for conduct of election -- amendments -- approval procedures.** (1) The election administrator shall prepare a written plan for the conduct of the election and shall submit it to the secretary of state and the governing body concerned in a manner that ensures that it is received at least 60 days prior to the date set for the election.

(2) The written plan must include:

(a) a timetable for the election; ~~and~~

(b) sample written instructions that will be sent to the electors. The instructions must include but are not limited to:

(i) information on the estimated amount of postage required to return the ballot; and

(ii) (A) the location of the places of deposit and the days and times when ballots may be returned to the places of deposit, if the information is available; or

(B) if the information on location and hours of places of deposit is not available, a section that will allow the information to be added before the instructions are mailed to electors.

(c) the location of:

(i) planned dropoff sites for ballots and a description of any other voter services to be provided at those sites; and

(ii) planned accessible dropoff sites that would meet the Help America Vote Act designed to accommodate physically disabled voters cast a ballot in secrecy.

(3) The plan must identify any specific effort designed to

**Unofficial Draft Copy**

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LCsv01

increase or enhance the ability of a person to participate in the election.

(4) For an election conducted under 13-1-104(1), the minimum number of accessible drop sites an election administrator must provide are as follows by county class:

(i) first class - four sites;

(ii) second class - three sites;

(iii) third class - two sites; and

(iv) fourth to seventh class - one site.

~~(3)~~(5) The plan may be amended by the election administrator any time prior to the 35th day before election day by notifying the secretary of state in writing of any changes. The governing body concerned must approve of any changes to the information required in subsections (2) and (3).

~~(4)~~(6) Within 5 days of receiving the plan and as soon as possible after receiving any amendments, the secretary of state shall approve, disapprove, or recommend changes to the plan or amendments.

~~(5)~~(7) When the written plan has been approved, the election administrator shall proceed to conduct the election according to the approved plan unless the election is canceled for any reason provided by law."

{*Internal References to 13-19-205:*

13-19-105x      13-19-202x      13-19-203x      13-19-206x rw 6/30 }

**Section 5.** Section 13-19-207, MCA, is amended to read:

**"13-19-207. When materials to be mailed.** (1) Except as

**Unofficial Draft Copy**

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LCsv01

provided in ~~subsection~~ subsections (2) and (3) through (5), for any election conducted by mail, ballots must be mailed no sooner than the 25th day and no later than the 15th day before election day.

(2) (a) All ballots mailed to electors on the active list must be mailed the same day.

(b) At any time before noon on the day before election day, a ballot may be mailed or, upon request, provided in person at the election administrator's office to:

(i) an elector on the inactive list after the elector reactivates the elector's registration as provided in 13-2-222; or

(ii) an individual who registers under the late registration option provided for in 13-2-304.

(c) An elector on the inactive list shall vote at the election administrator's office on election day if the elector reactivates the elector's registration after noon on the day before election day.

(d) An elector who registers pursuant to 13-2-304 on election day or on the day before election day must receive the ballot and vote it at the election administrator's office.

(3) Sixty days before a mail ballot election conducted under 13-1-104(1)(a) or (b), a notice must be mailed to electors with inactive or provisional status instructing the electors how to become a qualified elector and receive their ballot through the mail for the upcoming election.

(4) Ballots for a county election conducted by mail must be

**Unofficial Draft Copy**

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LCsv01

mailed on the 25th day before election day.

(5) Ballots for absent uniformed services and overseas electors must be mailed 45 days before an election held in conjunction with a federal general election held under 13-1-104(1)."

{*Internal References to 13-19-207: None.*}

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