

## **House Joint Resolution 46: Mail Ballot Pilot Project Polling Places/Places of Deposit**

In discussions about the elements of a mail ballot pilot project, several State Administration and Veterans' Affairs Committee members have asked for feedback regarding the idea of maintaining some or all polling places for counties participating in the pilot project. This paper provides information on polling places, places of deposit used in mail ballot elections, and issues to consider when determining whether to use polling places in mail ballot elections.

### Polling Places in the 2006 Elections

During the 2006 general election, the state's 56 counties operated 563 polling places at which 411,061 Montanans voted. While this averages out to about 10 polling places per county, the number in each county actually varied widely, as follows:

- 18 counties had one to four polling places, with four of the counties having only one polling place and two counties having only two;
- 23 counties had five to nine polling places;
- seven counties had 10 to 15 polling places; and
- eight counties had 20 to 50 polling places.

Each county establishes the number of precincts and polling places. While rural, more sparsely populated counties typically had fewer polling places, that wasn't always the case. For example, Silver Bow County — with 44 precincts and nearly 23,150 registered voters — had five polling places, while Big Horn County — with fewer than 7,700 registered voters — had one polling place for each of its 20 precincts.

### Places of Deposit in Mail Ballot Elections

A mail ballot election as conducted under Title 13, Chapter 19, MCA does not provide for polling places. Instead, voters return their marked ballots by mail or at a designated "place of deposit." Each county elections office must be designated as a place of deposit where voted ballots may be returned. In addition, a county election administrator has the authority to designate additional places of deposit, where the voted ballot may be returned by the voter or the voter's designee.

### *Work Group Discussion*

The HJR 46 work group discussed whether the number of places of deposit should be specified in statute. The group agreed that if mail ballot elections were expanded to include federal elections, it may be wise to establish in law the minimum number of places of deposit required. Suggestions included:

- Four places of deposit, unless a county had certified a lower number of polling places during the 2006 elections. The group did not want to require a county to have more places of deposit than the number of polling places it had previously operated.
- Seven or eight places of deposit or the number of polling places certified in the 2006 general election, whichever is smaller. This was based on an analysis of the current distribution of polling places among counties; the largest number of counties had between five and nine polling places, with almost half of those having seven or eight.

## Polling Places in a Mail Ballot Pilot Project: Questions and Considerations

The mail ballot statutes do not provide for polling places because the ballots are mailed in advance to registered voters and thus do not need to be obtained at a polling place. Under the provisions of late registration, enacted in 2005, county elections offices have become a de facto polling place in mail ballot elections. Those voters who register on Election Day must receive and vote their ballots at the county elections office, to meet the deadline for return of ballots.

Requiring polling places for the pilot project raises a number of issues for consideration:

- **The possibility of increased costs.** County election administrators have supported expanded use of mail ballot elections as a way to reduce their current costs of running elections, which not only include operating polling places but also include mailing a large percentage of ballots -- typically 20% to 30% -- to absentee voters. A pilot project that requires not only the mailing of all ballots, instead of the percentage usually sent to absentee voters, but also the continued operation of polling places may result in increased costs for participating counties. Costs associated with maintaining polling places include:
  - ▶ paying for at least three election judges for each precinct;
  - ▶ providing and maintaining voting equipment for each polling place; and
  - ▶ printing a significant number of additional ballots so there are enough ballots to mail to all registered voters and to accommodate the possibility that a large percentage of voters may continue to vote at the polls.
  
- **Potential confusion over ballots.** Several different ballots are typically printed for each primary and general election because of races that are specific to one or a handful of precincts, such as legislative, county commission, or local advisory council races. If polling places are maintained but at a reduced level, election judges at each polling place would need to make sure they give each voter the correct ballot.
  
- **Possible double voting and the need to designate some ballots as provisional ballots.** An election that was conducted both by mail and at the polling place for all potential voters creates a situation in which some people could conceivably vote twice, by voting the ballot they receive in the mail and then going to the polling place, as well. Because election administrators will not know until the end of Election Day the names of all the voters who have returned their ballots by mail, they may need to designate a large number of ballots that are voted at the polling place as provisional ballots until the names of the polling place voters have been checked against the names of voters who returned their ballots by mail in the final days of the election period.

Under current administrative rules, provisional ballots that are not resolved by the end of Election Day must be counted on the sixth day after the election.

- **Work group recommendation.** Work group members recommended against maintaining polling places during a mail ballot pilot project because of the potential for increased costs and the confusion that could result for voters and election officials.