

HOUSE BILL NO. 70

INTRODUCED BY G. CUSTER

BY REQUEST OF THE SECRETARY OF STATE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING VOTE BY MAIL LAWS; REQUIRING  
6 ELECTIONS OTHER THAN SCHOOL ELECTIONS TO BE HELD BY MAIL; REVISING PROCEDURES FOR  
7 CONDUCTING MAIL BALLOT ELECTIONS; PROVIDING TRAINING OF ELECTION ADMINISTRATORS AND  
8 JUDGES; REVISING PROCEDURES BY WHICH ELECTION ADMINISTRATORS CONFIRM ELECTORS'  
9 RESIDENCE AND MAILING ADDRESSES; REVISING PROCEDURES FOR REACTIVATING AN ELECTOR'S  
10 REGISTRATION; REQUIRING COUNTIES TO PAY FOR BALLOTS RETURNED WITH INSUFFICIENT  
11 POSTAGE; REVISING PROCEDURES FOR CREATING AND APPROVING A WRITTEN ELECTION PLAN;  
12 PROVIDING FOR NOTICE TO INACTIVE ELECTORS; PROVIDING REQUIREMENTS FOR VOTING BOOTHS;  
13 PROVIDING REQUIREMENTS FOR PLACES OF DEPOSIT AND OFFICIAL DROP BOXES FOR RETURNED  
14 BALLOTS; REQUIRING THE SECRETARY OF STATE TO ADOPT RULES TO ENSURE THE SECURITY OF  
15 OFFICIAL DROP BOXES; ELIMINATING THE REQUIREMENT THAT ELECTION ADMINISTRATORS  
16 PROVIDE FOR PROPORTIONAL VOTING IN CERTAIN ELECTIONS; AMENDING SECTIONS 13-1-101,  
17 13-1-203, 13-2-220, 13-2-222, 13-2-301, 13-4-203, 13-19-101, 13-19-104, 13-19-105, 13-19-106, 13-19-201,  
18 13-19-202, 13-19-203, 13-19-204, 13-19-205, 13-19-206, 13-19-207, 13-19-301, 13-19-303, 13-19-304,  
19 13-19-305, 13-19-306, 13-19-307, AND 13-19-308, MCA; REPEALING SECTION 13-19-302, MCA; AND  
20 PROVIDING A DELAYED EFFECTIVE DATE."

21  
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23  
24 **Section 1.** Section 13-1-101, MCA, is amended to read:

25 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following  
26 definitions apply:

- 27 (1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure  
28 to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.
- 29 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.
- 30 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that

1 is ordinarily not given away free but is purchased.

2 (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state  
3 that is completed and signed by an elector, is submitted to the election administrator, and contains voter  
4 registration information subject to verification as provided by law.

5 (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an  
6 optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

7 (6) "Candidate" means:

8 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or  
9 appointment as a candidate for public office as required by law;

10 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained  
11 contributions, made expenditures, or given consent to an individual, organization, political party, or committee  
12 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination  
13 or election to any office at any time, whether or not the office for which the individual will seek nomination or  
14 election is known when the:

15 (i) solicitation is made;

16 (ii) contribution is received and retained; or

17 (iii) expenditure is made; or

18 (c) an officeholder who is the subject of a recall election.

19 (7) (a) "Contribution" means:

20 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value  
21 to influence an election;

22 (ii) a transfer of funds between political committees; or

23 (iii) the payment by a person other than a candidate or political committee of compensation for the  
24 personal services of another person that are rendered to a candidate or political committee.

25 (b) "Contribution" does not mean:

26 (i) services provided without compensation by individuals volunteering a portion or all of their time on  
27 behalf of a candidate or political committee or meals and lodging provided by individuals in their private  
28 residences for a candidate or other individual;

29 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any  
30 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

1 (iii) the cost of any communication by any membership organization or corporation to its members or  
2 stockholders or employees; or

3 (iv) filing fees paid by the candidate.

4 (8) "Election" means a general, regular, special, or primary election held pursuant to the requirements  
5 of state law, regardless of the time or purpose.

6 (9) "Election administrator" means the county clerk and recorder or the individual designated by a county  
7 governing body to be responsible for all election administration duties, except that with regard to school elections  
8 not administered by the county, the term means the school district clerk.

9 (10) "Elector" means an individual qualified to vote under state law.

10 (11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift  
11 of money or anything of value made for the purpose of influencing the results of an election.

12 (b) "Expenditure" does not mean:

13 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);

14 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or  
15 personal necessities for the candidate and the candidate's family;

16 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any  
17 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

18 (iv) the cost of any communication by any membership organization or corporation to its members or  
19 stockholders or employees.

20 (12) "Federal election" means a general or primary election in which an elector may vote for individuals  
21 for the office of president of the United States or for the United States congress.

22 (13) "General election" or "regular election" means an election held for the election of public officers  
23 throughout the state at times specified by law, including elections for officers of political subdivisions when the  
24 time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues  
25 required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the  
26 legislature to the electors at a general election, "general election" means an election held at the time provided  
27 in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted  
28 as a constitutional initiative at a regular election, regular election means an election held at the time provided in  
29 13-1-104(1).

30 (14) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name

1 was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

2 (15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

3 (16) "Individual" means a human being.

4 (17) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval  
5 or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall  
6 questions, school levy questions, bond issue questions, or a ballot question.

7 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the  
8 proper official that the legal procedure necessary for its qualification and placement upon the ballot has been  
9 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the  
10 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

11 (18) "Legally registered elector" means an individual whose application for voter registration was  
12 accepted, processed, and verified as provided by law.

13 (19) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing  
14 ballots to all active electors.

15 (20) "Official drop box" means a secure ballot container designated by the election administrator pursuant  
16 to 13-19-307.

17 ~~(20)~~(21) "Person" means an individual, corporation, association, firm, partnership, cooperative,  
18 committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

19 ~~(21)~~(22) "Place of deposit" means a location designated by the election administrator pursuant to  
20 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

21 ~~(22)~~(23) "Political committee" means a combination of two or more individuals or a person other than an  
22 individual who makes a contribution or expenditure:

23 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a  
24 petition for nomination; ~~or~~

25 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

26 (c) as an earmarked contribution.

27 ~~(23)~~(24) "Political subdivision" means a county, consolidated municipal-county government, municipality,  
28 special district, or any other unit of government, except school districts, having authority to hold an election for  
29 officers or on a ballot issue.

30 ~~(24)~~(25) "Polling place election" means an election primarily conducted at polling places rather than by

1 mail under the provisions of Title 13, chapter 19.

2 ~~(25)~~(26) "Primary" or "primary election" means an election held throughout the state to nominate  
3 candidates for public office at times specified by law, including nominations of candidates for offices of political  
4 subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

5 ~~(26)~~(27) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not  
6 been verified as provided by law.

7 ~~(27)~~(28) "Provisionally registered elector" means an individual whose application for voter registration  
8 was accepted but whose identity or eligibility has not yet been verified as provided by law.

9 ~~(28)~~(29) "Public office" means a state, county, municipal, school, or other district office that is filled by  
10 the people at an election.

11 ~~(29)~~(30) "Random-sample audit" means an audit involving a manual count of ballots from designated  
12 races and ballot issues in precincts selected through a random process as provided in 13-17-503.

13 ~~(30)~~(31) "Registrar" means the county election administrator and any regularly appointed deputy or  
14 assistant election administrator.

15 ~~(31)~~(32) "School election" has the meaning provided in 20-20-101.

16 ~~(32)~~(33) "School election filing officer" means the filing officer with whom the declarations for nomination  
17 for school district office were filed or with whom the school ballot issue was filed.

18 ~~(33)~~(34) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount  
19 duties in school elections.

20 ~~(34)~~(35) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that  
21 is designed to:

22 (a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot  
23 is being submitted by someone who is in fact a qualified elector and who has not already voted; and

24 (b) allow it to be used in the United States mail.

25 (36) "Signature verification" means a process prescribed by the secretary of state to compare and verify  
26 a voter's signature pursuant to 13-13-241.

27 ~~(35)~~(37) "Special election" means an election other than a statutorily scheduled primary or general  
28 election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily  
29 scheduled election.

30 ~~(36)~~(38) "Statewide voter registration list" means the voter registration list established and maintained

1 pursuant to 13-2-107 and 13-2-108.

2 ~~(37)~~(39) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an  
3 elector to transfer the elector's registration when the elector's residence address has changed within the county.

4 ~~(38)~~(40) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided  
5 in 13-15-206.

6 ~~(39)~~(41) "Voted ballot" means a ballot that is:

- 7 (a) deposited in the ballot box at a polling place;  
8 (b) received at the election administrator's office; or  
9 (c) returned to a place of deposit.

10 ~~(40)~~(42) "Voting system" or "system" means any machine, device, technology, or equipment used to  
11 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."  
12

13 **Section 2.** Section 13-1-203, MCA, is amended to read:

14 **"13-1-203. Secretary of state to advise, assist, and train.** (1) The secretary of state shall advise and  
15 assist election administrators, including administrators of school elections under Title 20, chapter 20, with regard  
16 to:

- 17 (a) the application, operation, and interpretation of Title 13, except for chapter 35, 36, or 37;  
18 (b) the implementation and operation of the National Voter Registration Act of 1993, Public Law 103-31;  
19 and  
20 (c) the procedures adopted pursuant to 13-17-211.

21 (2) The secretary of state shall prepare and distribute training materials for election judges to be trained  
22 pursuant to 13-4-203. Sufficient copies of the materials to supply all election judges in the county and to provide  
23 a small extra supply must be sent to each election administrator.

24 (3) The secretary of state shall hold at least one workshop every 2 years to instruct election  
25 administrators and their staffs in use of the materials and in the procedures for signature verification. Workshops  
26 may be held in various locations around the state. Costs of the materials and workshops must be paid by the  
27 secretary of state. Attendees of the training must receive a certificate of instruction, which is valid for 2 years."  
28

29 **Section 3.** Section 13-2-220, MCA, is amended to read:

30 **"13-2-220. Maintenance of active and inactive voter registration lists for elections -- rules by**

1 **secretary of state.** (1) The rules adopted by the secretary of state under 13-2-108 must include the following  
 2 procedures, at least one of which require an election administrator shall follow in every odd-numbered year:

3 ~~—— (a) to compare the entire list of registered electors against the United States postal service national~~  
 4 ~~change of address files and provide appropriate confirmation notice to those individuals whose addresses have~~  
 5 ~~apparently changed; beginning in January of every odd-numbered year and subject to the following procedures:~~

6 (a) If an election administrator determines there are material differences between the mailing address  
 7 from the United States postal service national change of address files and the mailing address on record in the  
 8 statewide voter registration system, the election administrator shall, no later than February 1 of each  
 9 odd-numbered year, send to the address from the United States postal service national change of address files  
 10 a forwardable, postage-prepaid, and preaddressed return confirmation notice on which the elector may state the  
 11 elector's current mailing address.

12 (b) The election administrator shall place the elector on the inactive list no later than 90 days before the  
 13 next federal election if:

14 (i) the elector fails to respond to the confirmation notice specified in subsection (1)(a) within 30 days of  
 15 the date the notice is sent;

16 (ii) the confirmation notice specified in subsection (1)(a) is returned as undeliverable without a forwarding  
 17 address; or

18 (iii) the confirmation notice specified in subsection (1)(a) is returned as undeliverable with a forwarding  
 19 address and the elector does not respond within 30 days to a second notice sent to the forwarding address that  
 20 includes a warning that failure to respond will result in a ballot not being mailed to the elector.

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

24 ~~—— (c) mail a targeted mailing to electors who failed to vote in the preceding federal general election;~~  
 25 ~~applicants who failed to provide required information on registration cards, and provisionally registered electors~~  
 26 ~~by:~~

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

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

1 ~~—— (iii) sending forwardable confirmation notices; or~~

2 ~~—— (iv) making a door-to-door canvass.~~

3 ~~—— (2) An individual who submits an application for an absentee ballot for a federal general election or who~~  
 4 ~~completes and returns the address confirmation notice specified in 13-13-212(3) during the calendar year in which~~  
 5 ~~a federal general election is held is not subject to the procedure in subsection (1)(c) unless the individual's ballot~~  
 6 ~~for a federal general election is returned as undeliverable and the election administrator is not able to contact the~~  
 7 ~~elector through the most expedient means available to resolve the issue.~~

8 ~~—— (3) Any notices returned as undeliverable to the election administrator or any notices to which the elector~~  
 9 ~~fails to respond after the election administrator uses the procedures provided in subsection (1) must be followed~~  
 10 ~~within 30 days by an appropriate confirmation notice that is a forwardable, first-class, postage-paid,~~  
 11 ~~self-addressed, return notice. If the elector fails to respond within 30 days of the final confirmation notice, the~~  
 12 ~~election administrator shall move the elector to the inactive list.~~

13 (2) Nothing in this section prevents an election administrator from:

14 (a) conducting the procedures specified in subsection (1) more frequently than specified; or

15 (b) utilizing other governmental address files in addition to the files specified in subsection (1), including  
 16 but not limited to tribal government enrollment files, if available.

17 ~~(4)(3) A procedure used by an election administrator pursuant to this section must be completed at least~~  
 18 ~~90 days before a primary or general election for federal office.~~

19 ~~(5)(4) An elector's registration may be reactivated pursuant to 13-2-222 or may be canceled pursuant~~  
 20 ~~to 13-2-402."~~

21

22 **Section 4.** Section 13-2-222, MCA, is amended to read:

23 **"13-2-222. Reactivation of elector.** (1) The name of an elector must be moved by an election  
 24 administrator from the inactive list to the active list of a county if an elector meets the requirements for registration  
 25 provided in this chapter and:

26 (a) appears at a polling place in order to vote, submits an application to vote by absentee ballot in a  
 27 polling place election or mail ballot election, or votes in a mail ballot election conducted under Title 13, chapter  
 28 19;

29 (b) notifies the county election administrator in writing person, by mail, or by facsimile or other electronic  
 30 means of the elector's current residence, which must be in address and mailing address if either is different from



1 the address or addresses in the statewide voter registration system but still within that county; or  
 2 (c) notifies the county election administrator in person, by mail, by telephone, or by facsimile or other  
 3 electronic means that the elector's residence address and mailing address have not changed;  
 4 (d) notifies election officials in writing at a place of deposit that the elector's residence address and  
 5 mailing address have not changed; or  
 6 ~~(e)~~(e) completes a reactivation form provided by the county election administrator that provides the  
 7 elector's current address information residence address and mailing address in that county.  
 8 (2) After an elector has complied with the requirements of subsection (1)~~(a), (1)(b), or (1)(e)~~, the county  
 9 election administrator shall place the elector's name on the active voting list for that county.  
 10 (3) An elector reactivated pursuant to ~~subsection (1)(a)~~ this section is a legally registered elector ~~for~~  
 11 ~~purposes of the election in which the elector voted."~~

12  
 13 **Section 5.** Section 13-2-301, MCA, is amended to read:  
 14 **"13-2-301. Close of regular registration -- notice -- changes.** (1) The election administrator shall:  
 15 (a) close regular registrations for 30 days before any election; and  
 16 (b) publish a notice specifying the day regular registrations will close and the availability of the late  
 17 registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times  
 18 in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in  
 19 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest  
 20 number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or  
 21 broadcast of the notice.  
 22 (2) ~~Information to be included in the~~ The notice must be prescribed by the secretary of state. The notice  
 23 must include information on how an elector can check the status of the elector's voter registration online and how  
 24 an inactive elector can reactivate under 13-2-222.  
 25 (3) An application for voter registration properly executed and postmarked on or before the day regular  
 26 registration is closed must be accepted as a regular registration for 3 days after regular registration is closed  
 27 under subsection (1)(a).  
 28 (4) An elector who misses the deadlines provided for in this section may register to vote or change the  
 29 elector's voter information and vote in the election, except as otherwise provided in 13-2-304."

30

1           **Section 6.** Section 13-4-203, MCA, is amended to read:

2           **"13-4-203. Instruction of judges -- training materials.** (1) Before each election, all election judges who  
3 do not possess a current certificate of instruction obtained pursuant to 13-1-203(3) must be instructed by the  
4 election administrator in uniform election procedures, including procedures for signature verification. In precincts  
5 where voting systems are used, instructions must cover both how to operate the voting system and how to  
6 manually process any paper ballots.

7           (2) Chief election judges may be required to attend the training session before each election, as well as  
8 a special session that may be held for chief election judges only, even if they possess a current certificate of  
9 instruction.

10           (3) Any individual willing to be appointed as an election judge may attend an instruction session by  
11 registering with the election administrator. However, the individual may not be paid for attendance unless the  
12 individual is appointed as an election judge.

13           (4) Each election judge completing a training session under this section must be given a certificate of  
14 completion. An individual may not serve as an election judge without a valid certificate obtained under  
15 13-1-203(3) or this section. However, this requirement does not apply to individuals filling vacancies in  
16 emergencies.

17           (5) All election judges shall obtain a certificate of instruction or be recertified before the primary election  
18 in even-numbered years.

19           (6) Notice of the place and time of instruction must be given by the election administrator to the presiding  
20 officers of the political parties in the county."

21

22           **Section 7.** Section 13-19-101, MCA, is amended to read:

23           **"13-19-101. Statement of purpose.** The purpose of this chapter is to provide ~~the option of and~~  
24 procedures for conducting ~~certain specified~~ elections as mail ballot elections. The provisions of this chapter  
25 recognize that sound public policy concerning the conduct of elections often requires the balancing of various  
26 elements of the public interest that are sometimes in conflict. Among these factors are the public's interest in fair  
27 and accurate elections, the election of those who will govern or represent, and cost-effective administration of  
28 all functions of government, including the conduct of elections. ~~The provisions of this chapter further recognize~~  
29 ~~that when these and other factors are balanced, the conduct of elections by mail ballot is potentially the most~~  
30 ~~desirable of the available options in certain circumstances."~~

1

2 **Section 8.** Section 13-19-104, MCA, is amended to read:

3 **"13-19-104. Mail ballot elections not mandatory -- when authorized -- when prohibited -- exception**  
 4 **-- when county election administrator conducts.** (1) ~~Conducting elections by mail ballot is only one option~~  
 5 ~~available to local officials, and this chapter does not mandate that the procedure be used:~~

6 ~~----- (2) Except as provided in subsection (3), any election may~~ Except for elections conducted under Title  
 7 20, chapter 20, all elections must be conducted by mail ballot.

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

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

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

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

13 (2) Elections conducted by a school district clerk under Title 20, chapter 20, may be conducted under  
 14 this chapter or as polling place elections.

15 ~~(4)(3)~~ (a) Except as provided in subsection ~~(4)(b)~~ (3)(b), if more than one mail ballot election is being  
 16 conducted in the political subdivision on the same day, the county election administrator shall conduct the  
 17 elections.

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

22

23 **Section 9.** Section 13-19-105, MCA, is amended to read:

24 **"13-19-105. Role of secretary of state -- rulemaking.** In addition to other powers and duties conveyed  
 25 by law, the secretary of state, with advice from election administrators, shall:

26 (1) prescribe the form of materials to be used in the conduct of mail ballot elections;

27 (2) review written plans for the conduct of mail ballot elections as provided in 13-19-205; and

28 (3) adopt rules consistent with this chapter to:

29 (a) establish and maintain uniformity in the conduct of mail ballot elections; and

30 (b) establish procedures for the conduct of mail ballot elections that, when implemented by the election

1 administrator:

2 (i) prevent fraud;

3 (ii) ensure the uniform and accurate handling and canvassing counting of mail ballots; ~~and~~

4 (iii) ensure sufficient security for official drop box locations; and

5 ~~(iii)~~(iv) ensure that the secrecy of voted ballots is maintained."

6

7 **Section 10.** Section 13-19-106, MCA, is amended to read:

8 **"13-19-106. General requirements for mail ballot election.** A mail ballot election must be conducted  
9 substantially as follows:

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

12 (2) An official ballot must be mailed to every ~~qualified~~ active or provisionally registered elector of the  
13 political subdivision conducting the election.

14 (3) Each signature envelope must contain:

15 (a) a warning that, pursuant to 13-35-103 and 13-35-218, a person who unduly influences another  
16 person to vote in a particular manner or to refrain from voting commits a misdemeanor and may be subject to fine,  
17 imprisonment, or both; and

18 (b) a form that is the same as the form for absentee ballot signature envelopes and that is prescribed  
19 by the secretary of state for the elector to verify the accuracy of the elector's address or notify the election  
20 administrator of the elector's correct mailing address and to return the corrected address with the voted ballot in  
21 the manner provided by 13-19-306.

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

23 (5) ~~(a)~~ The elector or the elector's agent or designee shall then place the secrecy envelope containing  
24 the elector's ballot in a signature envelope, sign the signature envelope, and mail it or deliver it in person to an  
25 election administrator's office, a place of deposit, or an official drop box designated by the election administrator.

26 (6) If the elector returns the ballot by mail, sufficient postage must be affixed.

27 (7) Each county shall pay for insufficient postage on ballots returned by mail, subject to 13-1-302.

28 ~~(b)~~(8) Except as provided in 13-21-206 and 13-21-226, the voted ballot must be received ~~before~~ at the  
29 election office, a designated place of deposit, or an official drop box no later than 8 p.m. on election day.

30 ~~(6)~~(9) Election officials shall first qualify the voted ballot by examining the signature envelope to

1 determine;

2 (a) whether it the signature on the envelope, when compared to the signature on file for that elector in  
3 the statewide voter registration system, meets the requirements for signature verification as prescribed by the  
4 secretary of state; and

5 (b) whether the voted ballot is submitted by a qualified elector who has not previously voted in the  
6 election.

7 ~~(7)~~(10) If the signature is verified and the voted ballot qualifies and is otherwise valid, officials shall then  
8 open the signature envelope and remove the secrecy envelope, which must be deposited unopened in an official,  
9 secure ballot box.

10 ~~(8)~~(11) Except as provided in 13-19-312, after the close of voting on election day, voted ballots must be  
11 counted and canvassed as provided in Title 13, chapter 15."  
12

13 **Section 11.** Section 13-19-201, MCA, is amended to read:

14 "**13-19-201. How mail ballot school election initiated.** A proposal to conduct an election held pursuant  
15 to Title 20, chapter 20, under the provisions of this chapter may be initiated by either the election administrator  
16 or the appropriate governing body as provided in 13-19-202 through 13-19-204."  
17

18 **Section 12.** Section 13-19-202, MCA, is amended to read:

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

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

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

27 (4) Within 5 days after receiving a request, the election administrator shall respond in writing, stating that  
28 the request is either granted or denied for reasons specified. If granted, the election administrator shall prepare  
29 a plan as provided in 13-19-205."  
30

1           **Section 13.** Section 13-19-203, MCA, is amended to read:

2           "**13-19-203. Initiation by election administrator.** (1) Even if a request has not been received from ~~the~~  
3 ~~a school district~~ governing body ~~concerned~~, the election administrator may conduct ~~any~~ a school district election  
4 ~~authorized by 13-19-104~~ under the provisions of this chapter if the election administrator determines that a mail  
5 ballot election is the most economically and administratively feasible way of conducting the election in question.

6           (2) If the election administrator decides to conduct ~~an~~ a school district election pursuant to subsection  
7 (1), the election administrator shall prepare a written plan as provided in 13-19-205 and forward a copy to the  
8 school district governing body ~~concerned~~, together with a written statement informing the governing body of the  
9 decision to conduct the election by mail ballot, the reasons for the decision, and the right of the governing body  
10 to object under 13-19-204."

11

12           **Section 14.** Section 13-19-204, MCA, is amended to read:

13           "**13-19-204. Objection of ~~political subdivision~~ school district.** (1) ~~A political subdivision~~ school district  
14 may, by resolution of ~~the~~ its governing body, object to the conduct of one of its elections under this chapter. The  
15 resolution must include a statement of the reasons for the objection.

16           (2) If the resolution is filed with the election administrator ~~no later than~~ at least 55 days prior to election  
17 day, the election may not be conducted by mail under this chapter."

18

19           **Section 15.** Section 13-19-205, MCA, is amended to read:

20           "**13-19-205. Written plan for conduct of election -- amendments -- approval procedures.** (1) The  
21 election administrator shall prepare a written plan in January of each year for the conduct of ~~the election~~ all  
22 elections to be held in the year beginning April 1 and ending March 31, except those conducted by a school  
23 district clerk under Title 20, chapter 20, and shall submit it to the secretary of state in a manner that ensures that  
24 it is received ~~at least 60 days prior to the date set for the election~~ no later than March 31.

25           (2) The written plan for elections other than an election conducted pursuant to Title 20, chapter 20, must  
26 include:

27           (a) ~~a timetable for the election~~ public outreach efforts to notify electors that ballots will be mailed to active  
28 and provisionally registered electors only, an explanation of how an elector may check the elector's voter  
29 registration status, and an explanation of how an inactive elector may reactivate the elector's voter registration;

30           (b) security procedures for transporting ballots and official drop boxes, storing ballots and tabulation

1 equipment, and processing and tabulating ballots;

2 (c) the location of all official drop box sites, the days and times that each official drop box site will be  
 3 available, and an explanation of how the official drop box site selection addresses demographic and geographic  
 4 considerations;

5 (d) the location of all places of deposit and the days and times that each place of deposit will be  
 6 available;

7 (e) the services that will be available at each place of deposit, including services for persons with  
 8 disabilities and, if applicable, the issuance of replacement ballots;

9 (f) a description of the steps taken to ensure that persons with disabilities are able to vote both privately  
 10 and independently, including a county phone number for persons with disabilities to call if they need assistance;  
 11 and

12 ~~(b)(g)~~ sample written instructions that will be sent to the electors. The instructions must comply with the  
 13 most recent form prescribed by the secretary of state and must include but are not limited to:

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

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

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

19 (iii) any applicable instructions specified under 13-13-214(5).

20 (3) Pursuant to 7-1-2121, the election administrator shall publish notice of a public hearing on the written  
 21 plan that:

22 (a) allows a minimum of 30 days for public comment before the public hearing is held; and

23 (b) ensures the public hearing is held by March 15.

24 ~~(3)(4)~~ The ~~plan may be amended by the~~ election administrator may amend the written plan at any time  
 25 prior to the 35th day before election day by notifying the secretary of state in writing of any changes and providing  
 26 notice to the public of any material changes pursuant to 7-1-2121.

27 ~~(4)(5)~~ Within 5 days of receiving the written plan and as soon as possible after receiving any  
 28 amendments, the secretary of state shall approve, disapprove, or recommend changes to the plan or  
 29 amendments.

30 ~~(5)(6)~~ When the written plan has been approved, the election administrator shall proceed to conduct the

1 election according to the approved plan unless the election is canceled for any reason provided by law.

2 (7) A school district clerk conducting an election under Title 20, chapter 20, by mail shall prepare a  
 3 written plan for the conduct of the election and shall submit it to the secretary of state in a manner that ensures  
 4 the plan is received at least 60 days prior to the date set for the election. The clerk's written plan must include:

5 (a) a timetable for the election; and

6 (b) sample written instructions that will be sent to electors, which must include but are not limited to:

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

8 (ii) the location of the places of deposit and the days and times when the ballots may be returned to the  
 9 places of deposit; and

10 (iii) a section to which information can be added before the instructions are mailed to electors if  
 11 information on the location and hours of the places of deposit is not available at the time the written plan is  
 12 submitted.

13 (8) Within 5 days of receiving a written plan for a mail ballot election conducted by a school district clerk  
 14 under Title 20, chapter 20, and as soon as possible after receiving any amendments, the secretary of state shall  
 15 approve, disapprove, or recommend changes to the plan or its amendments."

16  
 17 **NEW SECTION. Section 16. Notice to inactive elector.** (1) The election administrator shall send a  
 18 forwardable notice to each inactive elector with instructions on procedures for reactivation under 13-2-222.

19 (2) The notice must be sent on April 1 and September 1 of each year in which there is a federal election  
 20 and on January 31 of nonfederal election years.

21  
 22 **Section 17.** Section 13-19-206, MCA, is amended to read:  
 23 **"13-19-206. Distributing materials to electors -- procedure.** For each election conducted under this  
 24 chapter, the election administrator shall:

25 (1) mail a single packet to every ~~qualified~~ active or provisionally registered elector of the political  
 26 subdivision conducting the election;

27 (2) ensure that each packet contains only one each of the following:

28 (a) an official ballot for each type of election being held on the specified election day;

29 (b) a secrecy envelope;

30 (c) a signature envelope; and



- 1 (d) complete written instructions, as approved by the secretary of state pursuant to 13-19-205, for mail  
 2 ballot voting procedures;
- 3 (3) ensure that each packet is:
- 4 (a) addressed to a single individual elector at the most current address available from the official  
 5 registration records; and
- 6 (b) deposited in the United States mail with sufficient postage for it to be delivered to the elector's  
 7 address; and
- 8 (4) mail the packet in a manner that conforms to postal regulations to require the return, not forwarding,  
 9 of undelivered packets."  
 10

11 **Section 18.** Section 13-19-207, MCA, is amended to read:

12 **"13-19-207. When materials to be mailed.** ~~(1) Except as provided in subsection (2), for~~ For any election  
 13 conducted by mail, except for ballots mailed pursuant to 13-13-205(2), ballots must be mailed ~~no sooner than to~~  
 14 electors on the 25th day and no later than the 15th day before the election day. with the following exceptions:

15 ~~(2) (a)~~ (1) All ballots mailed to electors on the active list and the provisionally registered list must be  
 16 mailed the same day.

17 ~~(b)~~ (2) At any time before noon on the day before election day, a ballot may be mailed or, ~~upon~~ on  
 18 request, provided in person at the election administrator's office to:

19 ~~—— (i) an elector on the inactive list after the elector reactivates the elector's registration as provided in~~  
 20 ~~13-2-222; or~~

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

22 ~~(c)~~ (3) An elector on the inactive list shall vote at the election administrator's office on election day if the  
 23 elector reactivates the elector's registration after noon on the day before election day.

24 ~~(d)~~ (4) An elector who registers pursuant to 13-2-304 ~~on election day or on the day before election day~~  
 25 must receive the ballot in person and vote it at the election administrator's office."  
 26

27 **Section 19.** Section 13-19-301, MCA, is amended to read:

28 **"13-19-301. Voting mail ballots.** (1) Upon receipt of a mailed ballot, the elector may vote by:

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

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

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

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

4 (e) returning the signature envelope with all appropriate enclosures, as provided in 13-19-306.

5 (2) For the purpose of this chapter, an official ballot is voted when the ~~marked~~ ballot is received at the  
6 election administrator's office, at a place of deposit, or in an official drop box."

7  
8 **NEW SECTION. Section 20. Voting booths for primary, general, and special elections.** At each  
9 primary election, general election, and special election conducted by the county election administrator, the county  
10 election administrator shall maintain a minimum of one voting booth at any location where ballots are issued.

11  
12 **Section 21.** Section 13-19-303, MCA, is amended to read:

13 **"13-19-303. Voting by elector when absent from place of residence during conduct of election.**

14 (1) ~~A qualified~~ An active or provisionally registered elector who will be absent from the county during the time the  
15 election is being conducted may:

16 (a) vote in person in the election administrator's office as soon as ballots are available and until noon  
17 the day before the ballots are scheduled to be mailed; or

18 (b) make a written request, signed by the applicant and addressed to the election administrator, that the  
19 ballot be mailed to an address other than the address that appears on the registration card. Written requests must  
20 be accepted until noon the day before the ballots are scheduled to be mailed.

21 (2) ~~(a)~~ Ballots mailed to electors on the active list and the provisionally registered list pursuant to this  
22 section must be mailed the same day that all other ballots are mailed, except that a ballot requested pursuant to  
23 Title 13, chapter 21, may be sent to the elector as soon as the ballot is available, consistent with 13-13-205(2).

24 ~~(b)(3)~~ A ballot may be provided pursuant to this section until noon on the day before election day if, after  
25 the ballots are mailed to active and provisionally registered electors:

26 ~~(i)~~(a) an inactive elector reactivates the elector's registration as provided in 13-2-222; or

27 ~~(ii)~~(b) an individual registers under the late registration option provided for in 13-2-304 and receives a  
28 ballot in person."

29  
30 **Section 22.** Section 13-19-304, MCA, is amended to read:

1           **"13-19-304. Voting by nonregistered electors.** (1) For any election being conducted under this chapter  
2 by a political subdivision that allows individuals to vote who are not registered electors in the political subdivision,  
3 the ~~individual~~ nonregistered elector may vote by appearing in person at the election administrator's office or by  
4 providing materials by mail, facsimile, or other electronic means and demonstrating that the individual possesses  
5 the qualifications required for voting.

6           (2) An individual complying with subsection (1) before official ballots are available may provide a card  
7 to the election administrator containing the signature of the individual or the individual's agent designated  
8 pursuant to 13-1-116 and the address to which the ballot is to be mailed. The signature provided must be used  
9 for verification when the mail ballot is returned.

10           (3) An individual complying with subsection (1) after official ballots are available and before 8 p.m. on  
11 election day must be permitted to vote at that time."

12

13           **Section 23.** Section 13-19-305, MCA, is amended to read:

14           **"13-19-305. Replacement ballots.** (1) Replacement ballots may be issued as specified in 13-13-204  
15 and, if applicable, as specified in 13-19-307(4).

16           (2) A replacement ballot may be issued in response to a telephone request by an elector if the ballot will  
17 be sent to the mailing address for the elector in the statewide voter registration system or to the mailing address  
18 specified in the elector's request for an absentee ballot."

19

20           **Section 24.** Section 13-19-306, MCA, is amended to read:

21           **"13-19-306. Returning marked ballots -- when -- where.** (1) After complying with 13-19-301, an elector  
22 or the elector's agent or designee may return the elector's ballot on or before election day by either:

23           (a) depositing the signature envelope in the United States mail, with sufficient postage affixed; or

24           (b) returning it to any election office, place of deposit, or official drop box ~~designated by the election~~  
25 ~~administrator pursuant to 13-19-307.~~

26           (2) Except as provided in 13-21-206 and 13-21-226, in order for the ballot to be counted, each elector  
27 shall return it in a manner that ensures it is received prior to 8 p.m. on election day at the election office, a place  
28 of deposit, or an official drop box.

29           (3) Any ballot that is returned to an election office, place of deposit, or official drop box in a county other  
30 than the county in which the elector is registered must be sent by the county in receipt of the ballot to the county

1 from which the ballot was issued, subject to the following:

2 (a) the ballot must be counted as a regular ballot on election day if it is received by the county of  
3 issuance by 8 p.m. on election day; and

4 (b) if the ballot is received at the county of issuance after 8 p.m. on election day and no later than 3 p.m.  
5 on the 6th day after the election from the county to which the ballot was returned, the ballot must be handled as  
6 a provisional ballot under 13-15-107."

7

8 **Section 25.** Section 13-19-307, MCA, is amended to read:

9 **"13-19-307. Places of deposit and official drop boxes.** (1) ~~(a)~~ The election administrator of an election  
10 held pursuant to 13-1-104(1) and 13-1-107(1) shall designate the election administrator's office and may  
11 designate one or more places in the political subdivision in which the election is being conducted as places of  
12 deposit where ballots may be returned on election day in person by the elector or the elector's agent or designee  
13 as follows:

14 (a) for counties with 6,000 or more active registered electors, there must be a minimum of three staffed  
15 places of deposit;

16 (b) for counties with fewer than 6,000 active registered electors but at least 3,000 active registered  
17 electors, there must be a minimum of two staffed places of deposit; and

18 (c) for counties with fewer than 3,000 active registered electors, there must be a minimum of one staffed  
19 place of deposit.

20 (2) Except as provided in subsection (8), the election administrator's office must be one of the required  
21 locations for a staffed place of deposit and counts toward the minimum number required.

22 (3) A staffed place of deposit may function as a place of deposit for a period before election day, as  
23 designated by the election administrator.

24 (4) The election administrator may designate a staffed place of deposit as a location that will issue  
25 replacement ballots.

26 (5) Each place of deposit must be staffed by at least two election officials who are selected by the  
27 election administrator and, when possible, are from different political parties.

28 (6) The election administrator shall provide each designated place of deposit with an official drop box  
29 transport box.

30 (7) A ballot returned to a place of deposit other than the election administrator's office must be handled

1 as provided in 13-19-308.

2 (b)(8) If the election administrator's office is not accessible pursuant to 13-3-205, the election  
3 administrator shall designate at least one accessible staffed place of deposit.

4 (9) Staffed places of deposit for any federal or state election or for a county election held in conjunction  
5 with a federal or state election must have accessible voting available to electors at each staffed place of deposit.

6 (10) Nothing in this section prevents an election administrator from providing additional services to voters  
7 with disabilities for any election held under this title.

8 (11) Election administrators shall make reasonable accommodations for voters with disabilities to use  
9 accessible voting technology, including providing accessible voting technology at an alternate location upon the  
10 request of an elector or the elector's agent, unless it is an undue hardship for the election administrator to do so.

11 (12) A request made pursuant to subsection (11) must be made before noon on election day and must  
12 allow sufficient time for the election administrator to provide the requested assistance.

13 (13) In addition to the staffed places of deposit required in subsection (1), the election administrator shall  
14 designate official drop box locations other than the election administrator's office for the deposit of voted ballots  
15 as follows:

16 (a) each county must have at least one additional official drop box location for every 15,000 active  
17 registered electors;

18 (b) if a county has less than 15,000 active registered electors, at least one additional official drop box  
19 must be provided;

20 (c) each town or city with 400 or more active registered electors must have at least one official drop box;

21 (d) each county must have at least one official drop box in a location that is open 24 hours, 7 days a  
22 week, for every 30,000 active registered electors; and

23 (e) if a county has the minimum number of required official drop box locations, one of those locations  
24 must be open 24 hours, 7 days a week.

25 (14) Consistent with the requirements of subsection (13):

26 (a) each Indian reservation must have at least one official drop box location; and

27 (b) by consent of the facility, each public or private college or university, college of technology, community  
28 college, and tribal college must have at least one official drop box location available on campus for every 10,000  
29 enrolled students at the facility.

30 (15) A college with fewer than 10,000 enrolled students at the facility must have at least one official drop

1 box location.

2 (16) The official drop box locations in subsection (14) may be included in the calculation for the total  
 3 minimum number of official drop box locations required for each county.

4 (17) Beginning on the 25th day before the election, ballots may be returned to any official drop box during  
 5 the days and times set by the election administrator.

6 (18) The election administrator shall provide for secure pickup of ballots from official drop boxes by at  
 7 least two designated individuals. When possible, these individuals must be from different political parties.

8 (19) Places of deposit and official drop box locations that are in businesses or public buildings must be  
 9 available during the hours designated by the election administrator and within the regular hours of the business  
 10 or public building.

11 (20) On election day, all places of deposit and official drop box locations must be available 9 hours or  
 12 longer and must remain available until 8 p.m.

13 (21) All places of deposit and official drop box locations and times must be publicly noticed at least 30  
 14 days before an election and included in the preliminary plan specified in 13-19-205 for public comment. This  
 15 notice must include information on locations with accessible voting technology available.

16 (22) Staffed places of deposit and official drop box locations and times may be changed from the initial  
 17 plan up to 35 days before an election. The updated plan must be sent to the secretary of state. If the initial notice  
 18 has already been published, the updated plan must be readvertised.

19 (23) An election administrator may change the location of a staffed place of deposit or an official drop box  
 20 location if an emergency occurs 10 days or less before an election or if the official drop box location becomes  
 21 unavailable for any reason. Notice must be posted at both the old and new locations, and other notice may be  
 22 given by whatever means are available.

23 ~~(2) Prior to election day, ballots may be returned to any designated place of deposit during the days and~~  
 24 ~~times set by the election administrator and within the regular business hours of the location.~~

25 ~~(3)(24) On election day, each location designated as a staffed place of deposit and each official drop~~  
 26 ~~box location must be open available as provided in 13-1-106, and ballots may be returned during those hours.~~

27 ~~(4) The election administrator may designate certain locations as election day places of deposit, and any~~  
 28 ~~designated location functions as a place of deposit only on election day.~~

29 ~~(5) Each place of deposit must be staffed by at least two election officials who, except for election judges~~  
 30 ~~serving in elections under Title 20, chapter 20, are selected in the same manner as provided for the selection of~~

1 ~~election judges in 13-4-102.~~

2 ~~—— (6) The election administrator shall provide each designated place of deposit with an official ballot~~  
 3 ~~transport box secured as provided by law.~~

4 (25) Nothing in this section prevents an election administrator from increasing the number of places of  
 5 deposit or official drop boxes beyond the minimum numbers provided in this section."

6

7 **Section 26.** Section 13-19-308, MCA, is amended to read:

8 **"13-19-308. Disposition of ballots returned in-person to place of deposit other than election office.**

9 If a ballot is returned in person by the elector or the elector's agent or designee to a place of deposit other than  
 10 the election administrator's office, the election officials on location shall:

11 (1) keep a log of the names of all electors for whom the officials receive ballots or to whom the officials  
 12 issue replacement ballots, if applicable;

13 (2) deposit the unopened signature envelope in the sealed ballot transport box provided for that purpose;  
 14 and

15 (3) securely retain all voted ballots until they are transported to the election administrator's office. The  
 16 transport boxes must then be opened and the ballots handled in the same manner provided for ballots returned  
 17 under 13-19-309."

18

19 NEW SECTION. **Section 27. Repealer.** The following section of the Montana Code Annotated is  
 20 repealed:

21 13-19-302. Proportional voting.

22

23 NEW SECTION. **Section 28. Codification instruction.** [Sections 16 and 20] are intended to be codified  
 24 as an integral part of Title 13, chapter 19, part 3, and the provisions of Title 13, chapter 19, part 3, apply to  
 25 [sections 16 and 20].

26

27 NEW SECTION. **Section 29. Effective date.** [This act] is effective January 1, 2016.

28

- END -