

## 1 HOUSE BILL NO. 530

2 INTRODUCED BY T. WASHBURN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ELECTION JUDGES TO BEGIN PREPARING  
5 ABSENTEE BALLOTS BEFORE ELECTION DAY; REQUIRING THE SECRETARY OF STATE TO ADOPT  
6 RULES GOVERNING SECURITY OF BALLOTS AND SECRECY OF VOTES; AND AMENDING SECTION  
7 13-13-241, MCA."

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

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11 **Section 1.** Section 13-13-241, MCA, is amended to read:

12 **"13-13-241. Examination of absentee ballot return envelopes -- deposit of absentee and unvoted**  
13 **ballots -- RULEMAKING.** (1) (a) After an absentee ballot is received, an election administrator shall compare the  
14 signature of the elector or elector's agent on the absentee ballot request with the signature on the absentee ballot  
15 return envelope.

16 (b) If the elector is legally registered and the signature on the return envelope matches the signature on  
17 the absentee ballot application, the election administrator or an election judge shall handle the ballot as a regular  
18 ballot.

19 (c) (i) If the elector is provisionally registered and the signature on the return envelope matches the  
20 signature on the absentee ballot application, the election administrator or an election judge shall open the outer  
21 return envelope and determine whether the elector's voter identification and eligibility information, if enclosed  
22 pursuant to 13-13-201, is sufficient pursuant to rules adopted under 13-2-109 to legally register the elector.

23 (ii) If the voter identification and eligibility information is sufficient to legally register the elector, the ballot  
24 must be handled as a regular ballot.

25 (iii) If voter identification or eligibility information was not enclosed or the information enclosed is  
26 insufficient to legally register the elector, the ballot must be handled as a provisional ballot under 13-15-107.

27 (2) If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall  
28 place the ballot in a secrecy envelope without examining the ballot.

29 (3) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and  
30 handled without being removed from their enclosure envelopes.

1 (4) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify the  
 2 absentee elector by mail or by the most expedient method available under rules adopted by the secretary of state  
 3 that the elector's identification or eligibility information was insufficient and that the elector's ballot will be treated  
 4 as a provisional ballot until the elector provides sufficient information, pursuant to rules adopted by the secretary  
 5 of state. If the elector is notified by mail, the election administrator shall provide a self-addressed return envelope  
 6 along with a description of the information necessary for the absentee elector to reclassify the provisional ballot  
 7 as a regular ballot.

8 (5) If the signature on the absentee ballot return envelope does not match the signature on the absentee  
 9 ballot request form, the election administrator shall notify the elector, either by first-class mail or the most  
 10 expedient method available under rules adopted by the secretary of state, and inform the elector that the elector  
 11 may verify the signature, after proof of identification, by mail or in person at the election administrator's office prior  
 12 to 8 p.m. on election day.

13 (6) The elector may verify the signature by affirming that the signature is in fact the elector's or by  
 14 completing a new registration card containing the elector's current signature or by filing a new agent designation  
 15 form.

16 (7) If an elector notified pursuant to subsection (5) fails to verify the signature before 8 p.m. on election  
 17 day, the ballot must be handled as a provisional ballot under 13-15-107.

18 (8) (A) After receiving an absentee ballot secrecy envelope, without opening the secrecy envelope but  
 19 not sooner than 31 business days DAY before election day, the election judges shall MAY, IN THE PRESENCE OF A  
 20 POLL WATCHER, on election day open the secrecy envelope and place the secrecy envelope ballot in the proper,  
 21 secured ballot box until tabulation occurs on election day.

22 (B) THE SECRETARY OF STATE SHALL DEVELOP ADMINISTRATIVE RULES TO ESTABLISH THE PROCESS AND  
 23 PROCEDURES TO BE USED DURING THE EARLY PREPARATION OF BALLOTS TO ENSURE THE SECURITY OF THE BALLOTS AND  
 24 THE SECURITY OF THE VOTES DURING THE EARLY PREPARATION PERIOD. THE RULES MUST INCLUDE BUT ARE NOT LIMITED  
 25 TO:

26 (I) THE ALLOWABLE DISTANCE FROM THE OBSERVERS TO THE JUDGES AND BALLOTS;

27 (II) THE SECURITY IN THE OBSERVATION AREA;

28 (III) SECURITY OF VOTES DURING THE PREPARATION OF THE BALLOTS; AND

29 (IV) SECURITY OF THE SECURED BALLOT BOXES IN STORAGE UNTIL TABULATION PROCEDURES BEGIN ON ELECTION

30 DAY."

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 2 COORDINATION SECTION. SECTION 2. COORDINATION INSTRUCTION. IF BOTH HOUSE BILL NO. 99 AND  
 3 [THIS ACT] ARE PASSED AND APPROVED, THEN THE SECTIONS AMENDING 13-13-241 ARE VOID AND 13-13-241 MUST BE  
 4 AMENDED AS FOLLOWS:

5 **"13-13-241. Examination of absentee ballot return envelopes -- deposit of absentee and unvoted**  
 6 **ballots -- rulemaking.** (1) (a) ~~After an absentee ballot is received~~ Upon receipt of each absentee ballot signature  
 7 envelope, an election administrator shall compare the signature of the elector or elector's agent on the absentee  
 8 ballot request with the signature on the ~~absentee ballot~~ return envelope.

9 (b) If the elector is legally registered and the signature on the return envelope matches the signature on  
 10 the absentee ballot application, the election administrator or an election judge shall handle the ballot as a regular  
 11 ballot.

12 (c) (i) If the elector is provisionally registered and the signature on the return envelope matches the  
 13 signature on the absentee ballot application, the election administrator or an election judge shall open the outer  
 14 return envelope and determine whether the elector's voter identification and eligibility information, if enclosed  
 15 pursuant to 13-13-201, is sufficient pursuant to rules adopted under 13-2-109 to legally register the elector.

16 (ii) If the voter identification and eligibility information is sufficient to legally register the elector, the ballot  
 17 must be handled as a regular ballot.

18 (iii) If voter identification or eligibility information was not enclosed or the information enclosed is  
 19 insufficient to legally register the elector, the ballot must be handled as a provisional ballot under 13-15-107.

20 (2) If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall  
 21 place the ballot in a secrecy envelope without examining the ballot.

22 (3) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and  
 23 handled without being removed from their enclosure envelopes.

24 (4) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify the  
 25 absentee elector ~~by mail or by the most expedient method available under rules adopted by the secretary of state~~  
 26 ~~that the elector's identification or eligibility information was insufficient and that the elector's ballot will be treated~~  
 27 ~~as a provisional ballot until the elector provides sufficient information, pursuant to rules adopted by the secretary~~  
 28 ~~of state. If the elector is notified by mail, the election administrator shall provide a self-addressed return envelope~~  
 29 ~~along with a description of the information necessary for the absentee elector to reclassify the provisional ballot~~  
 30 ~~as a regular ballot as provided in [section 7 of House Bill No. 99].~~

1 (5) If the signature on the absentee ballot return envelope does not match the signature on the absentee  
 2 ballot request form or if there is no signature on the absentee ballot return envelope, the election administrator  
 3 shall notify the elector, ~~either by first-class mail or the most expedient method available under rules adopted by~~  
 4 ~~the secretary of state, and inform the elector that the elector may verify the signature, after proof of identification,~~  
 5 ~~by mail or in person at the election administrator's office prior to 8 p.m. on election day.~~

6 ~~————(6) The elector may verify the signature by affirming that the signature is in fact the elector's or by~~  
 7 ~~completing a new registration card containing the elector's current signature or by filing a new agent designation~~  
 8 ~~form.~~

9 ~~————(7) If an elector notified pursuant to subsection (5) fails to verify the signature before 8 p.m. on election~~  
 10 ~~day, the ballot must be handled as a provisional ballot under 13-15-107 as provided in [section 7 of House Bill~~  
 11 ~~No. 99].~~

12 (6) If at any point there is a question concerning the validity of a particular ballot, the question must be  
 13 resolved as provided in [section 7 of House Bill No. 99].

14 ~~(8)(7) (a) After receiving an absentee ballot secrecy envelope, without opening the secrecy envelope,~~  
 15 ~~the election judges shall on election day place the secrecy envelope in the proper ballot box and if the validity of~~  
 16 ~~the ballot is confirmed pursuant to [section 7 of House Bill No. 99], then, no sooner than 1 business day before~~  
 17 ~~election day, the election official may, in the presence of a poll watcher, open the secrecy envelope and place~~  
 18 ~~the ballot in the proper, secured ballot box until tabulation occurs on election day.~~

19 (b) The secretary of state shall develop administrative rules to establish the process and procedures to  
 20 be used during the early preparation of ballots to ensure the security of the ballots and the secrecy of the votes  
 21 during the early preparation period. The rules must include but are not limited to:

22 (i) the allowable distance from the observers to the judges and ballots;

23 (ii) the security in the observation area;

24 (iii) secrecy of votes during the preparation of the ballots; and

25 (iv) security of the secured ballot boxes in storage until tabulation procedures begin on election day."

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