

HOUSE BILL NO. 561

INTRODUCED BY D. LAMM

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT ELECTION ADMINISTRATORS MAY NOT DISTRIBUTE A BALLOT TO CERTAIN VOTERS BEFORE THEY ARE ELIGIBLE TO VOTE; AND AMENDING SECTIONS 13-2-205, 13-13-201, 13-13-214, 13-13-222, AND 13-19-207, MCA."

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

Section 1. Section 13-2-205, MCA, is amended to read:

"13-2-205. Procedure when prospective elector not qualified at time of registration. (1) An individual who is not eligible to register because of residence or age requirements but who will be eligible on or before election day may apply for voter registration pursuant to 13-2-110 and be registered subject to verification procedures established pursuant to 13-2-109.

(2) Unless an individual is a "covered voter" as defined in 13-21-102, an election administrator may not give or send a ballot to an individual who is not eligible to register because of residence requirements until the residence requirements have been met.

Section 2. Section 13-13-201, MCA, is amended to read:

"13-13-201. Voting by absentee ballot -- procedures. (1) ~~A~~ Except as provided by 13-2-205(2), a legally registered elector or provisionally registered elector is entitled to vote by absentee ballot as provided for in this part.

- (2) The elector may vote absentee by:
 - (a) marking the ballot in the manner specified;
 - (b) placing the marked ballot in the secrecy envelope, free of any identifying marks;
 - (c) placing the secrecy envelope containing one ballot for each election being held in the signature envelope;
 - (d) executing the affirmation printed on the signature envelope; and
 - (e) returning the signature envelope with all appropriate enclosures by regular mail, postage paid, or by delivering it to:



- 1 (i) the election office;
- 2 (ii) a polling place within the elector's county;
- 3 (iii) pursuant to 13-13-229, the absentee election board or an authorized election official; or
- 4 (iv) in a mail ballot election held pursuant to Title 13, chapter 19, a designated place of deposit within the
- 5 elector's county.

6 (3) Except as provided in 13-21-206 and 13-21-226, in order for the ballot to be counted, each elector

7 shall return it in a manner that ensures the ballot is received prior to 8 p.m. on election day.

8 (4) A provisionally registered elector may also enclose in the outer signature envelope a copy of the

9 elector's photo identification showing the elector's name. The photo identification may be but is not limited to a

10 valid driver's license, a school district or postsecondary education photo identification, or a tribal photo

11 identification. If the provisionally registered elector does not enclose a photo identification, the elector may

12 enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued

13 pursuant to 13-2-207, government check, or other government document that shows the elector's name and

14 current address."

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16 **Section 3.** Section 13-13-214, MCA, is amended to read:

17 **"13-13-214. Mailing absentee ballot to elector -- delivery to person other than elector.** (1) (a) Except

18 as provided in 13-2-205(2), 13-13-213, and in subsection (1)(c) of this section, the election administrator shall

19 mail, postage prepaid, to each legally registered elector and provisionally registered elector from whom the

20 election administrator has received a valid absentee ballot application under 13-13-211 and 13-13-212 whatever

21 official ballots are necessary in a manner that conforms to postal regulations to require the return rather than

22 forwarding of ballots.

23 (b) The election administrator shall mail the ballots in a manner that conforms to the deadlines

24 established for ballot availability in 13-13-205.

25 (c) The election administrator may deliver a ballot in person to an individual other than the elector if:

26 (i) the elector has designated the individual, either by a signed letter or by making the designation on

27 the application form in a manner prescribed by the secretary of state or pursuant to 13-1-116;

28 (ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the

29 ballot;

30 (iii) the election administrator believes that the individual receiving the ballot is the designated person;

1 and

2 (iv) the designated person has not previously picked up ballots for four other electors.

3 (2) The election administrator shall enclose with the ballots:

4 (a) a secrecy envelope, free of any marks that would identify the voter; and

5 (b) a signature envelope for the return of the ballots. The signature envelope must be self-addressed
6 by the election administrator and an affirmation in the form prescribed by the secretary of state must be printed
7 on the back of the signature envelope.

8 (3) The election administrator shall ensure that the ballots provided to an absentee elector are marked
9 as provided in 13-13-116 and shall remove the stubs from the ballots, keeping the stubs in numerical order with
10 the application for absentee ballots, if applicable, or in a precinct envelope or container for that purpose.

11 (4) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an
12 extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way
13 so that it can be identified as being used by any one elector.

14 (5) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must
15 include use of the envelope for unvoted ballots. The instructions must include information concerning the type
16 or types of writing instruments that may be used to mark the absentee ballot. The instructions must include
17 information regarding use of the secrecy envelope and use of the signature envelope. The election administrator
18 shall include a voter information pamphlet with the instructions if:

19 (a) a statewide ballot issue appears on the ballot mailed to the elector; and

20 (b) the elector requests a voter information pamphlet."

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

23 **"13-13-222. Marking ballot before election day.** (1) As soon as the official ballots are available
24 pursuant to 13-13-205, except as provided by 13-2-205(2), the election administrator shall permit an elector to
25 apply for, receive, and mark an absentee ballot before election day by appearing in person at the office of the
26 election administrator and marking the ballot in a voting station area designated by the election administrator.

27 (2) The provisions of this chapter apply to voting under this section.

28 (3) For the purposes of this section, an official ballot is voted when the ballot is received at the election
29 administrator's office."

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