

SENATE BILL NO. 189

INTRODUCED BY T. MANZELLA

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SUPERMAJORITY VOTE OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE TO CONDUCT CERTAIN ELECTIONS BY MAIL BALLOT; ADDING SPECIAL CITY ELECTIONS TO THE LIST OF ELECTIONS THAT MAY NOT BE CONDUCTED BY MAIL BALLOT WITHOUT AUTHORIZATION FROM THE LEGISLATURE; AND AMENDING SECTION 13-19-104, MCA."

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

**Section 1.** Section 13-19-104, MCA, is amended to read:

**"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 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, or city~~ election, unless authorized by three-quarters of the members of each house of 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) (a) Except as provided in subsection (4)(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

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1 pursuant to 20-3-361."

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