1   _____ BILL NO. _____

2   INTRODUCED BY _____
                                                        (Primary Sponsor)
3   BY REQUEST OF THE SENATE SELECT COMMITTEE ON ELECTIONS

4

5   A BILL FOR AN ACT ENTITLED: "AN ACT REVISING VOTE COUNT PROCEDURES; REQUIRING AN

6   ELECTION ADMINISTRATOR TO CONDUCT AN INVESTIGATION WHEN THE COUNTING BOARD

7   CANNOT RECONCILE THE TOTAL NUMBER OF BALLOTS WITH THE POLLBOOK; REQUIRING AN

8   ELECTION ADMINISTRATOR TO REPORT THE INVESTIGATION TO THE BOARD OF COUNTY

9   CANVASSERS; AMENDING SECTION 13-15-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE

10   DATE."

11

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

13

14   **Section 1.** Section 13-15-201, MCA, is amended to read:

15   "**13-15-201.   Preparation for count -- investigation of reconciliation discrepancies -- absentee**

16   **ballot count procedures.** (1) Subject to 13-10-311, to prepare for a count of ballots, the counting board or, if

17   appointed, the absentee counting board shall take ballots out of the box to determine whether each ballot is

18   single.

19   (2)   The board shall count all ballots to ensure that the total number of ballots corresponds with the

20   total number of names in the pollbook.

21   (3)   If the board cannot reconcile the total number of ballots with the pollbook, the board shall

22   submit to the election administrator a written report stating how many ballots were missing or in excess and any

23   reason of which they are aware for the discrepancy. Each judge on the board shall sign the report.

24   (a)   If the discrepancy is not satisfactorily explained by the report, the election administrator shall

25   conduct an investigation, which may include recounting the total number of ballots and reviewing the number of

26   names in the pollbook.

27   (b)   The election administrator shall provide a report of the investigation to the board of county

28   canvassers describing the investigation process and the reason for the discrepancy.

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1   (4)   A ballot that is not marked as official is void and may not be counted unless all judges on the

2   board agree that the marking is missing because of an error by election officials, in which case the ballot must

3   be marked "unmarked by error" on the back and must be initialed by all judges.

4   (5)   If two or more ballots are folded or stuck together to look like a single ballot, they must be laid

5   aside until the count is complete. The counting board shall compare the count with the pollbooks, and if a

6   majority believes that the ballots folded together were marked by one elector, the ballots must be rejected and

7   handled as provided in 13-15-108, otherwise they must be counted.

8   (6)   Only valid absentee ballots may be counted in an election conducted under this chapter.

9   (7)   For the purpose of this chapter, a marked absentee ballot is valid only if:

10   (a)   the elector's signature on the affirmation on the signature envelope is verified pursuant to 13-

11   13-241; and

12   (b)   it is received before 8 p.m. on election day, except as provided in 13-21-206 and 13-21-226.

13   (8)   (a) A ballot is invalid if:

14   (i)   problems with the ballot have not been resolved pursuant to 13-13-245;

15   (ii)   any identifying marks are placed on the ballot by the elector, which must result in the

16   immediate rejection of the ballot without notice to the elector; or

17   (iii)   except as provided in subsection (8)(b), more than one ballot is enclosed in a single signature

18   or secrecy envelope.

19   (b)   The provisions of subsection (8)(a)(iii) do not apply if:

20   (i)   there are multiple elections being held at the same time and the envelope contains only one

21   ballot for each election; or

22   (ii)   the signature envelope contains ballots from the same household, each ballot is in its own

23   secrecy envelope, and the signature envelope contains a valid signature for each elector who has returned a

24   ballot."

25

26   NEW SECTION. **Section 2.   Effective date.** [This act] is effective on passage and approval.

27   - END -