HOUSE BILL NO. 527

INTRODUCED BY M. THIEL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCESS FOR WRITTEN PLANS OF CONDUCT FOR ELECTIONS CONDUCTED BY MAIL; REQUIRING THE PLAN TO BE POSTED TO THE COUNTY ELECTION OFFICE WEBSITE; AND AMENDING SECTIONS 13-19-105, 13-19-205, 13-19-206, AND 20-20-201, MCA."

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

Section 1. Section 13-19-105, MCA, is amended to read:

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

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

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

~~(3)~~(2) adopt rules consistent with this chapter to:

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

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

(i) prevent fraud;

(ii) ensure the accurate handling and canvassing of mail ballots; and

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

Section 2. Section 13-19-205, MCA, is amended to read:

"**13-19-205. Written plan for conduct of election -- amendments -- ~~approval procedures~~ public posting requirements.** (1) The election administrator shall prepare a written plan for the conduct of each election to be conducted by mail. ~~and shall submit the plan to the secretary of state in a manner that ensures that it is received at least 60 days prior to the date set for the election.~~ There must be a separate plan for each

type of election held even if held on the same day.

(2) The written plan must include:

(a) a timetable for the election;

(b) a plan for providing voter interface devices as required in 13-3-208; and

(c) sample written instructions that will be sent to the electors. The instructions must include but are not limited to:

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

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

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

(iii) any applicable instructions specified under 13-13-214(4).

(3) The plan may be amended by the election administrator at any time prior to the 35th day before election day. ~~by notifying the secretary of state in writing of any changes.~~

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

~~(5)~~(4) ~~When the written plan and any amendments have been approved, the~~ The election administrator shall proceed to conduct the election according to the approved plan unless the election is cancelled for any reason provided by law.

(5) The plan must be posted on the county election office website at least 60 days prior to the election.

(6) If the plan is not posted at least 60 days prior to the election, then the election defaults to a polling place election."

Section 3. Section 13-19-206, MCA, is amended to read:

"**13-19-206. Distributing materials to electors -- procedure.** For each election conducted under this chapter, the election administrator shall:

(1) mail a single packet to every qualified elector of the political subdivision conducting the

election;

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

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

(b) a secrecy envelope;

(c) a signature envelope; and

(d) complete written instructions~~, as approved by the secretary of state pursuant to 13-19-205,~~ for mail ballot voting procedures;

(3) ensure that each packet is:

(a) addressed to a single individual elector at the most current address available from the official registration records; and

(b) deposited in the United States mail with sufficient postage for it to be delivered to the elector's address; and

(4) mail the packet in a manner that conforms to postal regulations to require the return, not forwarding, of undelivered packets."

Section 4. Section 20-20-201, MCA, is amended to read:

"**20-20-201. Calling of school election.** (1) At least 70 days before any school election, the trustees of a district or other entity or official authorized by law to call a school election shall call the school election by resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, any election is requested to be by mail.

(2) To enable the county election administrator to manage voter registration and prepare the lists of registered electors:

(a) the resolution calling for a school election must be transmitted to the county election administrator no later than 3 days after the resolution is passed; and

(b) if the election is to be conducted by mail, the school clerk must also transmit to the county election administrator a copy of the written plan required under 13-19-205 ~~as soon as the plan has been approved by the secretary of state~~."

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