

1 SENATE BILL NO. 189
2 INTRODUCED BY T. MANZELLA

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SUPERMAJORITY VOTE OF THE MEMBERS OF
5 EACH HOUSE OF THE LEGISLATURE TO CONDUCT CERTAIN ELECTIONS BY MAIL BALLOT; ADDING
6 SPECIAL CITY ELECTIONS TO THE LIST OF ELECTIONS THAT MAY NOT BE CONDUCTED BY MAIL
7 BALLOT WITHOUT AUTHORIZATION FROM THE LEGISLATURE; AND AMENDING SECTION 13-19-104,
8 MCA."

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

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

13 **"13-19-104. Mail ballot elections not mandatory -- when authorized -- when prohibited -- when**
14 **county election administrator conducts.** (1) Conducting elections by mail ballot is only one option available
15 to local officials, and this chapter does not mandate that the procedure be used.

16 (2) Except as provided in subsection (3), any election may be conducted by mail ballot.

17 (3) (a) The following elections may not be conducted by mail ballot:

18 (a)(i) a regularly scheduled federal, state, or county election;

19 (b)(ii) a special federal, ~~or state, or city~~ election, unless authorized by three-quarters of the members
20 of each house of the legislature; or

21 (c)(iii) a regularly scheduled or special election when another election in the political subdivision is
22 taking place at the polls on the same day.

23 (b) If the legislature is not in session when a local official proposes to conduct an election specified
24 in subsection (3)(a)(ii) by mail ballot, the secretary of state shall poll the members of the legislature by mail. If
25 three-quarters of the members of each house vote to authorize the election by mail ballot, the election by mail
26 ballot is authorized.

27 (4) (a) Except as provided in subsection (4)(b), if more than one mail ballot election is being
28 conducted in the political subdivision on the same day, the county election administrator shall conduct the

1 elections.

2 (b) The requirement that a county election administrator shall conduct more than one mail ballot
3 election on the same day does not apply to a mail ballot school bond election conducted by the trustees of any
4 two or more school districts that have unified pursuant to 20-6-312 or that have created a joint board of trustees
5 pursuant to 20-3-361."

6 - END -

AMEND