

HOUSE BILL NO. 335

INTRODUCED BY D. BEDEY, S. GIST, D. FERN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ABSENTEE BALLOT LIST PROCEDURES;

~~REQUIRING ELECTORS TO AFFIRM THEIR PLACE ON~~ CREATING A PROCESS FOR ELECTORS TO OPT

OUT FROM THE ABSENTEE BALLOT LIST EVERY FOURTH ODD CALENDAR YEAR; PROHIBITING

VOTERS ON THE INACTIVE LIST FROM BEING MAILED AN ABSENTEE BALLOT; AMENDING SECTION

13-13-212, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 13-13-212, MCA, is amended to read:

**"13-13-212. Application for absentee ballot -- special provisions -- absentee ballot list for subsequent elections.** (1) (a) Except as provided in subsection (1)(b), an elector may apply for an absentee ballot by using a standard application form provided by rule by the secretary of state pursuant to 13-1-210 or by making a written request, which must include the applicant's birth date and must be signed by the applicant. The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

(b) A person who holds a power of attorney from a uniformed-service voter may apply for an absentee ballot for that election on behalf of the uniformed-service voter. The applicant shall provide a copy of the power of attorney authorizing the request for an absentee ballot along with the application.

(2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the absentee election board or by an authorized election official as provided in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the absentee election board or by an authorized election official at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under subsection (2)(a) must be received by the election administrator within the time period specified in 13-13-211(2).

(3) ~~An elector may at any time request to be mailed an absentee ballot for each subsequent election in which the elector is eligible to vote as long as the elector remains qualified to vote and resides at the address provided in the initial application. The request may be made when the individual applies for voter registration using the standard application form provided for in 13-1-210. An active elector on the absentee ballot list must be sent a form every fourth odd calendar year that allows the elector to affirm that the elector would like to continue opt out from continuing to receive an absentee ballot. The form must request the elector's driver's license number or the last four digits of the elector's social security number and must require the elector's signature. If, after 60 days, the elector does not return the form, the elector must be removed from the absentee ballot list. The election administrator shall send a notice notifying the elector of the removal from the absentee ballot list.~~

(4) (a) An elector who has requested to be on the absentee ballot list and who has not filed a change of address with the U.S. postal service must continue to receive an absentee ballot for each subsequent election for which the elector is on the active ballot list.

(b) (i) The election administrator shall biennially mail a forwardable address confirmation form to each elector who is listed in the national change of address system of the U.S. postal service as having changed the elector's address.

(ii) The address confirmation form must request the elector's driver's license number or the last four digits of the elector's social security number. The address confirmation form must include an e-mail address for the election administrator that can be used by the elector to confirm that the elector wishes to continue to receive an absentee ballot and to provide the requested information. The address confirmation form must be mailed in January of every even-numbered year. The address confirmation form is for elections to be held between February 1 following the mailing through January of the next even-numbered year.

(iii) An election administrator may provide a website on which the elector can provide the required information to confirm that the elector wishes to remain on the absentee ballot list.

(iv) If the elector is providing confirmation using the address confirmation form, the elector shall sign the form, indicate the address to which the absentee ballot should be sent, provide the elector's driver's

**Amendment - 1st Reading-white - Requested by: Denise Baum - (H) State Administration**

- 2023

68th Legislature 2023

Drafter: Rebecca Power,

HB0335.001.001

1 license number or the last four digits of the elector's social security number, and return the form to the election  
2 administrator.

3 (v) The elector may provide the required information to the election administrator using:

4 (A) the e-mail address provided on the form; or

5 (B) a website established by the election administrator.

6 (vi) The elector does not need to provide a signature when using either option provided in  
7 subsection (4)(b)(v) to confirm that the elector wishes to remain on the absentee ballot list.

8 (vii) If the form is not completed and returned or if the elector does not respond using the options  
9 provided in subsection (4)(b)(v), the election administrator shall remove the elector from the absentee ballot list.

10 (c) An elector may request to be removed from the absentee ballot list for subsequent elections by  
11 notifying the election administrator in writing.

12 (d) An elector who has been or who requests to be removed from the absentee ballot list may  
13 subsequently request to be mailed an absentee ballot for each subsequent election.

14 (5) In a mail ballot election, ballots must be sent under mail ballot procedures rather than under the  
15 absentee ballot procedures set forth in this section.

16 (6) An elector on the inactive voter list may not receive a ballot until the elector reactivates the  
17 elector's registration as provided in 13-2-222."

18

19 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 2023.

20 - END -