

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 THE ABSENTEE BALLOT LIST EVERY FOURTH~~
~~ODD CALENDAR YEAR;~~ PROHIBITING VOTERS ON THE INACTIVE LIST FROM BEING MAILED AN
ABSENTEE BALLOT; REQUIRING THAT CERTAIN NOTICES BE SENT BEFORE AN ABSENTEE VOTER IS
PLACED ON THE INACTIVE LIST AFTER THE VOTER'S BALLOT IS RETURNED AS UNDELIVERABLE;
AMENDING ~~SECTION SECTIONS~~ 13-13-212, AND 13-13-245, 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 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. 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 remains at the address provided in the initial absentee ballot application. The request may be made when the individual applies for voter registration using the standard application form provided for in 13-1-210.~~

(4) (a) An elector on the active list 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 license number or the last four digits of the elector's social security number, and return the form to the election administrator.

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

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

(B) a website established by the election administrator.

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

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

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

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

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

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

Section 2. Section 13-13-245, MCA, is amended to read:

"13-13-245. Notice to elector -- opportunity to resolve questions. (1) As soon as possible after receipt of an elector's absentee ballot application or signature envelope, the election administrator shall give notice to the elector by the most expedient method available if the election administrator determines that:

(a) the elector's ballot is to be handled as a provisional ballot;

(b) the validity of the ballot is in question; or

(c) the election administrator has not received or is unable to verify the elector's or agent's signature under 13-13-213 or 13-13-241.

(2) The election administrator shall inform the elector that, prior to 8 p.m. on election day, the elector may:

(a) by mail, facsimile, electronic means, or in person, resolve the issue that resulted in the ballot being handled as a provisional ballot, confirm the validity of the ballot, or verify the elector's or agent's signature or provide a signature, after proof of identification, by affirming that the signature is in fact the elector's, by completing a new registration form containing the elector's current signature, or by providing a new agent designation form; or

(b) if necessary, request and receive a replacement ballot pursuant to 13-13-204.

(3) The ballot of an elector who fails to provide information pursuant to subsection (2) must be handled as a provisional ballot pursuant to 13-15-107.

(4) (a) If ~~a~~ an absentee ballot is returned as undeliverable, the election administrator shall investigate the reason for the return attempt to contact the elector by the most expedient means available to determine the reason for the return and mail a confirmation notice if the elector cannot be contacted otherwise. The notice must be sent by forwardable mail with a postage-paid, return-addressed reply.

(b) If the confirmation notice is returned to the election administrator, after the election the election administrator shall place the elector on the inactive list provided for in 13-2-220 until the elector reactivates the elector's registration pursuant to 13-2-222.

~~(b)(c)~~ (i) An ~~During the election, the~~ elector must be provided with:

~~(i)(A)~~ the elector's undeliverable ballot upon notification in writing by the elector of the elector's correct mailing address; or

~~(ii)(B)~~ a replacement ballot if a request has been made pursuant to 13-13-204.

(ii) An elector who votes in the election pursuant to this subsection (4)(c) may not be placed on the inactive list pursuant to the procedures provided in subsection (4)(b)."

NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2023.

Amendment - 1st Reading-white - Requested by: David Bedey - (H) State Administration

- 2023

68th Legislature 2023

Drafter: Rebecca Power,

HB0335.001.004

1

- END -

AMEND