

## HOUSE BILL NO. 296

INTRODUCED BY P. INGRAHAM

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TIMELINE FOR PREPARING ABSENTEE BALLOTS AND MAIL BALLOTS FOR COUNTING; AND AMENDING SECTIONS 13-13-241 AND 13-19-312, MCA."

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

**Section 1.** Section 13-13-241, MCA, is amended to read:

**"13-13-241. Examination of absentee ballot return envelopes -- deposit of absentee and unvoted ballots -- rulemaking.** (1) (a) Upon receipt of each absentee ballot signature envelope, an election administrator shall compare the signature of the elector or elector's agent on the absentee ballot request or on the elector's voter registration card with the signature on the return envelope.

(b) If the elector is legally registered and the signature on the return envelope matches the signature on the absentee ballot application or on the elector's voter registration card, the election administrator or an election judge shall handle the ballot as a regular ballot.

(c) (i) If the elector is provisionally registered and the signature on the return envelope matches the signature on the absentee ballot application or on the elector's voter registration card, the election administrator or an election judge shall open the outer return envelope and determine whether the elector's voter identification and eligibility information, if enclosed pursuant to 13-13-201, is sufficient pursuant to rules adopted under 13-2-109 to legally register the elector.

(ii) If the voter identification and eligibility information is sufficient to legally register the elector, the ballot must be handled as a regular ballot.

(iii) If voter identification or eligibility information was not enclosed or the information enclosed is insufficient to legally register the elector, the ballot must be handled as a provisional ballot under 13-15-107.

(2) If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall place the ballot in a secrecy envelope without examining the ballot.

(3) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and handled without being removed from their enclosure envelopes. If an unvoted party ballot is not received, the election administrator shall process the voted party ballot as if the unvoted party ballot had been received.

1 (4) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify the  
2 absentee elector as provided in 13-13-245.

3 (5) If the signature on the absentee ballot return envelope does not match the signature on the absentee  
4 ballot request form or on the elector's voter registration card or if there is no signature on the absentee ballot  
5 return envelope, the election administrator shall notify the elector as provided in 13-13-245.

6 (6) If at any point there is a question concerning the validity of a particular ballot, the question must be  
7 resolved as provided in 13-13-245.

8 (7) (A) After receiving an absentee ballot secrecy envelope and if the validity of the ballot is confirmed  
9 pursuant to 13-13-245, then no sooner than ~~4~~ 3 business ~~day~~ days before election day, the election official may,  
10 in the presence of a poll watcher, open the secrecy envelope and place the ballot in the proper, secured ballot  
11 box until tabulation occurs on election day.

12 (B) THE ELECTION OFFICIAL MAY NOT CONDUCT THE PROCESS DESCRIBED IN SUBSECTION (7)(A) ON A SATURDAY  
13 OR A SUNDAY.

14 (8) The election administrator shall safely and securely keep the absentee ballots in the election  
15 administrator's office until delivered by the election administrator to the election judges.

16 (9) The secretary of state shall develop administrative rules to establish the process and procedures to  
17 be used during the early preparation of ballots to ensure the security of the ballots and the secrecy of the votes  
18 during the early preparation period. The rules must include but are not limited to:

- 19 (a) the allowable distance from the observers to the judges and ballots;  
20 (b) the security in the observation area;  
21 (c) secrecy of votes during the preparation of the ballots; and  
22 (d) security of the secured ballot boxes in storage until tabulation procedures begin on election day."  
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24 **Section 2.** Section 13-19-312, MCA, is amended to read:

25 **"13-19-312. Preparation for count and counting procedure.** (1) The preparation for counting ballots  
26 must be as provided in 13-15-201.

27 (2) Except as provided in subsection (3), after the close of voting on election day, the counting board  
28 appointed pursuant to 13-15-112 shall:

- 29 (a) open the official ballot boxes;  
30 (b) IF THE PROCESS AUTHORIZED UNDER 13-13-241(7) WAS NOT USED, open each secrecy envelope,

1 removing the voted ballot; and

2 (c) proceed to count the votes as provided in Title 13, chapter 15.

3 (3) On election day, the election administrator may begin the procedures described in subsection (2)

4 ~~before the polls close no sooner than 3 business days before election day~~ BEFORE THE POLLS CLOSE if the election

5 administrator complies with the procedures described in 13-15-207(3)."

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