

HOUSE BILL NO. 530

INTRODUCED BY T. WASHBURN

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ELECTION JUDGES TO BEGIN PREPARING ABSENTEE BALLOTS BEFORE ELECTION DAY; AND AMENDING SECTION 13-13-241, 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.** (1) (a) After an absentee ballot is received, an election administrator shall compare the signature of the elector or elector's agent on the absentee ballot request with the signature on the absentee ballot return envelope.

(b) If the elector is legally registered and the signature on the return envelope matches the signature on the absentee ballot application, 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, 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.

(4) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify the absentee elector by mail or by the most expedient method available under rules adopted by the secretary of state that the elector's identification or eligibility information was insufficient and that the elector's ballot will be treated

1 as a provisional ballot until the elector provides sufficient information, pursuant to rules adopted by the secretary  
2 of state. If the elector is notified by mail, the election administrator shall provide a self-addressed return envelope  
3 along with a description of the information necessary for the absentee elector to reclassify the provisional ballot  
4 as a regular ballot.

5 (5) If the signature on the absentee ballot return envelope does not match the signature on the absentee  
6 ballot request form, the election administrator shall notify the elector, either by first-class mail or the most  
7 expedient method available under rules adopted by the secretary of state, and inform the elector that the elector  
8 may verify the signature, after proof of identification, by mail or in person at the election administrator's office prior  
9 to 8 p.m. on election day.

10 (6) The elector may verify the signature by affirming that the signature is in fact the elector's or by  
11 completing a new registration card containing the elector's current signature or by filing a new agent designation  
12 form.

13 (7) If an elector notified pursuant to subsection (5) fails to verify the signature before 8 p.m. on election  
14 day, the ballot must be handled as a provisional ballot under 13-15-107.

15 (8) After receiving an absentee ballot secrecy envelope, ~~without opening the secrecy envelope but not~~  
16 sooner than 3 business days before election day, the election judges shall ~~on election day~~ open the secrecy  
17 envelope and place the ~~secrecy envelope~~ ballot in the proper, secured ballot box until tabulation occurs on  
18 election day."

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