1	HOUSE BILL NO. 527			
2	INTRODUCED BY M. THIEL			
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCESS FOR WRITTEN PLANS OF CONDUCT			
5	FOR ELECTIONS CONDUCTED BY MAIL; REQUIRING THE PLAN TO BE POSTED TO THE COUNTY			
6	ELECTION OFFICE WEBSITE; AND AMENDING SECTIONS 13-19-105, 13-19-205, 13-19-206, AND 20-20-			
7	01, MCA."			
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:			
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11	Section 1. Section 13-19-105, MCA, is amended to read:			
12	"13-19-105. Role of secretary of state. In addition to other powers and duties conveyed by law, the			
13	secretary of state, with advice from election administrators, shall:			
14	(1) prescribe the form of materials to be used in the conduct of mail ballot elections; and			
15	(2) review written plans for the conduct of mail ballot elections as provided in 13-19-205; and			
16	(3)(2) adopt rules consistent with this chapter to:			
17	(a) establish and maintain uniformity in the conduct of mail ballot elections; and			
18	(b) establish procedures for the conduct of mail ballot elections that, when implemented by the			
19	election administrator:			
20	(i) prevent fraud;			
21	(ii) ensure the accurate handling and canvassing of mail ballots; and			
22	(iii) ensure that the secrecy of voted ballots is maintained."			
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24	Section 2. Section 13-19-205, MCA, is amended to read:			
25	"13-19-205. Written plan for conduct of election amendments approval procedures public			
26	osting requirements. (1) The election administrator shall prepare a written plan for the conduct of each			
27	election to be conducted by mail. and shall submit the plan to the secretary of state in a manner that ensures			
28	that it is received at least 60 days prior to the date set for the election. There must be a separate plan for each			



1	type of election held even if held on the same day.			
2	(2)	The written plan must include:		
3	(a)	a timetable for the election;		
4	(b)	a plan for providing voter interface devices as required in 13-3-208; and		
5	(c)	sample written instructions that will be sent to the electors. The instructions must include but		
6	are not limited to:			
7	(i)	information on the estimated amount of postage required to return the ballot;		
8	(ii)	(A)-the location of the places of deposit and the days and times when ballots may be returned		
9	to the places of deposit, if the information is available; or and			
10	<del>(B)</del> —	if the information on location and hours of places of deposit is not available, a section that will		
11	allow the inforr	nation to be added before the instructions are mailed to electors; and		
12	(iii)	any applicable instructions specified under 13-13-214(4).		
13	(3)	The plan may be amended by the election administrator at any time prior to the 35th day before		
14	election day. b	y notifying the secretary of state in writing of any changes.		
15	(4)	Within 5 days of receiving the plan and as soon as possible after receiving any amendments,		
16	the secretary of	f state shall approve, disapprove, or recommend changes to the plan or amendments.		
17	<del>(5)</del> (4)	When the written plan and any amendments have been approved, the The election		
18	administrator s	hall proceed to conduct the election according to the approved plan unless the election is		
19	cancelled for a	ny reason provided by law.		
20	<u>(5)</u>	The plan must be posted on the county election office website OR PUBLICLY NOTICED IN ANOTHER		
21	WAY at least 60	days prior to the election. If the election is a school election, the plan must also be posted		
22	ON THE SCHOOL	DISTRICT WEBSITE. (A) AT LEAST 60 DAYS PRIOR TO THE ELECTION, THE PLAN MUST:		
23	<u>(I)</u>	FOR ELECTIONS CONDUCTED BY THE COUNTY ELECTION OFFICE, BE POSTED TO THE COUNTY ELECTION		
24	WEBSITE, IF ACT	IVE, OR PUBLICLY NOTICED IN ANOTHER WAY;		
25	<u>(II)</u>	FOR A SCHOOL ELECTION CONDUCTED BY THE SCHOOL DISTRICT, BE NOTICED IN AT LEAST ONE OF THE		
26	METHODS PROV	IDED IN 20-20-204(1)(A)(I) OR (1)(A)(II), POSTED TO THE DISTRICT WEBSITE, IF ACTIVE, AND SENT TO		
27	THE COUNTY EL	ECTION OFFICE IN ACCORDANCE WITH 20-20-201(2)(B); OR		
28	<u>(III)</u>	FOR A SCHOOL ELECTION CONDUCTED BY THE COUNTY ELECTION OFFICE, BE NOTICED IN ACCORDANCE		



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1	WITH SUBSECTION (5)(A)(I) OR (5)(A)(II).		
2	<u>(B)</u>	ANY AMENDMENTS TO THE MAIL BALLOT PLAN MUST BE NOTICED IN ACCORDANCE WITH SUBSECTION	
3	(5)(A)(I) OR (5)	(A)(II) NOT LESS THAN 35 DAYS BEFORE THE ELECTION.	
4	<u>(6)</u>	If the plan is not posted at least 60 days prior to the election BY AT LEAST ONE OF THE METHODS	
5	PROVIDED IN SU	UBSECTION (5), then the election defaults to a polling place election."	
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7	Section	on 3. Section 13-19-206, MCA, is amended to read:	
8	"13-19	2-206. Distributing materials to electors procedure. For each election conducted under this	
9	chapter, the election administrator shall:		
10	(1)	mail a single packet to every qualified elector of the political subdivision conducting the	
11	election;		
12	(2)	ensure that each packet contains only one each of the following:	
13	(a)	an official ballot for each type of election being held on the specified election day;	
14	(b)	a secrecy envelope;	
15	(c)	a signature envelope; and	
16	(d)	complete written instructions, as approved by the secretary of state pursuant to 13-19-205, for	
17	mail ballot voting procedures;		
18	(3)	ensure that each packet is:	
19	(a)	addressed to a single individual elector at the most current address available from the official	
20	registration records; and		
21	(b)	deposited in the United States mail with sufficient postage for it to be delivered to the elector's	
22	address; and		
23	(4)	mail the packet in a manner that conforms to postal regulations to require the return, not	
24	forwarding, of undelivered packets."		
25			
26	Section	on 4. Section 20-20-201, MCA, is amended to read:	
27	"20-20	-201. Calling of school election. (1) At least 70 days before any school election, the trustees	
28	of a district or other entity or official authorized by law to call a school election shall call the school election by		



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resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, any election is requested to be by mail.

- (2) To enable the county election administrator to manage voter registration and prepare the lists of registered electors:
- (a) the resolution calling for a school election must be transmitted to the county election administrator no later than 3 days after the resolution is passed; and
- (b) if the election is to be conducted by mail, the school clerk must also transmit to the county election administrator a copy of the written plan required under 13-19-205 as soon as the plan has been approved by the secretary of state."

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