

HOUSE BILL NO. 527

INTRODUCED BY M. THIEL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCESS FOR WRITTEN PLANS OF CONDUCT FOR ELECTIONS CONDUCTED BY MAIL; REQUIRING THE PLAN TO BE POSTED TO THE COUNTY ELECTION OFFICE WEBSITE; AND AMENDING SECTIONS 13-19-105, 13-19-205, 13-19-206, AND 20-20-201, MCA."

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

Section 1. Section 13-19-105, MCA, is amended to read:

"13-19-105. Role of secretary of state. In addition to other powers and duties conveyed by law, the secretary of state, with advice from election administrators, shall:

- (1) prescribe the form of materials to be used in the conduct of mail ballot elections; and
- (2) ~~review written plans for the conduct of mail ballot elections as provided in 13-19-205; and~~
- (3)(2) adopt rules consistent with this chapter to:
 - (a) establish and maintain uniformity in the conduct of mail ballot elections; and
 - (b) establish procedures for the conduct of mail ballot elections that, when implemented by the election administrator:
 - (i) prevent fraud;
 - (ii) ensure the accurate handling and canvassing of mail ballots; and
 - (iii) ensure that the secrecy of voted ballots is maintained."

Section 2. Section 13-19-205, MCA, is amended to read:

"13-19-205. Written plan for conduct of election -- amendments -- approval procedures public posting requirements. (1) The election administrator shall prepare a written plan for the conduct of each election to be conducted by mail, ~~and shall submit the plan to the secretary of state in a manner that ensures~~ that it is received at least 60 days prior to the date set for the election. There must be a separate plan for each

type of election held even if held on the same day.

(2) The written plan must include:

(a) a timetable for the election;

(b) a plan for providing voter interface devices as required in 13-3-208; and

(c) sample written instructions that will be sent to the electors. The instructions must include but are not limited to:

(i) information on the estimated amount of postage required to return the ballot;

(ii) (A) the location of the places of deposit and the days and times when ballots may be returned to the places of deposit, if the information is available; ~~or and~~

~~(B) — if the information on location and hours of places of deposit is not available, a section that will allow the information to be added before the instructions are mailed to electors; and~~

(iii) any applicable instructions specified under 13-13-214(4).

(3) The plan may be amended by the election administrator at any time prior to the 35th day before election day, ~~by notifying the secretary of state in writing of any changes.~~

~~(4) — Within 5 days of receiving the plan and as soon as possible after receiving any amendments, the secretary of state shall approve, disapprove, or recommend changes to the plan or amendments.~~

~~(5)(4) When the written plan and any amendments have been approved, the~~ The election administrator shall proceed to conduct the election according to the approved plan unless the election is cancelled for any reason provided by law.

~~(5) The plan must be posted on the county election office website OR PUBLICLY NOTICED IN ANOTHER WAY at least 60 days prior to the election. IF THE ELECTION IS A SCHOOL ELECTION, THE PLAN MUST ALSO BE POSTED ON THE SCHOOL DISTRICT WEBSITE.~~

~~(6) If the plan is not posted at least 60 days prior to the election BY AT LEAST ONE OF THE METHODS PROVIDED IN SUBSECTION (5), then the election defaults to a polling place election."~~

Section 3. Section 13-19-206, MCA, is amended to read:

"13-19-206. Distributing materials to electors -- procedure. For each election conducted under this chapter, the election administrator shall:

- 1 (1) mail a single packet to every qualified elector of the political subdivision conducting the
2 election;
- 3 (2) ensure that each packet contains only one each of the following:
- 4 (a) an official ballot for each type of election being held on the specified election day;
- 5 (b) a secrecy envelope;
- 6 (c) a signature envelope; and
- 7 (d) complete written instructions, ~~as approved by the secretary of state pursuant to 13-19-205,~~ for
8 mail ballot voting procedures;
- 9 (3) ensure that each packet is:
- 10 (a) addressed to a single individual elector at the most current address available from the official
11 registration records; and
- 12 (b) deposited in the United States mail with sufficient postage for it to be delivered to the elector's
13 address; and
- 14 (4) mail the packet in a manner that conforms to postal regulations to require the return, not
15 forwarding, of undelivered packets."
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17 **Section 4.** Section 20-20-201, MCA, is amended to read:

18 **"20-20-201. Calling of school election.** (1) At least 70 days before any school election, the trustees
19 of a district or other entity or official authorized by law to call a school election shall call the school election by
20 resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, any election is
21 requested to be by mail.

22 (2) To enable the county election administrator to manage voter registration and prepare the lists
23 of registered electors:

24 (a) the resolution calling for a school election must be transmitted to the county election
25 administrator no later than 3 days after the resolution is passed; and

26 (b) if the election is to be conducted by mail, the school clerk must also transmit to the county
27 election administrator a copy of the written plan required under 13-19-205 ~~as soon as the plan has been~~
28 ~~approved by the secretary of state.~~"

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