HOUSE BILL NO. 225

INTRODUCED BY PHILLIPS

IN THE HOUSE

JANUARY 17, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.

FIRST READING.

PRINTING REPORT.

- JANUARY 23, 1991
- JANUARY 24, 1991
- JANUARY 26, 1991 SECOND READING, DO PASS.
- JANUARY 28, 1991 ENGROSSING REPORT.
- JANUARY 30, 1991 THIRD READING, PASSED. AYES, 74; NOES, 26.

TRANSMITTED TO SENATE.

ON STATE ADMINISTRATION.

COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

IN THE SENATE

ADOPTED.

JANUARY 31, 1991

FIRST READING.

FEBRUARY 11, 1991

FEBRUARY 14, 1991

FEBRUARY 15, 1991

THIRD READING, CONCURRED IN.

SECOND READING, CONCURRED IN.

COMMITTEE RECOMMEND BILL BE

CONCURRED IN AS AMENDED. REPORT

AYES, 42; NOES, 7.

RETURNED TO HOUSE WITH AMENDMENTS.

INTRODUCED AND REFERRED TO COMMITTEE

IN THE HOUSE

MARCH 11, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS CONCURRED IN.

MARCH 12, 1991 THIRD READING, AMENDMENTS

CONCURRED IN. SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED. er.

LC 0386/01

INTRODUCED BY Phillips ç. 2 3

A BILL FOR AN ACT ENTITLED: 'AN ACT PERMITTING ELECTION ADMINISTRATORS TO ALLOW REGISTRATION AND VOTING BY FACSIMILE TRANSMISSION IF FACSIMILE FACILITIES ARE AVAILABLE; REQUIRING THE SECRETARY OF STATE TO ADOPT RULES; REQUIRING THE SECRETARY OF STATE'S ELECTION ADVISORY COUNCIL TO ASSIST THE SECRETARY IN THE ADOPTION OF THE RULES; REQUIRING THE SECRETARY OF STATE TO REPORT TO THE LEGISLATURE; AND PROVIDING EFFECTIVE DATES."

12

13 WHEREAS, there is increasing interest on the part of 14 both state and federal agencies in the use of facsimile 15 transmissions for the purpose of voting in state and federal 16 elections, particularly for the casting of absentee ballots 17 by men and women of the Armed Forces serving in Operation 18 Desert Shield; and

WHEREAS, the federal Uniformed and Overseas Citizens
Absentee Voting Act authorizes but does not require the use
of facsimile ballots in federal elections: and

22 WHEREAS, state election laws currently present severe 23 obstacles to the use of facsimile voter registration and the 24 sending and receiving of absentee election ballots by 25 facsimile; and

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1 WHEREAS. the adoption of state laws allowing absentee voters and the sending and 2 registration of 3 receiving of absentee ballots by facsimile may increase the likelihood that absentee voters would exercise their right 4 to vote; and 5

6 WHEREAS, adoption of rules by the Secretary of State 7 that provide for absentee voter registration and the casting 8 of absentee ballots by facsimile would provide maximum 9 flexibility for state and local election officials to work 10 with one another and appropriate federal officials to see 11 that voting by facsimile becomes a reality in this state.

12

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

14 NEW SECTION. Section 1. Legislative findings and 15 purpose. The legislature finds that the increased use of 16 facsimile transmissions has encouraged the possibility of 17 absentee voter registration and the sending and receiving of 18 absentee ballots by facsimile. The legislature also finds 19 that while federal law encourages but does not require the 20 use of facsimile transmissions in federal elections, there are sufficient reliability in facsimile technology and 21 22 sufficient evidence that absentee facsimile voting would be 23 of benefit to the state's residents, to provide for absentee 24 registration and voting by facsimile. It is the purpose of 25 [sections 1 through 3] to allow for absentee voter

INTRODUCED BILL

1 registration and voting by facsimile, while recognizing that 2 state and local election officials have the responsibility to maintain the accuracy, integrity, and secrecy of the 3 election process and the individual election ballot. It is 4 the purpose of the legislature to allow facsimile voting but 5 to continue to ensure that voting security is maintained for 6 7 the ultimate purpose of preventing election fraud and B maintaining the validity of the election process.

NEW SECTION. Section 2. Registration and voting by 9 facsimile authorized -- secretary of state to adopt rules --10 acceptance of funds. (1) Notwithstanding other provisions of 11 this title, each election administrator may, in any primary 12 13 election, general election, and special election, take the 14 following acts by facsimile transmission, if facsimile 15 facilities are available, in place of the use of the public mails when requested by an elector or individual intending 16 to become an elector: 17

18 (a) register an individual to vote;

19 (b) give notice of registration;

20 (c) receive requests for an absentee ballot;

21 (d) transmit absentee ballots to electors; and

22 (e) receive absentee ballots from electors.

(2) The secretary of state shall adopt reasonable rules
under the rulemaking provisions of the Montana
Administrative Procedure Act to implement subsection (1).

The rules are binding upon election administrators. The 1 rules must require compliance with the same time 2 requirements or deadlines as for registration and voting by 3 absentee ballot by use of the public mails, except that the 4 rules may provide for different times for the acceptance of 5 facsimile ballots after the closing of the polls. The rules 6 7 must maintain the accuracy, integrity, and secrecy of the 8 ballot process and must allow registration and voting by 9 facsimile through use of a private corporation or other private entity for transmission of facsimile messages only 10 if the secretary of state finds that the use is essential to 11 12 the purposes of [sections 1 through 3].

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(3) The secretary of state may apply for and receive a
grant of funds from any agency or office of the United
States government or from any other public or private source
and may use the money for the purpose of implementing
[sections 1 through 3].

18 <u>NEW SECTION.</u> Section 3. Advisory council assistance -19 report to legislature. (1) The secretary of state shall
20 adopt the rules required by [section 2(2)] with the
21 assistance of the secretary's election administrators
22 advisory council, and the advisory council shall assist and
23 advise the secretary in the implementation of [sections 1
24 through 3].

25 (2) The secretary of state shall by January 1, 1995,

-3-

prepare a written report to the legislature concerning the implementation of [sections 1 through 3] and the activities of the advisory council in implementing [sections 1 through 3]. The report must:

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5 (a) include copies of rules adopted by the secretary of 6 state in accordance with [section 2];

7 (b) contain a detailed summary of the experience of the
8 secretary of state and local election administrators in
9 implementing [sections 1 through 3]; and

10 (c) include any recommendations for changes to the 11 applicable laws.

NEW SECTION. Section 4. Effective dates. (1) [Sections
1, 2(2), 2(3), 3, 5, and this section] are effective on
passage and approval.

15 (2) [Section 2(1)] is effective July 1, 1992.

NEW SECTION. Section 5. Codification instruction.
[Sections 1 and 2] are intended to be codified as an
integral part of Title 13, chapter 13, part 2, and the
provisions of Title 13, chapter 13, part 2, apply to
[sections 1 and 2].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0225, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill permits election administrators to allow registration and voting by facsimile transmission if facsimile facilities are available; the Secretary of State would also be required to adopt rules for this procedure with the assistance of the Election Advisory Council.

ASSUMPTIONS:

- 1. The bill is not prescriptive but allows a local option for use of facsimile transmission.
- Most counties that choose to participate will already have facsimile capability. 2.

FISCAL IMPACT:

There is no fiscal impact to state agencies.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Counties without facsimile capability choosing to participate would need to purchase a facsimile machine at an initial cost of approximately \$1,500.

ROD SUNDSTED, BUDGET DIRECTOR Office of Budget and Program Planning

DATE

JOHN. PHILLIPS, PRIMARY SPONSOR

Fiscal Note for <u>HB0225</u>, as introduced

HB 225

52nd Legislature

LC 0386/01

APPROVED BY COMMITTEE ON STATE ADMINISTRATION INTRODUCED BY Phillips

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING ELECTION 4 5 ADMINISTRATORS TO ALLOW REGISTRATION AND VOTING BY FACSIMILE ARE AVAILABLE: 6 TRANSMISSION IF FACSIMILE FACILITIES 7 REQUIRING THE SECRETARY OF STATE TO ADOPT RULES: REQUIRING 8 THE SECRETARY OF STATE'S ELECTION ADVISORY COUNCIL TO ASSIST 9 THE SECRETARY IN THE ADOPTION OF THE RULES; REQUIRING THE SECRETARY OF STATE TO REPORT TO THE LEGISLATURE; AND 10 **PROVIDING EFFECTIVE DATES."** 11

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13 WHEREAS, there is increasing interest on the part of 14 both state and federal agencies in the use of facsimile transmissions for the purpose of voting in state and federal 15 elections, particularly for the casting of absentee ballots 16 17 by men and women of the Armed Forces serving in Operation 18 Desert Shield; and

19 WHEREAS, the federal Uniformed and Overseas Citizens 20 Absentee Voting Act authorizes but does not require the use 21 of facsimile ballots in federal elections; and

WHEREAS, state election laws currently present severe 22 23 obstacles to the use of facsimile voter registration and the 24 sending and receiving of absentee election ballots by facsimile; and 25

1 WHEREAS, adoption of state allowing the laws absentee voters and the sending and 2 registration of receiving of absentee ballots by facsimile may increase the 3 4 likelihood that absentee voters would exercise their right 5 to vote; and WHEREAS, adoption of rules by the Secretary of State 6 that provide for absentee voter registration and the casting 7 of absentee ballots by facsimile would provide maximum в 9 flexibility for state and local election officials to work 10 with one another and appropriate federal officials to see that voting by facsimile becomes a reality in this state. 11 12 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Legislative findings 14 and 15 purpose. The legislature finds that the increased use of 16 facsimile transmissions has encouraged the possibility of 17 absentee voter registration and the sending and receiving of absentee ballots by facsimile. The legislature also finds 18 19 that while federal law encourages but does not require the 20 use of facsimile transmissions in federal elections, there 21 are sufficient reliability in facsimile technology and 22 sufficient evidence that absentee facsimile voting would be of benefit to the state's residents, to provide for absentee 23 24 registration and voting by facsimile. It is the purpose of 25 (sections 1 through 3) to allow for absentee voter SECOND READING

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registration and voting by facsimile, while recognizing that 1 2 state and local election officials have the responsibility 3 to maintain the accuracy, integrity, and secrecy of the 4 election process and the individual election ballot. It is the purpose of the legislature to allow facsimile voting but 5 to continue to ensure that voting security is maintained for 6 7 the ultimate purpose of preventing election fraud and 8 maintaining the validity of the election process.

9 NEW SECTION. Section 2. Registration and voting by facsimile authorized -- secretary of state to adopt rules --10 acceptance of funds. (1) Notwithstanding other provisions of 11 12 this title, each election administrator may, in any primary 13 election, general election, and special election, take the following acts by facsimile transmission. if facsimile 14 15 facilities are available, in place of the use of the public mails when requested by an elector or individual intending 16 17 to become an elector:

18 (a) register an individual to vote;

19 (b) give notice of registration;

20 (c) receive requests for an absentee ballot;

21 (d) transmit absentee ballots to electors; and

22 (e) receive absentee ballots from electors.

(2) The secretary of state shall adopt reasonable rules
under the rulemaking provisions of the Montana
Administrative Procedure Act to implement subsection (1).

The rules are binding upon election administrators. The 1 require compliance with the same time 2 rules must requirements or deadlines as for registration and voting by 3 absentee ballot by use of the public mails, except that the 4 5 rules may provide for different times for the acceptance of facsimile ballots after the closing of the polls. The rules 6 must maintain the accuracy, integrity, and secrecy of the 7 ballot process and must allow registration and voting by 8 9 facsimile through use of a private corporation or other 10 private entity for transmission of facsimile messages only 11 if the secretary of state finds that the use is essential to the purposes of [sections 1 through 3]. 12

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13 (3) The secretary of state may apply for and receive a
14 grant of funds from any agency or office of the United
15 States government or from any other public or private source
16 and may use the money for the purpose of implementing
17 [sections 1 through 3].

18 <u>NEW SECTION.</u> Section 3. Advisory council assistance -19 report to legislature. (1) The secretary of state shall
20 adopt the rules required by [section 2(2)] with the
21 assistance of the secretary's election administrators
22 advisory council, and the advisory council shall assist and
23 advise the secretary in the implementation of [sections 1
24 through 3].

25 (2) The secretary of state shall by January 1, 1995,

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prepare a written report to the legislature concerning the
 implementation of [sections 1 through 3] and the activities
 of the advisory council in implementing [sections 1 through
 The report must:

5 (a) include copies of rules adopted by the secretary of6 state in accordance with [section 2];

7 (b) contain a detailed summary of the experience of the
8 secretary of state and local election administrators in
9 implementing [sections 1 through 3]; and

10 (c) include any recommendations for changes to the 11 applicable laws.

NEW SECTION. Section 4. Effective dates. (1) [Sections
1, 2(2), 2(3), 3, 5, and this section] are effective on
passage and approval.

15 (2) [Section 2(1)] is effective July 1, 1992.

NEW SECTION. Section 5. Codification instruction.
[Sections 1 and 2] are intended to be codified as an integral part of Title 13, chapter 13, part 2, and the provisions of Title 13, chapter 13, part 2, apply to [sections 1 and 2].

-End-

INTRODUCED BY Phillips 1 2 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING ELECTION 5 ADMINISTRATORS TO ALLOW REGISTRATION AND VOTING BY FACSIMILE TRANSMISSION IF FACSIMILE FACILITIES ARE AVAILABLE; 6 7 REQUIRING THE SECRETARY OF STATE TO ADOPT RULES: REQUIRING 8 THE SECRETARY OF STATE'S ELECTION ADVISORY COUNCIL TO ASSIST 9 THE SECRETARY IN THE ADOPTION OF THE RULES: REQUIRING THE 10 SECRETARY OF STATE TO REPORT TO THE LEGISLATURE; AND **PROVIDING EFFECTIVE DATES."** 11

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13 WHEREAS, there is increasing interest on the part of 14 both state and federal agencies in the use of facsimile 15 transmissions for the purpose of voting in state and federal 16 elections, particularly for the casting of absentee ballots 17 by men and women of the Armed Forces serving in Operation 18 Desert Shield; and

WHEREAS, the federal Uniformed and Overseas Citizens
Absentee Voting Act authorizes but does not require the use
of facsimile ballots in federal elections; and

22 WHEREAS, state election laws currently present severe 23 obstacles to the use of facsimile voter registration and the 24 sending and receiving of absentee election ballots by 25 facsimile; and



1 WHEREAS. the adoption of state laws allowing 2 registration of absentee voters and the sending and 3 receiving of absentee ballots by facsimile may increase the likelihood that absentee voters would exercise their right 4 to vote: and S

6 WHEREAS, adoption of rules by the Secretary of State 7 that provide for absentee voter registration and the casting 8 of absentee ballots by facsimile would provide maximum 9 flexibility for state and local election officials to work 10 with one another and appropriate federal officials to see 11 that voting by facsimile becomes a reality in this state.

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

14 NEW SECTION. Section 1. Legislative findings and 15 purpose. The legislature finds that the increased use of 16 facsimile transmissions has encouraged the possibility of 17 absentee voter registration and the sending and receiving of 18 absentee ballots by facsimile. The legislature also finds 19 that while federal law encourages but does not require the 20 use of facsimile transmissions in federal elections, there 21 are sufficient reliability in facsimile technology and 22 sufficient evidence that absentee facsimile voting would be 23 of benefit to the state's residents, to provide for absentee registration and voting by facsimile. It is the purpose of 24 25 [sections 1 through 3] to allow for absentee voter THIRD READING

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HB 2

registration and voting by facsimile, while recognizing that 1 state and local election officials have the responsibility 2 3 to maintain the accuracy, integrity, and secrecy of the election process and the individual election ballot. It is 4 the purpose of the legislature to allow facsimile voting but 5 to continue to ensure that voting security is maintained for 6 7 the ultimate purpose of preventing election fraud and maintaining the validity of the election process. 8

NEW SECTION, Section 2. Registration and voting by 9 10 facsimile authorized -- secretary of state to adopt rules --11 acceptance of funds. (1) Notwithstanding other provisions of this title, each election administrator may, in any primary 12 election, general election, and special election, take the 13 14 following acts by facsimile transmission, if facsimile facilities are available, in place of the use of the public 15 mails when requested by an elector or individual intending 16 17 to become an elector:

18 (a) register an individual to vote;

19 (b) give notice of registration;

- 20 (c) receive requests for an absentee ballot;
- 21 (d) transmit absentee ballots to electors; and

22 (e) receive absentee ballots from electors.

(2) The secretary of state shall adopt reasonable rules
under the rulemaking provisions of the Montana
Administrative Procedure Act to implement subsection (1).

1 The rules are binding upon election administrators. The 2 rules must require compliance with the same time 3 requirements or deadlines as for registration and voting by 4 absentee ballot by use of the public mails, except that the rules may provide for different times for the acceptance of 5 6 facsimile ballots after the closing of the polls. The rules 7 must maintain the accuracy, integrity, and secrecy of the ballot process and must allow registration and voting by 8 9 facsimile through use of a private corporation or other private entity for transmission of facsimile messages only 10 11 if the secretary of state finds that the use is essential to 12 the purposes of [sections 1 through 3]. 13 (3) The secretary of state may apply for and receive a 14 grant of funds from any agency or office of the United 15 States government or from any other public or private source

16 and may use the money for the purpose of implementing 17 [sections 1 through 3].

NEW SECTION. Section 3. Advisory council assistance -report to legislature. (1) The secretary of state shall adopt the rules required by [section 2(2)] with the assistance of the secretary's election administrators advisory council, and the advisory council shall assist and advise the secretary in the implementation of [sections 1 through 3].

25 (2) The secretary of state shall by January 1, 1995,

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prepare a written report to the legislature concerning the
 implementation of [sections 1 through 3] and the activities
 of the advisory council in implementing [sections 1 through
 The report must:

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5 (a) include copies of rules adopted by the secretary of
6 state in accordance with [section 2];

7 (b) contain a detailed summary of the experience of the
8 secretary of state and local election administrators in
9 implementing [sections 1 through 3]; and

10 (c) include any recommendations for changes to the 11 applicable laws.

NEW SECTION. Section 4. Effective dates. (1) [Sections
1, 2(2), 2(3), 3, 5, and this section] are effective on
passage and approval.

15 (2) [Section 2(1)] is effective July 1, 1992.

NEW SECTION. Section 5. Codification instruction.
(Sections 1 and 2) are intended to be codified as an
integral part of Title 13, chapter 13, part 2, and the
provisions of Title 13, chapter 13, part 2, apply to
(sections 1 and 2).

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1 February 11, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 225 (third reading copy -- blue), respectfully report that House Bill No. 225 be amended and as so amended be concurred in:

1. Title, line 6. Following: "TRANSMISSION" Insert: "FOR ELECTORS IN THE UNITED STATES SERVICE"

2. Page 2, line 23. Strike: "the state's residents" Insert: "electors in the United States Service"

3. Page 3, line 5. Following: "voting" Insert: "for electors in the United States service"

4. Page 3, line 16. Following: "or" Insert: $\ddot{\ }$, for the purposes of registration under subdivision (a),"

5. Page 3, line 17. Following: "elector" Insert: ", in the United States service as defined in 13-2-211"

Signed: <u>Eleanor Vaughr</u> Eleanor Vaughn, Chairman

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SENATE

52nd Legislature

HB 0225/02

1 HOUSE BILL NO. 225 1 2 INTRODUCED BY PHILLIPS 2 3 з "AN ACT PERMITTING ELECTION 4 A BILL FOR AN ACT ENTITLED: 4 ADMINISTRATORS TO ALLOW REGISTRATION AND VOTING BY FACSIMILE 5 5 TRANSMISSION FOR ELECTORS IN THE UNITED STATES SERVICE IF 6 6 FACSIMILE FACILITIES ARE AVAILABLE; REQUIRING THE SECRETARY 7 7 OF STATE TO ADOPT RULES; REQUIRING THE SECRETARY OF STATE'S 8 8 ELECTION ADVISORY COUNCIL TO ASSIST THE SECRETARY IN THE 9 9 ADOPTION OF THE RULES; REQUIRING THE SECRETARY OF STATE TO 10 10 REPORT TO THE LEGISLATURE; AND PROVIDING EFFECTIVE DATES." 11 11 12 12 WHEREAS, there is increasing interest on the part of 13 13 both state and federal agencies in the use of facsimile 14 14 transmissions for the purpose of voting in state and federal 15 15 elections, particularly for the casting of absentee ballots 16 16 by men and women of the Armed Forces serving in Operation 17 17 18 Desert Shield; and 18 WHEREAS, the federal Uniformed and Overseas Citizens 19 19 Absentee Voting Act authorizes but does not require the use 20 20 of facsimile ballots in federal elections; and 21 21 WHEREAS, state election laws currently present severe 22 22

obstacles to the use of facsimile voter registration and the 23 sending and receiving of absentee election ballots by 24 25 facsimile; and



adoption of absentee voters and the sending and registration of receiving of absentee ballots by facsimile may increase the likelihood that absentee voters would exercise their right to vote; and WHEREAS, adoption of rules by the Secretary of State that provide for absentee voter registration and the casting of absentee ballots by facsimile would provide maximum flexibility for state and local election officials to work with one another and appropriate federal officials to see that voting by facsimile becomes a reality in this state.

WHEREAS,

the

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

NEW SECTION, Section 1. Legislative findings and purpose. The legislature finds that the increased use of facsimile transmissions has encouraged the possibility of absentee voter registration and the sending and receiving of absentee ballots by facsimile. The legislature also finds that while federal law encourages but does not require the use of facsimile transmissions in federal elections, there are sufficient reliability in facsimile technology and sufficient evidence that absentee facsimile voting would be 23 of benefit to the-state's-residents ELECTORS IN THE UNITED 24 STATES SERVICE, to provide for absentee registration and 25 voting by facsimile. It is the purpose of [sections] REFERENCE BILL

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AS AMENDED HB 225

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HB 0225/02

HB 225

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through 3] to allow for absentee voter registration and 1 2 voting by facsimile, while recognizing that state and local election officials have the responsibility to maintain the 3 accuracy, integrity, and secrecy of the election process and 4 the individual election ballot. It is the purpose of the 5 6 legislature to allow facsimile voting FOR ELECTORS IN THE 7 UNITED STATES SERVICE but to continue to ensure that voting 8 security is maintained for the ultimate purpose of 9 preventing election fraud and maintaining the validity of 10 the election process.

NEW SECTION. Section 2. Registration and voting by 11 facsimile authorized -- secretary of state to adopt rules --12 acceptance of funds. (1) Notwithstanding other provisions of 13 this title, each election administrator may, in any primary 14 election, general election, and special election, take the 15 16 following acts by facsimile transmission, if facsimile 17 facilities are available, in place of the use of the public mails when requested by an elector or, FOR THE PURPOSES OF 18 REGISTRATION UNDER SUBSECTION (1)(A), AN individual 19 intending to become an elector, IN THE UNITED STATES 20 SERVICE, AS DEFINED IN 13-2-211: 21 (a) register an individual to vote; 22

23 (b) give notice of registration;

24 (c) receive requests for an absentee ballot;

25 (d) transmit absentee ballots to electors; and

-3-

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1 (e) receive absentee ballots from electors.

2 The secretary of state shall adopt reasonable rules (2) the rulemaking provisions of the Montana 3 under Administrative Procedure Act to implement subsection (1). 4 The rules are binding upon election administrators. The 5 rules must require compliance with the same time 6 7 requirements or deadlines as for registration and voting by 8 absentee ballot by use of the public mails, except that the rules may provide for different times for the acceptance of 9 facsimile ballots after the closing of the polls. The rules 10 must maintain the accuracy, integrity, and secrecy of the 11 ballot process and must allow registration and voting by 12 facsimile through use of a private corporation or other 13 private entity for transmission of facsimile messages only 14 15 if the secretary of state finds that the use is essential to 16 the purposes of [sections 1 through 3].

17 (3) The secretary of state may apply for and receive a
18 grant of funds from any agency or office of the United
19 States government or from any other public or private source
20 and may use the money for the purpose of implementing
21 [sections 1 through 3].

22 <u>NEW SECTION.</u> Section 3. Advisory council assistance --23 report to legislature. (1) The secretary of state shall 24 adopt the rules required by [section 2(2)] with the 25 assistance of the secretary's election administrators

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advisory council, and the advisory council shall assist and
 advise the secretary in the implementation of [sections 1
 through 3].

4 (2) The secretary of state shall by January 1, 1995, 5 prepare a written report to the legislature concerning the 6 implementation of [sections 1 through 3] and the activities 7 of the advisory council in implementing [sections 1 through 8 3]. The report must:

9 (a) include copies of rules adopted by the secretary of10 state in accordance with [section 2];

11 (b) contain a detailed summary of the experience of the 12 secretary of state and local election administrators in 13 implementing (sections 1 through 3); and

14 (c) include any recommendations for changes to the 15 applicable laws.

16 <u>NEW SECTION.</u> Section 4. Effective dates. (1) [Sections 17 1, 2(2), 2(3), 3, 5, and this section] are effective on 18 passage and approval.

19 (2) [Section 2(1)] is effective July 1, 1992.

20 <u>NEW SECTION.</u> Section 5. Codification instruction. 21 [Sections 1 and 2] are intended to be codified as an 22 integral part of Title 13, chapter 13, part 2, and the 23 provisions of Title 13, chapter 13, part 2, apply to 24 [sections 1 and 2].

-End-